

ISSUANCE OF PERMIT TO OPERATE OF PORT FACILITIES

CEZA Administrative Order No. 001, s. 2015, March 27, 2015

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Adopted: 27 March 2015

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Pursuant to Office for Transportation Security (OTS) Transportation Security Regulation (TSR) No. 011-2007 on Mandatory Compliance to the Required Security Assessment and Security Plan of Ships and Ports/Shipyard/Offshore Platform Drilling Facilities covered by the National Security Program for Sea Transport and Maritime Infrastructure (NSPSTMI); and the commitment to comply with its responsibilities under the Memorandum of Agreement with OTS, the following policies and guidelines are hereby prescribed by the Authority for all concerned:

Article 1

Preliminary Provisions

Section 1. Declaration of Policy. It is the policy of the Authority to ensure compliance with the ISPS Code and the NSPSTMI.

Section 2. Scope and Application. This Order shall apply to the Authority and all other persons who may seek to apply for Permit to Operate a port facility. It shall specify the role of the Authority in the processing, evaluation and approval of the application for Permit to Operate.

Section 3. Definition of Terms. The following terms shall be construed as indicated:

3.1

Authority - pertains to Cagayan Economic Zone Authority (CEZA)

3.2

International Ship and Port Facility Security (ISPS) Code – comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities;

3.3

NSPSTMI - National Security Program for Sea Transport and Maritime Infrastructure

3.4

Permit to Operate - official document issued by the Authority, upon compliance with the requirements of this Administrative Order, to persons intending to operate port facility.

3.5

Port Facility - a location where the ship/port interface takes place which includes harbor, anchorages, waiting berths and approaches from seaward, as maybe appropriate.

3.6

Port Facility Security Assessment (PFSA) - a risk analysis of all aspects of a port facility's operation in order to determine which part(s) of it are more susceptible and/or likely to be subject for attack.

3.7

Port Facility Security Plan (PFSP) - a plan developed to ensure the application of measures designed to protect the port facility assets and ships, persons, cargo, ships store within the port facility from the risk of a security incident.

3.8

Port Facility Security Officer (PFSO) - a person duly designated by the port authority as responsible for the development of the PFSP and for coordination the security in the port area.

3.9

Port Manager - the person who oversee and manage the operation of all seaports within the Cagayan Special Economic Zone and Freeport.

3.10

Republic Act (RA) 7922 - the Act establishing a Special Economic Zone and Free Port in the Municipality of Santa Ana and the neighboring islands in the Municipality of Aparri, Province of Cagayan, providing funds therefor, and for other purposes.

3.11

Ship/Port Interface - the interaction that occurs when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship.

3.12

Statement of Compliance of Port Facility (SoCPF) - a document issued by OTS to a port facility with an approved PFSP.

Article 2

Policies

Section 4. All port facilities within the jurisdiction of the Authority shall designate or assign a PFSO on a permanent status to conduct a PFSA and prepare a PFSP in each port facility.

Section 5. All port facilities within the jurisdiction of the Authority must submit current OTS approved SoCPF as part of the documentary requirements prior to the issuance of the Permit to Operate. Provided, that permits to operate earlier issued to port facilities should submit PFSP in order to continue operation.

Section 6. All port facilities within the jurisdiction of the Authority must have a current OTS approved SoCPF in place otherwise the Authority shall close the port facilities or cause the recall/revocation/cancellation of its Permit to Operate.

Section 7. The Authority at its discretion, shall recall/revoke/cancel the Permit to Operate of port facilities within its jurisdiction which failed to submit the required current OTS approved SoCPF.

Article 3

Guidelines, Procedures, Fees and Other Related Charges

Section 8. Criteria for Evaluation. As a general rule, all applications for the operation of port facilities shall be

granted subject to compliance with this Order and other government laws and regulations.

Section 9. Application for Permit to Operate. All port facilities within the jurisdiction of the Authority shall apply for a Permit to Operate.

9.1

The port facilities shall submit the Application for a Permit to Operate and the requirements (Annex A) to the Office of the Port Manager for evaluation and approval.

9.2

Upon approval, the applicant shall pay the appropriate fees as prescribed in Annex B.

9.3

A Permit to Operate shall be issued upon compliance with all the requirements and payment of the appropriate fees.

Section 10. Grounds for Recall/Revocation/Cancellation. The following shall cause the recall/revocation/cancellation of the Permit to Operate:

10.1

Failure to appoint/designate PFSO;

10.2

Failure to maintain a current OTS approved SoCPF or failure to present upon demand a current SoCPF; and

10.3

Violation of any of the provisions of this Administrative Order.

Section 11. Fines and Penalties. In addition to the penalties in the preceding section all other fines and penalties shall be imposed in accordance with the Implementing Rules and Regulations of R.A. 7922.

Section 12. Visitorial and Enforcement Powers of the Authority. The duly authorized representative/s of the Authority shall have the power to enter port facilities and inspect its premises, including examination of specific records; and require submission of data, documents or information from time to time to determine compliance with this Order.

Section 13. Amendatory Clause. Any amendment, revision, modification, addenda or update to this Administrative Order shall be issued through Memorandum Circular.

Section 14. Repealing Clause. All orders, rules and regulations, policies, guidelines, memoranda or circulars issued and/or adopted by the Authority, which are inconsistent herewith, are hereby repealed.

Section 15. Separability Clause. If any provision or section of this Order, or the application thereof to any person, corporate entity or circumstances is held invalid, the other provisions or sections of this Order shall not be affected and shall continue to be in full force and effect.

Section 16. Effectivity. This Administrative Order shall take effect 15 days after publication, once a week for two (2) weeks, in a newspaper of general circulation.

(SGD) SEC. JOSE MARI B. PONCE

Administrator/CEO

Annex A

Application for Permit to Operate shall include the following:

- Letter of Intent
- Site / Location / Distance / Accessibility of applied foreshore area from other ports / public utilities and infrastructure
- Project scope, description and technical specification
- General port lay-out plan and development plan
- Construction and building plans
- Plan and working drawings duly signed and sealed by a licensed Civil Engineer of the company
- Technical Specifications
- Detailed Estimates
- Design Analysis of the structure duly signed and sealed by a licensed Civil/Structural Engineer of the company
- Company profile, to include a brief of its owners/stockholders
- For private port facilities constructed on foreshore lease area, 2 copies of DENR Environmental Compliance Certificate (ECC)
- Photocopy of award of DENR Foreshore Lease Agreement (FLA)
- A copy of CEZA certification that the area applied for is not a part of the CEZA development plans, to be issued by the Engineering Services Division (ESD) of CEZA
- For private port facilities constructed along river banks or reclaimed lands, two (2) certified true copies of land titles
- One (1) photocopy of SEC Registration
- One (1) photocopy of Articles of Incorporation and by-laws
- Business Plan

Annex B

Schedule of Penalties

First Offense

-

Written Reprimand

Second Offense

-

Final Written Reprimand and Penalty of Php100,000.00

Third Offense

-

Cancellation of Permit to Operate and Penalty of Php500,000.00

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