



Republic of the Philippines
Department of Transportation and Communications
OFFICE FOR TRANSPORTATION SECURITY

MEMORANDUM CIRCULAR NO. 04 Series 2015

**SUBJECT : GUIDELINES IN THE DECLARATION OF SECURITY (DoS)
BY SHIPS AND PORT FACILITIES**

DATE : 31 July 2015

Pursuant to E.O. No. 311 dated 26 April 2006; paragraph 5.1 in Part A of the International Ship and Port Facility Security (ISPS) Code stipulating that Contracting Governments shall determine when a Declaration of Security is required, the Office for Transportation Security (OTS) adopts the following guidelines pertaining to the Declaration of Security:

I. PURPOSE

To prescribe requirements and procedures in the Declaration of Security (DoS) in accordance with the set security level as provided for in MC No. 03, Series of 2015.

II. COVERAGE

This Memorandum Circular (MC) applies to all ports in the Philippines serving ships engaged in international voyage and Philippine flagged ships.

III. DEFINITION

Declaration of Security (DoS) - an agreement reached between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement.

Designated Authority- refers to the Office for Transportation Security

Port Facility Security Officer (PFSO) - the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers

Port Facility - an area within the port to be determined by the PFSO in consultation with OTS, where interfacing of ship to port and ship to ship takes place. It includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate

Port Facility Security Plan (PFSP)- a plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship's stores within the port facility from the risks of a security incident

Security level 1- the level for which minimum appropriate protective security measures shall be maintained at all times

Security level 2 - the level for which appropriate, additional protective security measures shall be maintained for a period of time, as a result of heightened risk of security incident

Security level 3 - the level for which further specific, protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific security threat

Security incident- any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high speed craft, or of a port facility or of any ship/port interface or any ship to ship activity.

Ship Security Officer (SSO) - the person on board the ship, accountable to the master, designated by the Company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers.

Ship – this includes mobile offshore drilling units and high-speed craft as defined in regulation XI-2/1.

Interfacing - the interaction that occurs when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship.

IV. POLICIES

- A. The need for a DoS shall be based on a PFSA and shall be provided in the PFSP.
- B. A DoS is required when the PFSO deems it necessary in accordance with the security level set by OTS or when a ship deems it necessary. However, the port facility can refuse such ship requirements for DoS.

V. RESPONSIBILITIES

A. OTS

- 1. Determines when a DoS is required by assessing the risk that the ship to port or ship to ship interface poses to persons, property or the environment.
- 2. Sets security level as basis for DoS.

B. Port Facility Security Officer

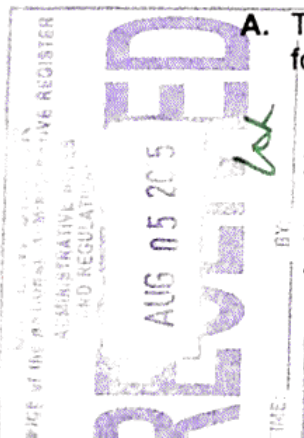
- 1. Completes the DoS with SSO.
- 2. Initiates a DoS prior to ship/port interface in case of a Security Level 2 setting.
- 3. Acknowledges ship's request for a DoS but shall only agree if the circumstances relating to the request conform to those in the PFSP.
- 4. Retains DoS document for the period specified by the OTS.

C. Ship Security Officer

- 1. Completes the DoS with PFSO.
- 2. Requests for a DoS when the ship is operating at a higher security level than the port or the ship with which it will interface.
- 3. Retains DoS document for the period specified by the OTS.

VI. GUIDELINES

- A. The circumstances which shall warrant a DoS include, but not limited to, the following scenarios:
 - 1. the ship is operating at a higher security level than the port facility with which it is interfacing;
 - 2. there has been a security threat or a security incident involving a port facility or a ship with which it is interfacing;
 - 3. the port facility or ship is operating at Security Level 3;
 - 4. there has been a change to the security level applying to a port facility or a ship with which it is interfacing;



5. the ship/port interface involves embarking or disembarking passengers or handling of dangerous cargo;
 6. the ship is not compliant with the Maritime Security Measures (e.g. without a valid International Ship Security Certificate); and
 7. other circumstances as may be determined by OTS.
- B. The request for a DoS relating to a specific ship/port interface, and the response to such request shall be based on security reasons. DoS shall never be the norm and shall not normally be required when both the port facility and the ship are operating at Security Level 1.
- C. The precise circumstances in the practice of requiring and responding to requests for a DoS must be set out in the PFSP.
- D. A ship can request completion of a DoS when:
1. the ship is operating at a higher security level than the port facility or another ship with which it interfaces;
 2. there is an agreement on a DoS between Contracting Governments covering certain international voyages or specific ships on those voyages; and
 3. there has been a security threat or a security incident involving the ship or involving the port facility, as applicable;
 4. the port is non-compliant to ISPS;
 5. deemed necessary by OTS.
- E. The request for the completion of a DoS from the ship shall be acknowledged by the port facility that the request was made. The port facility does not have to agree a DoS with the requesting ship unless the circumstances relating to the request conform those in the PFSP.
- F. When a port facility initiates a DoS, the request shall be acknowledged by the SSO, and the ship must comply with the request.
- G. The agreed DoS shall be signed and dated by both the port facility and the ship, and shall include its duration, the relevant security level, and the relevant contact details.
- H. The DoS shall be completed in the English language, in accordance with the model DoS included in Appendix 1 of Part B of the ISPS Code.
- I. The DoS shall be retained by the port and Philippine flagged vessel for at least three (3) years.

VII. MISCELLANEOUS PROVISIONS

- A. **Construction.** The provisions herein shall be liberally construed in order to promote its maritime security objectives.
- B. **Reservation.** Nothing herein shall be construed as precluding OTS, through its Administrator, from implementing/enforcing the provisions enunciated herein; and from prescribing other requirements to meet the constantly evolving challenges in maritime security.
- C. **Amendments.** Nothing in this circular shall restrict the authority of OTS, through its Administrator, to modify, amend or repeal any provision of this circular by subsequent issuances.

D. **Repeal.** All orders, rules, regulations and issuances, or parts hereof, which are inconsistent with this circular, are hereby accordingly repealed or modified.

E. **Separability.** If any provision or section of this circular is declared null and void by competent authority, the remaining provisions thereof shall not be affected and shall remain in full force and effect.

Effectivity. This circular shall take effect fifteen (15) days following its publication in the Official Gazette or newspaper of general circulation. A copy of this Circular shall be deposited with the University of the Philippines Law Center, in compliance with the Revised Administrative Code.


COMMO ROLAND S RECOMONO AFP (Ret)
Administrator

