

**MARINA CIRCULAR NO. 03**  
**Series of 2008-**

**TO : ALL DOMESTIC SHIPPING COMPANIES/OPERATORS AND OTHER MARITIME ENTITIES CONCERNED**

**SUBJECT : RULES AND REGULATIONS TO IMPLEMENT THE CODE OF SAFE PRACTICE FOR CARGO STOWAGE AND SECURING IN DOMESTIC SHIPPING**

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Pursuant to Presidential Decree No. 474, Executive Order Nos. 125/125A as amended, RA 9295 and its Implementing Rules and Regulations, and Flag State Administration Advisory (FSAA) No. 23 dated 15 February 2002, the MARINA hereby adopts these rules and regulations on the implementation of the Code of Safe Practice for Cargo Stowage and Securing (CSS Code) provided under Chapters VI and VII of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended:

**I. OBJECTIVES:**

1. To foster the safe operation of Philippine-registered ships covered under this Circular;
2. To provide rules and regulations to implement the Code of Safe Practice for Cargo Stowage and Securing in the domestic trade; and,
3. To institutionalize the Cargo Securing Manual as part of the safety requirement for ships covered under this Circular.

**II. COVERAGE:**

This Circular shall apply to all domestic ships carrying cargo units other than solid and liquid bulk cargoes and timber stowed on deck **except** open-deck wooden hulled ships with outrigger and is below 35 GT.

**III. DEFINITIONS:**

For purposes of this Circular, the following terms are hereby defined:

1. **Administration** - refers to the Maritime Industry Authority (MARINA).
2. **Code** - refers to the Code of Safe Practice for Cargo Stowage and Securing provided under Chapters VI and VII of the Convention for the Safety of Life at Sea (SOLAS) 1974, as amended.

3. **Company** - refers to the owner of the ship or any organization of person such as the manager, or the bareboat charterer, who has assumed responsibility for operation of the ship from the ship owner and who on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the Code.
4. **Cargo Securing Manual (CSM)** - refers to the guidelines on the safe stowage and securing of cargoes on board.
5. **CSM Compliance Certificate** - refers to a certificate issued by the Administration attesting that a particular ship after due review and evaluation by the Administration has been found to have fully complied with all the requirements of the Code and this Circular.
6. **Cargo Units** - refers to vehicles (road vehicles, roll trailers, etc.), railway wagons, containers, flats, pallets, portable tanks, intermediate bulk containers (IBC), packed units, unit loads, other cargo carrying units such as shipping cassettes, cargo entities such as steel coils and heavy cargo items such as locomotives and transformers; loading equipment or any part thereof, transported on the ship but which is not permanently fixed to the ship, is also considered as a cargo unit.
7. **Cargo Securing Devices** - refers to all fixed and portable devices used to secure and support cargo units.
8. **Standardized Cargo** - refers to cargo for which the ship is provided with an approved securing system based upon cargo units of specific types.
9. **Semi-standardized Cargo** - refers to cargo for which the ship is provided with securing system capable of accommodating a limited variety of cargo units, such as vehicles, trailers, etc.
10. **Non-standardized Cargo** - refers to cargo which requires individual stowage and securing arrangements.

#### **IV. GENERAL PROVISIONS:**

1. Companies whose ships are covered by this Circular shall be required to prepare and submit a Cargo Securing Manual (CSM) consistent with these rules and regulations and the Code of Safe Practice for Cargo Stowage and Securing (Code) and its annexes for the Administration's approval.
2. The CSM shall be appropriate to the characteristics of the ship and its intended/approved type of service, taking into consideration the ships

dimensions, hydrostatic properties, the weather and sea conditions expected in the ship's approved trading area/s including the cargo composition.

3. Ships covered by this Circular shall be equipped with the required cargo securing facilities that meet acceptable functional and strength criteria applicable to the ships particulars and its cargo.
4. Companies shall ensure awareness of the officers and crew responsible in the stowage of cargo of the magnitude and direction of the forces involved and the correct application and limitations of the cargo securing devices.
5. The Master shall be responsible for the safe conduct of the voyage and the safety of the ship, its crew and its cargo, and the protection of the environment. The company shall likewise be responsible to extend the necessary support to the Master in discharging this responsibility.

#### **V. SPECIFIC PROVISIONS:**

1. All domestic ships covered under this Circular shall have on board a CSM duly approved by the Administration.
2. Cargo, cargo units and cargo transport units, shall be loaded, stowed and secured throughout the voyage in accordance with the CSM approved by the Administration.
3. The CSM is required to provide up-to-date information and guidance to assist the ship's Master and crew regarding the proper use of the equipment available to adequately stow and secure the ship's cargo.
4. Ships which will comply with all the provisions of the Code and this Circular shall be issued CSM Compliance Certificates by the Administration.
5. CSM Compliance Certificate shall be valid for a period not exceeding five (5) years from the date of issue. It shall be endorsed annually by the Administration, and ceases to be valid if no endorsement has been made.
6. The Administration will include CSM compliance checks as part of the routine SSIS inspections and the required ISM/ NSM Code audits aboard ships covered by this Circular.

7. Personnel commissioned to tasks of cargo stowage and securing should be properly qualified and experienced.
8. Personnel planning and supervising the stowage and securing of cargo should have a sound practical knowledge of the application and content of the CSM, if provided.
9. The Master shall be responsible for the training of the crew and other persons employed for the securing of cargoes in the correct application and use of the cargo securing devices on board the ship.

#### **VI. CSM PREPARATION GUIDELINES:**

1. CSMs shall comply with the provisions of Maritime Safety Committee/Circular 745, "Guidelines for the Preparation of the Cargo Securing Manual" which is hereby incorporated in this Circular by reference.
2. Additionally, the CSM shall be specific for a single ship or for sister-ships with identical cargo stowage arrangements, and shall describe the types of cargo for which the manual is applicable using the general cargo categories of standardized, semi-standardized, and non-standardized as defined in this Circular.
3. The CSM for new construction ship shall comply with:
  - 3.1. Applicable classification society standards.
  - 3.2. A level of safety equivalent to applicable classification society standards as formally approved by the ship's classification society after careful review of securing system particulars.
4. The CSM for existing ships shall comply with applicable international or shipowner's cargo securing equipment design standards in place at the time of ship construction. When necessary, the ship's owner shall provide complete copies of these applicable standards to the Administration in order to facilitate the review of the CSM.
5. With respect to non-standard cargo, CSMs shall comply with the provisions of the Code.

#### **VII. CSM VALIDITY AND APPROVAL:**

Once approved, the CSM for a particular ship shall remain valid unless there are major changes and alterations that have been made on the general structure and intended use of the ship. In this case, an amended

CSM reflecting such changes/alterations shall have to be submitted or review, evaluation and approval of the Administration.

**VIII. SCHEDULE OF FEES AND CHARGES:**

For the purpose of implementing this Circular, the following schedule of fees shall apply:

1. Review and Evaluation of CSM
 

ships 250 gt and above	P 3,000.00
ships 150 gt to 249.99 gt	2,250.00
ships 50 gt to 149.99 gt	1,500.00
ships 15 gt to 49.99 gt	900.00
ships less than 15 gt	300.00
  
2. Issuance of CSM Compliance Certificate P310.00
  
3. Annual endorsement of CSM Compliance Certificate P250.00

**IX. SANCTION AND PENALTIES:**

1. Non-possession of the required CSM after the effectivity of this Circular should provide the basis for the suspension and withdrawal of Ship Safety Certificate(s).
  
2. In addition to the foregoing sanction, the following fines shall be imposed after due notice and hearing:
  - a. Operation/Navigation without Administration approved CSM:

First Offense	Twenty-Five Thousand Pesos (P25,000.00) and warning
Second Offense	Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and QDC, as applicable
Third and Subsequent Offenses	One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC, as applicable

- b. Operation/navigation with expired CSM Compliance Certificate:

First Offense	Twenty-Five Thousand Pesos (P25,000.00) and warning
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Second Offense	Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and QDC, as applicable
Third and Subsequent Offenses	One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC, as applicable

c. Non-compliance with the approved CSM:

First Offense	Twenty-Five Thousand Pesos (P25,000.00) and warning
Second Offense	Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and QDC, as applicable
Third and Subsequent Offenses	One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC, as applicable

**X. REPEALING CLAUSE:**

Any provision of MARINA Memorandum Circulars, rules and regulations and issuances inconsistent herewith are hereby amended or repealed accordingly.

**XI. SEPARABILITY CLAUSE:**

Should any provision of this Circular be declared by competent Authority to be invalid or unconstitutional, the remaining provisions or parts hereof shall remain in full force and effect and shall continue to be valid and effective.

**XII. EFFECTIVITY CLAUSE:**

This MARINA Circular shall take effect thirty (30) days after its publication once in a newspaper of general circulation.

Manila, Philippines

**BY AUTHORITY OF THE BOARD:**

**(Sgd.) VICENTE T. SUAZO, JR.**  
Administrator

**SECRETARY'S CERTIFICATION**

This is to certify that the above-mentioned Memorandum Circular No. 2008-03 has been approved during the **178<sup>th</sup>** Regular Meeting of the Maritime Industry Board of Directors held on **November 8, 2007**.

**(Sgd.) ATTY. MANUEL C. PORTUS**  
Corporate Board Secretary

Date of publication: \_\_\_\_\_  
Date of Submission to the U.P. Law Center: \_\_\_\_\_