

**[MIA MEMORANDUM CIRCULAR NO. 155,
December 16, 1999]**

**GUIDELINES ON THE RECOGNITION OF ORGANIZATIONS
ACTING ON BEHALF OF THE ADMINISTRATION IN THE
IMPLEMENTATION OF THE ISM CODE FOR PHILIPPINE
SHIPPING COMPANIES AND THEIR SHIPS**

Pursuant to the provisions of Presidential Decree No. 474 and Executive Order Nos. 125/125-A, Memorandum Circular Nos. 122 and 143, the Maritime Industry Authority hereby adopts the following policies, guidelines and procedures on the recognition of organizations that will be authorized to perform certification in compliance with the provisions of the International Safety Management (ISM) Code for Philippine shipping companies and their ships in accordance with Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, International Maritime Organization (IMO) Resolution A.739 (18), Guidelines for the Authorization of Organizations Acting on Behalf of the Administration, and its annexes and appendices, and Resolution A.788 (19), Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations, and its annexes and appendices.

I. PURPOSE

This Circular aims to provide the policies, guidelines, and procedures on the recognition of organizations acting on behalf of the Administration to perform certification in compliance with the provisions of the ISM Code. It also aims to define the minimum conditions and specific requirements for all organizations applying for said recognition.

II. COVERAGE

This Circular shall cover all entities that will apply for and those that have been granted recognition by the Administration in order to be able to perform certification in compliance with the ISM Code.

III. DEFINITION OF TERMS

For the purposes of this Circular, the following terms shall have the definitions and meanings attributed to them to wit:

3.1 **INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE** means the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the IMO in Resolution A.741(18);

3.2 **ADMINISTRATION** refers to the Maritime Industry Authority (MARINA);

3.3 **RECOGNIZED ORGANIZATION (RO)** refers to an organization authorized by the Administration to perform on its behalf the ISM Code certification for

Philippine shipping companies and their ships;

3.4 **ISM CODE CERTIFICATION** refers to the issuance of the Document of Compliance (DOC) to a company and the Safety Management Certificate (SMC) to a ship of the company which involves verification carried out at the request of the company to the Administration or the ROs;

3.5 **ISM CODE CERTIFICATION SCHEME** refers to the system of a company which includes policy, rules of procedures, instructions and management for carrying out ISM Code Certification;

3.6 **VERIFICATION OF COMPLIANCE WITH THE ISM CODE** refers to the systematic and independent examination of the safety management system of a company and its ships to determine whether the policy, procedures and instructions are carried out effectively;

3.7 **COMPANY** refers to any shipowner/operator/manager, bareboat charterer and any other entity who has assumed the responsibility for the operation of a Philippine registered ship(s) and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by the ISM Code.

IV. GENERAL PROVISIONS

4.1 Only organizations which have secured authorization/recognition from the Administration in accordance with this Circular shall perform services relative to ISM Code certification for Philippine shipping companies and their ships;

4.2 All organizations including existing ROs shall be required to submit to the Administration the documentation requirements in accordance with this Circular ;

4.3 All Philippine shipping companies shall have access to the services of the ROs. The procedures under which the ROs operate shall be administered on a non-discriminatory manner;

4.4 In order to safeguard the independence and integrity of the certification process, ROs involved in ISM consultancy work shall ensure that no conflict of interest exists in the delivery of consultancy services, ownership/principals and others relative to certification activities;

4.5 ROs shall carry out verification of compliance of Philippine shipping companies and their ships in accordance with the provisions of the ISM Code;

4.6 ROs shall immediately furnish the Administration copies of all audit reports and certificates issued;

4.7 ROs shall allow representatives of the Administration to participate in further developing/enhancing their ISM Code certification guidelines.

V. CONDITIONS FOR RECOGNITION

5.1 General Qualifications

5.1.1 The organization to be recognized shall have adequate resources, in terms of technical, managerial and research capabilities to conduct ISM certification in accordance with the Minimum Standards for ROs acting on behalf of the Administration as set out in the Annex and