



**MEMORANDUM CIRCULAR NO.: MS-2023- 03**

Series of 2023

**To : ALL SHIPPING COMPANIES/OPERATORS/CHARTERERS  
AND ALL OTHERS CONCERNED**

**SUBJECT : IMPLEMENTATION OF THE INTERNATIONAL CODE FOR  
THE CONSTRUCTION AND EQUIPMENT OF SHIPS  
CARRYING DANGEROUS CHEMICALS IN BULK (IBC  
CODE) TO PHILIPPINE REGISTERED VESSELS**

Pursuant to Presidential Decree No. 474, EO 125/125-A, Republic Act No. 9295, and its Implementing Rules and Regulations, and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC), Chapter VII Part B of SOLAS 1974, as amended, Resolution MSC.4(48) the marine pollution aspect for the implementation of Annex II, as amended, MEPC.19(22), Regulation 6.3 of Annex II MARPOL 73/78, MEPC.1/Circ.512, the following rules and regulations are hereby adopted.

**I. OBJECTIVE**

1. To provide rules and regulations relative to the carriage of bulk cargoes of dangerous chemicals or noxious liquid substances (NLS) listed under Chapter 17 of the IBC code.
2. To adopt the standards and requirements in the design and equipment of chemical tankers and tanker barges in order to provide safe transport of products, which may have one or more hazardous properties, including flammability, toxicity, corrosivity, and reactivity, as well as the hazard they may present to the environment.
3. To highlight the safety features and operational requirements of the IBC code and its succeeding amendments on chemical tankers/tanker barges.

**II. COVERAGE**

This Circular shall apply to all Philippine-registered ships utilized in domestic and international waters engaged in the carriage of bulk cargoes of dangerous chemicals or noxious liquid substances (NLS).



### III. EXEMPTION

For Philippine-registered ships, when any requirement for the design, construction, installation, and equipment of the covered ships prescribed under this Circular is deemed impractical, an exemption shall be requested from MARINA.

The provision for exemptions under this circular shall be as follows:

1. A ship that is not normally engaged on international voyages but which, in exceptional circumstances is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present regulations provided that it complies with safety requirements that are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.<sup>1</sup>
2. The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of Chapters II-2 of SOLAS, the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Government of the State to be visited by the ship.<sup>2</sup>
3. The Administration may if it considers that the sheltered nature and condition of the voyage are such as to render the application of any specific requirements of this Circular unreasonable or unnecessary, exempt from those requirements individual ships or classes of ships provided that such ships, in the course of their voyage, do not sail at a distance of more than 20 miles from the nearest land.<sup>3</sup>
4. For this purpose, an Exemption Certificate (EC) shall be issued to:
  - i. Philippine-registered ships in the overseas trade, as prescribed under Chapter I regulation 4 of the International Convention for the Safety of Life At Sea (SOLAS) 1974, as amended, by a Recognized Organization (RO) upon approval by MARINA in accordance with the Memorandum of Agreement (MOA) entered into between MARINA and the RO under MARINA Circular No. 2018-01 as amended. The issued EC shall take into consideration the model form under the Appendix of SOLAS.
  - ii. Philippine-registered ships in domestic waters in the format as prescribed by the Administration.

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<sup>1</sup> Refer to SOLAS Chapter I, Part A, Regulation 4(a)

<sup>2</sup> Refer to SOLAS Chapter I, Part A, Regulation 4(b)

<sup>3</sup> Refer to SOLAS Chapter II-1, Part A, Regulation 1.4



The EC shall be attached to the certificate it refers to (Safety Certificates and/or the Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk) and shall not be valid for a longer period than the period of the certificate to which it relates.

#### IV. DEFINITION OF TERMS

For the purpose of this Memorandum Circular:

1. **"ACCOMMODATION SPACES"** refer to those spaces used for public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, games and hobbies rooms, barber shops, pantries containing no cooking appliances, and similar spaces. Public spaces are those portions of the accommodation spaces which are used for halls, dining rooms, lounges, and similar permanently enclosed spaces.
2. **"ADMINISTRATION"** refers to the Maritime Industry Authority or MARINA.
3. **"BULK CHEMICAL CODE (BCH CODE)"** refers to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the International Maritime Organization (IMO).
4. **"CARGO TANK"** refers to the envelope designed to contain the cargo.
5. **"CHEMICAL TANKER"** is a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code.
6. **"INTERNATIONAL BULK CHEMICAL CODE (IBC CODE)"** refers to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the International Maritime Organization (IMO).
7. **"IMPLEMENTING RULES AND REGULATIONS"** refers to policies and legal provisions implementing R.A. 9295 otherwise known as "An Act Promoting the Development of Philippine Domestic Shipping, Shipbuilding, Ship Repair, and Ship Breaking, Ordaining Reforms in Government Policies towards Shipping in the Philippines and for Other Purposes."
8. **"INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)"** refers to a group of classification societies formed in 1968 which formulates unified interpretations (standards set by the member Societies) and provide services on maritime safety and regulation through technical support, compliance verification, and research and development.
9. **"MACHINERY SPACES OF CATEGORY A"** refer to those spaces and trunks to such spaces which contain:
  - .1 Internal-combustion machinery used for main propulsion; or



- .2 Internal-combustion machinery used for purposes other than main propulsion where such machinery has the aggregate total power output of not less than 375 kW; or
  - .3 Any oil-fired boiler or oil fuel unit or any oil-fired equipment other than boilers, such as inert gas generators, incinerators, etc.
10. **“MACHINERY SPACES”** refers to all machinery spaces of category A and all other spaces containing propelling machinery, boilers, oil fuel units, steam and internal-combustion engines, generators and major electrical machinery, oil filling station, refrigerating, stabilizing, ventilation and air-conditioning machinery, and similar spaces, and trunks to such spaces.
  11. **“MARPOL”** means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and by the Protocol of 1997 as amended.
  12. **“NOXIOUS LIQUID SUBSTANCE”** means any substance indicated in the Pollution Category column of Chapters 17 or 18 of the International Bulk Chemical Code, or the current MEPC.2/Circular or provisionally assessed under the provisions of regulation 6.3 of MARPOL Annex II as falling into categories X, Y or Z.
  13. **“ORGANIZATION”** means the International Maritime Organization (IMO)
  14. **“PORT ADMINISTRATION”** means the appropriate authority of the country in the port of which the ship is loading or unloading.
  15. **“PRODUCTS”** refers to the collective term used to cover both Noxious Liquid Substances and Dangerous Chemicals.
  16. **“RECOGNIZED ORGANIZATION (RO)”** refers to an organization that has been assessed by the Administration and has complied with the RO Code and the provisions of MC 2018-01 as amended and has entered into a MOA with the Administration.<sup>4</sup>
  17. **“RO CODE”** refers to the Code adopted by the IMO through Resolutions MSC. 349(92) and MEPC. 237(65) that serves as the international standard and consolidated instrument containing minimum criteria against which organizations are assessed towards recognition and authorization as well as the guidelines for oversight by the Flag State.

## V. EQUIVALENTS

1. Where the IBC Code requires that a particular fitting, material, appliance, apparatus, item of equipment, or type thereof shall be fitted or carried in a ship, or that any particular provision shall be made, or any procedure or arrangement shall be complied with, the Administration may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if it is satisfied by trial thereof or

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<sup>4</sup> Refer to MARINA Memorandum Circular No. 2018-01



otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof or that any particular provision, procedure or arrangement is at least as effective as that required by the IBC Code. However, the Administration may not allow operational methods or procedures to be made an alternative to a particular fitting, material, appliance, apparatus, item of equipment, or type thereof, which are prescribed by the IBC Code unless such substitution is specifically allowed by the Code.

2. When the Administration allows any fitting, material, appliance, apparatus, item of equipment, or type thereof, or provision, procedure, or arrangement, or novel design or application to be substituted, it shall communicate to the Organization the particulars thereof, together with a report on the evidence submitted, so that the Organization may circulate the same to other Contracting Governments to SOLAS and Parties to MARPOL for the information of their officers.

## **VI. GENERAL PROVISIONS**

1. This Circular shall apply to all Philippine-registered ships engaged in the carriage of products identified in Chapter 17 of the IBC Code including dangerous chemicals and noxious liquid substances. This is based on the products' safety characteristics, identification of which is determined by an entry of S or S/P in Column D of Chapter 17.
2. This Circular applies to all Philippine-registered chemical tankers/tanker barges constructed on or after 1 July 1986 regardless of size, including those of less than 500 gross tonnage that are engaged in the carriage of bulk cargoes of dangerous chemical or noxious liquid substances (NLS), other than petroleum or similar flammable products as follows:
  - .1 products having significant fire hazards over those of petroleum products and similar flammable products;
  - .2 products having significant hazards in addition to or other than flammability.
3. Ships engaged in the carriage of liquids covered by the IBC code having a vapour pressure exceeding 0.28 MPa absolute at a temperature of 37.8°C.
4. This Circular applies to ships whose keels are laid, or which are at the stage where:
  1. construction identifiable with the ship begins, and
  2. assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less on or after 1 July 1986.
5. A ship, irrespective of the date of construction, which is converted to a chemical tanker on or after 1 July 1986 shall be treated as a chemical tanker constructed on the date on which such conversion commences. This conversion provision does not apply to the modification of a ship referred to in regulation 1.14 of Annex II of MARPOL 73/78.



6. Chemical tankers/tanker barges constructed before 1 July 1986 must comply with the provisions of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code). Wherein, under SOLAS 74, the BCH Code remains a recommendation. The BCH Code is issued as a separate publication.
7. Relative to the design, construction, and equipment of covered ships, the latest version of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk or IBC Code is hereby adopted. The Code provides an international standard for the safe transport by sea in bulk of dangerous chemical or noxious liquid substances, by prescribing the design and construction standards of ships involved in such transport and the equipment they should carry to minimize the risk to the ship, its crew, and the environment, having regard to the nature of the products involved.
8. An International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk shall be issued after an initial or renewal survey to a chemical tanker that complies with the relevant provisions of the Code.
9. Unless expressly provided otherwise, for ships constructed on or after 1 July 1986, the Administration shall ensure that the requirements which are applicable under the IBC Code, as adopted by resolution MSC.4(48) as amended, MEPC.19(22), Reg 6.3 Annex II MARPOL 73/78, MSC/Circ.1100, MEPC/Circ.407, MSC-MEPC.2/Circ.3, and its subsequent amendments are complied with.

## **VII. SPECIFIC PROVISIONS**

1. Ships under IBC Code, shall survive the normal effects of flooding following potential hull damage caused by an external force. In addition, to safeguard the ship and the environment, the cargo tanks of certain types of ships shall be protected from penetration in case of minor damages. Ships must also be given measures of protection from damage in case of collision or stranding by locating them at specified minimum distances inboard from the ship's shell plating. Both assumed damage and proximity of cargo tanks to the ship's shell shall be dependent on the degree of hazards presented by the carried products, including its flammability, toxicity corrosivity, and reactivity that may hazardous to the environment.

The types of ships are as follows:

- .1 Type 1 ship is a chemical tanker intended to transport Chapter 17 products with very severe environmental and safety hazards which require maximum preventive measures to preclude an escape of such cargo.



- .2 Type 2 ship is a chemical tanker intended to transport Chapter 17 products with appreciably severe environmental and safety hazards which require significant preventive measures to preclude an escape of such cargo.
  - .3 Type 3 ship is a chemical tanker intended to transport Chapter 17 products with sufficiently severe environmental and safety hazards which require a moderate degree of containment to increase survival capability in a damaged condition.
2. The ship type required for individual products is indicated in Column E in the table of Chapter 17 of the IBC code.
  3. If a ship is intended to carry more than one product listed in Chapter 17, the standard of damage shall correspond to that product having the most stringent ship type requirement. The requirements for the location of individual cargo tanks, however, are those for ship types related to the respective products intended to be carried.
  4. For the purposes of MARPOL 73/78, the Code applies only to NLS tankers, as defined in regulation 1.16.2 of Annex II thereof, which are engaged in the carriage of Noxious Liquid Substances identified as such by an entry of X, Y, or Z in Column C of Chapter 17.
  5. Products that have been reviewed and determined not to present safety and pollution hazards to such an extent as to warrant the application of the IBC Code can be found in Chapter 18.
  6. For a product proposed for carriage in bulk, but not listed in Chapters 17 or 18 of the IBC Code, the Flag Administration and port administration involved in such carriage shall prescribe the preliminary suitable conditions for the carriage, having regard to the criteria for hazard evaluation of bulk chemicals. For the evaluation of the pollution hazard of such a product and assignment of its pollution category, the procedure specified in Regulation 6.3 of Annex II of MARPOL 73/78 must be followed. The Organization shall be notified of the conditions for consideration for inclusion of the product in Chapter 18 of the IBC Code under Noxious or Non-Noxious Liquid Substances, not otherwise specified (n.o.s).
  7. In the case of Philippine-registered ships operating in domestic waters, relative to the condition described in para. 6 of this section, MARINA shall likewise assess in coordination with other competent authorities the suitable conditions of carriage based on the principles of the IBC Code.
  8. **Philippine Registered Ships Trading in Domestic Waters**
    - .1 All Philippine-registered ships covered by this Circular trading in domestic waters shall secure the following Safety Certificates prior to its operation:



- a. Load Line Certificate
- b. Tonnage Measurement
- c. Stability Certificate
- d. Cargo Ship Safety Construction Certificate (CSSCC)
- e. Cargo Ship Safety Equipment Certificate (CSSEC)
- f. Exemption Certificate (EC), as applicable.
- g. Safe Manning Certificate (SafeMC)
- h. Certificate of Fitness for the Carriage of Dangerous Chemical in Bulk
- i. Document of Compliance (DOC)
- j. Safety Management Certificate (SMC)
- k. Anti-fouling System Certificate
- l. Other safety-related certificates which may be required by MARINA.

The foregoing certificates shall be issued upon compliance with the requirements prescribed under this Circular and/or other MARINA applicable rules and regulations.

- .2 Chemical Tankers covered under this circular shall comply with the following requirements:
  - a. Registration, licensing, and documentation requirements for the issuance of required certificates pursuant to EO 125/125-A, MC No. 2013 - 02 and their subsequent amendments, R.A. 9295 and its R-IRR;
  - b. MARINA Circular no. 203 and its succeeding amendments, on the rules governing the implementation of the Ship Survey System and the requirement of ship safety certificates;
  - c. All companies shall ensure every ship is adequately manned based on the existing manning requirements being implemented by MARINA;
  - d. Development, adoption, implementation, and maintenance of a Safety Management System pursuant to the International Safety Management (ISM) Code in accordance with MARINA Circular 2015-11 and its subsequent amendments;
  - e. Certificate of Public Convenience, as applicable, under R.A. 9295 and its R-IRR.
- .3 Incoming tankers to be acquired or coming into the system thru importation, bareboat shall be classed by a MARINA Accredited IACS - member Classification Society and shall be maintained throughout its service life. All other tankers previously classed before the effectivity of MC No. 2010-01 shall be classed by a MARINA Accredited Class Society.



## **9. Philippine Registered Ships Trading in International Waters**

- .1 All surveys and audits of Philippine-registered ships trading in international waters shall be conducted by Recognized Organizations (RO) accredited by MARINA through MARINA Circular 2018-01 and its subsequent amendments.
- .2 The MARINA shall perform its oversight functions over Philippine-registered ships trading in international waters under MARINA Circular MS-2020-02 and its subsequent amendments.
- .3 Philippine-registered ships in international waters shall be classed by an IACS – member Classification Society and shall be maintained throughout its service life.

## **10. Ships under Special Permits**

- .1 Philippine-registered domestic ships covered by this Circular temporarily utilized in international voyages shall comply with MARINA Circular No. OS-2020-01 and its succeeding amendments.
- .2 Foreign-registered ships covered by this Circular temporarily utilized in Philippine waters shall comply with MARINA Circular 2017-02 and its succeeding amendments.
- .3 Relative to the previous para. 10.2, foreign-registered ships intending to be utilized in Philippine waters shall be inspected by MARINA based on MARINA Advisory 2018-12 and its succeeding amendments.
- .4 In addition, referring to para. 10.2, ships shall be classed by an IACS – member Classification Society and shall be maintained throughout its service life or until the duration of the issued Special Permit.

## **11. Cargo information**

- .1. Every ship covered by the IBC code shall have a copy of this Circular onboard.
- .2. Any cargo offered for bulk shipment shall be indicated in the shipping documents by the product name, under which it is listed in Chapter 17 or 18 of the Code or the latest edition of MEPC under which it has been provisionally assessed. Where the cargo is a mixture, an analysis indicating the dangerous components contributing significantly to the total hazard of the product shall be provided, or a complete analysis if this is available. Such analysis shall be certified by the manufacturer.



- .3. Furthermore, a Safety Data Sheet (SDS) prescribed under the DENR Administrative Order 2015-09 as amended, which serves as guidelines in the preparation and labeling of industrial toxic chemicals and mixtures shall be carried on board.
- .4. Information shall be available to all concerned onboard, providing necessary data for the safe carriage of the cargo in bulk. Such information shall include a cargo stowage plan and to be kept in an accessible place, indicating all cargoes on board, including each dangerous chemical carried:
  - a. a full description of the physical and chemical properties, including reactivity, necessary for the safe containment of the cargo;
  - b. action to be taken in the event of spills or leaks;
  - c. countermeasures against accidental personal contact;
  - d. fire-fighting procedures and fire-fighting media;
  - e. procedures for cargo transfer, tank cleaning, gas-freeing, and ballasting; and
  - f. for those cargoes required to be stabilized or inhibited, the cargo shall be refused if the certificate required by these paragraphs is not supplied.
- .5. In case necessary information for the safe transport of cargo is not available, the cargo shall be refused.
- .6. Cargoes that evolve highly toxic imperceptible vapours shall not be transported unless perceptible additives are introduced into the cargo.
- .7. Where Column O in the table of Chapter 17 refers to this paragraph, the cargo's viscosity at 20°C shall be specified on a shipping document, and if the cargo's viscosity exceeds 50 mPa.s at 20°C, the temperature at which the cargo has a viscosity of 50 mPa.s shall be specified in the shipping document.
- .8. Where Column O in the table of Chapter 17 refers to this paragraph, the cargo's melting point shall be indicated in the shipping document.

## **12. Personnel training**

- .1 All personnel shall be adequately trained in the use of protective equipment and have basic training in the procedures appropriate to their duties necessary under emergency conditions.
- .2 Personnel involved in cargo operations shall be adequately trained in handling procedures and shall possess the minimum training requirement for chemical tankers under STCW Code Chapter V/1-1 and as prescribed under STCW Circular 2018-04, MC-SC-2021-05, MC-MD-2020-04 and their subsequent amendments, as applicable.



- .3 Officers shall be competent in emergency procedures dealing with conditions of leakage, spillage, or fire involving the cargo and a sufficient number of them shall be instructed and trained in essential first aid for cargoes carried, based on the guidelines developed by the Organization\*.

### **13. Protective equipment**

- .1 For the protection of crew members who are engaged in loading and discharging operations, the ship shall have on board suitable protective equipment consisting of large aprons, special gloves with long sleeves, suitable footwear, coveralls of chemical-resistant material, and tight-fitting goggles or face shields or both. The protective clothing and equipment shall cover all skin so that no part of the body is unprotected.
- .2 Work clothes and protective equipment shall be kept in easily accessible places and special lockers. Such equipment shall not be kept within accommodation spaces, except new, unused equipment and equipment which has not been used since undergoing a thorough cleaning process. The Administration may, however, approve storage rooms for such equipment within accommodation spaces if adequately segregated from living spaces such as cabins, passageways, dining rooms, bathrooms, etc.
- .3 Protective equipment shall be used in any operation, which may entail danger to personnel.

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

1. The fees and charges of the above-mentioned Circulars shall apply.
2. The provisions of MC 2015-05 and its subsequent amendments shall apply.
3. Fee for COF issued for Philippine-registered ships trading in domestic waters.

| <b>Certificate</b>  | <b>Fees</b> |
|---|-------------|
| Certificate of Fitness for the Carriage of Dangerous Chemical in bulk | P 1,200.00  |

## **IX. ADMINISTRATIVE FINES AND/OR PENALTY/IES**

Administrative fines and/or penalty/ies provisions of the above-mentioned Circulars shall apply.



For other violations specific to this Circular:

| Violation  | Fines/Penalties   |
|--|---|
| 1. Non-compliance to Section III relative to any requirements on the design, construction, installation, and equipment without exemption approval from MARINA.             | P 200,000.00 plus suspension of Safety Certificate (whether issued by MARINA or an RO) until complied |
| 2. Non-compliance to Classification requirements under Section VII, Paragraphs 8.1.3, 9.3 and 10.4   |   |
| 3. Violation of Section VII para. 6 and 7 on the carriage of product/s not identified under Chapters 17 & 18 of the IBC code without coordination and approval from MARINA |   |

#### **X. TRANSITORY PROVISION**

Upon effectivity of this Circular, existing Safety Certificates for chemical tankers and other covered ships operating/utilized in domestic waters issued prior to this Circular shall be replaced with the appropriate Safety Certificates upon expiration of the previous certificates.

#### **XI. REPEALING CLAUSE**

Any provisions of other MARINA Memorandum Circular inconsistent herewith are hereby modified /amended accordingly.

#### **XII. SEPARABILITY CLAUSE**

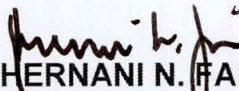
Should any provision or part of this Circular be declared by competent authorities to be invalid or unconstitutional, the remaining provisions or parts thereof shall remain in full force and in effect and shall continue to be valid and effective.

#### **XIII. EFFECTIVITY CLAUSE**

This Memorandum Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Done in Manila, Philippines, FEB 14 2023

**BY AUTHORITY OF THE BOARD:**

  
Atty. HERNANI N. FABIA  
ADMINISTRATOR



### **SECRETARY' CERTIFICATE**

This is to certify that the above Memorandum Circular No. MS-2023- 03 has been approved during the 295<sup>th</sup> Regular Meeting of the MARINA Board held on 12 January 2023.

  
**Atty. SHARON L. DE CHAVEZ-ALEDO**  
Board Secretary

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The Manila Times

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