



MARITIME INDUSTRY AUTHORITY

FEB 15 2022

Memorandum Circular

NO. MS-2021-03

Series of 2021

TO : ALL SHIPOWNERS, SHIP MANAGERS, MASTERS AND OFFICERS OF PHILIPPINE-REGISTERED SHIPS, RECOGNIZED ORGANIZATIONS AND ALL CONCERNED ENTITIES.

SUBJECT : RULES AND REGULATIONS ON FIRE SAFETY AND THE IMPLEMENTATION OF THE FIRE SAFETY SYSTEMS (FSS) CODE FOR PHILIPPINE-REGISTERED SHIPS ENGAGE IN INTERNATIONAL VOYAGE

Pursuant to Presidential Decree No. 474, Executive Order No. 125 /125A, the International Maritime Organization (IMO) Instruments Implementation Code (III Code), and in order to provide international standards for fire safety systems requirements under Chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended and the Fire Safety Systems (FSS) Code, the following are hereby adopted:

I. OBJECTIVES

1. To adopt the requirements and ensure the compliance of Philippine-registered ships engage in international voyage to the Fire Safety System (FSS) Code, as amended.
2. To provide all Philippine-registered ships with the standards of design, installation and operation of fire-fighting systems which are critical for the safety of ships and the personnel onboard.

II. COVERAGE

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

Unless expressly provided otherwise, the FSS Code is applicable for the fire safety systems of ships the keels of which are laid or which are at a similar stage of construction on or after 1 July 2002.

III. EXEMPTIONS

The Administration may grant exemptions under this circular as follows:

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 II-2 of SOLAS regulations 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 ship¹.

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 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 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 Governments of the States to be visited by the ship².
3. The Administration may, if it considers that the **sheltered nature and conditions 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 distances of more than 20 miles from the nearest land³.

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, shall be fitted or carried, or any other provision to be made in the ship in relation to the fire-fighting systems and equipment 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 regulations⁴.

In order to allow modern technology and new developments on fire safety systems, the Administration may, **through the recommendation of the RO**, approve fire safety systems which are not specified in the FSS Code if the requirements of Part F of chapter II-2 of the SOLAS Convention are fulfilled.

V. DEFINITION OF TERMS

1. **Administration** refers to the Maritime Industry Authority (MARINA);

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

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.

⁴ Refer to Chapter I reg. 5 (b) of SOLAS, 1974 as amended.



2. **Fire Safety Systems Code** refers to the International Code for Fire Safety Systems as defined in chapter II-2 of the International Convention for the Safety of Life at Sea, 1974, as amended.
3. **Recognized Organization (RO)** refers to an organization duly assessed by the Administration and have complied with the Code for Recognized Organizations (RO Code) and authorized to undertake statutory surveys and inspection and to issue certificates on behalf of the Administration per MARINA Memorandum Circular No. 2018-01, as amended⁵.
4. **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 States⁶.
5. **International Association of Classification Society (IACS)** refers to a group of classification societies formed in 1968 which formulates unified interpretations (standard set by the member Societies) and provide services on maritime safety and regulation through technical support, compliance verification and research and development.
6. **Type-approved** refers to firefighting systems and equipment approved and certified by the Administration or its Recognized Organization based on the standards of the FSS Code and other relative international standards.

VI. GENERAL PROVISION

1. All Philippine-registered ships engaged on international voyages shall adopt the standards of specific engineering specifications required by Chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 as amended.
2. The design and standards of fire-fighting systems and equipment of covered ships shall comply with the International Code for Fire Safety Systems (FSS) Code, as amended.
3. Fire safety system and equipment onboard dedicated to detect, protect and extinct fire shall be of the approved type and must comply with the applicable technical requirements provided by the FSS Code, as amended and of other relevant rules and regulations issued by IMO and shall be acquired from a certified manufacturer/supplier by the Administration or its RO.
4. Fire safety system installation, operation and maintenance instructions/plans containing the minimum quantity and location of each fire-fighting equipment

⁵ Refer to MARINA Memorandum Circular No. 2018-01, Sec. III.8

⁶ Refer to MARINA Memorandum Circular No. 2018-01, Sec. III.9



and systems shall be reflected in the fire control plan and approved by the Administration or its RO⁷.

5. Companies and Masters shall ensure that the fire safety systems and equipment shall be kept in good working order and readily available for immediate use.

VII. SPECIFIC PROVISIONS

1. Structural fire protection including fire resisting divisions, and protection of openings and penetrations of such divisions are well insulated and must be in accordance with the rules of an IACS-member classification society and approved by the Administration or its RO during its construction.
2. Means of escape and escape routes shall be maintained in a safe condition, accessible, properly marked, clear of obstacles, and adequate design for emergency situations.
3. Power source of fire safety system shall be generated by both main engine and emergency generators and must be operated remotely and/or mechanically in accordance with the requirements of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended.
4. Visual and audible alarms shall be located accurately as specified by the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended and Fire Safety Systems (FSS) Code, as amended.
5. Companies shall establish programs for drills (Fire & Abandon Ship) and exercises with regards to proper handling and usage of the Fire Safety System (FSS) and the Fire Fighting Equipment onboard to prepare its vessel's crew for emergency response. Fire drills shall be conducted in accordance with the provisions of regulations III/19.3.
6. In ensuring the ready availability of fire safety systems and equipment, portable extinguishers which have been discharged shall be immediately recharged or replaced with an equivalent unit. Spares components and repair equipment shall be provided for fire safety systems and equipment suitable to the function on the type of fire in which it is designed to respond.

VIII. REQUIREMENTS FOR DOCUMENTATION AND RECORD – KEEPING

Companies and Masters shall ensure compliance with the applicable requirements of IMO rules and regulations on documentation and record-keeping of the following:

1. All installation, operation and maintenance instructions/plans for the fire safety system shall be supplied to the ship and be readily available on board.

⁷ Refer to the guidelines on the information to be provided with fire control plans and booklets under IMO resolution A.756(18), as amended.



Instructions/plans for the system shall be easily understood (in English or if in the working language of the ship other than English, shall also be translated in English) and illustrated as possible, and displayed at each operating position.

2. Records of the periodical maintenance and testing of detectors/alarms suitable for the types of fires to which it is designed to respond shall be kept on board and readily available.
3. 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.
4. Records of drills (Fire and Abandon ship drill) shall be kept onboard and must be readily available whenever needed in accordance with the provisions of regulations III/19.5.
5. Provisions for alternative arrangements for those FSS subject for maintenance, whether remained or needed to be taken-out onboard, shall be communicated with the Administration

IX. 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 verification/ validation during the FSI and wherein violations found shall be subjected to the fines and penalties prescribed in Sec. X.

X. ADMINISTRATIVE FINES AND/OR 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
1. Relative to Para. 3 & 4 Sec. VI of this Circular, not approved-type fire-fighting systems and equipment and/or insufficient number.	Php 100,000.00



2. Relative to Para. 1 & 4 of Sec VI & VIII respectively of this Circular, No approved Fire Control Plan and/or not posted in conspicuous places in the ship.	Php 100,000.00
3. Relative to Para. 1 & 2 Sec. VI of this Circular, absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers and quick-closing devices.	Php 100,000.00
4. Relative to Para. 1 & 2 Sec. VI of this Circular, absence, substantial deterioration to the extent that it cannot comply with its intended use or failure of proper operation of the cargo deck area fire protection on tankers.	Php 100,000.00
5. Relative to Para. 5 Sec. VII of this Circular, serious deficiency in the operational requirements, non-performance of the exercise on Fire and Abandon Ship Drills.	Php 100,000.00
6. Lack of records as prescribe under Sec. VIII of this Circular.	Php 100,000.00
7. Any other violation of the provisions of this Circular observed during the conduct of flag state inspection (FSI) pursuant to Section V.1 of MC No. MS-2020-02, as amended.	Php 100,000.00

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, incurred during the conduct of Flag State Inspection (FSI) pursuant to MC MS-2020-02, as amended.

However, deficiencies found during the conduct of FSI which the Recognized Organization (R.O.) have already covered or under flag dispensation with provision of alternative arrangements, a clear recommendation for the alternatives shall be establish and objective evidence must be presented to the FSO.

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.



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XI. REPEALING CLAUSE

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

XII. 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.

XIII. EFFECTIVITY

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

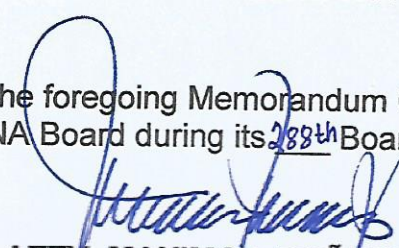
Manila, Philippines FEB 15 2022

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-2021-03 was approved by the MARINA Board during its 288th Board Meeting on 04 November 2021.


ATTY. MAXIMO I. BAÑARES, JR.
Board Secretary

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Business Mirror

Date of Submission to ONAR: _____