



MARITIME INDUSTRY AUTHORITY

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MARINA ADVISORY NO. 2018-34

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**TO : ALL DOMESTIC SHIPPING COMPANIES/ OPERATORS/
CHARTERERS/ SHIP AGENTS/ PRIVATE/ PUBLIC
CORPORATION/ PARTNERSHIP/ ASSOCIATION AND OTHER
MARITIME ENTITIES CONCERNED**

**SUBJECT : GUIDELINES FOR THE GRANTING OF CLEARANCE FOR
FOREIGN-REGISTERED VESSELS TO OPERATE IN
PHILIPPINE TERRITORIAL WATERS ISSUED BY THE
NATIONAL SECURITY COUNCIL**

In the interest of service, NOTICE IS HEREBY GIVEN that the National Security Council (NSC), through the National Security Adviser and Director General of the NSC Hermogenes C. Esperon, Jr., issued Guidelines for the Granting of Clearance for Foreign-Registered Vessels to Operate in Philippine Territorial Waters. The issued guideline sets the procedures on how to secure a clearance prior to the filing of a Special Permit before the MARINA to operate a foreign-registered vessel in Philippine waters, to wit:

"VI. SPECIFIC PROVISIONS

1. Procedure in securing Clearance:

- 1.1 Local companies/entities intending to operate foreign-registered vessels in Philippine waters shall signify its intent to the MARINA stating the purpose of its project.*
- 1.2 Local companies/entities shall signify its intent at least one (1) month prior to its actual operation of the project.*
- 1.3 Local companies/entities shall indicate in their application the following:*

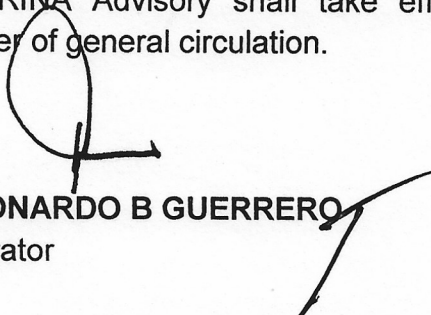


- a. the nature and objective of the project, and the use of the foreign-registered vessel;
- b. the methods and means of the project;
- c. the precise geographical areas of the project;
- d. the foreign-registered vessel's information and description, and its expected date of arrival in and departure from Philippine ports;
- e. the list of vessel crew and passengers, and their relevant documents;
- f. the permits, certification and consent from the following agencies:
 - a) DENR – Environment Management Bureau for environmentally sensitive projects or projects located in environmentally sensitive areas;
 - b) DENR – Mines and Geosciences Bureau for offshore mining, dredging or quarrying;
 - c) Department of Energy for submarine power cable transmission, oil and gas and other energy projects;
 - d) National Telecommunications Commission for submarine telecommunications cable;
 - e) Philippine Reclamation Authority for reclamation projects; and
 - f) Other government agencies concerned as may be required under applicable laws, rules and regulations.
- g. other relevant information concerning the project.”

The NSA will then communicate their clearance, through a letter to the MARINA stating the “No Objection” or “Objection” to the application.

Attached herewith as part of this Advisory is the copy of the NSA Guidelines in the Granting of Clearance for Foreign-registered Vessels to Operate in Philippine Territorial Waters.

This MARINA Advisory shall take effect immediately after its publication in a newspaper of general circulation.



REY LEONARDO B GUERRERO
Administrator

Date of Publication: 22 October 2018
Business Mirror

Date of Submission to ONAR:



Republic of the Philippines
Office of the President
National Security Council

**GUIDELINES IN THE GRANTING OF CLEARANCE FOR FOREIGN-REGISTERED
VESSELS TO OPERATE IN PHILIPPINE TERRITORIAL WATERS**

I. REFERENCES

1. Sec. 6, Chapter III of the Republic Act (R.A.) No. 9295 which provides authority to MARINA to grant Special Permits to foreign-registered vessels when no domestic vessels is available or suitable to provide the needed shipping service and public interest warrants the same.
2. MARINA Circular No. 2011-04 (Revised Rules on the Temporary Utilization of Foreign-Registered Vessel Ships Within The National Territory).
3. President's directive during the 25th Cabinet Meeting held on 07 May 2018 for the National Security Adviser to ensure the integrity and security of Philippine borders and to oversee the grant of permits for foreign survey vessels to enter Philippine waters.

II. PURPOSE

These Guidelines seek to streamline the process in securing clearance for foreign-registered vessels to operate in Philippine territorial waters, taking into consideration the national security of the country's maritime domain and the ensuring of compliance with relevant Philippine laws, rules and regulations, and international laws and conventions.

III. COVERAGE

These Guidelines shall apply to foreign-registered vessels intending to operate in Philippine territorial waters, regardless of the type of operation.

IV. DEFINITION OF TERMS

1. **FOREIGN-REGISTERED VESSEL** – shall mean a ship owned and/or operated by a foreign national or company, registered under a foreign flag.
2. **PHILIPPINE TERRITORIAL WATERS** – shall refer to the internal waters, archipelagic waters, and territorial sea of the Philippines as defined in

accordance with the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

3. SHIP OR VESSEL – which may be used interchangeably, shall mean any kind, class or type of craft or artificial contrivance capable of floating in water, designed to be used, or capable of being used, as a means of water transport and for other purposes.
4. SPECIAL PERMIT – shall mean the permit issued by the MARINA for the temporary utilization of foreign-registered vessels within Philippine territorial waters when no domestic vessel is available or suitable to provide the needed shipping service and public interest warrants the same.

V. GENERAL PROVISIONS

1. Taking into consideration the commercial aspect of shipping operations, no foreign-registered vessel shall be allowed to transport passengers or cargo between ports or places within the Philippine territorial waters, except upon the grant of Special Permit by the MARINA, when no domestic vessel is available or suitable to provide the needed shipping service and public interest warrants the same; and
2. Taking into consideration the national security of the country's maritime domain, no foreign-registered vessel shall be allowed to operate in Philippine territorial waters unless a clearance is issued by the National Security Adviser, communicating its "NO OBJECTION" to the operation of said foreign-registered vessel, without prejudice to the right of innocent passage.

VI. SPECIFIC PROVISIONS

1. Procedure in Securing a Clearance:
 - 1.1 Local companies/entities intending to operate foreign-registered vessels in Philippine waters shall signify its intent to the MARINA stating the purpose of its project.
 - 1.2 Local companies/entities shall signify its intent at least one (1) month prior to the actual operation of the project.
 - 1.3 Local companies/entities shall include in their application the following:
 - a. the nature and objective of the project, and the use of the foreign-registered vessel;

- b. the methods and means of the project;
- c. the precise geographical areas of the project;
- d. the foreign-registered vessel's information and description, and its expected date of arrival in and departure from Philippine ports;
- e. the list of vessel crew and passengers, and their relevant documents;
- f. the permits, certification and consent from the following agencies:
 - a) DENR - Environment Management Bureau for environmentally sensitive projects or projects located in environmentally sensitive areas;
 - b) DENR - Mines and Geosciences Bureau for offshore mining, dredging or quarrying;
 - c) Department of Energy for submarine power cable transmission, oil or gas pipelines and other energy projects;
 - d) National Telecommunications Commission for submarine telecommunications cable;
 - e) Philippine Reclamation Authority for reclamation projects; and
 - f) Other government agencies concerned as may be required under applicable laws, rules and regulations.
- g. other relevant information concerning the project.

2. Review and Approval of the Application

2.1 The National Security Adviser (NSA), through the Inter-agency Collaboration Working Group (ICWG), shall set the necessary policies, procedures and guidelines to ensure the integrity and security of the country's maritime domain. The ICWG shall also assist the NSA to oversee the granting of permits to foreign-registered vessels in conducting review, evaluation and validation of applications for the issuance of Special Permits, and in the monitoring of vessel activities and compliances to set conditions in the issued Special Permit.

2.2 The ICWG shall be composed of the following agencies:

Chairman:	National Security Council Secretariat
Vice Chairman:	National Mapping and Resource Information Authority
Secretariat:	National Coast Watch Center

Members:

- Office of the President
 - National Intelligence Coordinating Agency
 - National Coast Watch Council Secretariat
 - Philippine Center on Transnational Crime
 - Philippine Drug Enforcement Agency
- Department of Environment and Natural Resources
 - Environmental Management Bureau
 - Mines and Geosciences Bureau
 - Biodiversity Management Bureau
- Department of Foreign Affairs
 - Maritime and Ocean Affairs Office
 - Intelligence and Security Unit
- Department of National Defense
 - Armed Forces of the Philippines Command Center
 - Intelligence Service of the Armed Forces of the Philippines
 - Naval Operation Center
 - ON2/Maritime Research Information Center
- Department of Transportation
 - Philippine Coast Guard (CGAC, CG2, CG8, CG14)
 - Maritime Industry Authority
 - Philippine Ports Authority
 - Office for Transportation Security
- Department of Interior and Local Government
 - Philippine National Police – Maritime Group
- Department of Finance:
 - Bureau of Customs
- Department of Justice:
 - Bureau of Immigration

- National Bureau of Investigation
 - Department of Health
 - Bureau of Quarantine
 - Department of Agriculture
 - Bureau of Fisheries and Aquatic Resources
 - Other agencies that may have mandates/expertise relevant to the activities of the foreign-registered vessel.
- 2.3 The ICWG shall meet at least once a month, or as necessary, to collaborate maritime security requirements; the Chairman has the prerogative in determining the attendees of the meeting based on the agenda or nature of the application.
- 2.4 The MARINA, upon receipt of the application from the local companies/entities, shall transmit the same to the NSA with the NCW Center copy furnished, for the conduct of appropriate evaluation, record checks, and validation by the ICWG of submitted documents.
- 2.5 The ICWG members, within seven (7) working days upon receipt of the information concerning the application, shall submit to the NCW Center results of their evaluation, record checks, and validation, and/or comments/views/position on the application, for consolidation purposes. Failure to provide response to the NCW Center within the specified timeline shall be construed as tacit consent on the application from that agency.
- 2.6 The NCW Center shall consolidate the ICWG findings and submit its recommendation to the NSA.
- 2.7 The NSA shall communicate to the MARINA its letter of "NO OBJECTION" or "OBJECTION" on the application.
- 2.8 The MARINA, upon receipt of the notification from the NSA, shall take proper action/disposition on the application for the issuance of Special Permit, taking into consideration the following set of conditions:

- for the contracting local company/entity to furnish the NCW Center a copy on the Notice of Arrival of the foreign-registered vessel in any ports in the Philippines;
- for the foreign-registered vessel and crew to undergo customs, immigration, quarantine, safety and security inspections of concerned government agencies upon entry into and exit from any ports in the Philippines;
- for the contracting local company/entity to accommodate government personnel to serve as observers on board the foreign-registered vessel, if government agencies deem it necessary; and
- for the contracting local company/entity to submit to the NAMRIA and concerned agencies initial data, samples, and final results derived from the activities of the foreign-registered vessel.

3. Monitoring of the Activities of the Foreign-Registered Vessels

- 3.1 The NCW Center, upon receipt of the issued Special Permit and Notice of Arrival of the foreign-registered vessel, shall furnish the NSA and ICWG members, copies of said documents for notification purposes.
- 3.2 The BOC, BI, BOQ, PCG, PNP-MG, PDEA and other concerned agencies shall conduct appropriate customs, immigration, quarantine, safety and security inspections of the foreign-registered vessel and its crew upon entry into and exit from any ports in the Philippines in accordance with the existing rules and regulations, and shall submit results of said inspections to the NSA, through the NCW Center.
- 3.3 The NAMRIA, PCG and other concerned agencies shall designate personnel to board the foreign-registered vessel as observers, if deem necessary. Designated observers shall submit daily reports on the vessel's activities to the NSA, through the NCW Center.
- 3.4 The NAMRIA and concerned agencies shall ensure the acquisition of initial data, samples, and final results derived from the activities of the foreign-registered vessel, and shall notify the NSA, through the NCW Center, upon receipt of said data/document.

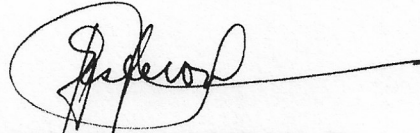
- 3.5 The NCW Center, in coordination with the PCG, PNP-MG, AFP and other concerned agencies, shall monitor the entire duration of the foreign-registered vessel's activities in Philippine waters, and shall submit daily situation reports to the Presidential Situation Room (PSR) and the NSA. It shall immediately notify the NSA and MARINA of reported irregularities on the vessel's activities or non-compliance to the set conditions in the Special Permit for proper action/disposition.

VII. IMPLEMENTING MEMORANDA/CIRCULARS

The concerned agencies involved in the evaluation, record checks, and validation of application for the issuance of Special Permit, and the monitoring of activities of the foreign-registered vessel, may issue circulars or memoranda as may be necessary to ensure the efficient and effective implementation of these Guidelines.

VIII. EFFECTIVITY

These Guidelines shall enter into force and take effect upon approval.



HERMOGENES C ESPERON JR
National Security Adviser and
Director General, NSC

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National Security Council



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