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**MEMORANDUM CIRCULAR**

N U M B E R . . . . .

**RULES AND REGULATIONS ON THE ACCREDITATION OF MARINE  
ENVIRONMENTAL PROTECTION MATERIALS, SUBSTANCES AND  
EQUIPMENT**

**REGULATION 1  
AUTHORITY**

The Republic Act 9993 (The Philippine Coast Guard Law of 2009) and its Implementing Rules and Regulations.

**REGULATION 2  
REFERENCE**

1. Presidential Decree No. 979: Marine Pollution Decree of 1976
2. Presidential Decree No. 602: National Oil Pollution Operations Center Decree
3. International Convention of 1973 for the Prevention of Pollution from Ships as modified by the Protocol of 1978 (MARPOL 73/78)
4. International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC 1990)

**REGULATION 3  
PURPOSE**

This Memorandum Circular prescribes policies and procedures on the accreditation of marine environmental protection materials, substances and equipment.

**REGULATION 4  
SCOPE (MC 04-05, with modification)**

This Memorandum Circular shall apply to the following:

1. Vessels of four hundred (400) gross tons and above;
2. Self-propelled barges and tankers;
3. Vessels towing dumb barges;
4. Oil Refineries and depots and major oil loading ports;
5. Oil terminals discharging oily and dirty ballast

6. Distributors, dealers or distributors of Oil-Water Separator, Oil Containment Recovery and Dispersal Equipment or Chemical Dispersants

## **REGULATION 5**

### **DEFINITION OF TERMS** *(New)*

For the purpose of this circular, the following terms shall be defined as:

1. **Accreditation** – shall include but not limited to the following: Oil Water Separator, Oil Spill Boom, Oil Spill Dispersant, Oil Sorbent Material and Oil Spill Recovery Equipment.
2. **Certificate of Accreditation (COA)** is a document issued by the PCG authorizing a person or a company to engage in and transact business as distributors, suppliers and/or servicing entities of the following equipment but not limited to MEP prevention equipment e.g. oil-water separator, oil spill boom, skimmer and dispersant. (MARINA STCW MC 04-2014)
3. **Interim Accreditation (IA)** is a temporary document issued by the PCG upon satisfactory initial evaluation of documentary evidence presented, authorizing a person or a company to engage in and transact business as distributors, suppliers and/or servicing entities of the following equipment but not limited to MEP prevention equipment e.g. oil-water separator, oil spill boom, skimmer and dispersant, pending final determination of compliance by the applicant of all the requirements, which expires when: 1) the Certificate of Accreditation is issued, or 2) a Notice of Denial issued, stating clearly the grounds for the denial of the application. (MARINA STCW MC 04-2014)
4. **Authentication** – verification process to determine the authenticity of the photocopy of the issued PCG MEP Certificate to make the same effective or valid. Presentation of PCG authenticated copy of MEP Accreditation Certificate shall be allowed during the Marine Environmental Protection Enforcement Inspection unless otherwise provided (See A for Guidelines).
5. **Certificate of Vessel Registry** – proof that the ship is registered and complied with the requirements provided by its flag state.
6. **Marine Environmental Protection Enforcement Inspection (MEP EI)** – regular inspection conducted by MEP Officer to determine compliance and/or violation of vessel to the existing laws, and PCG MEP Memorandum Circulars. *(Proposed Revised MC 01-05)*
7. **MEPCOM** – Marine Environmental Protection Command
8. **NOCOP** – National Operations Center for Oil Pollution
9. **Vessel** – a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, aircushion vehicles, submersibles, floating craft and fixed or floating platforms; may be used synonymously with ship; *(MARPOL Annex I)*

## **REGULATION 6 POLICIES**

### **1. GENERAL POLICY**

- 1.1. PCG shall issue Marine Environmental Protection (MEP) related certification and documentation for vessels, oil refineries, terminals, depots, harbors, shipyards, platforms, oil rigs and other offshore facilities, and manufacturing industries using persistent oil and HNS. (RA 9993 IRR)
- 1.2. The PCG shall likewise conduct product-approval of MARPOL prevention equipment and accreditation of companies engaged in MEP-related activities including but not limited to supplier or distributor of chemicals, oily waste collectors, oil tank cleaning contractors, MARPOL surveyors and Oil Spill Response Organizations. (RA 9993 IRR)

### **2. SPECIFIC POLICIES**

- 2.1 Only those accredited by PCG shall be authorized to engage in and transact business as distributors, suppliers and/or servicing entities of the following equipment but not limited to MEP prevention equipment e.g. oil-water separator, oil spill boom, skimmer and dispersant.
- 2.2 PCG Accreditation Certificate is valid for three (3) years and subject for renewal at least three months prior the expiration date. The Certificate cannot be transferred or alienated in whatever manner. The use of said certificate by person or entity other than those indicated in the certificate shall not be allowed.
- 2.3 The PCG may issue an Interim Accreditation, valid only for one (1) year, upon satisfactory initial evaluation of product tested and documentary evidence presented, to a person or a company to engage in and transact business as distributors, suppliers and/or servicing entities of the following equipment but not limited to MEP prevention equipment e.g. oil-water separator, oil spill boom, skimmer and dispersant, pending final determination of compliance by the applicant of all the requirements, which expires when: 1) the Certificate of Accreditation is issued, or 2) a Notice of Denial issued, stating clearly the grounds for the denial of the application. Further, Interim Accreditation Certificate shall be issued to any person or company with expired accreditation not renewed on at least three (3) months prior the expiry date. Likewise, any person or company engaged in or transact business with expired accreditation. (MARINA STCW MC 04-2014)
- 2.4 All certificates issued in connection with this circular and other PCG rules and regulations shall be onboard upon inspection of the vessels. However, authenticated copy of the PCG MEP accreditation certificates are authorized.
- 2.5 It is the primary responsibility of the ship owner, company/management of oil refineries, terminals, depots, harbors, shipyards, platforms, oil rigs and other offshore facilities, and manufacturing industries using persistent oil and HNS to determine and use PCG accredited suppliers and products.

- 2.6 PCG personnel are not authorized to engage in the manufacture, dealing or distribution of oil-water separator, oil containment, recovery and dispersal equipment or chemical dispersants.

## **REGULATION 7 REQUIREMENTS**

### **1. REQUIRED MATERIAL/SUBSTANCE AND EQUIPMENT** *(MC 04-2005, with modification)*

- 1.1 All vessels of 400 gross tons (GT) and above and oil tankers of 150 GT and above shall be provided with at least a complete set of oil containment and recovery equipment, inclusive of but not limited to sorbent dispersants and other Marine Pollution (MARPOL) combating equipment duly accredited by the PCG, sufficient to prevent, control and mitigate a Tier I spill. *(MEPRR p.14)*
- 1.2 All vessels of 400 GT and above but less than 10,000 GT and oil tankers of 150 GT and above shall installed on board an oil-water separating equipment duly approved by the Philippine Coast Guard (PCG) to insure that any oil mixture discharged into the open sea while the vessel is underway and after passing through the separators of filtering system have an oil content of not more than 15 parts per million (ppm);
- 1.3 Self-propelled barges/tankers and vessels towing dumb barges containing oil in special areas shall have on board at least one (1) 210 liter drum of dispersants.
- 1.4 Oil companies shall provide the following PCG approved items:
- 1.4.1 Twenty (20) drums of dispersants to refineries;
  - 1.4.2 Five (5) drums of dispersants to depots;
  - 1.4.3 Oil containment, recovery and dispersal equipment to major oil-loading ports; and
  - 1.4.4 Appropriate receiving facility equipped with an oil water separator to oil terminals discharging oil and ballast
- 1.5 Documentary requirements required for each accreditation: *(Existing Policy as required by MEPCOM, with some modification)*
- 1.5.1 *Oil Spill Dispersant (OSD)*
    - 1.5.1.1 Letter Request for Accreditation addressed to Commander, MEPCOM
    - 1.5.1.2 Certificate of Inspection of Certificate of Vessel Registry (CVR)
    - 1.5.1.3 Company Profile
    - 1.5.1.4 Sample of the Product
    - 1.5.1.5 Material Data Sheet
    - 1.5.1.6 Fully Accomplished Application Form
    - 1.5.1.7 Copy of Official Receipt of payment of required fees

### **1.5.2 Oil Water Separator (OWS)**

- 1.5.2.1 Letter Request for Accreditation addressed to Commander, MEPCOM
- 1.5.2.2 OWS Operating Manual/ Brochures (for new applicant)
- 1.5.2.3 Picture with Inspectors (during the inspection)
- 1.5.2.4 Test Results of three samples out of 2000 pcs/sample of tilapia
- 1.5.2.5 Copy of Official Receipt of payment of required fees
- 1.5.2.6 Fully Accomplished Application Form

### **1.5.3 Oil Spill Boom (OSB)**

- 1.5.3.1 Letter Request for Accreditation addressed to Commander, MEPCOM
- 1.5.3.2 Fully Accomplished Application Form
- 1.5.3.3 OSB Brochures/Catalogue/Specs
- 1.5.3.4 Product Sample
- 1.5.3.5 Article of Incorporation/Company Profile
- 1.5.3.6 Copy of Official Receipt of payment of required fees

### **1.5.4 Oil Sorbent Material (OSM)**

- 1.5.4.1 Letter Request for Accreditation addressed to Commander, MEPCOM
- 1.5.4.2 Fully Accomplished Application Form
- 1.5.4.3 OSM Operating Manual/ Brochures (for new applicant)
- 1.5.4.4 Product Sample
- 1.5.4.5 Copy of Official Receipt of payment of required fees

### **1.5.5 Oil Spill Recovery Equipment**

- 1.5.5.1 Letter Request for Accreditation addressed to Commander, MEPCOM
- 1.5.5.2 Fully Accomplished Application Form
- 1.5.5.3 OSRE Operating Manual/ Brochures (for new applicant)
- 1.5.5.4 Copy of Official Receipt of payment of required fees

## **REGULATION 8**

### **PROCEDURE (MC 04-05, with modification)**

1. The applicant shall file with the Accreditation Branch Office, National Operations Center for Oil Pollution (NOCOP) an application in writing together with the abovementioned documentary requirements;
2. Upon receipt of the application, the Director NOCOP or his duly authorized representative shall conduct test on the operational capabilities and effectiveness of the material/substance and/or equipment as the case maybe and shall submit to the Commander, Marine Environmental Protection Command, (CMEPCOM) the result of such test and his recommendation

thereon.

3. If found satisfactory, CMEPCOM shall recommend to the Commandant, Philippine Coast Guard (CPCG) through the Deputy of Coast Guard Staff for Marine Environmental Protection Unit, CG-9, the issuance of a certificate of accreditation in favor of the dealer/distributor of the particular model/type or brand of the item(s) for which the accreditation is requested.
4. The Certificate of Accreditation for material/substance or equipment shall be issued by the CPCG upon recommendation by the CMEPCOM and endorsement of the Commander, CG-9 after the evaluation of all documents submitted and the conduct of the inspection.
5. All PCG MEP Accreditation Certificates shall be released by the CG-9 Office. No Accreditation Certificate shall be released except upon presentation of Company ID and authorization letter from the concerned company/entity in case of duly authorized representative. A company ID will suffice in case the accreditation certificate is to be released to the company owner himself.
6. Prior to the installation of any equipment on board vessels, oil terminals, refineries and depots, the CMEPCOM shall be informed in writing by its dealer or distributor.

### **REGULATION 9** **FEES, FINES AND PENALTIES** (MC 04-05, with modification)

The following fees shall be imposed for the accreditation of MEP material/substance and/or equipment and the issuance of Certificate of Accreditation for the same:

<b>Kinds Of Certificate</b>	<b>Registration Fee</b>	<b>Accreditation Certificate Fee</b>	<b>Testing/ Inspection Fee</b>	<b>Total</b>
1.Oil Spill Dispersant	Php3,000.00	Php 500.00		Php3,500.00
2. Oil Water Separator		Php 500.00	Php6,000.00	Php6,500.00
3. Oil Spill Boom		Php 500.00	Php1,000.00	Php1,500.00
4. Oil Sorbent Material		Php 500.00	Php1,000.00	Php1,500.00
5. Oil Spill Recovery Equipment		Php 500.00	Php1,000.00	Php1,500.00

Fees shall be subject to 10% increase every three years to cover for inflation.

1. In case of failure of the equipment after its installation to produce an effluent within the standards set by the PCG due to mechanical defect already existing prior to its installation which results in pollution of the sea the supplier/dealer/distributor from whom the equipment was purchased shall be held administratively liable and shall be subject to an administrative fine in the amount of Fifteen Thousand Pesos (Php15,000.00) and cancellation of the Certificate of Accreditation. Provided further that the defective equipment shall

be replaced at the expense of the supplier/distributor/dealer upon coordination with the owner/operator of the vessel or oil firm;

2. If an equipment/dispersant heretofore prescribed is installed/provided without the Certificate of Accreditation from the PCG, the owner/operator of the vessel or firm concerned shall pay the fine in the amount of Fifty Thousand Pesos (Php 50,000.00) and the vessel is subject to preventive detention. Also, it the immediate replacement of the equipment/dispersant shall effected without prejudice to the right of action against the supplier/dealer/distributor who is subsidiary liable herein.
3. Any person or company with expired PCG accreditation certificate continuously engaged in and transact business in the supply and distribution of MEP prevention equipment shall pay the fine in the amount of Ten Thousand Pesos (Php10,000.00) and shall be issued only with Interim Accreditation Certificate upon renewal of PCG accreditation certificate.
4. Any person or company engaged in and transact business in the supply and distribution of MEP prevention equipment using spurious or alienated PCG accreditation certificates or interim accreditation certificate shall pay the fine in the amount of One Hundred Thousand Pesos (Php 100,000.00) and subjected to appropriate criminal charges
5. The fine and penalties herein prescribed shall be imposed only after the offender shall have been found guilty of the imputed violation in an administrative investigation conducted by Investigation and Adjudication Officer (See Annex B, IAO Proceeding).

#### **REGULATION 10 SEPARABILITY CLAUSE**

If any section or provision of this Memorandum Circular shall be declared unconstitutional or invalid by competent court, the other sections or provisions not affected thereby shall remain in full force and effect.

#### **REGULATION 11 EFFECTIVITY**

This Memorandum Circular shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

#### **REGULATION 12 REPEALING CLAUSE**

Memorandum Circular No. \_\_\_\_\_ dated \_\_\_\_\_ is hereby repealed.

Approved by:

**HON. JOSEPH EMILIO AGUINALDO-ABAYA**  
Secretary, DOTC