



FEB 15 2022

Memorandum Circular No. MS- 2021 - 02

Series of 2021

TO : ALL SHIPOWNERS/ BAREBOAT CHARTERERS/ SHIP
OPERATORS/ SHIP MANAGERS AND OTHER MARITIME
ENTITIES/ PARTIES CONCERNED

SUBJECT : REQUIREMENT OF LIFE - SAVING APPLIANCES AND
ARRANGEMENTS ONBOARD PHILIPPINE - REGISTERED SHIPS
ENGAGE IN INTERNATIONAL VOYAGES

Pursuant to the provisions of the Presidential Decree No. 474, Executive Order No. 125 / 125 – A and in order to foster rationalized implementation of the Chapter III of the International Convention for the Safety of Life at Sea (SOLAS), as amended and the International Life – Saving Appliances (LSA) Code, as amended to Philippine – registered ships engage in international voyages, the following are hereby adopted:

I. OBJECTIVES

1. To adopt the requirements of Chapter III of the SOLAS, as amended and the LSA Code;
2. To ensure effective implementation of the rules on LSA as required onboard Philippine – registered ships engage in international voyages.

II. COVERAGE

This Circular shall apply to all Philippine – registered ships engage in international voyages except for fishing vessels wherein Philippine Fishing Vessel Safety Rules and Regulations (PFVSRR), as amended shall apply.

III. EXEMPTIONS

The Administration may grant exemptions under this circular in accordance with the following:

1. A ship which 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 on Chapter III of SOLAS regulation provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.¹

¹ Refer to Chapter I reg. 4(a) of SOLAS, 1974 as amended.

2. The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of Chapters III of SOLAS regulations, 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 the 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 Governments of the States to be visited by the ship².
3. The Administration may, if it considers that the **sheltered nature and conditions of the voyage** are such as to render the application of any specific requirements of Chapter III of SOLAS regulation 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 distances of more than 20 miles from the nearest land.³

IV. EQUIVALENCE

Where any of the provision stipulated in this Circular is considered impractical, an alternative equivalence may be provided to the satisfaction of this Administration.

The Administration may allow any other fitting, material, appliance or apparatus or type thereof, to be fitted or carried, or any other provision to be made in the ship in relation to the life – saving appliances and arrangements required on board, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the present regulations.

V. DEFINITION OF TERMS

For the purpose of this Circular, the following terms are defined:

1. **Administration** refers to the Maritime Industry Authority (MARINA).
2. **Accredited Manufacturer/ Supplier/ Service – Provider** refers to a private individual or entity duly assessed and found compliant to the standards set by the Administration or Recognized Organizations and authorized to engage in manufacturing, servicing and supplying ship's life – saving appliances.
3. **Company(ies)** refers to the owner of the ship or any other organization or person such as the Manager, or the Bareboat Charterer, who has assumed the responsibility for the operation of the ship from the Shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities in the operation of the ship.
4. **Crew** refers to the officers and ratings of the ship;
5. **International Life – Saving Appliances (LSA) Code** refers to the code that provides international standards for life – saving appliances including

² Refer to Chapter I reg. 4(b) of SOLAS, 1974 as amended.

³ Refer to Chapter III reg. 2, para. 1 of SOLAS, 1974 as amended

manufacturing, testing, maintenance and record-keeping, required under Chapter III of SOLAS.

6. **Life – Saving Appliances (LSA)** refers to the appliances and equipment required of each type of ship in Chapter III of SOLAS, as amended and of other relevant rules and regulations issued by the International Maritime Organization (IMO).
7. **Master** refers to the person having command of a ship;
8. **Recognized Organization (RO)** refers to an organization duly assessed by the Administration and have found compliant with the Code for Recognized Organizations (RO Code) and authorized to undertake statutory surveys and inspections and to issue certificates on behalf of the Administration per MARINA Circular No. 2018-01, as amended⁴;
9. **RO Code** a Code adopted by IMO under Resolutions MSC.349(92) and MEPC.237(65) that serves as the international standard and consolidated instruments containing minimum criteria against which organizations are assessed towards recognition and authorization as well as the guidelines for oversight by Flag States⁵.
10. **Safety Management System (SMS)** refers to a structured and documented system enabling the Company personnel to implement effectively the company Safety and Environmental Protection Policy;
11. **Type – approved** refers to life saving appliances and equipment approved and certified by the Administration or its Recognized Organization based on the standards of the LSA Code and other relative international standards.

VI. GENERAL PROVISIONS

1. All Philippine – registered ships engage in international voyages shall adopt the requirements, rules and guidelines as prescribed by Chapter III of the International Convention for the Safety of Life at Sea (SOLAS), as amended, as applicable to its type and description.
2. LSA and arrangements to be fitted onboard Philippine – registered ships must comply with the LSA Code.

VII. SPECIFIC PROVISIONS

1. All Philippine – registered ships engage in international voyages shall have onboard and be fitted with the mandatory minimum number of General LSA, Personal LSA, Distress Signaling Equipment, and other LSA required onboard, including their accessories as applicable and their prescribed arrangements under Chapter III of SOLAS, as amended, and of other relevant rules and regulations issued by the International Maritime Organization (IMO), as applicable to its type and description.

⁴ Refer to MARINA Memorandum Circular No. 2018-01, Sec. III.8

⁵ Refer to MARINA Memorandum Circular No. 2018-01, Sec. III.9

Technical Requirement

2. Companies shall provide a LSA Plan containing the minimum quantity and location of each LSA to be approved by the Administration or its Recognized Organization (RO). Such LSA Plan shall be displayed in conspicuous locations accessible and frequented by the ship's crew, including the navigation bridge, engine-room and crew accommodation spaces, for them to be familiarized with the said plan.
3. All LSA to be fitted onboard Philippine – registered ships shall be of the type – approved and must comply with the applicable technical requirements provided by the LSA Code, as amended and of other relevant rules and regulations issued by the IMO and shall be acquired from an accredited manufacturer/supplier by the Administration or its RO.

Muster list and emergency instructions ⁶

4. Clear instructions to be followed in the event of an emergency shall be provided for every person on board. In case of passenger ships, these instructions shall be drawn up in the English language.
5. Muster lists and emergency instructions complying with the requirements of regulation 37 of the SOLAS, as amended shall be exhibited in conspicuous places throughout the ship including the navigation bridge, engine-room and crew accommodation spaces.
6. Illustration and instructions in appropriate languages shall be posted in passenger cabins and be conspicuously displayed at muster stations and other passenger spaces to inform passengers of:
 - a. Their muster station;
 - b. The essential actions they must take in emergency; and
 - c. The method of donning lifejackets.

Operating Instructions ⁷

7. Posters and signs shall be provided on or in the vicinity of survival craft and their launching controls and shall:
 - a. Illustrate the purpose of controls and the procedures for operating the appliance and give relevant instructions or warnings;
 - b. Be easily seen under emergency lighting conditions; and
 - c. Use symbols in accordance with the recommendations of the IMO⁸.

⁶ Refer to Regulation 8 of Chapter III of SOLAS.

⁷ Refer to Regulation 9 of Chapter III of SOLAS.

⁸ Refer to Symbols related to life-saving appliances and arrangements (resolution A.760(18), as amended by resolution MSC.82(70).

Drills and Exercises

8. Companies shall establish programs for drills and exercises with regards to proper handling and usage of the LSA onboard to prepare its vessel's crew for emergency actions. The established programs for drills and exercises shall also form part of the ship's Safety Management System (SMS) taking into consideration the requirements stated on the following regulations of SOLAS, as amended:
 - a. Regulation 19 – Emergency Training and Drills;
 - b. Regulation 30 – Drills;
 - c. Regulation 35 – Training Manual and On-Board Training Aids.
9. Companies and Masters shall ensure that the required drills and exercises are carried out, whether during pre-boarding or while onboard, taking into account the established programs as required in paragraph (8).

Operational Readiness

10. Companies and Masters shall ensure that before their ship leaves any port and at all times during the voyage, or in so far as reasonable and practicable even when the ship is not in navigation, all LSA shall be in working order and ready for immediate use.
11. The decks on which the lifeboats, life-rafts, lifebuoy and other LSAs are carried shall be kept clear of cargo or any other obstructions which would interfere with their immediate launching or usage.

Maintenance and Record Keeping

12. Companies and Masters shall ensure that all LSA fitted onboard their vessel and their arrangements are always kept in good and operational condition and are readily available in case of emergency and shall comply with the applicable requirements of the LSA Code and of other relevant IMO rules and regulations:
 - a. The required periodic maintenance, testing and inspections (weekly, monthly, three-monthly, annually, five-yearly etc.) of life-saving appliances shall be carried out based on the guideline developed by the IMO and by the manufacturer's instructions, as applicable, and in a manner having due regard to ensuring reliability of such appliance.
 - i. The required periodic maintenances, testing and inspections shall be carried-out by a competent or certified person authorized to carry such activity or by accredited service – providers of the Administration or its RO, as necessary.
 - ii. In case the LSA is needed to be taken-out of the vessel for servicing and maintenance, alternative arrangements of such LSA with the same specification shall be provided in the vessel.

- iii. Provision for alternative arrangements for those LSA subject for maintenance, whether remained or needed to be taken-out onboard, shall be communicated with the Administration.
 - b. Instructions for onboard maintenance of life-saving appliances complying with regulation 36 of Chapter III of the SOLAS, as amended, MSC.402(96), as amended and of other relevant IMO rules and regulations shall be provided onboard and the required maintenance thereof shall be carried out accordingly. Instructions for onboard maintenance shall be easily understood (in English language or if in the working language of the ship other than English, shall also be translated in English) and illustrated as possible.
 - c. The Administration may accept, in compliance with the requirements of paragraph (b) hereof, a Shipboard Planned Maintenance Program, which includes the requirements of regulation 36 of Chapter III of the SOLAS, as amended, MSC.402(96), as amended and of other relevant IMO rules and regulations, which may form part of the ship's Safety Management System (SMS).
 - d. Records of inspection and maintenance, and other evidence of conformity (Certificate of Servicing or Notice of Conformity, etc.) shall be kept onboard and must be readily available whenever needed.
13. Companies and Masters shall ensure that thorough examinations, operational tests, overhaul and repair of the LSA set out in Chapter III of SOLAS, as amended, MSC.402(96), as amended and of other relevant IMO rules and regulations are carried out.
14. Companies shall establish and implement health, safety and environment (HSE) procedures covering the conduct of maintenance, thorough examination, operational testing, overhaul, repair and all other activities set out in MSC.402(96), as amended and of other relevant IMO rules and regulations, as necessary.
15. Companies must ensure that a full set of maintenance manuals and associated technical documentation shall be available on board and kept up to date.

*Spares and Repair Equipment*⁹

16. Spares and repair equipment shall be provided for life-saving appliances and their components which are subject to excessive wear or consumption and need to be replaced regularly.

*Marking of Stowage Locations*¹⁰

17. Containers, brackets, racks, and other stowage locations for life-saving equipment shall be marked with symbols in accordance with the recommendations of the IMO¹¹, indicating the devices stowed in that location for

⁹ Refer to Paragraph 5 of Regulation 20 of Chapter III of SOLAS.

¹⁰ Refer to Paragraph 10 of Regulation 20 of Chapter III of SOLAS.

¹¹ Refer to Symbols related to life-saving appliances and arrangements (resolution A.760(18), as amended by resolution MSC.82(70).

that purpose. If more than one device is stowed in that location, the number of devices shall also be indicated.

VIII. COMPLIANCE MONITORING AND ENFORCEMENT (CME)

1. Recognized Organizations (RO) shall verify that every vessel they survey/ inspect has complied with the requirements of this Circular prior issuance/ endorsement/ renewal of their Ship Safety Certificates.
2. All Philippine – registered ships covered by this Circular shall be subjected to Flag State Inspection (FSI) pursuant to MC MS-2020-02. The requirements of this Circular shall form part of the items for verification/ validation during the conduct of FSI and wherein violations found shall be subjected to the fines and penalties prescribed in Sec. IX.

IX. FINES AND PENALTIES

Companies / shipowners / operators / managers covered by this Circular who violate or fail to comply with the policies/ guidelines herein set forth shall be subject to the following administrative fines and/or penalties after due process:

Violation/s	Fines/ Penalties
A. Found no copy of approved LSA Plan onboard ship required under Sec.V.2 of this Circular.	Php 100,000.00
B. Found no posting of approved LSA Plan onboard ship required under Sec.V.2 of this Circular.	Php 100,000.00
C. LSA arrangements do not conform to the approved LSA Plan required under Sec.V.2 of this Circular.	Php 100,000.00
D. Use of Life – Saving Appliances which are not type – approved required under Sec.V.3 of this Circular.	Php 100,000.00
E. Operating with condition for repair or due for maintenance or with non-operational LSA without any alternatives or equivalent arrangement authorized by the Administration, in consonance with the requirement under Sec. VII.12 of this Circular.	Php 100,000.00
F. Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching, securing equipment and recovery arrangements	Php 100,000.00

G. Found with defective/ wasted/ deteriorated/ inoperable LSA and launching, securing equipment and recovery arrangement. <i>(Includes engine of life-boat and rescue boat, CO² cylinder of inflatable LSA, etc.)</i>	<p>Php 100,000.00</p>
H. Found with not properly maintained or deteriorated LSA accessories. <i>(With wasted/ deteriorated/ defective/ inoperable accessories, including batteries, markings, life lines, lights, etc.)</i>	<p>Php 100,000.00</p>
I. Found with inadequate inventory of accessories of LSA including accessories/provisions in life rafts, lifeboats and other survival crafts as required. <i>(Lack of whistle and lights, insufficient/ lack of life-boat/ rescue boat provision, etc.)</i>	<p>Php 100,000.00</p>
J. Found with inappropriate securing arrangement of LSA which prevents/ hampers proper use or immediate use or safe use of the equipment during emergency. <i>(Crew seat belts of life-boat were restricted with tape, locked lifejacket storage, etc.)</i>	<p>Php 100,000.00</p>
K. Found with inadequate personal LSA distributed to crew and/or passengers. <i>(Insufficient provision of LSA, inappropriate size of lifejacket/ immersion suit, etc.)</i>	<p>Php 100,000.00</p>
L. Found with lacking/ missing records as prescribe under Sec. VII.8-9, and Sec.VII.12-15 (Drills and Exercises, and Maintenance and Record Keeping) of this Circular	<p>Php 100,000.00</p>
M. Other violations of the provision of this Circular observed during the conduct of flag state inspection pursuant to Section V.1 of MC No. MS-2020-02, as amended.	<p>Php 100,000.00</p>

The fines and penalties shall be imposed per type/ category of deficiencies or non-conformities as prescribed herein, regardless of the number of deficiencies or non-conformities found per specific type/ category, found during the conduct of Flag State Inspection (FSI) pursuant to MC MS-2020-02, as amended. Deficiencies reported and

under flag dispensation with provision of alternative arrangements or under the intervention of RO shall not be covered by this provision.

Serious deficiencies found during the conduct of FSI, described under Chapter IV – Procedures for Flag State Inspection as stated in the approved Manual on Oversight Functions on Philippine Registered Vessels in Overseas Trade and on Recognized Organizations, shall cause the suspension of the Ship Safety Certificate in accordance with the procedures as set out in said Manual.

X. REPEALING CLAUSE

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

XI. SEPARABILITY CLAUSE

Should any provision or part of this Circular be declared by a 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 Memorandum Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

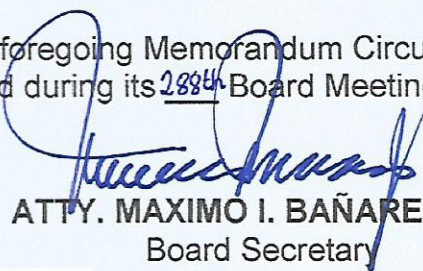
Manila, Philippines FEB 15 2022

By the Authority of the Marina Board


VADM ROBERT A EMPEDRAD AFP (RET)
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the foregoing Memorandum Circular No. MS-2021-02 was approved by the MARINA Board during its 288th Board Meeting on 04 November 2021.


ATTY. MAXIMO I. BAÑARES, JR.
Board Secretary

Date of Publication: 09 April 2022

Business Mirror

Date of Submission to ONAR:

REQUIREMENT OF LIFE – SAVING APPLIANCES AND ARRANGEMENTS
ONBOARD PHILIPPINE – REGISTERED SHIPS OPERATING
IN THE OVERSEAS TRADE