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# Assessment of National Policies, Laws and Regulations to Facilitate Ship Waste Handling Management in the Philippines

**FINAL REPORT 2022**

Submitted by: **PEMSEA Resource Facility**





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<b>AO</b>	Administrative Order	<b>MWRF</b>	Marine Water Reception Facility
<b>APSN</b>	APEC Port Services Network	<b>NEDA</b>	National Economic and Development Authority
<b>ASEAN</b>	Association of Southeast Asian Nations	<b>NORAD</b>	Norwegian Agency for Development Cooperation
<b>COBSEA</b>	Coordinating Body for the Seas of East Asia	<b>NPOA-ML</b>	National Plan of Action for the Prevention, Reduction and Management of Marine Litter
<b>CPC</b>	Certificate of Public Convenience	<b>NSOC</b>	National State of Oceans and Coast Report
<b>EO</b>	Executive Order	<b>NSWMC</b>	National Solid Waste Management Commission
<b>DAO</b>	Department Administrative Order	<b>NWP</b>	National Work Program
<b>DENR</b>	Department of Environment and Natural Resources	<b>OFW</b>	Overseas Filipino Worker
<b>DOTr</b>	Department of Transportation	<b>PCG</b>	Philippine Coast Guard
<b>DRR</b>	Disaster Risk Reduction	<b>PEMSEA</b>	Partnerships in Environmental Management for the Seas of East Asia
<b>FAO</b>	Food and Agriculture Organization	<b>PGS</b>	Performance Governance System
<b>GDITI</b>	Golden Dragon International Terminals, Inc.	<b>PMO</b>	Port Management Office
<b>GEF</b>	Global Environment Facility	<b>PPA</b>	Philippine Ports Authority
<b>GIZ</b>	German Agency for International Cooperation	<b>PRF</b>	PEMSEA Resource Facility
<b>IKI</b>	International Climate Initiative	<b>PSC</b>	Project Steering Committee
<b>IMO</b>	International Maritime Organization	<b>PSHEMS</b>	Port Safety Health and Environmental Management System
<b>IMSAS</b>	IMO Member State Audit Scheme	<b>RA</b>	Republic Act
<b>ISPP</b>	International Sewage Pollution Prevention	<b>RTC</b>	Regional Trial Court
<b>HELMEPA</b>	Hellenic Marine Environment Association	<b>SDG</b>	Sustainable Development Goal
<b>KPIs</b>	Key Performance Indicators	<b>SPMS</b>	Strategic Performance Management System
<b>LGU</b>	Local Government Unit	<b>SRF</b>	Shore Reception Facility
<b>MARINA</b>	Maritime Industry Authority	<b>STCW</b>	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
<b>MARPOL</b>	International Convention for the Prevention of Pollution from Ships	<b>UNCTAD</b>	UN Conference on Trade and Development
<b>MC</b>	Memorandum Circular	<b>UNDP</b>	United Nations Development Programme
<b>MEPC</b>	Marine Environment Protection Committee	<b>UNEP</b>	United Nations Environment Programme
<b>MEPCOM</b>	Marine Environmental Protection Command	<b>WOBVIF</b>	Wastes on Board Vessel Information Form
<b>MEPSEA</b>	Marine Environment Protection of the Southeast Asian Seas		
<b>MSW</b>	Municipal Solid Waste		
<b>MIDP</b>	Maritime Industry Development Plan		



# BACKGROUND AND INTRODUCTION

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As an archipelagic country, the maritime industry plays a critical role in moving goods and people across the more than 7,000 islands, as well as linking the Philippines to international trade and commerce. The maritime industry therefore serves as an integral component of the country's socioeconomic development and in establishing linkages to the economic growth areas in the East Asian region and beyond. The ports and shipping sector in particular is one of the key ocean-based industries that contributed 12 per cent of the gross value added of the country's ocean economy in 2016 or around USD 1.4 billion (in constant 2012 prices) employing around 700 thousand people. Of the 1,300 ports in the country, 1,000 are government owned and the rest are privately owned. In addition to seaports, which serve as major hubs for international and domestic/interisland cargo and passenger vessels, there are also fish ports, feeder ports or commercial ports located in many coastal areas around the country. Fish ports, which are also referred to as landing centers provide the facilities for the distribution of fish (PEMSEA and DENR, 2019).

Based on MARINA's Statistical Report for 2015-2019, the Philippine merchant fleet consisted of 108 vessels engaged in international voyages while the domestic operating fleet consisted of 28,210 registered vessels in 2019. The UN Conference on Trade and Development Review of Maritime Transport 2020 on the other hand, included the Philippines in the top 25 countries with most container ship port calls. The Philippines logged 5,492 arrivals with median time in port of less than 1 day (UNCTAD, 2020).

Port and shipping activities, however, have negative impacts on the environment ranging from operational and accidental oil spills, introduction of alien and invasive species through the ballast water, wastewater and solid wastes from ports and ships, and habitat destruction

from port construction/expansion (PEMSEA and DENR, 2019). The United Nations estimated that 70 per cent of all marine pollution originates from land, 10 per cent from maritime transportation and another 10 per cent from dumping at sea (cited by Rozali and Kaur, 2019). In terms of plastic wastes, land-based activities are the primary sources of mismanaged plastic wastes while marine-based sources contribute to about 20 per cent of the total debris (Alpizar et al., 2020). The Philippines have been identified as one of the major sources of mismanaged or leaked plastic wastes that enter the oceans.

International conventions, regional agreements and plans of action on coastal and marine environmental protection that the Philippines has ratified or committed to require the development, adoption and implementation of national regulations and implementation plans in line with the requirements of these international agreements and compel the ports and maritime safety authorities and the relevant national regulatory bodies, in the case of ports and shipping, to comply with the discharge requirements of the regulations, particularly the availability of adequate and functional port reception facilities.

The Ship Waste Management in Philippine Ports Project aims to provide recommendation to sustainably manage the discharge of ship wastes and cargo residues to the seas and coasts of the Philippines while ensuring the smooth operation of maritime traffic and improving the availability and use of adequate port reception facilities and the delivery of ship waste to those facilities. One of the expected outcomes of the Project is a review and assessment of the existing national laws, policies and regulations that supports marine pollution prevention and management focusing on the handling and management of different types of wastes and residues (e.g., solid, liquid, hazardous, oily wastes) from ships.

# SCOPE AND LIMITATION

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The policy assessment delved into the regulatory framework for the handling and management of different types of ship wastes in the Philippines in compliance to international commitments for pollution prevention in the marine environment, particularly MARPOL 73/78 and its Annexes, as ratified by the Government of the Philippines. The assessment attempted to determine the gaps, challenges and opportunities to improve the current regulatory framework in order to strengthen the compliance of ports, shipping lines, waste operators and relevant authorities for the management and handling of ship

wastes. The review determined the extent to which the Philippine ports are in line with the best international practices and identify possible opportunities to adopt these practices in the current ship waste management and regulatory system.

In view of the Decade of Action leading to the completion of the 2030 Sustainable Development Goals and the impacts of Covid-19 pandemic, the review also looked at the opportunities for the country's maritime transport in the context of these developments and emerging concerns.

# SCOPE AND LIMITATION

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The policy review was conducted primarily as a desktop literature study involving the following steps:

1. Gathering and collating published documents and available literature and materials on national policies, legislations, strategies and action plans, institutional arrangements, guidelines and programs related to marine pollution and ship waste management in the Philippines, including pending bills filed at the 18th Congress of the Philippines and best management practices within and outside the country.
2. Utilizing MARPOL 73/78 requirements as framework in reviewing existing/adopted national policy and legal framework for prevention and management
3. Conducting a detailed assessment using the MARPOL 73/78 framework, particularly delving on the following:
  - Level of compliance to international commitments and obligations on the management of pollution from ships, as translated in the national policy framework;
  - Implementation status including gaps and challenges in the implementation of existing national and sectoral policies, regulations

of pollution from ships as part of the Philippines' response to international and regional agreements and commitments.

and laws related to marine pollution and ship waste management focusing on institutional arrangements; capacity development; financing and investments; data and information management and monitoring, evaluation and reporting.

- Alignment of pending bills in the 18th Congress of the identified needs to address challenges in implementation of pollution from ships, as maybe relevant and applicable;
- Pipeline of government and private sector projects to determine presence/lack of enabling mechanisms and possible duplication/overlap of efforts;
- Areas for future research and opportunities for collaboration and replication of best management practices;

- Policy options and recommendations for strengthening implementation, enforcement, monitoring and evaluation and reporting on ship waste management.

4. Conducting interviews with selected national agencies and stakeholders, as maybe necessary and if time permits, to secure additional inputs/validate and strengthen the proposed policy options and recommendations.
5. Preparing the draft report; presenting the results to the GIZ Project PSC for review, validation and building consensus on the policy options and recommendations.

## ANALYSIS AND RESULTS

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### D.1. Policy and legal framework on pollution in the Philippines

#### D.1.1. National legislation and regulations on pollution

The Philippines has framework environmental laws that contain the basic elements of environmental protection in addition to numerous pieces of legislation concerning the protection of the marine and coastal resources and environment in general and addressing marine pollution in particular (Table1; Annex 1). For the past 8 decades since the passage of the Anti-dumping Law in 1938 until the enactment of the Ecological Solid Waste Management Act in 2001, every piece of legislation has emphasized proper collection and safe disposal of

household wastes and industrial and hospital wastes, including penalties for non-compliance.

Implementation and enforcement of international (e.g., Stockholm Convention on Persistent Organic Pollutants, Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, etc.) and national requirements for pollution control in general is lodged with the Department of Environment and Natural Resources. The Environmental Management Bureau in particular is mandated to lead the implementation of RA 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990); RA 8749 (Clean Air Act); RA 9003 (Ecological Solid Waste Management Act), RA 9275 (Clean Water Act) and RA 9512 (Environmental Awareness and Education Act). The

**Table 1. Major laws and regulations related to pollution.**

Year Enacted	LAWS AND REGULATIONS
1938	Commonwealth Act No. 383 (Anti-Dumping Law) - Prohibits dumping of refuse or substances of any kind into rivers
1975	Presidential Decree No. 825 (Garbage Disposal Law) - Provides penalties for improper disposal of garbage and other forms of uncleanness
1975	Presidential Decree No. 856 (Code of Sanitation) - Requires cities and municipalities to provide an efficient collection, transportation and proper disposal of refuse in food establishments, markets and abattoirs
1976	Presidential Decree No. 600, as amended by PD 979 (Marine Pollution Control Law of 1976) - Prevents and controls the pollution of the seas by prohibiting dumping of waste and other matters that creates hazards to human health or harms living resources and marine life
1976	Presidential Decree No. 984 (National Pollution Control Decree of 1976) - Provides guidelines and implementing rules and regulations for the prevention and control of pollution from solid, toxic, and hazardous wastes
1978	Presidential Decree No. 1151 (Philippine Environmental Policy) - Recognizes the right of the people to a healthy environment and the duty of everyone to contribute to the preservation and enhancement of the environment. Requires the preparation of Environmental Impact Statements for any project or undertaking that may significantly affect the environment
1978	Presidential Decree No. 1152 (Philippine Environment Code) - Requires the preparation and implementation of waste management programs by all provinces, cities and municipalities
1990	Executive Order 432 - Orders the strict implementation of PD 825 (Garbage Disposal Law) by all law enforcement agencies and officers. Enjoins the MMDA to do for Metro Manila
1990	Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990) - Regulates the importation, use, movement, treatment and disposal of toxic chemicals and hazardous and nuclear waste in the Philippines
1991	Republic Act 7160 (Local Government Code) - Mandates local government units to exercise powers and discharge functions and responsibilities as necessary or appropriate and incidental to the efficient and effective provision of services and facilities related to general hygiene and sanitation, beautification and solid waste collection and disposal systems.
1992	DENR DAO No. 1992-29 - Implementing Rules and Regulations of RA 6969
1998	DENR DAO No. 1998-49 - Provides technical guidelines for proper disposal of municipal solid waste

Year Enacted	LAWS AND REGULATIONS
1998	DENR DAO No. 1998-50 - Provides procedures and identifying sanitary landfill site and screening criteria for municipal solid waste disposal facilities
1999	Republic Act 8749 (Clean Air Act) - Provides a comprehensive air pollution control policy and for other purposes
2001	Republic Act 9003 (Ecological Solid Waste Management Act) - Declares the policy of the state to adopt a systematic, comprehensive, and ecological solid waste management program
2001	DENR DAO No. 2001-34 - Implementing Rules and Regulations of RA 9003
2004	Republic Act 9275 (Clean Water Act) - Aims to protect the country's water bodies from pollution from land-based sources (industries and commercial establishments, agriculture and community/household activities). It provides for a comprehensive and integrated strategy to prevent and minimize pollution through a multi-sectoral and participatory approach involving all the stakeholders.
2005	DENR DAO 2005-10 - Implementing Rules and Regulations of RA 9275
2008	Republic Act 9512 (Environmental Awareness and Education Act) - Provides for the promotion of environmental awareness through environmental education which shall encompass environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment.
2016	DENR DAO 2016-08 - Water quality guidelines and general effluent standards of 2016
2020	NSWMC Resolution No. 2020-1363 - Directing DENR to prepare and implement the banning on the use of unnecessary single-use plastics by national government agencies, local government unit offices and all other government-controlled offices
2021	DENR DAO 2021-19 - Updated water quality guidelines and general effluent standards for selected parameters
2021	NSWMC Resolution No. 2021-1441 - Adopting the National Plan of Action for the Prevention, Reduction and Management of Marine Litter (NPOA-ML)

Solid Waste Management Division provides secretariat support to the National Solid Waste Management Commission in the implementation of RA 9003.

### D.1.2. National legislation and regulations and institutional arrangement for marine pollution prevention and management

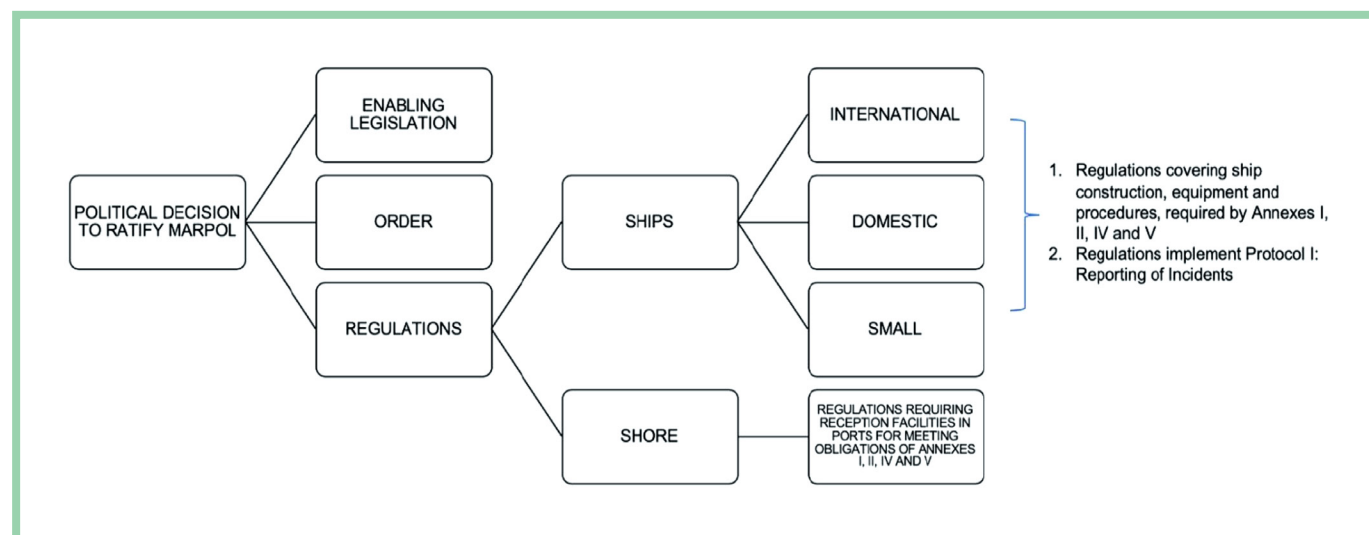
Vessel-based or ship-based pollution which can take the forms of oil, chemicals, lost cargo and equipment, sewage, garbage, fumes, and invasive exotic species are generally regulated within the regime of marine pollution. At the international level, the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and its Annexes, as provided below, serves as the main convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

- **Annex I:**  
Regulations for the prevention of pollution by oil
- **Annex II:**  
Regulations for the control of pollution by noxious liquid substances in bulk

- **Annex III:**  
Regulations for the prevention of pollution by harmful substances carried by sea in packaged form
- **Annex IV:**  
Regulations for the prevention of pollution by sewage from ships
- **Annex V:**  
Regulations for the prevention of pollution by garbage from ships
- **Annex VI:**  
Regulations for the prevention of air pollution from ships

The combined instrument (1973 MARPOL Convention and 1978 MARPOL Protocol) was entered into force on 2 October 1983. The Philippines has ratified MARPOL 73/78 and Annexes I-V in 2001 and has acceded to Annex VI, which was entered into force on 24 July 2018. As signatory to the convention, the Philippines complies to the MARPOL regulations through the enactment of the implementing legislation through a national law or regulation and department orders or circulars along with the prescribed systems to implement it (**Figure 1**).

**Figure 1. Legal actions necessary for integrating MARPOL into national law and for its implementation.**



Source: PEMSEA's Training Course on the Legal Implementation of the revised MARPOL Annex V, 2019.

The Department of Transportation (DOTr) is responsible for all marine transport and navigation concerns in the country. To carry out its mandate, the Department has the following sectoral and attached agencies with functions that are relevant to the maritime sector and protection of the coastal and marine environment:

- **Maritime Industry Authority:** oversees the promotion and development of the maritime industry, and exercises control and supervision over Philippine registered ships. Established in 1974 with the issuance of Presidential Decree No. 474, MARINA has jurisdiction over the development, promotion and regulation of all enterprises engaged in the business of designing, constructing, manufacturing, acquiring, operating, supplying, repairing, and/or maintaining vessels, or their component parts, of managing and/or operating shipping lines, shipyards, drydocks, marine railways, marine repair ships, shipping and freight forwarding agencies and similar enterprises. Based on EO 185 (s. 1994), MARINA was granted the authority to issue Certificates of Public Convenience (CPC), permitting the operation of domestic and overseas water carriers. Other functions of the agency include the registration of vessels, issuance of licenses, addressing safety concerns pertaining to vessel construction, and enforcement of maritime law, including the implementation and enforcement of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended.
- **Philippine Coast Guard:** an armed and uniformed service primarily tasked with enforcing all applicable laws within the Philippine waters, conducting maritime security operations, safeguarding of life and property at sea and protecting the marine environment and resources. With enactment of Republic Act 9993, also known as the Coast Guard Law of 2009, the PCG has been vested with the necessary authority and responsibility to perform preventive measures in ensuring the safety of merchant vessels. The new law also strengthened PCG's authority to meet new challenges and increasing demands for marine resources, technological advancement and climate change.

The PCG is also the lead agency dealing with issues related to MARPOL 73/ 78.

- **Philippine Ports Authority:** primary government agency concerned with the planning and operations, financing, management and development of the public ports throughout the country. Established in 1974, the PPA Charter was amended by Executive Order 857, which expanded its functions to include the integration and coordination of ports nationwide.

Through the MARINA, PCG and PPA, the Philippines has formulated and adopted specific regulations, strategies and compliance plans and guidelines pertaining to the implementation of MARPOL 73/78 and its Annexes.

**Table 2** summarizes the issuances made by Office of the President, MARINA, PCG and PPA that are relevant and in support of the implementation of MARPOL 73/78 and its Annexes.

As part of its mandate to address safety concerns pertaining to vessel construction and enforcement of maritime law, MARINA issued circulars prescribing rules to implement double hull requirement under MARPOL 73/78, Annex I, that will foster the prevention of oil pollution in the event of collision or stranding from oil tankers operating in Philippine domestic waters (Marina MC 01-2007) and in the construction of tank and installation of equipment to collect, store and treat sewage from ships in compliance to Annex IV of MARPOL 73/78 (MARINA MC 02-2020).

The PCG on the other hand has prepared and issued regulations based on MARPOL 73/78 requirements particularly for Annexes I, IV and V providing implementing rules for addressing pollution from sewage and garbage from ships within the maritime jurisdiction of the Philippines, and ensuring a coordinated and integrated response mechanism for accidental and operational oil spills in line with the approved National Oil Spill Contingency Plan in September 2019. The PCG also issues statutory certificates (International Oil Pollution Prevention Certificate; International Sewage Pollution Prevention Certificate) and inspection of Philippine registered ships; enforcing and monitoring of compliance; receiving and processing reports

**Table 2. Summary of issuances in support of MARPOL 73/78 implementation.**

MARPOL ANNEX	Locality of Seed Collection	MARINA	PCG	PPA
I	<ul style="list-style-type: none"> <li>Construction of ships for the protection of the marine environment</li> <li>General prohibition on discharging oil into the sea</li> <li>Treatment and storage of oil residues and oily bilge water maintained in an oil record book.</li> <li>Requirements for port reception facilities: In loading ports, ship repair yards, bunkering ports; Applies to ships with machineries, not just oil tankers</li> </ul>	EO 84 MC 01-2007	MC 04-2005 MC 06-2005 MC 02-2006 MC 03-2006 MC 08-2014 MC 09-2014	AO 02-2003 AO 08-2018 AO 06-2019 MC 35-2001 MC 16-2005
II	<ul style="list-style-type: none"> <li>Transport of noxious liquid substances, which are conveyed in the form of bulk products</li> <li>Prohibition on discharging of liquid residues containing noxious liquid substances.</li> <li>Events occurring on board with regard to a harmful substance entered into a cargo record book.</li> <li>Requirements for port reception facilities: In ports and terminals an adequate reception needs to be present for cargo residues resulting from compliance with Annex II and in ship repair ports where repair of NLS-tankers can take place; applies to ships carrying certain types of chemicals</li> </ul>	EO 84	MC 02-2006 MC 11-2014	AO 02-2003 AO 08-2018 AO 06-2019 MC 35-2001 MC 16-2005
III	<ul style="list-style-type: none"> <li>Identify marine pollutants, using clear marks to distinguish them from other less harmful cargoes, in order to be packed and stowed on board ship that would minimize accidental pollution.</li> <li>Requirements for port reception facilities: Harmful substances carried by sea in packaged form; does not require the provision of reception facilities</li> </ul>	EO 84	MC 02-2006	MC 35-2001 MC 16-2005
IV	<ul style="list-style-type: none"> <li>Prohibits the discharge of sewage into the sea</li> <li>Requirements for port reception facilities: Ports and terminals in all areas and in Special Areas in particular used by passenger ships; Applies to all manned ships</li> </ul>	EO 84 MC SR 02-2020	MC 02-2006 MC 10-2014	AO 02-2003 AO 08-2018 AO 06-2019 MC 35-2001 MC 16-2005
V	<ul style="list-style-type: none"> <li>Prevent pollution by garbage from ships, with different requirements in accordance with the type of garbage to be disposed of.</li> <li>All the disposal and incineration operations of garbage documented in a garbage record book.</li> <li>Requirements for port reception facilities: Each party undertakes to ensure the provision of adequate facilities at ports and terminals for the reception of garbage without causing undue delay to ships; Applies to all manned ships</li> </ul>	EO 84	MC 02-2005 MC 02-2006 MC 07-2014	AO 02-2003 AO 08-2018 AO 06-2019 AO 08-2021 AO 09-2021 MC 35-2001 MC 16-2005 MC 19-2020 MC 11-2021
VI	<ul style="list-style-type: none"> <li>Control of emissions from ships such as ozone depleting substances (ODS), nitrogen oxides (NOx), sulphur oxides (SOx) and particulate matter (PM), volatile organic compounds (VOCs), greenhouse gases (GHG) and other pollutants</li> <li>Provides criteria and procedures in determining NOx, SOx and particulate matter (PM) emission control area to any sea area as well as to any port area as designated by IMO</li> <li>Requirements for port reception facilities: Ozone depleting substances, equipment and materials; residues from exhaust gas cleaning systems; Applies to all fueled ships</li> </ul>	EO 84 MC SR 06-2020	MC 02-2006	AO 02-2003 AO 08-2018 AO 06-2019 MC 35-2001

on incidents involving harmful substances, and communicating with IMO; conducting investigations on ships' casualties and; ensuring adequacy of reception facilities in ports and terminals.

The PPA issued implementing guidelines for MARPOL 73/78 requirements for the installation of shore reception facilities in all PPA base ports to provide waste collection and disposal services to ships' generated wastes, including issuance of permits and accreditation of port service providers, particularly to waste disposal service providers to operate the shore reception facilities. PPA ensures that vessel-generated wastes are properly collected, treated and disposed of in an environmentally sound way and in accordance with existing standards and laws. More recently, the PCG has issued a memorandum circular banning the use of unnecessary single use plastics in all ports and port facilities under the jurisdiction of the PPA including all offices and establishments inside the port in compliance with the NSWMC's Resolution No. 1363, s. 2020.

The Philippines as member state of IMO was scheduled to undergo the IMO Member State Audit Scheme (IMSAS) in 2021 but was postponed to 2022 due to the Covid-19 pandemic. The IMSAS commenced as a voluntary scheme in 2006 and became a treaty obligation in January 2016 which aims to promote consistent and effective implementation of IMO instruments and to assist member states to improve their capacities and performance in compliance with the requirements of IMO instruments to which it is a party. MARINA is serving as Vice Chairperson of the Inter-agency Council on IMSAS who is tasked to ensure that the agencies responsible shall implement and comply with all the policies, laws and issuances pertaining to the implementation of the IMO instruments in an integrated manner (EO 84).

Annexes 2-4 provide the details of the supporting legislations and selected administrative orders and memorandum circulars that were issued by the 3 agencies and are relevant to MARPOL implementation while Annex 5 provides a summary of the bills filed at the 18th Congress related to marine pollution.

### **D.1.3. Strategies and plans on the maritime sector and marine pollution**

#### **D.1.3.1. Maritime Industry Development Plan (MIDP) 2019-2028**

The MIDP is the first comprehensive 10-year plan crafted by MARINA to provide direction to the Philippine maritime industry in charting its path to global competitiveness and sustainable growth. The MIDP aims to: (a) to increase domestic production capacity in ship building and ship repair based on global and domestic demand for shipping, fishing, and maritime tourism; (b) to upgrade maritime technologies and support the localization of the supply chain; (c) to develop and expand shipping and maritime tourism routes and destinations in support of the national government's priority programs; (d) to continuously upgrade higher maritime education and training programs consistent with STCW conventions; (e) to develop, implement, and/or support best practices in maritime safety and security; and (f) to strengthen inter-agency and multisectoral collaboration and public participation in MIDP implementation.

Eight priority programs were identified and developed for implementation with six programs directly supporting existing maritime-related programs of the national government to functionally and spatially link the maritime industry at the national level through improved connectivity, efficiency, safety, and sustainability of operations of maritime industry players. These programs are: (a) upgrading of domestic shipping in support of the Philippine Nautical Highway Development; (b) development of shipping services for maritime tourism; (c) strengthening safety standards of fishing vessel operations; (d) Philippine maritime safety enhancement; (e) maritime security modernization; (f) and Establishment of Maritime Innovation Knowledge Center; (g). development of a global maritime hub; and (h) development of a Coastal and Inland Waterways Transport System.

Three cross-cutting strategies will be implemented to support the identified priority programs that will help achieve the above goal and objectives of MIDP. These are: (a) increasing awareness of MIDP's priority programs, and promoting sustained industry and civil

society engagement in MIDP implementation; (b) educating and training Filipinos for maritime careers as well as developing and providing training programs for and with K-12 educators and training service providers to prepare high school and college students for career path development in the maritime sector and for opportunities for highly skilled and well-paid occupations in the sector; and (c) improving government and other stakeholders' capacities for integrated and multi-stakeholder maritime sector development.

A National Strategic Action Plan entitled, "Green Maritime Philippines: Protect and Conserve", which serves as the roadmap for the implementation of marine environment protection conventions was adopted by the Inter-Agency Coordinating Committee to Facilitate the Ratification and Accession to and Implementation of Maritime Conventions (ICCFRAIMC) and is enrolled as Program 10 in the long-term ten-year Maritime Industry Development Plan (MIDP).

#### **D.1.3.2. Philippine Maritime Strategy on the Implementation and Enforcement of Relevant Instruments of the International Maritime Organization 2020-2024**

As a member of the IMO and in pursuant to Paragraph 3 of IMO Resolution A.1070 (28) or the IMO instruments Implementation Code (III Code), the Strategy is developed which promulgates the Philippine maritime administration's strategy, goals and measures used to comply with the provisions of the mandatory IMO instruments and the III Code.

The Strategy is consistent with the Ten-Year Maritime Industry Development Plan (2019-2028) which envisions a nationally integrated and globally competitive maritime industry and is a strategic deliverable under the Performance Governance System (PGS). It aims to: (a) enhance the level of the safety of shipping (b) minimize the risk of loss of life at sea; (c) reduce the ship source marine pollution; (d) raise standards of training, certification and watchkeeping for seafarers; (e) observe the standards set for load lines and tonnage measurement of ships, and (f) prevent collisions at sea.

The above objectives are being met through: (a) the adoption of international conventions through

legislation and effective implementation, including its amendments, pertaining safety of life at sea; prevention of pollution from ships; standards of training, certification and watchkeeping for seafarers; load lines; tonnage measurement of ships; and regulations for preventing collisions at sea; (b) establishing a methodology to monitor, assess and improve the Strategy to ensure effective implementation and enforcement of international mandatory instruments; (c) continuously conducting organizational and staff personnel performance review and capability, including but not limited to training programs relating to safety of navigation; pollution prevention; enhancement of standards of training, certification and watchkeeping for seafarers; load lines; tonnage measurement of ships; and collision prevention and regional and national drills on maritime safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional, and international organizations, companies and seafarers and using reward and incentive mechanisms for shipping companies and seafarers to stimulate safety culture, and (d) Regularly communicating to the interested parties and to relevant international bodies the required reports and information as required by the mandatory instruments.

The Inter-Agency Council on the IMSAS serves as the coordinating body and is responsible for monitoring and reporting on the implementation of the Strategy. The main goals of the strategy are: (a) effective and efficient implementation and enforcement of the mandatory IMO instruments; (b) adherence to international recommendations, as appropriate; (c) continuous review and verification of the effectiveness of the state in respect of meeting its international obligations, and (d) effective cooperation among institutions

The MARINA, as the flag administration, is the responsible entity for the reportorial requirements of the IMO. Through regular meetings and close coordination with implementing agencies, the Overseas Shipping Service of MARINA consolidates the reports and communicates with the IMO through the Global Integrated Shipping Information System. MARINA will also monitor the performance of the implementing agencies by using the KPIs that have been subjected to inter-agency consultation and communicated to all concerned. The targets and KPIs in the Strategy

will be reflected in the organizational and employee commitments of the agencies through the Strategic Performance Management System (SPMS) following a four-stage cycle (i.e., Performance planning and commitment; Performance monitoring and coaching; Performance review and evaluation and Performance rewarding and development planning).

The IMSAS Council will review, approve and implement a National Work Programme (NWP) on the implementation of relevant IMO instruments which shall include the delineation of roles and responsibilities, institutional arrangements and identification of resource requirements, as well as adopt mechanisms to ensure that international obligations and responsibilities of the Philippines as a flag, port and coastal State are fully satisfied with the Overseas Shipping Service of MARINA serving as Secretariat to the Council.

#### **D.1.3.3. National Transport Policy (NEDA Board Resolution No. 5, S 2017)**

The National Transport Policy attempts to address the recurring issues of the Philippine transport system such as: (a) lack of integrated and coordinated transport network; (b) overlapping and conflicting functions of transport agencies; (c) transport safety and security concerns; and, (d) inadequate transport facilities particularly in conflict-affected and underdeveloped areas. It also ensures the effective and efficient inter-government coordination, local government participation and stakeholders collaboration with the end in view of: (a) providing intermodal connectivity among transport infrastructures, (b) effecting good governance through streamlined transport regulations, rationalized transport agency functions, policies aligned with government priorities and programs, ensured adherence to safety standards and compliance with international agreements, (c) promoting green and people-oriented transport systems, (d) creating “new” economic growth centers outside of the country’s key cities for inclusive growth through access improvement and support to tourism, agro-industry, trade and logistics, and other economic sectors, and (e) promoting transport infrastructure investments.

The policy covers all elements of the transport system and all sub-sectors of transportation, including

passengers, shippers, service providers, investors, agencies and instrumentalities of government and those involved in the movement of people and goods and in the provision of transport infrastructure, facilities and services. The focus areas include: (a) resource generation, allocation and cost sharing; (b) program and project selection; (c) cost recovery and subsidies; (d) regulation of passenger transport services; (e) transportation management in urban and regional areas; (f) support to other economic sectors; and, (g) governance and institutions.

The policy recommends that programs and projects should be fully aligned with national development goals and priorities; compliant with international commitments; supported by adequate studies from a network perspective; convergent with comprehensive frameworks and plans; technically and economically feasible; environmentally sound with due consideration of measures to address disaster risk reduction (DRR) and climate change; socially acceptable; and based on public needs. It also calls for the preparation and periodic updating of the Philippine Transport System Master Plan to guide the rational development of an intermodal transport network with DOTr as the lead agency to implement it.

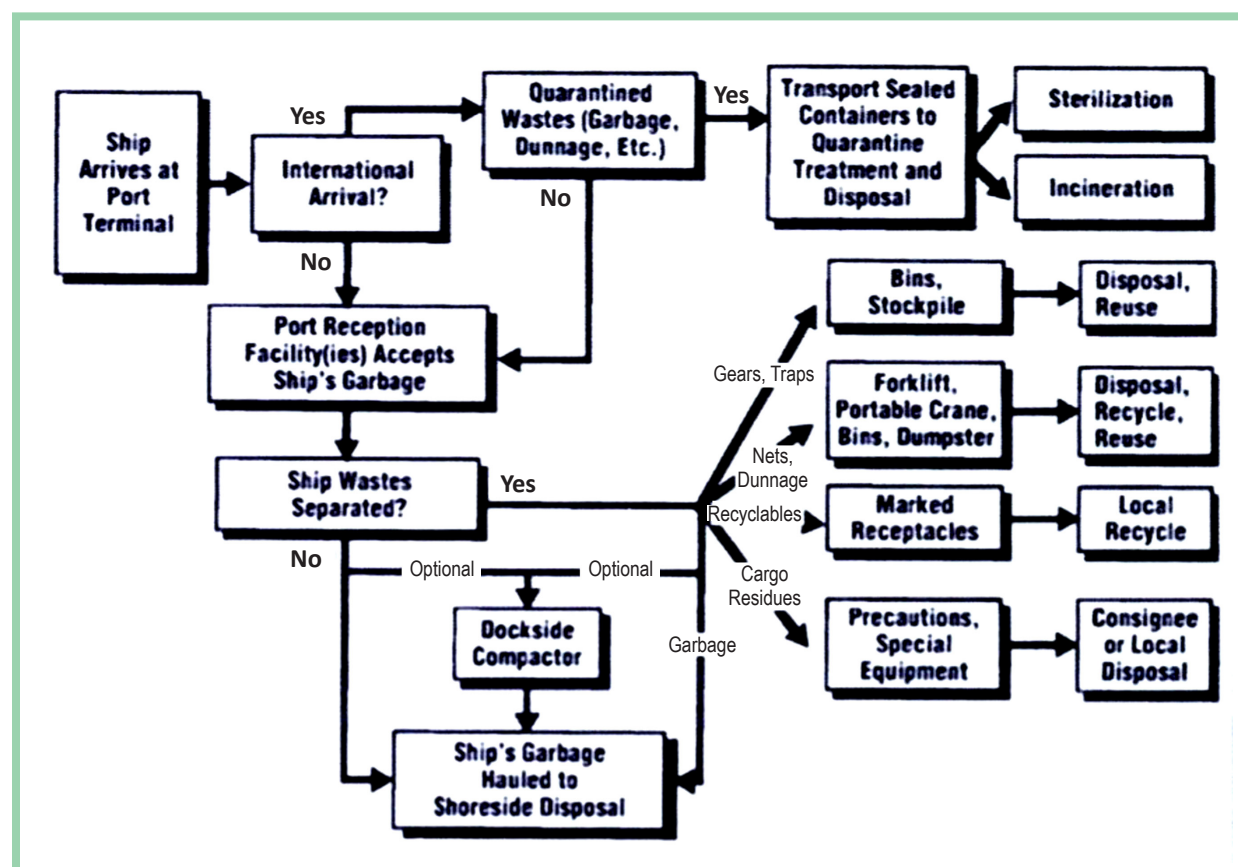
## **D.2. Disposal of ship-generated wastes**

PPA AO 02-2003 which applies to all base ports, sub-ports and private ports, vessels, except warships, naval auxiliary ships, and other government-owned vessels used for non-commercial service, and vessel generated wastes such as those covered by Annexes I (Oil), II (Noxious Liquid Substance) and V (Garbage) of MARPOL 73/78 details out the process of disposal of garbage and oily wastes and noxious liquid substance (Sections 5.3; 5.4 and 5.5). Section 8.3 identifies the Safety and Environmental Management Division of the Port Operations and Services Department as responsible in overseeing the operation of the reception and treatment facilities emphasizing compliance of the technical aspects of the operation with existing local and international standards. The Division is also tasked to:

- **Laundering** - The business of providing laundry services like washing linens, curtains and similar items used in the vessel and clothing apparel of the vessel's crew.
- **Port terminal services** involving the management and operations of a terminal and all the facilities and structures existing thereon, including the handling of cargo.
- **Waste disposal service** by providing waste collection services for ships and within port premise due to garbage, oil/sludge and other kinds of waste.

PPA MC 16-2005 calls for a strict implementation of PPA AO 02-2003 entitled "Implementing Guidelines on MARPOL 73/78 Requirements for Shore Reception Facilities (SRF)" in view of Civil Case No. 1851-99, an anti-sea pollution complaint, decided by the Regional Trial Court (RTC), Branch 20, Imus, Cavite in 2005 specifically mandating the PPA to prevent and also treat the discharge not only of ship-generated wastes but also other solid and liquid wastes from docking vessels

- Cleaning services for passenger, bulk, oil and other types of vessels at berth or anchorage.
- Environmental service management for environmental safety and protection within the port premise.



that contribute to the pollution of Manila Bay. The circular emphasized the accomplishment and submission of Wastes on Board Vessel Information Form by the shipping agent/line/company when applying for berth. PMOs shall assign Control Numbers to said Form for proper monitoring and accountability including the application of the sanctions as specified in Sections 12.1 and 12.2 for vessels that fail to dispose of their garbage into the reception facility; discharge the oily waste or Noxious Liquid Substance into the reception facility after PCG's verification; and pay the required fees. The Circular also calls for the PMO to coordinate with and supervise the activities of the authorized contractor, Golden Dragon International Terminals, Inc. and ensure that it performs its contracted obligations and responsibilities.

PPA MC 19-2020 provides guidelines on the collection of ship generated wastes from cruise and passenger ships in light of the government's policy to utilize cruise and passenger ships for the quarantine of Filipino seafarers and Overseas Filipino Workers (OFWs) during the Covid-19 pandemic (**Figure 2**).

PCG MC 07-2014 provide rules and regulations for ship operators and vessels to prevent pollution from garbage within the Philippine maritime jurisdiction and prescribing the fines and penalties in compliance with Regulation 26, Annex V of the International Convention for the Prevention of Pollution from Ships, MARPOL 73/78. Section 7 requires the development of a garbage management plan by ship operators and submission to the MEPC for approval and incorporation into the crew and vessel operating manuals. Vessels on the other hand are required to have a registered Garbage Record Book at MEPCOM that documents the loss of fishing gears, discharge of cargo residues, discharge at port reception facilities and discharge of garbage at sea.

PCG MC 08-2014 provides the requirements, responsibilities and accreditation for all tank cleaning operations and the collection and disposal of diluted oil within the territorial jurisdiction of the Philippines.

PCG MC 10-2014 provides the implementing rules and regulations to prevent pollution by sewage from ships operating within the Philippine maritime jurisdiction. Section 6 requires that vessels covered by the Circular to have an International Sewage Pollution Prevention

(ISPP) Certificate on board at all times or a waiver that certifies its exemptions. The issuance of an ISPP requires the complete survey of the marine sanitation device or sewage treatment plant. Periodical surveys to be conducted annually and during dry docking in order to ensure that the equipment/plant fully complies with the provisions of this Memorandum Circular.

PCG MC 11-2014 prescribes the procedures and guidelines for wastes and other harmful matter that may be considered to be dumped into the Philippine waters and shall apply to all entities both foreign and domestic such as refineries, terminals, depots, ships, tankers, oil barges, dredgers, oil and gas explorers, power barge / plants, shipyards and other establishments wherein marine pollution may originate by dumping and discharging directly or indirectly to the sea, rivers and estuaries, and or through outfalls and pipelines of waste and other medium within the Philippine maritime jurisdiction.

PCG MC \_\_-2015 establishes the policy and provide the rules and regulations for an effective prevention, containment, abatement and control of oil marine pollution within the Philippine maritime jurisdiction and provide penalties for violations and shall be applied to all domestic and foreign vessels, coastal and offshore facilities and other facilities utilizing and/or storing petroleum products such as terminals, depots, and refineries operating within the Philippine maritime jurisdiction.

### **D.3. Policy review findings and analysis**

The level of compliance to international commitments and obligations related to marine pollution and ship-waste management are outlined below:

#### **D.3.1. Policy issuance, strategies, plans and programs**

As shown in Sections D.1 and D.2, MARINA, PCG and PPA have developed and adopted the necessary policies, strategies and plans and issued regulations along with the prescribed systems and processes to implement the requirements of MARPOL 73/78 and its Annexes.

After two decades of ratifying MARPOL and Annexes I-V, however, a national law has not been passed and enacted to fully support the prevention and management of pollution from ships. Supporting bills have been filed as early as the 15th Congress until the 17th Congress but failed to hurdle the legislative process. At the 17th Congress, House Bill 8394 entitled, “An Act Providing for the Full and Effective Implementation and Enforcement of International Maritime Instruments of which the Philippines is a State-Party” was approved by the House of Representatives on December 3, 2018 and was transmitted to the Senate on December 4, 2018. Similar bills are currently filed at the 18th Congress. Given the upcoming 2022 election, it is highly unlikely that the bills will be passed.

In addition, given the impacts of the Covid-19 pandemic to the maritime sector, which disrupted travel and deployment of seafarers, and in view of the Updated Philippine Development Plan 2017-2022, where directive for the next two years will focus on recovery and resilience, there is a need to review the MIDP 2019-2028 and the Philippine Maritime Strategy on the Implementation and Enforcement of Relevant Instruments of the International Maritime Organization 2020-2024 to incorporate the actions required from the new directive particularly in relation to maritime transportation under the new normal. Likewise, the House and Senate Bills need to be reviewed an updated in line with these developments.

It can be noted that the Updated PDP focuses on enhancing the efficiency of the transport network system but does not explicitly cover ship waste management. Solid waste management is subsumed under the general waste management programs in support of RA 9003.

In the same vein, the National Transport Policy focuses on enhancing the transport network and connectivity. The Implementing Rules and Regulations call for an environment friendly transport system to promote environmental sustainability and protection through the use of clean and energy-efficient transport technology/fuels but no reference was made on pollution-related concerns from ships or marine-based sources.

### **D.3.2. Institutional arrangements**

The mandates and functions of MARINA, PCG and PPA in relation to the implementation of MARPOL 73/78 and its Annexes are distinct and well delineated as far as the Republic Acts and Presidential Decrees creating these agencies are concerned. The creation of the Interagency Council on IMSAS ensures that coordination is facilitated among the agencies with responsibility to implement the IMO instruments, including MARPOL 73/78 and its Annexes.

MARINA’s 10-year MIDP have identified 4 major causes of declining competitiveness of the maritime industry which include a) poor quality of sea transport system; b) low level of shipbuilding and ship repair productivity; c) unattractiveness of the Philippine ship registry; and d) decreasing quality of maritime officers. Fragmented maritime administration was cited as the underlying reason for this, which arises from unclear delineation of mandates and functions in several national government agencies mandated to perform certain functions for the development promotion, regulation, supervision and/ or monitoring and evaluation of the maritime sector and allied enterprises and organization.

### **D.3.3. Implementation status of ship waste management-related regulations, sectoral laws and strategic plans**

The MIDP, being considered as the overall framework for charting the Philippine maritime industry to global competitiveness and sustainable growth includes waste management in Program 3 on the Development of Coastal and Inland Waterways Transport System as part of Component 1 on Waterways Development and Maintenance under the activities in the development and implementation of coastal and inland waterways classification standards as well as in Component 2 on Ports/Landings/Terminals Construction and Operation and Maintenance as part of the activities in the design and construct of ports/landing terminal including technical maintenance and operation management.

In terms of institutional strengthening, the MIDP has identified key strategic actions that will strengthen MARINA’s capacity in maritime administration and

governance in the first 2 years of MIDP implementation. It is anticipated that inter-agency coordination will be enhanced to eliminate duplication and the functions of the relevant agencies working on the maritime industry/sector will be clearly delineated. As Vice Chairperson of the Inter-agency Council on the IMSAS, created through EO 84, MARINA has a key role to play in the coordination process. MARINA was preparing for the conduct of IMSAS 2021 where the audit will determine the country's implementation and enforcement of mandatory IMO conventions including MARPOL 73/78 and its Annexes. The planned IMSAS audits scheduled for 2022-2021, however, was postponed and will be conducted in 2022 and 2023 due to the Covid-19 pandemic. Two important documents, the Cross Table of Responsibilities and Philippine Strategy on the Implementation and Enforcement of Relevant IMO Instruments were approved by the Members of IMSAS Council at the 2nd Inter-agency Council Meeting held via videoconferencing in preparation for the mandatory audit in October 2022.

The adoption of PPA's Port Environmental Policy in 2018 has facilitated the harmonization of all environmental policy issuances of PPA into a single policy. It will apply to all aspects of PPA port administration, management, operation and development. The adoption of the environmental policy affirmed PPA's corporate direction of ensuring that port activities are focused on minimizing the adverse or negative impact to the environment and ensuring that all aspects of port operation and port development are geared towards the protection and preservation of the environment for the maximum utilization of port facilities, including the operationalization of port reception facilities. It is being implemented as part of PPA's Green, Resilient and Smart Port Strategy (GRaSPS). With the aim to institutionalize GRaSPS in all government ports, implementing guidelines will be formulated that will guide all units of PPA to define their short-, medium- and long-term action plans. The current review was not able to access a copy of the GRaSPS implementing guidelines.

PPA has issued Administrative Orders 02-1998; 05-2007; 06-2013; 08-2014 08-2020 and Memorandum Circular 03-1999, transferring the responsibility to manage, operate, maintain and develop a PPA port to a Local Government Unit (LGU) temporarily where it is located or to Government Corporation created by or authorized

by the said LGU. The AOs and MC cover ports under the administrative jurisdiction of PPA, which generally cater only to domestic vessels and cargoes and not categorized by PPA as vital or priority ports among the ports programmed for development into international standards.

Although the guidelines did not indicate that waste management will be part of the responsibility of the LGUs in managing and operating the port, it is assumed that this is covered since the LGUs are compelled to comply with all applicable laws, policies, guidelines and regulations that are promulgated by the PPA, in addition to the LGUs devolved responsibility in solid waste management under RA 9003.

While the regulations identified the mechanisms for monitoring, enforcement and reporting requirements, information, however, is not readily available from the PPA or PCG's websites to determine implementation progress and challenges (e.g., progress reports on the operation of the reception and treatment facilities and database for vessel-generated wastes), including the monitoring of implementation of garbage management plans submitted by ship operators and garbage record book of vessels.

The Manual on Port Statistics and Port Performance Indicators (PPA MC 02-2017) mainly focuses on shipping traffic/summary of statistics for each PMO and no details on indicators for environmental sustainability and resilience.

Prevention and management of ship-based wastes is reliant on the provision and availability of functional port reception facilities. PPA awarded a contract to Golden Dragon International Terminals, Inc. (GDITI) (<http://www.gditiphilippines.com/> -- Note: website is not working) in 2004 to set up port reception facilities in government and private ports all over the country under PPA's jurisdiction for the collection and disposal of oil, sewage and garbage generated by ships that are engaged both in domestic and foreign trade in line with the Philippine Government's ratification of MARPOL 73/78 and Annexes I-V.

GDITI is therefore the exclusive port reception facility service provider of PPA. Based on a 2009 data (<https://www.portcalls.com/ppa-looking-into-adequacy-of-waste->

reception-facilities/), there were 19 established port reception facilities at the Port Management Offices in selected ports in Luzon, Visayas and Mindanao where GDITI collected 21,998 m<sup>3</sup> of wastes in 2008 from 39,924 domestic and 4,515 foreign vessels, 16,798 m<sup>3</sup> of which is solid and 5,200 m<sup>3</sup> is liquid.

What is not apparent in the reports is the adequacy of shore reception facilities and how solid wastes are handled (i.e., segregation, recycling, etc.) including the coordination between the GDITI with the downstream management operations. There may be a potential risk of transforming ship-waste into land-based pollution if the integration of ship waste management into the overall waste management scheme of local governments, for instance, who operate the municipal solid waste disposal facilities where the wastes are disposed is not well laid out.

On the other hand, as emphasized by MARPOL, PPA must ensure that technological requirements of reception facilities are followed in accordance with end disposal and residues management. Thus, it is anticipated that the port reception facilities provide the necessary services in terms of providing receptacles for wastes, collection facilities and recycling and/or final disposal facilities.

PPA is in the final stages of preparing and finalizing a revised guidelines on the provision of port reception facilities (PRF) in line with PPA's policy to streamline the guidelines for providing port reception facilities for prescribed wastes. The guidelines detail out the collection of a fixed fee regardless of quantity of prescribed waste, which veers away from the previous guidelines under PPA AO 002-2003 where a fixed fee is imposed for the collection of 0.4 cubic meter or less of garbage. The proposed revised guidelines also provide details on the PRF advance notification requirement where ships must notify the Port Management Office or Terminal Management Office of the prescribed waste they will deliver and submit via PPA iPorts the Wastes on Board Vessel Information Form (WOBVIF). The revised guidelines also include ballast water, ship-generated hazardous waste and other ship waste streams in addition to garbage and oily waste and noxious liquid substance in the list of prescribed waste to be delivered

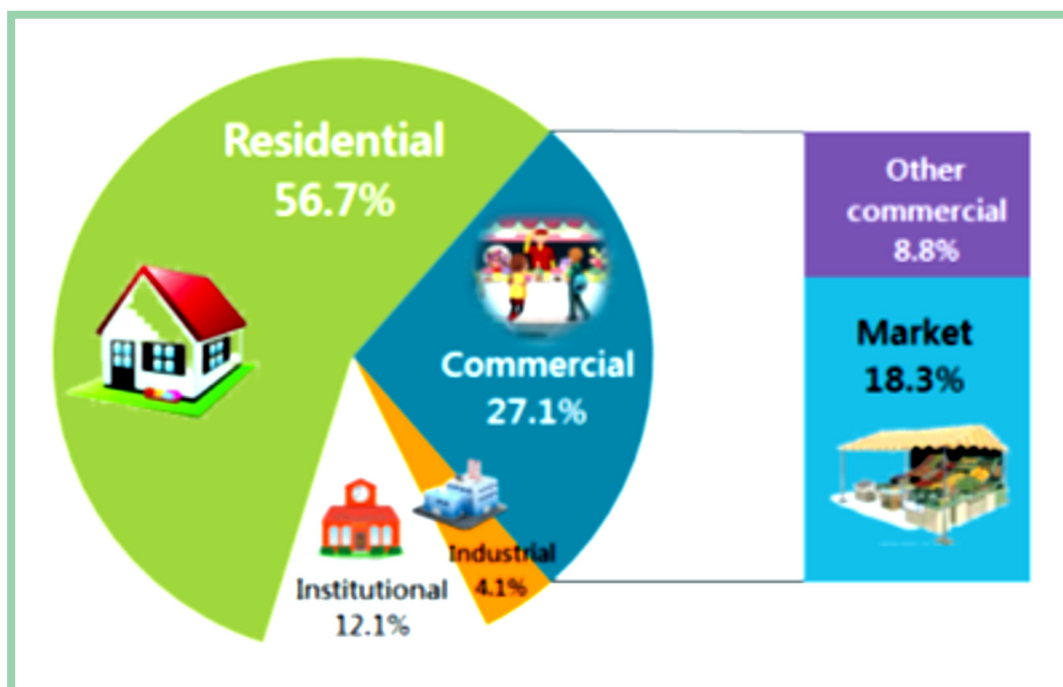
and collected at ports. Furthermore, the revised guidelines include a provision for reporting of inadequate PRF and services, which is not present in AO 002-2003.

Furthermore, the PPA Port Environment Code, which provides a guidance to achieving Green and Sustainable Philippine Ports and a Tool to Manage Current and Future Challenges in the Port's Environment is designed to provide the necessary linkage between port performance and PPA's environmental strategies to properly manage the port's environment by combining the Plan-Do-Check-Act approach and the Planet component of the Triple Bottom Line as its core framework. The adoption of the Code and its implementation is expected to generate positive results from improved environmental performance in ports in line with environmental management system standards.

The National Solid Waste Management Status Report of the NSWMC for 2008-2018 identified residential, commercial, institutional and industrial as sources of municipal solid wastes (MSW) where residential wastes constitute 56.7 per cent of MSW, 27.1 per cent from commercial sources, 12.1 per cent from institutional sources and 4.1 per cent from industrial or manufacturing sector (**Figure 3**). Where does ship wastes or marine-based sources of wastes belong in the estimates? While marine-based sources of mismanaged plastics only represent 20 per cent of the total debris that finds their way into the seas and oceans, the likelihood that these sources of plastics can become land-based if not properly disposed is high.

Strategy 5 of the recently adopted National Plan of Action for the Prevention, Reduction and Management of Marine Litter (NSWMC Resolution No. 1441, s 2021, with a vision of "A Philippines free of marine litter through shared responsibility, accountability, and participatory governance" and an overarching goal of "Zero waste to Philippine waters by 2040" focuses on reducing maritime sources of marine litter. Opportunities are rife to incorporate the provisions of MARPOL 73/78 Annex V during the consultations to thresh out the detailed activities of Strategy 5.2 on ensuring effective and efficient ship waste management, transport, treatment, recovery and disposal at national and municipal ports.

**Figure 3. Percentage contribution of the various sources of municipal solid waste.**



Source: EMB-DENR, 2018.

MARINA, PCG and PPA, in particular are identified as lead agencies in crafting the detailed activities that would lead to the following outcomes: (a) Ships and ports have access to waste management services and facilities; (b) Inter-agency monitoring and data sharing systems agreed upon; (c) Digital waste tracking system established; (d) Port waste reception facilities established in accordance with standards; (e) Ships and ports capacitated with waste management procedures.

Proper disposal of garbage is an important duty among seafarers. Incorporating information on ship waste management, the international, regional and national regulations on marine pollution in training and capacity building programs of maritime professionals would contribute significantly in the implementation of MARPOL 73/78 and its Annexes.

There is limited or lack of information on financing and use of economic instruments in ship waste management.

## **D.4. Best management practices and opportunities**

### **D.4.1. Best management practices**

#### **Marine Waste Reception Facilities Program, Australia.**

The MWRF Program will deliver and publicize best practice facilities for marine waste reception at selected ports, marinas and boat harbors in all coastal States and Territories. In co-operation with the States, Territories, Local Governments and industry, the Program aims to minimize pollution from ships and boats. The MWRF Program is funded through the Coasts and Clean Seas Program, the objective of which is to tackle Australia's coastal and marine environmental problems, now and into the future.

**Hellenic Marine Environment Association (HELMEPA), Greece.** The objective of the initiative is "to instill and

nurture environmental consciousness throughout the shipping industry so as to compliment the requirements of the legislation for pollution prevention and safety at sea. And this because the Greek seafarers understood that even the most widely accepted international conventions and national laws cannot be effectively implemented until every sector of the shipping industry is committed to the joint effort. Such a commitment, they declared, would be effective only through a concerted voluntary effort to educate, inform and motivate all, from shipowner to the last seafarer". HELMEPA is in charge of maritime training (for ships' crews) and environmental education.

**Green Port Project North Sea.** The project aims at developing a management system for the collection and disposal of ships' waste generated in the **North Sea Region**. The system will, on a regional basis, implement the new EU directive and integrate the framework for coastal planning taking into account the socio-economic and environmental needs and constraints of the coastal area.

Port Safety Health and Environmental Management System (PSHEMS) Certification and surveillance services through cost-sharing arrangement implemented in ports in the Philippines (Batangas, Cagayan de Oro, Iloilo, General Santos), Thailand (Bangkok and Laem Chabang), and Cambodia (Sihanoukville). Environmental and economic benefits included: 90% compliance with regulatory requirements; increase in green cover in the ports; reduction in CO2 emissions and accidental spills and Bangkok and Laem Chabang Ports received the Asia-Pacific Economic Cooperation (APEC) Port Services Network (APSN) Green Port Awards twice.

PPA's adoption of the **Port Environmental Policy**, which harmonized all environmental policy issuances and where PPA's environmental activities and strategies of PPA are anchored has promoted the implementation of Common Green Port Initiatives and Environmental Best Practices, as presented in **Table 3**.

#### **D.4.2. Plans of action, projects and programs with marine pollution component**

Sustainable Development Goals Strategy (2021-2030) of the IMO Secretariat providing support to member states in the implementation of the SDGs through its regulatory framework, which is shaping directions for the maritime industry on an international scale and as such is also supporting the SDGs, through targeted projects, technical cooperation and partnership building.

Implementation of the Action Plan to Address Marine Plastic Litter from Ships in accordance with Resolution MEPC.310(73) which include 30 action measures with the following outcomes:

- Outcome 1: Reduction of marine plastic litter generated from, and retrieved by, fishing vessels
- Outcome 2: Reduction of shipping's contribution to marine plastic litter
- Outcome 3: Improvement of the effectiveness of port reception and facilities and treatment in reduction marine plastic litter
- Outcome 4: Enhanced public awareness, education and seafarer training
- Outcome 5: Improved understanding of the contribution of ships to marine plastic litter
- Outcome 6: Improved understanding of the regulatory framework associated with marine plastic litter from ships
- Outcome 7: Strengthened international cooperation
- Outcome 8: Targeted technical cooperation and capacity-building

**Table 3. Types of Common Green Port Initiatives and Environmental Best Practices implemented by Port Management Offices according to their nature or purpose.**

Prevention of Pollution	Protection/Conservation of Environment	Enhancement of Environmental Performance
<ul style="list-style-type: none"> <li>• Port waste management</li> <li>• Air quality monitoring</li> <li>• Water quality monitoring</li> <li>• Emission testing</li> <li>• Shore-based power supply utilization</li> </ul>	<ul style="list-style-type: none"> <li>• Tree and mangrove planting</li> <li>• Coastal and ports clean-up</li> <li>• Greening of port premises/ Gandang Pantalan/ Puerto Guapo/ in-port carbon sinks/ Port gardening vermicomposting/ Conversion of idle port land to herbal gardens</li> <li>• Energy conservation measures/ Observance of Earth Hour</li> <li>• Provision of efficient solar-based or LED lighting system</li> <li>• Water conservation measures</li> <li>• Water clean-up/ underwater clean-up SCUBASURERO</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct of port safety, health and environment inspection</li> <li>• Maintenance of valid environmental permits and licenses/ environmental clearance certificates</li> <li>• Membership in local environmental council.</li> <li>• Lecture/ environmental extension program (e.g., mural painting, photography content, fish feeding)</li> <li>• Computerization/ automation of system utilizing paperless transactions</li> <li>• Use of Euro 4 compliant fuels</li> </ul>

Source: Mapalo, F. 2020. UNCTAD Port Management Series 2020, Volume 8.

Implementation of the Sustainable Development Strategy for the Seas of East Asia 2023-2027 and Roadmap to 2030 which provides:

- policy and legislative support
- capacity building opportunities
- knowledge management and networking
- implementation of management programs on pollution reduction, waste management and water use management

Implementation of projects and programs where Philippines is a beneficiary country:

- IMO NORAD PEMSEA Project
- GEF/UNDP/IMO Project on GloMEEP
- IMO/FAO GloLitter Partnerships Project
- UNEP COBSEA Sea Circular; Regional Action Plan on Marine Litter
- ASEAN Cooperation for Joint Oil Spill and Response; ASEAN Regional Oil Spill Contingency Plan
- ASEAN Framework of Action on Marine Debris
- IKI/IMO/PEMSEA Project on Reducing Maritime Transport Emissions in East and Southeast Asian Countries (Blue Solutions Project)

# CONCLUSIONS AND RECOMMENDATIONS

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In general, the Philippines is compliant to the requirements of MARPOL 73/78 and its Annexes, as supported by the numerous policies, regulations, guidelines, strategies, action plans, programs and projects that were developed, adopted and implemented by the 3 key agencies with functions that are relevant to the maritime sector and protection of the coastal and marine environment in the past two decades.

Below are some findings and recommendation to improve the current regulatory framework and strengthen the compliance of ports, shipping lines, waste operators and relevant authorities for the management and handling of ship wastes in line with the requirements of MARPOL 73/78 and its Annexes:

- a) As a signatory to the Convention, the passage of a national law through the Philippine Congress that will provide the umbrella framework and fully support the prevention and integrated management of pollution from ships remains critical. With the upcoming 2022 election, the bills filed at the Senate and Lower House of the 18th Congress that will support the full and effective implementation and enforcement of international maritime instruments, including MARPOL 73/78 may not be passed. Opportunities to update the bills for filing at the 19th Congress is rife in consideration of the SDGs, Covid-19 recovery and resilience measures of the government and other maritime industry related developments and practices.
- b) The gaps and challenges in the implementation of supporting regulations (e.g., functional port reception facilities) that compelled PPA, for instance, to revise/update and amend existing regulations (e.g., revised guidelines on the provision of port reception facilities) is commendable.
- c) Mechanisms for monitoring, enforcement and reporting requirements are well laid out in the regulations. However, the information is not available for the public from the PPA and PCG's websites to determine implementation progress and challenges (e.g., progress reports on the operation of the reception and treatment facilities and database for vessel-generated wastes), including the monitoring of implementation of garbage management plans submitted by ship operators and garbage record book of vessels. Improvements in the reporting mechanism is recommended to provide guidance in refining current ship waste management practices in the ports. Also, information on monitoring of enforcement of regulations related to ship waste management that can be made available to the public would be helpful for researchers and other entities that are interested on policy development related to ship waste management.
- d) The IMO Member State Audit Scheme provides additional control mechanism that will determine if the country's obligations to implement and enforce the mandatory IMO conventions, including MARPOL 73/78 and its Annexes, are fully met. The results and recommendations from the upcoming IMSAS audit in 2022-2023 would help inform the government to undertake corrective actions to address bottlenecks in port operations and management. In the context of waste management, the recommendations are anticipated to provide measures to improve PRF services, particularly their adequacy and efficiency, as well as promoting transparency in reporting.

- e) In relation to the Decade of Action for achieving the Sustainable Development Goals in 2030, ports around the world are increasingly under pressure to go green. PPA's move to advance climate change mitigation initiatives and aligning its operations with international best practices of port sustainability and resilience, i.e., Green Port Awards System of the APEC Port Services Network, is commendable.
- f) The PPA Port Environment Code or Green Code, which is undergoing finalization is another commendable initiative of PPA, which will facilitate the measurement of the performance of the port in properly managing and addressing performance gaps and properly formulate and implement actions that are responsive to the current and future challenges to the port's environment. More importantly, the Green Code incorporates the elements of prevailing international guidelines and systems such as the World Bank Environmental, Health, and Safety Guidelines for Ports, Harbors, and Terminals; the ISO 14001- Environment Management System and the EU Eco-Management and Audit Scheme, rendering the Green Code responsive to global standards. Presence of management programs or actions addressing environmental aspects related to ship waste are anticipated to be a key requirement of the Code.
- g) Replicating good practices in selected ports such as Batangas Port where a Ship Waste Management Manual is being developed to assist ports and terminal to establish a sustainable ship waste management system. The manual also describes in detail all aspects of the waste handling system and specific waste handling system in PMO Batangas.

Waste includes those coming from ships, port or terminal and cargo residues.

- h) Skills and capacity development for port personnel and staff should be continually pursued to raise their competence to global standards and development concerning the implementation of MARPOL 73/78, the UN SDGs with port services related concerns as well as national policies, plans and programs on pollution reduction and waste management. Engaging the private sector port services providers in capacity building and awareness and advocacy activities related to pollution reduction and waste management would render them equally competent and aware of the policies, rules and regulations to keep their operation aligned with MARINA, PCG and PPA's priorities and direction in ship waste management, including DENR's policy issuances and guidelines on waste management in general.



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# ANNEX 1

## NATIONAL LAWS AND STRATEGIC PLANS

Number	Title	Brief overall description/purpose
<b>REPUBLIC ACTS</b>		
<b>RA 9003</b>	<ul style="list-style-type: none"> <li>Ecological Solid Waste Management Act of 2000</li> </ul>	<ul style="list-style-type: none"> <li>Declaration of the policy of the government to “adopt a systematic, comprehensive, and ecological solid waste management program” in the country based on the following:               <ul style="list-style-type: none"> <li>Source reduction (avoidance) and minimization of waste generated at source</li> <li>Reuse, recycling and resource recovery of wastes at the barangay level</li> <li>Efficient collection, proper transfer, and transport of wastes by city/municipality</li> <li>Efficient management of residuals and of final disposal sites and/or any other related technologies for the destruction/reuse of residuals</li> </ul> </li> <li>Provided in RA 9003 and its IRR are mandates and schedules of implementation to be undertaken by provincial, city/municipal, and barangay governments within their jurisdiction</li> </ul>
<b>RA 9275</b>	<ul style="list-style-type: none"> <li>Clean Water Act of 2004</li> </ul>	<ul style="list-style-type: none"> <li>Provides for the protection, preservation, revival of quality of fresh, brackish and marine waters of the country to pursue economic growth.</li> </ul>
<b>PRESIDENTIAL DECREES</b>		
<b>PD 1152</b>	<ul style="list-style-type: none"> <li>Philippine Environment Code</li> <li>Enacted on June 6, 1977</li> </ul>	<ul style="list-style-type: none"> <li>The overriding concern of this law is the development of a comprehensive and holistic program for environmental protection and management. It establishes specific management policies and prescribes environmental quality standards. This includes regulations concerning air quality, water quality, land-use management, natural resources management and conservation and waste management.</li> <li>Provides for incentives on the importation of pollution control equipment, tax credit for the purchase of locally-manufactured pollution control equipment and tax deduction entitlement for expenses incurred for research and development on the manufacture of pollution control equipment.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Creation of a Solid Waste Management (SWM) Board (city/municipal and provincial levels)</li> <li>• Creation of a SWM Committee (barangay level)</li> <li>• Submission of a 10-year SWM Plan (city/municipal levels),</li> <li>• Establishment of Materials Recovery Facilities (MRF) per barangay or cluster of barangays and city/municipal centralized MRF</li> <li>• Closure of open dumpsites and conversion into controlled dumpsites by 2004 (city/municipal levels)</li> <li>• Banning of controlled dumpsites by 2006 (city/municipal levels)</li> </ul>	<ul style="list-style-type: none"> <li>• No specific mention of waste management from ship-based sources</li> </ul>
<ul style="list-style-type: none"> <li>• Prevent, control and abate pollution of the country's water resources; promote environmental strategies for the protection of water resources; formulate a national program of water quality management; promote commercial and industrial processes and products that are environment friendly and energy efficient; etc.</li> <li>• Shall provide for the designation of water quality management areas by DENR, in coordination with the National Water Resources Board; the designation of water bodies where specific pollutants from either natural or man-made sources have already exceeded water quality guidelines as non-attainment areas for the exceeded pollutants</li> <li>• A national program on sewerage and septic management; domestic sewage collection, treatment and disposal; water pollution permits and charges; offences and penalties; etc.</li> <li>• Implemented by Administrative Order No. 2016-08 of DENR Promulgating the Water Quality Guidelines and General Effluent Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Provides for the abatement and control of pollution from land-based sources, and lays down water quality standards and regulations.</li> <li>• No specific reference to sea-based sources of pollution</li> </ul>
<ul style="list-style-type: none"> <li>• Title V, Sections 42 – 51 provide guidelines for waste management; methods of solid waste disposal and methods of liquid waste disposal.</li> <li>• Section 49: Dumping into the Sea and Other Navigable Waters. The dumping or disposal of solid wastes into the sea and any body of water in the Philippines, including shorelines and river banks, where these wastes are likely to be washed into the water is prohibited. However, dumping of solid wastes or other materials into the sea or any navigable waters shall be permitted in case of immediate or imminent danger to life and property, subject to the rules and regulations of the Philippine Coast Guard and the National Pollution Control Commission.</li> </ul>	

Number	Title	Brief overall description/purpose
PD No. 984	<ul style="list-style-type: none"> <li>National Pollution Control Decree of 1976</li> <li>Providing for the Revision of RA No. 3931, commonly known as the Pollution Control Law, and for other Purposes</li> </ul>	<ul style="list-style-type: none"> <li>Basic charter governing pollution control with the creation of the National Pollution Control Commission (NPCC) as the “primary agency responsible for the prevention and control of environmental pollution”</li> <li>EO No. 192, Series of 1987 abolished the NPCC and its rule-making powers were lodged in the Environment Management Bureau (EMB) of DENR while its quasi-judicial powers were transferred to the Pollution Adjudication Board (PAB).</li> </ul>
PD 600	<ul style="list-style-type: none"> <li>Prevention and Control of Marine Pollution or Marine Pollution Decree of 1974</li> </ul>	<ul style="list-style-type: none"> <li>National policy to prevent and control the pollution of seas by dumping of wastes and other matter which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines</li> </ul>
PD 979	<ul style="list-style-type: none"> <li>Providing for the Revision of Presidential Decree No. 600 Governing Marine Pollution or Marine Pollution Decree of 1976</li> </ul>	<ul style="list-style-type: none"> <li>PD No. 600 as revised by PD No. 979 or the Marine Pollution Decree seeks to prevent and control the pollution of seas by the dumping of wastes and other matters which create hazards to human health, harm living resources and marine life, damage amenities, or interfere with the legitimate uses of the sea within the territorial jurisdiction of the Philippines (Section 2).</li> </ul>

#### POLICIES AND STRATEGIC PLANS

Philippine Development Plan	<ul style="list-style-type: none"> <li>Updated Philippine Development Plan 2017-2022</li> </ul>	<ul style="list-style-type: none"> <li>Anchored on the government’s 0–10-point socioeconomic agenda and geared towards the achievement of the long-term vision: <i>Isang matatag, maginhawa, at panatag na buhay para sa lahat</i>.</li> <li>The Updated PDP responds to the emergence of new threats to the country’s growth prospects and guides the transition towards economic recovery (reprogrammed activities and projects under the new normal).</li> </ul>
NEDA Board Resolution No. 5 (27 June 2017)	<ul style="list-style-type: none"> <li>Adopting the National Transport Policy</li> </ul>	<ul style="list-style-type: none"> <li>Formulated to help achieve the Transport Vision of a “safe, secure, reliable, efficient, integrated, intermodal, affordable, cost-effective, environmentally sustainable, and people-oriented national transport system that ensures improved quality of life of the people”.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 4: Deposit of refuse in navigable Water               <ul style="list-style-type: none"> <li>- Prohibition to throw, discharge, etc of any refuse matter of any kind or description from or out of any ship, barge or other floating craft of any kind or from the shore, wharf, manufacturing establishment, or mill of any kind</li> </ul> </li> <li>• Section 5: Prohibition against discharge of oil and other harmful substances               <ul style="list-style-type: none"> <li>- Prohibits any person to discharge oil, noxious liquid substances and other harmful substances into or upon the territorial and inland waters of the Philippines</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• PCG is authorized and empowered to prescribe rules and regulations in pursuance of the purposes of PD 600.</li> </ul>
<ul style="list-style-type: none"> <li>• Section 4: Elaboration on the prohibited acts as described in Section 4 in PD 600</li> <li>• Section 5: Responsibilities of NPCC (now subsumed under EMB) and PCG in promulgating rules and policies governing marine pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Added in the definition navigable waters and refuse (garbage, wastes, etc, other than sewage and industrial wastes)</li> <li>• PD No. 979 is the enacting legislation for a number of provisions in MARPOL 73/78. The law also tasks the Philippine Coast Guard (PCG) to develop an adequate capability for containment and recovery for spilled oil for inland waters and high seas use.</li> </ul>
<ul style="list-style-type: none"> <li>• Chapter 19: Accelerating Infrastructure development – updated targets for water transport until end of plan and solid waste management (Table 19.1)               <ul style="list-style-type: none"> <li>- Maritime transport:                   <ul style="list-style-type: none"> <li>• Improve port facilities to ensure that inter-island shipping, including a stronger roll-on/roll-off (RORO) network, will remain a viable option for transporting people and cargo.</li> <li>• Sustain the optimal utilization of existing and additional port capacities.</li> <li>• Promote maritime transport as an alternative sustainable mode.</li> <li>• Implement the Maritime Industry Development Plan (MIDP).</li> </ul> </li> <li>- Legislative agenda:                   <ul style="list-style-type: none"> <li>• Enactment of the National Transport Policy</li> <li>• Enactment of a law creating independent regulatory bodies for the railway and maritime transport sectors</li> <li>• Amendments to the Ecological Solid Waste Management Act (RA 9003)</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• SWM targets only covers # of barangays served with MRFs and # of LGUs served by sanitary landfills</li> </ul>
<ul style="list-style-type: none"> <li>• Section 1: To achieve the Transport Vision, the Government hereby adopts the National Transport Policy which all elements of the transport system and all sub-sectors of transportation, including passengers, shippers, service providers, investors, agencies and instrumentalities of government and those involved in the movement of people and goods and in the provision of transport infrastructure, facilities and services, shall abide by and use as guidance in transport development, management, operations, and use.</li> </ul>	<ul style="list-style-type: none"> <li>• The absence of single encompassing policy document for the transport sector has manifested recurring challenges, including, among others, (a) the lack of integrated and coordinated transport network;</li> </ul>

Number	Title	Brief overall description/purpose
<b>National Solid Waste Management Strategy 2012-2016</b>	<ul style="list-style-type: none"> <li>Intends to provide a mechanism to materialize the National SWM Framework, implement the provisions of RA 9003 and its implementing rules and regulations, and mainstream cross-cutting policies and emerging concepts into the Philippine SWM sector in a strategic and well-coordinated manner.</li> </ul>	<ul style="list-style-type: none"> <li>Sets the development path for the Philippine SWM sector in the upcoming five years and contains detailed proposals and criteria for NSWMC, its member agencies and other concerned organizations to more effectively ensure the full implementation of RA 9003.</li> <li>A key element of the strategy allows for a participatory review of the gains and challenges in SWM more than a decade after the passage of the law, formulation of strategic issue statements and strategic components, consultations with national and local stakeholders and prioritization of key initiatives.</li> </ul>
<b>NSWMC Resolution No. 1441, S. 2021</b>	<ul style="list-style-type: none"> <li>Adopting the National Plan of Action for the Prevention, Reduction and Management of Marine Litter (NPOA-ML)</li> </ul>	<ul style="list-style-type: none"> <li>A Philippines free of marine litter through shared responsibility, accountability, and participatory governance" and an overarching goal of "Zero waste to Philippine waters by 2040";</li> <li>aims to provide blueprint to enhance the current efforts of the country in resource and waste management and to bring additional lens to marine litter issues and the control of additional leakage of waste into bodies of water</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 2: Areas of coverage: The National Transport Policy covers the following policy focus areas: (a) Resource Generation, Allocation and Cost Sharing; (b) Program and Project Selection; (c) Cost Recovery and Subsidies; (d) Regulation of Passenger Transport Services; (e) Transportation Management in Urban and Regional Areas; (f) Support to Other Economic Sectors; and, (g) Governance and Institutions.</li> <li>• Section 10: The National Economic and Development Authority (NEDA), DOTr and the Department of Public Works and Highways (DPWH), through the InterAgency Technical Committee on Transport Planning (IATCTP) and NEDA Board-Committee on Infrastructure (INFRACOM), shall undertake the necessary measures to implement the National Transport Policy.</li> </ul>	<p>(b) overlapping and conflicting functions of transport agencies; (c) transport safety and security concerns; and (d) inadequate transport facilities particularly in conflict-affected and underdeveloped areas. Pending the passage of policies requiring legislative action, it was deemed necessary that policy changes and reforms that can be administratively undertaken under existing laws be adopted and implemented to respond to the urgent transport demands and requirements of the national economy.</p>
<ul style="list-style-type: none"> <li>• Eight components were identified and envisioned to address the strategic issues and gaps that hinder the smooth implementation of RA 9003 and the National Solid Waste Management Framework that gave emphasis to waste avoidance, source reduction, reuse, recycling and composting and residuals management.</li> </ul>	
<ul style="list-style-type: none"> <li>• Strategy 4: Prevent leakage from collected or disposed waste</li> <li>• Strategy 5: Reduce maritime sources of marine litter</li> <li>• Strategy 6: Manage litter that is already existing in the riverine and marine environments</li> <li>• Strategy 7: Enhance policy support and enforcement for marine litter prevention and management</li> <li>• Strategy 8: Develop and implement strategic and targeted social marketing and communications campaigns using various media</li> </ul>	

# ANNEX 2

## LEGISLATIONS AND ISSUANCES OF MARITIME INDUSTRY AUTHORITY

Number	Title	Brief overall description/purpose
<b>REPUBLIC ACT</b>		
<b>RA 10635</b>	<ul style="list-style-type: none"> <li>An Act Establishing the Maritime Industry Authority as the Single Maritime Administration Responsible for the Implementation and Enforcement of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as Amended, and International Agreements or Covenants Related Hereto</li> </ul>	<ul style="list-style-type: none"> <li>Creation of a single maritime administrative system and structure that shall provide an enabling environment for the business of Philippine seafaring; establish appropriate institutional arrangements with other agencies of government; and create an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry consistent with the STCW Convention; and to harmonize all legal and administrative measures which are taken and provided for by government regulatory agencies and ensure that such measures are appropriate and consistent with the STCW Convention.</li> </ul>
<b>PRESIDENTIAL DECREES</b>		
<b>PD 474</b>  Maritime Industry Decree of 1974	<ul style="list-style-type: none"> <li>Providing for the Reorganization of Maritime Functions in the Philippines, Creating the Maritime Industry Authority, and for Other Purposes</li> </ul>	<ul style="list-style-type: none"> <li>Creation of MARINA to accelerate the integrated development of the maritime industry of the Philippines through:</li> <li>Adoption and implementation of a practicable and coordinated Maritime Industry Development Program;</li> <li>Provide and help provide the necessary financial assistance to the industry through public and private financing institutions and instrumentalities; (ii) technological assistance; and (iii) in general, a favorable climate for expansion of domestic and foreign investments in shipping enterprises; and</li> <li>Provide for the effective supervision, regulation and rationalization of the organizational management, ownership and operations of all water transport utilities, and other maritime enterprises</li> </ul>
<b>EXECUTIVE ORDER</b>		
<b>EO 84</b>	<ul style="list-style-type: none"> <li>Creation of an Inter-agency Council on the IMO Member State Audit Scheme</li> </ul>	<ul style="list-style-type: none"> <li>Creation of an Inter-Agency Council on the IMSAS (Council) to be composed of the Secretary of the Department of Transportation (DOTr) as Chairperson and the Administrator of the Maritime Industry Authority (MARINA) as Vice Chairperson, and representatives from the Department of Foreign Affairs, Philippine Coast Guard, Philippine Ports Authority and Cebu Port Authority, as members.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 3: MARINA shall be the single maritime administration mandated to implement and enforce the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. It shall carry out an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry.</li> <li>• Section 4: Powers and functions: C.4: Shall ensure that all maritime education, including the curricula and training programs, are structured and delivered in accordance with the written programs, methods and media of delivery, procedures, and course materials compliant with international standards as prescribed under the STCW Convention.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 4.C.4.ii indicates the role of the Technical Panel on Maritime Education to formulate, review and recommend to the CHED en banc all policies, standards, and guidelines for maritime education, including curricula, facilities and guidelines, among others.</li> </ul>
<ul style="list-style-type: none"> <li>• Section 5: MARINA creation and organization which shall have general jurisdiction and control over all persons, corporations, firms or entities in the maritime industry of the Philippines and shall supervise, regulate in accordance with this Decree.</li> <li>• Article A: Maritime Industry Authority <ul style="list-style-type: none"> <li>- Section 5: Maritime industry development program: preparation and updating of 10-year Maritime Industry Development Program</li> </ul> </li> <li>• Article B: Maritime Industry Board <ul style="list-style-type: none"> <li>- Sections 6 and 7: Powers and functions of the Maritime Industry Board; composition and organization</li> </ul> </li> <li>• Article C. Management <ul style="list-style-type: none"> <li>- Sections 8-13: Management Head, Administrator and Deputy Administrators; Powers and Functions of Administrator; Maritime industry manpower needs</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The TWG of the Committee on Ecology of the House of Representatives at its 4th Meeting on 1 March 2021 has discussed the awareness.</li> </ul>
<ul style="list-style-type: none"> <li>• Section 2: Functions of the Council: Shall ensure that its member agencies shall implement and comply with all the policies, laws and issuances pertaining to the implementation of the IMO instruments in an integrated manner through: <ul style="list-style-type: none"> <li>- Effectively and carefully plan, manage and monitor the efforts of national government agencies and instrumentalities involved in the implementation of applicable IMO instruments pertaining to: (i) safety of life at sea; (ii) prevention of pollution from ships; (iii) standards of training, certification and watch keeping for seafarers; (iv) load lines; (v) tonnage measurement of ships; and (vi) regulations for preventing collisions at sea;</li> <li>- Ensure the adoption of rules and regulations implementing the provisions, requirements and technical annexes of applicable international instruments, as well as future amendments thereto;</li> <li>- Review, approve and implement a National Work Programme (NWP) as defined under Section 3 of this Order, as well as adopt mechanisms to ensure that international obligations and responsibilities of the Philippines as a flag, port and coastal State are fully satisfied; and</li> <li>- Perform such other functions as may be directed by the President.</li> </ul> </li> </ul>	

Number	Title	Brief overall description/purpose
<b>MEMORANDUM CIRCULARS</b>		
<b>MC 01-2007</b>	<ul style="list-style-type: none"> <li>Rules to Implement Double Hull Requirement Under MARPOL 73/78, Annex 1, as Amended, on Oil Tankers Operating in Philippine Domestic Waters</li> </ul>	<ul style="list-style-type: none"> <li>To prescribe measures that will foster the prevention of oil pollution in the event of collision or stranding from oil tankers operating in Philippine domestic waters</li> </ul>
<b>MC 03-2015</b>	<ul style="list-style-type: none"> <li>Rules on Categorization of Navigational Areas/ Waters in the Philippines</li> </ul>	<ul style="list-style-type: none"> <li>To categorize the navigational areas/ waters in the Philippines where all domestic ships operate and navigate;</li> <li>To rationalize the area of operation of vessels specially the wooden hull ships below 35 GT and motorbancas/ motorboat with outriggers viz a viz the categorized navigational areas; and</li> <li>To serve as basis in the review/ amendment of existing Memorandum Circulars governing licensing, safe manning and life-saving appliances/equipment.</li> <li>Applies to all Philippine-registered ships of any size operating in Philippine waters engaged in commercial operations, except fishing vessels and government-owned ships not engaged in transporting goods and people</li> </ul>
<b>MC SR 02-2020</b>	<ul style="list-style-type: none"> <li>Rules and Regulations on the Construction of Tank and Installation of Equipment to Collect, Store and Treat Sewage from Ships in Compliance to Annex 4 of MARPOL 73/78, as Amended</li> </ul>	<ul style="list-style-type: none"> <li>Ensures that all Philippine-registered ships shall have adequate design facility for sewage treatment plant (STP) and/or holding tank in compliance with Annex 4 of MARPOL 73/78</li> <li>To promote effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matter</li> <li>Shall apply to all persons, corporations, partnerships, firms and entities acquiring or operating ships of 400 gross tonnage and above and ships below 400 gross tonnage and certified to carry more than 15 persons including crew.</li> <li>Exempted are passenger bancas and service boat of travel time of less than 3 hours carrying 15 passengers and below</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 3: Creation of TWG responsible for:               <ul style="list-style-type: none"> <li>- Develop and submit to the Council an NWP on the implementation of the relevant IMO instruments which shall include the delineation of roles and responsibilities, institutional arrangements, and identification of resource requirements;</li> <li>- Develop a monitoring mechanism to assess the progress of implementation of IMO instruments;</li> <li>- Perform such functions as may be directed by the Council.</li> </ul> </li> <li>• Section 4: Creation of Secretariat (Overseas Shipping Service of MARINA)</li> </ul>	
	<ul style="list-style-type: none"> <li>• Pursuant to Sec. 10 (6) and 10 (7) of R.A. No. 9295, in conjunction with Chapter XVI of the PMMRR 97, and Annex 2 of RESOLUTION MEPC. 117(52), the following rules are hereby adopted</li> </ul>
<ul style="list-style-type: none"> <li>• Section 4: General provisions on parameters for categorizing the navigational areas/waters in the country:               <ul style="list-style-type: none"> <li>- Protected water: Covers navigable areal water within three (3) nautical miles from the nearest land.</li> <li>- Coastal areas: Covers navigable areal water which is more than three (3.0) nautical miles from the nearest land.</li> <li>- Open sea: Covers navigable areal water that is not classified as protected and coastal water but still within the area! jurisdiction of the Philippines.</li> </ul> </li> <li>• A program to rationalize the operation of wooden hull ships below 35 GT and motorbancas, motorboats with outriggers</li> </ul>	<ul style="list-style-type: none"> <li>• Includes a definition of protected water, coastal water and open sea</li> </ul>
<ul style="list-style-type: none"> <li>• Section 4: General provision: Submission to MARINA of all Philippine registered ship the installation plan for holding tank and/or STP</li> <li>• Section 5: letter of intent; plans and specifications</li> <li>• Section 6: Enforcement and monitoring: The Administration shall undertake periodic, random inspection of Philippine registered ships calling at any Philippine ports to ensure compliance with the circular. Philippine registered ships trading overseas shall be subject to survey/inspection under the oversight function of the Administration</li> </ul>	<ul style="list-style-type: none"> <li>• Includes the definition of black sewage or sewage, grey sewage and ship sewage treatment plant</li> </ul>

Number	Title	Brief overall description/purpose
MC SR 06-2020	<ul style="list-style-type: none"> <li>Rules and Regulations on the Mandatory Use of 0.50% m/m Sulphur Limit on Fuel Oil for All Philippine Ships in Compliance with Annex VI of MARPOL 73/78, as amended</li> </ul>	<ul style="list-style-type: none"> <li>Ensures that all Philippine registered ships comply with the mandatory use of 0.50% m/m sulphur limit on fuel oil in compliance with MARPOL 73/78 Annex 6 on the Regulations for the Prevention of Air Pollution from Ships where the Philippines is a party to the Convention</li> <li>Promote the effective control of all sources of marine pollution and to take all practicable steps to reduce air pollution and greenhouse gases from ships</li> <li>Applies to all Philippine registered ships, engaging or intending to engage in domestic and international voyages; Ports, refineries and fuel suppliers shall comply with the implementation of the Circular</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 5: General provision               <ul style="list-style-type: none"> <li>- All Philippine registered ships plying in international trade shall comply with the 0.50% m/m fuel oil sulphur content limit by January 1, 2020</li> <li>- All Philippine ships plying in domestic trade shall comply with the 0.50% m/m fuel oil sulphur content limit by January 1, 2025</li> <li>- All Philippine registered ships in the domestic trade shall develop a Ship Specific Implementation Plan based on the Phase in Low Sulphur Fuel Oil (LSFO) Implementation Plan. The plan should be complemented with a record of actions taken by the ships in order to be compliant by the applicable date. However, ships that are operating and approved Exhaust Gas Cleaning System (EGCS) shall be able to use and carry fuel oil with sulphur content that is more than 0.5% m/m.</li> <li>- For consistent interpretation and implementation of the use of LSFO under MARPOL 73/78, Annex VI, shipowners, operators, charterers and IACS/ROs shall use the approved MEPC.1/Circ.878 and its subsequent amendments on the Guidance on the Development of Ship Specific Implementation Plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI.</li> <li>- The Circular requires specific information to be included in the Bunker Delivery Note provided to a ship receiving fuels and make available to MARINA and other enforcing agencies for monitoring purposes</li> </ul> </li> <li>• Section 6: Permitted alternative measures for compliance</li> <li>• Section 7: Use of approved ECGS or Scrubber to comply with low sulphur fuel oil limit</li> <li>• Section 8: Monitoring and enforcement: Survey and certification shall be conducted by MARINA or its ROs</li> <li>• Section 9: Information related to non-compliance under the circular: non-compliance shall be reported to MARPOL Annex VI GISIS Module (Regulation 11.4)</li> <li>• Section 10: Non availability of low sulphur fuel oil: Regulations 18.2.4 and 18.2.5 of MARPOL Annex VI require the ship to notify MARINA/ROs or other implementing agencies of the port of destination on the inability to obtain compliant fuel oil with the party to notify IMO of the non-availability (Fuel Oil Non-availability Report)</li> <li>• Section 11: Fines and penalties: Administrative fine of 3M and suspension of authority to operate</li> <li>• Section 12: Transitory provisions</li> </ul>	

# ANNEX 3

## LEGISLATIONS AND ISSUANCES OF THE PHILIPPINE COAST GUARD

Number	Title	Brief overall description/purpose
<b>REPUBLIC ACT</b>		
<b>RA 9993</b>  Philippines Coast Guard Law of 2009	<ul style="list-style-type: none"> <li>An Act Establishing the Philippines Coast Guard as an Armed and Uniformed Service Attached to the Department of Transportation and Communications, Thereby Repealing Republic Act No. 5173, as Amended, and for Other Purposes.</li> </ul>	<ul style="list-style-type: none"> <li>Recognizing the technological advances and increased economic activity in the maritime industry and the rising challenges in securing the maritime environment and jurisdiction, the said law sees the PCG as a maritime law enforcement agency able to adequately and effectively respond in the performance of its mandated functions.</li> <li>The PCG therefore, is envisioned to protect the maritime jurisdiction of the country, particularly on safety, environmental protection and security, and against lawlessness.</li> <li>The PCG will play a lead role in the operations and sustainment of the National Coast Watch Center (NCWC) which will serve as the focal point in the Maritime Situational and Maritime Domain Awareness.</li> </ul>
<b>MEMORANDUM CIRCULARS</b>		
<b>MC 02-1980</b>	<ul style="list-style-type: none"> <li>Rules for Accreditation of Oil Water Separators, Oil Containment Recovery and Dispersal Equipment and Chemical Dispersants</li> </ul>	<ul style="list-style-type: none"> <li>Provides for the procedures for accreditation by the PCG of the following facilities: (i) Oil water separators for installation on board vessels of 1000 GT and above and in oil terminals where the discharge of oily and dirty ballast is conducted; (ii) Chemical dispersants to be provided on board self-propelled barges/tankers and vessels towing dumb barges and in refineries and depots; and (iii) Oil containment, recovery and dispersal equipment to be provided in oil refineries and major oil loading ports.</li> </ul>
<b>MC 01-1981</b>	<ul style="list-style-type: none"> <li>Rules and Regulations on Monitoring Procedures for Safety of Life at Sea (SOLAS) and Maritime Environmental Protection (MEP) Requirements for Domestic Vessels</li> </ul>	<ul style="list-style-type: none"> <li>Prescribes a system for the orderly and effective vessel monitoring process responsive to the promotion of safety of life at sea and for maritime protection. It provides for a procedure for the arrival and departure of ships, vessels, or any watercraft. It gives authority to the PCG to board and inspect all vessels at any time, whether in port or underway, to determine compliance with SOLAS and MEP.</li> </ul>
<b>MC 02-1991</b>	<ul style="list-style-type: none"> <li>Dumping and Discharging of Wastes and Other Harmful Matters at Sea</li> </ul>	
<b>MC 04-1993</b>	<ul style="list-style-type: none"> <li>Shipboard Oil Pollution Emergency Plan (SOPEP) for Philippine Registered Vehicles</li> </ul>	
<b>MC 01-1994</b>	<ul style="list-style-type: none"> <li>Prevention of Pollution by Sewage from Ships and Issuance of International Sewage Pollution Prevention Certificate for Philippine Registered Vessels</li> </ul>	

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 3. Powers and Functions. - The PCG shall have the following powers and functions:               <ul style="list-style-type: none"> <li>- (a) To enforce regulations in accordance with all relevant maritime international conventions, treaties or instruments and national laws for the promotion of safety of life property at sea within the maritime jurisdiction of the Philippines and conduct port state control implementation;</li> <li>- (n) To enforce laws and promulgated and administer rules and regulations for the protection of marine environment and resources from offshore sources or pollution within the maritime jurisdiction of the Philippines;</li> <li>- (o) To develop oil spill response, containment and recovery capabilities against ship-based pollution</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Annex "A" of MC No. 01-81 requires all coastwise trade vessels, Philippine commercial fishing boats and yachts to carry anti-marine pollution equipment as provided by the relevant regulations</li> </ul>	

Number	Title	Brief overall description/purpose
MC 02-1994	<ul style="list-style-type: none"> <li>Prevention of Pollution by Garbage from Ships</li> </ul>	<ul style="list-style-type: none"> <li>forbids the disposal into the sea by any vessel or person of: (i) all plastic materials, including but not limited to, synthetic nets and plastic garbage bags; and (ii) domestic cargo-associated maintenance and operational waste. Domestic waste is defined as all</li> <li>types of food wastes and wastes generated in the living spaces on board the ship.</li> </ul>
MC 03-1994	<ul style="list-style-type: none"> <li>Prevention, Containment, Abatement and Control of Marine Pollution, implements PD No. 979.</li> </ul>	<ul style="list-style-type: none"> <li>implements Annex IV of MARPOL 73/78, and substantially follows it, although the Annex itself is not yet in force. It provides for the treatment and facilities required, the discharge requirements, survey and inspection as well as the issuance of the</li> <li>International Sewage Pollution Prevention (ISPP) Certificate</li> </ul>
MC 01-2000	<ul style="list-style-type: none"> <li>Port State Control</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all foreign-flagged vessels engaged in the international trade calling at any port of the Republic of the Philippines.</li> <li>Also covers the appointment and conduct of PCGA personnel as PSC Associate Members tasked to participate in PSC inspections.</li> <li>Aims to rationalize, harmonize, and ensure a more effective implementation of PSC in the country and to strengthen the enforcement of PSC function by infusing into the procedures recent PSC developments and innovations adopted by the Tokyo MOU on PSC in the Asia-Pacific region.</li> </ul>
MC 02-2005	<ul style="list-style-type: none"> <li>Prevention of Pollution by Garbage from Ship</li> </ul>	<ul style="list-style-type: none"> <li>Provide implementing rules to prevent pollution by garbage from ships within the territorial and arch pelagic waters of the Philippines.</li> <li>Applies to all Philippine registered vessels engaged in international or domestic trade and to all small crafts within the Philippine territorial and archipelagic waters.</li> </ul>

- Section 5: Purpose: Establishes a uniform implementation of the Convention standards on foreign-flagged vessels calling at any port of the Republic of the Philippines as stipulated in a) Resolution A.787(19) adopted by the IMO Assembly on 23 November 1995, as amended; b) Asia-Pacific Region PSC Manual published by the Tokyo MOU Secretariat; and c) other existing international and national laws, rules, and regulations pertaining to safety of life at sea, prevention of pollution of the marine environment, minimum standards regarding shipboard conditions of employment and living arrangements, social and labor conditions (to include hours of work), and minimum safe manning of ships and competency of seafarers.)
- Section 6: Exceptions
- Section 8: General provisions
- Section 9: Procedure
- Section 10: Responsibilities

- Section 5: Policies
  - Prohibitions: It shall be unlawful for any person to dispose into any body of water within the Philippines: (1) Any material made of plastic including, but not limited to synthetic fishing nets and plastic garbage bags; or (2) Any domestic, cargo-associated, maintenance and/or operational waste.
  - Exceptions: The prohibitions in the preceding paragraph shall not apply in the following instances: (1) Disposal of garbage into any body of water shall be done at the nearest land in accordance with Annex 1. (2) Disposal of garbage resulted as a consequence of damage to the ship arising from accidents like collision at sea, sinking and/or grounding as a result of force majeure or if the disposal appears to be the only way of averting grave, real and imminent danger to life or property, provided that the damage caused by reason of the disposal is less than would have otherwise occurred. (3) Disposal into any body of water of harmful substances or wastes containing substances is allowed by a Special Permit issued by Commandant, PCG in accordance with PCG rules governing the dumping and discharge of waste and other harmful matters. In no case shall any form of discharge be made in the Special Areas
- Section 6: Requirements
  - Ship operators: (1) Minimize the generation of garbage by limiting the taking aboardship of potential garbage; (2) Replace disposable plastic sheeting used for cargo protection with permanent, re-useable covering materials; (3) Adapt storage systems and a method that shall promote the re-use of covering, dunnage, shoring, dining and packing materials; (4) Dispose garbage at the port reception facilities and retain on board appropriate facilities to be approved by the PCG, for the discharge of garbage on Philippine waters; (5) Utilize comminuters or grinders capable of passing through a screen with an opening not greater than twenty-five (25) millimeters before disposal. (6) Develop waste management plans and submit it to the Commander, Marine Environmental Protection Command for approval. Once approved, the plan shall be incorporated into the crew and vessel operating manuals.

- Provides a definition of wastes, food wastes, plastic, domestic waste, cargo-associated waste, maintenance waste, operational waste, dishwasher, cargo residues, fishing gears, special permit, special area and reception facility

Number	Title	Brief overall description/purpose
<b>MC 04-2005</b>	<ul style="list-style-type: none"> <li>• Accreditation of Oil Water Separators, Oil Containment, Recovery and Dispersal Equipment and Chemical Dispersants</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to vessels a) 400 gross tons and above and oil terminals discharging oily and dirty ballast; b) self-propelled barges/tankers, vessels towing dumb barges; c) oil refineries and major oil loading ports, d) manufacturers, dealers or distributors of oil-water separators, oil containment, recovery and dispersal equipment, or chemical dispersants.</li> <li>• Prescribes the procedures for the accreditation of chemical dispersants, oil containment, recovery dispersal equipment and oil separators, prescribe requirements to be observed by the subjects of the circular and to impose corresponding sanctions for its violation.</li> </ul>
<b>MC 06-2005</b>	<ul style="list-style-type: none"> <li>• Issuance of International Oil Pollution Prevention Certificate to Philippine Registered Vessels</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to all registered vessels engaged in international or domestic trade</li> <li>• Prescribes the procedure for the issuance in International Oil Pollution Prevention Certificate to Philippine registered vessels</li> </ul>
<b>MC 02-2006</b>	<ul style="list-style-type: none"> <li>• Marine Pollution Inspection/ Apprehension Report</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to all Philippine registered vessels engaged in international and domestic trade and to foreign registered vessels, whether engaged in international trade or not in the territorial jurisdiction of the Philippines</li> <li>• Prescribes the policies and procedure implementing the provisions of MARPOL 73/78 and PCG rules and regulations</li> </ul>
<b>MC 03-2006</b>	<ul style="list-style-type: none"> <li>• Inspection Guidelines for Domestic Tankers</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to all Philippine registered oil tankers engaged in domestic trade.</li> <li>• Prescribes policies, procedures and common vessel inspection guidelines in implementing the provisions of MARPOL 73/78, etc.</li> </ul>
<b>MC 05-2007</b>	<ul style="list-style-type: none"> <li>• Pasig River Safety, Security and the Governance of its Ecosystem (Passage)</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to all ships/vessel, barges, ferry boats, fish carriers, and other means of conveyance used for transporting people and goods along the Pasig River and its tributaries with the PCG tasked to spearhead the promotion of safety, security of transportation, and protection through governance of the marine ecosystem of the Pasig River and its tributaries in order to sustain a viable, efficient, and dependable transportation system as an effective instrument for national development.</li> </ul>
<b>MC 07-2014</b>	<ul style="list-style-type: none"> <li>• Prevention of Pollution from Garbage</li> </ul>	<ul style="list-style-type: none"> <li>• Provide rules and regulations to prevent pollution from garbage within the Philippine maritime jurisdiction and prescribing the fines and penalties</li> <li>• Shall apply to all vessels and small crafts operating within the Philippine maritime jurisdiction</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>- Vessels: (1) Plastic garbage shall be disposed at port reception facilities; (2) Every vessel shall have a shipboard team responsible for proper handling and storing garbage; (3) Passengers shall be briefed on the shipboard garbage disposal system; (4) A summary of the restrictions regarding the discharge of garbage from ships shall be permanently posted onboard in a conspicuous place; (5) Officers on board and/or the crew shall assist in the recovery and proper disposal of potentially harmful garbage; (6) A garbage disposal logon the following matters shall be maintained on board: (a) Loss of fishing gears(b) Discharge of cargo residues(c) Discharge at port reception facilities(d) Discharge of garbage at sea; (7) There shall be adequate and appropriate garbage containers aboardship</li> <li>- Others: (1) Shipyards shall provide reception facilities and/or services for garbage and other form of refuse from ship calling in for repairs; (2) Port authorities shall provide appropriate reception facilities for vessel calling in their ports.</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 4: General requirements</li> <li>• Section 5: Procedure</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 5: General requirements for all ships, oil tankers, product carriers</li> <li>• Section 6: Procedure for the application of IOPP/OPPC</li> <li>• Section 7: Procedure for the application of waivers</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 5: Procedure for domestic trade vessel, Philippine registered international trade vessel and foreign vessel</li> <li>• Section 6: Effects of the issuance of IAR: Initiates administrative proceedings against violators of MARPOL 73/78 and PCG rules and regulations</li> <li>• Section 7: Responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Includes a definition of marine pollution</li> </ul>
<ul style="list-style-type: none"> <li>• Section 6: Procedure <ul style="list-style-type: none"> <li>- Inspection</li> <li>- Notification and rectification of deficiency</li> </ul> </li> <li>• Section 7: Effects of issuance of deficiency</li> <li>• Section 8: Responsibility</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 7: Specific guidelines for safety, security, marine environmental protection (i.e., pollution prevention requirements, containment and recovery)</li> <li>• Section 8: Responsibility</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 6: Policies on prohibitions and exceptions <ul style="list-style-type: none"> <li>- Any material made of plastic including, but not limited to synthetic fishing nets and plastic garbage bags; or</li> <li>- Any domestic, cargo-associated, maintenance and/or operational waste and exceptions</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Includes cargo associated wastes, cargo residues, domestic waste, dishwasher, food wastes, fishing gear, garbage, maintenance waste, operational waste and plastic</li> </ul>

Number	Title	Brief overall description/purpose
<b>MC 08-2014</b>	<ul style="list-style-type: none"> <li>Rules and Regulations for Tank Cleaning Operations and the Collection and Disposal of Diluted Oil and other Substances</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all tank cleaning operations and the collection and disposal of diluted oil within the territorial jurisdiction of the Philippines</li> </ul>
<b>MC 09-2014</b>	<ul style="list-style-type: none"> <li>Shipboard Oil Pollution Emergency Plan for Philippine Registered Vessels</li> </ul>	<ul style="list-style-type: none"> <li>Provides implementing guidelines for the Shipboard Oil Pollution Emergency Plan and shall be applied to all Philippine registered oil tankers and ships other than oil tankers engaged in international and domestic trade</li> </ul>
<b>MC 10-2014</b>	<ul style="list-style-type: none"> <li>Prevention of Pollution from Sewage</li> </ul>	<ul style="list-style-type: none"> <li>Provides implementing rules and regulations to prevent pollution by sewage from ships operating within the Philippine maritime jurisdiction.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>- Conditions that allow exceptions for disposal</li> <li>• Section 7: Requirements for ship operators, vessels and others</li> <li>• Section 8: Fees (Registration for garbage management plan; garbage record book)</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 5: Requirements for tank cleaning operation</li> <li>• Section 6: Responsibilities of owner/master/local agent; operator/contractor and oil wastes collectors</li> <li>• Section 7: Accreditation of tank cleaning collectors/contractors</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 2: Reference: Regulation 37 of Annex 1 of MARPOL 73/78</li> <li>• Section 7: General requirements for SOPEP of every ship operators/tanker operators/ships must contain in the event of an oil spill incident</li> <li>• Section 8: Procedure for submission and approval of a SOPEP by MEPU who shall conduct MERRE based on MARPOL requirements and submit the evaluation report to MEPCOM and final approval by CMEPCOM. The plan is effective for a period of 3 years from the date of approval</li> </ul>	<ul style="list-style-type: none"> <li>• Annex 1 contains the format of a SOPEP which includes the reporting requirements, steps to control discharge from operational spills and spills resulting from casualties and national and local coordination.</li> </ul>
<ul style="list-style-type: none"> <li>• Section 2: Reference: Annex 4 of MARPOL 73.78; RA 9275 or the Clean Water Act of 2004</li> <li>• Section 4: Applies to all vessels 400 gross tonnage and above and all vessels less than 400 gross tonnage which carry more than 15 persons</li> <li>• Section 6: Policies: <ul style="list-style-type: none"> <li>- Vessels covered by this Circular are required to have an International Sewage Pollution Prevention (ISPP) Certificate on board at all times or a waiver that certifies its exemptions</li> <li>- Vessels covered by this Circular shall be provided with either holding tanks, marine sanitation devices or sewage treatment plant with faecal coliform count not exceeding 250 faecal coliforms per 100 millimeter MPN (most probable number) as determined by multiple tube fermentation analysis or any equivalent analytical procedure</li> <li>- To enable the connection of reception facility pipes to the ship's discharge pipeline, both lines shall be fitted with standard discharge connection with standard dimensions (The flange shall be designed to accept pipes up to a maximum diameter of 100 mm and steel or equivalent material having a flat face suitable for a service pressure of 6kg/sq cm.)</li> </ul> </li> <li>• Section 8: Discharge of sewage: <ul style="list-style-type: none"> <li>- The ship is discharging comminuted and disinfected/treated sewage at a distance of more than four (4) nautical miles from the nearest shoreline;</li> <li>- The ship is discharging sewage which is not comminuted or disinfected/treated at a distance of more than twelve (12) nautical miles from the nearest shoreline;</li> <li>- The ship has in operation an approved sewage treatment plant by the PCG and that the effluent shall neither produce visible and floating solids nor cause the discoloration of surrounding waters; or</li> <li>- The discharge is necessary for purposes of securing the safety of the ship and/or saving life at sea in case of a real, grave and imminent danger, provided that all reasonable precautions have been taken to prevent or minimize the discharge. Provided further, that in the first two exceptions the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at no less than four (4) knots.</li> </ul> </li> <li>• Section 9: Procedure for the issuance of ISPP certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Includes a definition of reception facility, swage and special areas (Manila Bay, Laguna de Bay, Pasig River, Taal Lake marine parks and reserves, tourist spots, etc)</li> </ul>

Number	Title	Brief overall description/purpose
MC 11-2014	<ul style="list-style-type: none"> <li>Procedures for the Dumping of Wastes and Other Harmful Matter Within the Philippine Maritime Jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>Prescribes the procedures and guidelines for the wastes and other harmful matter that may be considered to be dumped into the Philippine waters in order to prevent pollution which may create hazards to human health, marine life and other resources, damage amenities or interfere with other legitimate uses of the sea.</li> <li>Applies to all entities both foreign and domestic such as refineries, terminals, depots, ships, tankers, oil barges, dredgers, oil and gas explorers, power barge / plants, shipyards and other establishments wherein marine pollution may originate by dumping and discharging directly or indirectly to the sea, rivers and estuaries, and or through outfalls and pipelines of waste and other medium within the Philippine maritime jurisdiction</li> <li>Applies to all entities both foreign and domestic such as refineries, terminals, depots, ships, tankers, oil barges, dredgers, oil and gas explorers, power barge / plants, shipyards and other establishments wherein marine pollution may originate by dumping and discharging directly or indirectly to the sea, rivers and estuaries, and or through outfalls and pipelines of waste and other medium within the Philippine maritime jurisdiction</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 2: References: 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972</li> <li>• Section 6: Prohibitions</li> <li>• Section 7: Exemptions</li> <li>• Section 8: Regulatory requirements</li> <li>• Section 9: Procedure for requests</li> </ul>	<ul style="list-style-type: none"> <li>• Includes the definition of dumping and those not covered by the definition; refuse; sewage and waste disposal</li> </ul>

# ANNEX 4

## LEGISLATIONS AND ISSUANCES OF THE PHILIPPINE PORTS AUTHORITY

Number	Title	Brief overall description/purpose
<b>PRESIDENTIAL DECREE</b>		
<b>PD 505</b>  <b>Philippine Port Authority Decree of 1974</b>	<ul style="list-style-type: none"> <li>• Providing for the Reorganization of Port Administration and Operation Functions in the Country, Creating the Philippine Port Authority, Paving the Way for the Establishment of Individual, Autonomous Port/ Industrial Zone Authorities in the Port/ Industrial Zone Authorities in the Different Port Districts, and for Other Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of PPA to:               <ul style="list-style-type: none"> <li>- Draw up and implement an integrated Philippine Port Development Program</li> <li>- Encourage and stimulate the establishment of individual autonomous Port/Industrial Zone Authorities in the different port districts</li> <li>- Exercise broad supervisory and regulatory powers over the actual operations of individual Port/Industrial Zone Authorities in keeping with their autonomous character.</li> </ul> </li> </ul>
<b>PD 857</b>	<ul style="list-style-type: none"> <li>• Providing for the Reorganization of Port Administration and Operation Functions in the Philippines, Revising Presidential Decree No. 505 dated July 11, 1974, Creating the Philippine Port Authority, By Substitution, and for Other Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• This Decree shall be known as the Revised Charter of the Philippine Ports Authority created under Presidential Decree No. 505 dated July 11, 1974.</li> </ul>
<b>ADMINISTRATIVE ORDERS</b>		
<b>AO 03-1977</b>	<ul style="list-style-type: none"> <li>• General Port Regulations of PPA</li> </ul>	<ul style="list-style-type: none"> <li>• General port rules and regulations for guidance and compliance of all port users and others concerned in all ports</li> </ul>
<b>AO 02-1998</b>	<ul style="list-style-type: none"> <li>• Guidelines on the Transfer of the Administration of Government Ports by Local Government Units and Government Corporations</li> </ul>	<ul style="list-style-type: none"> <li>• Covers government ports outside the PPA Port System which local government units (LGUs) and Government Corporations may be authorized to manage, operate, maintain and develop.</li> <li>• Prescribes the administrative procedures in transferring the management, operation, maintenance and development of ports outside the PP A Port System to the LGUs</li> <li>• To give more meaning and substance to the concept of LGU empowerment, to include government corporations without the PPA abandoning its statutory responsibility over ports</li> <li>• To harmonize LGU empowerment pursuant to Republic Act 7160 and government corporation vis-a-vis the statutory jurisdiction of the PPA over government ports, pursuant to Presidential Decree No 857, as amended and OGCC Opinion No. 010, series of 1996</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 3: PPA creation and organization</li> <li>• Section 4: Philippine port development program: prepare and annually update a Ten-Year Philippine Port Development Program embody the integrated plan for the development of the country's port and harbors. The Program shall be submitted for approval by the President of the Philippines. Upon approval of the Program by the President, all government departments, bureaus, agencies and instrumentalities shall implement the same within their respective jurisdictions. The authority shall ensure that the approved Program is being effectively implemented by the participating agencies. No government body or instrumentality shall adopt any policy or take any course of action contrary to or inconsistent with the program.</li> <li>• Section 5: Powers and functions of the PPA Council: (I) to exercise over-all supervision over the port facilities of the large foreign petroleum companies in matters pertaining to safety, pollution and conservation in the harbor</li> </ul>	<ul style="list-style-type: none"> <li>• Composition of PPA Council – DENR not included</li> </ul>
<ul style="list-style-type: none"> <li>• Section 4: Creation of PPA which shall be attached to the Dept of Public Works, Transportation and Communication</li> <li>• Section 6: Formulation of Port Development Plan in coordination with NEDA</li> </ul>	<p>Broadened the scope and functions of the PPA to facilitate the implementation of an integrated programme for the planning, development, financing, operation and maintenance of ports or port districts for the entire country.</p>
<ul style="list-style-type: none"> <li>• No articles or sections with reference to the environment or waste management in ports and ships</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 5: General Guidelines <ul style="list-style-type: none"> <li>- Ports that may be managed, operated, maintained and developed by LGUs and government corporations;</li> <li>- All development plans for the port by the LGU or government corporation shall have prior approval of PPA and shall conform with the overall master plan for all the ports nationwide</li> <li>- Power, function, duties and obligations and responsibilities of LGUS and government corporations.</li> </ul> </li> <li>• Section 6: Port Tariff: The authority to impose, fix, prescribe, increase or decrease port charges for the use of port facilities and provision of services rendered in ports transferred to the LGU shall continue to remain with the PPA</li> <li>• Section 9: Compliance and regulations: During the term of the MOA, the LGU or government corporation shall strictly comply with all applicable laws, policies, guidelines and regulations which are now or may hereafter be promulgated by the government and the PPA</li> <li>• Section 10: Organization: The LGU or government corporation concerned, through the Sangguniang Bayan or Sangguniang Panglungsod, shall be responsible for the organization of its manpower requirement. As a precondition to the actual takeover of a port by the LGU or government</li> </ul>	<ul style="list-style-type: none"> <li>• The TWG of the Committee on Ecology of the House of Representatives at its 4th Meeting on 1 March 2021 has discussed the awareness.</li> </ul>

Number	Title	Brief overall description/purpose
AO 02-2003	<ul style="list-style-type: none"> <li>Implementing Guidelines for MARPOL 73/78 Requirement for Shore Reception Facilities</li> </ul>	<ul style="list-style-type: none"> <li>To comply with the requirements of MARPOL 73/78 and other international conventions relative to reception facilities</li> <li>To prevent or reduce marine pollution by controlling or prohibiting illegal discharge of wastes from vessels</li> <li>To ensure that vessel-generated wastes are properly collected, treated and disposed of in an environmentally sound way and in accordance with existing standards and laws</li> <li>Applies to all base ports, sub-ports and private ports, vessels, except warships, naval auxiliary ships, and other government-owned vessels used for non-commercial service, and vessels' generated wastes such as those covered by Annexes I (Oil), II (Noxious Liquid Substance) and V (Garbage) of MARPOL 73/78</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 5: General guidelines               <ul style="list-style-type: none"> <li>- Compulsory regime                   <ul style="list-style-type: none"> <li>• There shall be shore reception facility (SRF) installed in all PPA base ports to provide waste collection and disposal services to ships' generated wastes</li> <li>• The disposal of garbage from vessel into the reception facility shall be compulsory. A fixed fee (flat rate) shall be imposed on every vessel, which shall cover the collection of 0.4 cubic meter or less of garbage. Additional service fee shall be charged for the collection of oily waste, noxious liquid substance and garbage that is in excess of 0.4 cu m in conformity with the schedule as shown in Section 6 of this Order</li> <li>• The fees shall include the treatment/recycling and ultimate disposal of the wastes collected</li> <li>• No imported wastes shall be discharged at the reception facilities</li> <li>• The authorized private operator shall, upon docking of the vessel, render the service of collecting the subject wastes without causing undue delay to the vessel. As such, the Operator shall provide and maintain reception facility services on a 24-hour basis</li> <li>• Vessels, such as warships, naval auxiliary ships and other government-owned ships used for non-commercial service, which are not covered by this Order may avail themselves of the waste collection services upon request subject to the payment of fees</li> </ul> </li> <li>- Exemption</li> <li>- Prior notification and coordination                   <ul style="list-style-type: none"> <li>• The shipping agent/line/company applying for berth shall accomplish and submit to the authorized Berthing Officer the "Wastes on Board Vessel Information Form"</li> <li>• The Operator, having been notified of the vessel's arrival, shall prepare a plan for the collection of vessel-generated wastes so as not to disrupt port operation or cause delay to vessel</li> <li>• The Operator shall establish coordination with the Port State Control Office or Station Commander of the Philippine Coast Guard that is mandated to conduct inspection on board vessel relative to MARPOL 73/78 requirements</li> </ul> </li> <li>- Waste collection scheme                   <ul style="list-style-type: none"> <li>• The time of disposal or transfer of wastes shall take place preferably before or during the cargo handling operation of the vessel, provided that such transfer shall not interfere with the port operations</li> <li>• Vessels shall strictly observe the provisions of the "International Management Code for the Safe Operation of Ships and for Pollution Prevention", or International Safety Management (ISM) Code with respect to environmental protection and regulations being implemented in ports</li> <li>• Garbage: Segregation of biodegradable waste from non-biodegradable waste shall be observed in discharging such wastes into the reception facilities. Each classification of waste shall be placed in a separate colored plastic bag, yellow for biodegradable waste and black for non-biodegradable waste. Black plastic bag may be used in lieu of yellow plastic bag provided that it is tied with a yellow ribbon or string. However, garbage that cannot be put in plastic bags such as used dunnage, shoring gears, wooden pallets, etc shall be piled on deck beside those garbage in plastic bags. Garbage contained in plastic bags shall be placed on deck only before or immediately upon the docking of the vessel. The operator shall have the right to</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Includes definition of shore reception facility, oily wastes, garbage, noxious liquid substance, treatment facility, dirty ballast water, biodegradable waste and nonbiodegradable waste</li> <li>• Annexes include list of oils, list of noxious liquid substances carried in bulk, waste on board vessel information form and certificate of services rendered</li> </ul>

Number	Title	Brief overall description/purpose

Provisions related to Ship Waste Management	Remarks
<p>refuse the collection of garbage that is not in plastic bags or that which it is hanging overboard but shall still be entitled to collect the required fee. Garbage collection shall be made every two (2) days for vessel that is continuously docked at the wharf, pier, anchorage or breakwater (inside or outside). The garbage collected in the succeeding collections shall be considered as excess garbage and additional fee shall be imposed. No fixed fee shall be charged for the succeeding collections or passenger ferry calling regularly at the same port for more than once a day, the disposal of the garbage into the reception facility shall be made on every call. Garbage collected from foreign vessels shall be disinfected prior to disposal</p> <ul style="list-style-type: none"> <li>• Oily waste and noxious liquid substance: Collection of oily waste or NLS from foreign vessel shall be made on per entry basis. Vessel intending to call at several ports of the country shall dispose of the said waste at the first port of call. Retained NLS, oil sludge or oily waste in holding tank of the vessel subject to disposal shall be discharged into the reception facility immediately after the vessel is docked by means of a standard connection on deck. In the absence of the standard connection, said waste, if practicable, shall be contained in drums to be unloaded at the reception facility. Vessel of 400 GRT and above and vessel carrying NLS shall be provided with an Oil Record Book and Cargo Record Book, respectively, which shall be made available for inspection at all reasonable times by representative/s of authorized government agency, such as PCG and PPA.</li> <li>- Issuance of certificate and official receipt: Immediately after the waste collection service has been rendered, the Operator shall issue the "Certificate of Service Rendered" to the vessel, copy furnished the Harbor Operations Section of the PMO</li> <li>• Section 8: Responsibilities <ul style="list-style-type: none"> <li>- The PMOs shall provide a space for the SRF operator's revenue collection staff beside or near their cashier's staff for easy payment and collection procedures</li> <li>- The PDOs, PMOs, owners/operators of private ports, cargo handling contractors' and shipping agents agents/lines/companies shall provide the necessary information and other form of assistance with the end view of attaining the desired objectives</li> <li>- The Safety and Environmental Management Division of the Port Operations and Services Department shall oversee the operation of the reception and treatment facilities. Emphasis shall be given to the technical aspect of the operation to ensure that existing standards, local and international are complied with. Likewise, the Division shall: \ <ul style="list-style-type: none"> <li>• Submit a quarterly report to management,</li> <li>• Establish a database for vessel-generated wastes</li> <li>• Conduct a similar study relative to the collection, treatment and disposal of other ships' wastes such as sewage, and</li> <li>• Be responsible for port waste management planning and review process.</li> </ul> </li> </ul> </li> <li>• Section 9: Visitorial Powers: The Operator shall make available during office hours, for inspection, examination and audit by the Authority, and other government agencies exercising visitorial powers all books of accounts, properties, inventories and operational and financial records</li> </ul>	

Number	Title	Brief overall description/purpose
AO 05 2007	<ul style="list-style-type: none"> <li>Revised Guidelines on the Transfer of the Management of PPA Ports to Local Government Units and Government Corporations</li> </ul>	<ul style="list-style-type: none"> <li>In special or exceptional cases, the management and operation of ports under PPA's administrative jurisdiction may be transferred temporarily to the LGU where it is located or to the GC created by said LGU</li> <li>Covers ports under PPA's jurisdiction which generally cater only to domestic vessels and cargoes and not categorized by PPA as vital or priority ports or among the ports programmed for development into international standards to make them globally competitive.</li> <li>Clarifies and updated the guidelines and strengthen the implementation of the MOA between the PPA and LGU or GC concerned.</li> <li>Prescribes the revised administrative procedures in the temporary transfer to the qualified LGU or GC the management, operation, maintenance and development of ports as may be allowed by the PPA.</li> <li>Allows LGU participation without abandoning PPA's statutory responsibility over ports in providing vital transport network linkages and services.</li> <li>Harmonizes LGU empowerment pursuant to Republic Act No. 7160, vis-a-vis the statutory jurisdiction of the PPA over government ports pursuant to Presidential Decree No. 857, as amended.</li> </ul>
AO 06-2013	<ul style="list-style-type: none"> <li>Amendment to PPA AO No 05-2007 (Revised Guidelines on the Transfer of the Management of PPA Ports to Local Government Units and Government Corporations)</li> </ul>	<ul style="list-style-type: none"> <li>Modifications of Sections 1 (Port Development by PPA); Section 2 (Quarterly Supervision Fee); Section 3 (Third Party CH Operator); Section 4 (LGU/GC Obligation); Section 5 (Proforma MOA); Section 6 (Audit of Ports Transferred to LGU or GC); Section 7 (Applicability Clause); Section 8 (Separability Clause); Section 9 (Repealing Clause) and Section 10 (Effectivity).</li> </ul>
AO 08-2014	<ul style="list-style-type: none"> <li>Amendments to PPA AO No 06-2013 (Revised Guidelines on the Transfer of the Management of PPA Ports to Local Government Units and Government Corporations)</li> </ul>	<ul style="list-style-type: none"> <li>Amendment for Section 2 of AO 06-2013 on Quarterly Supervision Fee</li> </ul>
AO 07-2015	<ul style="list-style-type: none"> <li>Guidelines on the Implementation of the PPA Orange Book on Safety, Health and Environmental Management and Handling of Dangerous Goods in Port</li> </ul>	<ul style="list-style-type: none"> <li>Governs the proper implementation of port safety, health and environmental management in PPA ports nationwide for the compliance and guidance of all port users/stakeholders.</li> <li>Shall be known as the PPA Manual on Port Safety, Health and Environmental Management (SHEM) or the PPA Orange Book</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 8: Operational requirements for the transfer of port to LGU or GC               <ul style="list-style-type: none"> <li>- The LGU or GC have all the cargo handling equipment, tools, gears and personnel necessary in the operation of the port</li> <li>- The management and supervisory officers of the LGU or GC should have at least 3 years relevant technical and management experience in cargo handling business and/or port operations. The LGU or GC should maintain well-trained and skilled workers of every category in port operations.</li> </ul> </li> <li>• Section 15: Compliance with regulations: During the term of the MOA, the LGU or GC shall strictly comply with all applicable laws, policies, guidelines and regulations, which are now or may hereafter be promulgated by the government and the PPA.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides a definition of PPA Port System – elaboration of PPA's responsibility for all functional areas of development – no mention of environmental management</li> <li>• Annex D shows the organizational chart where the Port Operation Section (Terminal Supervisor) reports directly to the Office of the Mayor</li> <li>• Note: Role of LGU in SWM</li> </ul>
<ul style="list-style-type: none"> <li>• Section 6: Port Audit – Adoption of prescribed Performance Evaluation Review for Renewal of MOA (PERFORM) for the conduct of periodic performance audit on the administration and operations of ports transferred to LGU or GC</li> </ul>	<ul style="list-style-type: none"> <li>• Annex B provides the objectives, guidelines, sanctions, and detailed audit items for PERFORM comprising of organization and management; operations and finance).</li> <li>• Under operations, audit item 4 on cleanliness, orderliness and environmental protection, the LGU or GC ensures the cleanliness of all facilities and areas within the port zone and adopts measures for protection of environment such as proper waste disposal and segregation</li> </ul>
<ul style="list-style-type: none"> <li>• Section 4               <ul style="list-style-type: none"> <li>- Mandatory collection of ship's waste for vessels that call at PPA ports.</li> <li>- Mandatory installation of Materials Recovery Facility (MRF) in PPA Head Office, PMOs, TMOs, CHOs/Terminal Operators.</li> <li>- Ensure the Registration Number from DENR for Hazardous Waste Generator and proper labelling requirements and placements of symbols on the hazardous waste containers.</li> <li>- Ensure the provision for facilities for Hazardous Waste Storage in accordance with the standards and requirements set by DENR. Proper disposal of all port-generated hazardous wastes through DENR accredited transporter and waste treatment service provider.</li> <li>- All PMOs/TMOs/CHOs shall designate a Pollution Control Officer (PCO) duly accredited by the DENR and ensure the periodic renewal of the accreditation and trainings of said personnel.</li> </ul> </li> </ul>	

Number	Title	Brief overall description/purpose
AO 03-2016	<ul style="list-style-type: none"> <li>Port Terminal Management Regulatory Framework</li> </ul>	<ul style="list-style-type: none"> <li>Encourages the greater participation of the private sector in the management and operations of ports</li> <li>The privatization of the management and operations of all ports under the jurisdiction of the PPA shall be awarded through transparent and competitive public bidding.</li> <li>Covers all government ports within PPA's jurisdiction except those with existing port management contracts at the time of the effectivity of Order.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>- Proper disposal of all port-generated hazardous wastes through DENR accredited transporter and waste treatment service provider.</li> <li>- All PMOs/TMOs/CHOs shall designate a Pollution Control Officer (PCO) duly accredited by the DENR and ensure the periodic renewal of the accreditation and trainings of said personnel.</li> </ul>	<ul style="list-style-type: none"> <li>• Public Awareness/Information</li> </ul>
<ul style="list-style-type: none"> <li>• Section 5: General guidelines: Given the particular nature of port operations at each specific port, PPA shall determine the different modalities of private public partnerships, such as full concessions, pure operations and management contracts, and other modes of partnership in the delivery of the port services and infrastructure.</li> <li>• Section 6: Specific Policy Guidelines: No. 3: General Conditions on all Agreements:             <ul style="list-style-type: none"> <li>- A Port Terminal Management Contract ("Agreement") shall serve as the authority of the Contractor to provide services in the port. The Agreement shall contain the applicable terms and conditions in providing such services and for the faithful compliance by the Contractor for the duration of the Agreement.</li> <li>- The Contractor shall manage and operate the port, provide cargo handling and related services to include, but not limited to, the following:                 <ul style="list-style-type: none"> <li>• Investments in port terminal infrastructure, as determined in the Agreement</li> <li>• Container terminal management</li> <li>• Passenger terminal management</li> <li>• Stevedoring services</li> <li>• Berthside operations</li> <li>• Porterage services</li> <li>• Bagging services</li> <li>• RORO cargo services</li> <li>• Parking</li> <li>• Storage</li> <li>• Water distribution service</li> <li>• Security services</li> <li>• Ancillary and other related services</li> </ul> </li> <li>- The core functions of the Contractor are investments in the port terminal infrastructure, container terminal management, passenger terminal management, cargo handling services, and berthside operations.</li> </ul> </li> <li>• Section 6: Specific Policy Guidelines: No. 6: Operational obligations:             <ul style="list-style-type: none"> <li>- The Contractor shall provide PPA with reports pertaining to the port operations, finances, performance, productivity, engineering and maintenance plans, environmental and safety standards compliance, among others in electronic format on a periodic basis.</li> <li>- The Contractor shall adopt environment-friendly measures and to consider the occupational health and safety of the workers. Additional payments may be required from the Contractor for failing to meet certain safety and environmental standards.</li> <li>- The Contractor shall obtain certification of the standards set under 150-9001 (Quality Assurance Standard), 150-14001 (Environmental Management Standard), and OSHS 18001 (Occupational Safety and Health Standards) within five (5) years upon signing of the Agreement.</li> </ul> </li> <li>• Section 6: Specific Policy Guidelines: No. 8: Equipment, facilities and port development plan:             <ul style="list-style-type: none"> <li>- As part of its bid documentation, the Contractor shall provide a Port Development Plan. The Port Development Plan shall be a business plan with indicative investment targets, both triggered and fixed targets, designed by the Contractor to effectively provide, manage, operate and market the services aimed to ensure efficient turnaround of vessels, satisfy the service requirements of concerned users and entice port clientele to patronize the port.</li> </ul> </li> </ul>	

Number	Title	Brief overall description/purpose
<b>AO 03-2017</b>	<ul style="list-style-type: none"> <li>Amendment to PPA AO No. 13-2016 Entitled Port Terminal Management Regulatory Framework</li> </ul>	<ul style="list-style-type: none"> <li>Amendment of AO 03-2016 for Section 7 on Transitory Provisions</li> </ul>
<b>AO 04-2017</b>	<ul style="list-style-type: none"> <li>Supplemental Guidelines to AO 03-2017 Entitled Port Terminal Management Regulatory Framework</li> </ul>	<ul style="list-style-type: none"> <li>Clarification on the situations to be covered in the issuance of Holdover Authorities for AO 03-2016 and its amendment (AO 03-2017)</li> </ul>
<b>AO 05-2018</b>	<ul style="list-style-type: none"> <li>The Port Environmental Policy</li> </ul>	<ul style="list-style-type: none"> <li>Adherence to the concept of ensuring that port activities are focused on minimizing the adverse or negative impact to the environment and ensuring that all aspects of port operation and port development are geared towards the protection and preservation of the environment for the maximum utilization of port facilities</li> <li>Adopts relevant national and international instruments in the protection and preservation of the environment</li> <li>Based on the principles of environmental sustainability, compliance with environmental protection measures and standards, support for alternative sources of energy and implementation of energy efficient measures and the continuous education and capacity building of workers and stakeholders</li> <li>Instrument in institutionalizing environmental preservation and protection and the means to mainstream sound practices in all aspects of port management, port operation, port engineering and development including its financial and logistical requirements, to sustain PPA's environmental policy</li> <li>Adopts measures on climate change adaptation, climate change roofing and setting in-place disaster countermeasures and disaster mitigation</li> <li>Adopts globally accepted technological advancements, innovations, and best practices to ensure the sustainability, efficiency and environment-friendly operations of PPA ports</li> <li>Supports the conduct of studies and scientific researches that are geared n coming up with sound environmental management concepts and climate change mitigation measures</li> <li>Shall be pursued to design, craft and to fully attain and to continuously sustain "The Green, Resilient and Smart Port Strategy (GRaSPS)".</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 6: Specific Policy Guidelines: No. 9: Performance measures: The Contractor shall efficiently operate the port and provide cargo handling services and related services. The Contractor must be able to maintain productivity equal to or better than pre-specified key performance indicators as detailed in the Master Plan study which may be progressively increased during the duration of the Agreement, such as:               <ul style="list-style-type: none"> <li>- Average gross service time at berth</li> <li>- Average number of cranes per vessel</li> <li>- Average tonnes per hour (bulk, breakbulk)</li> <li>- Average moves per hour (container)</li> <li>- Average yard dwell time</li> <li>- Port user satisfaction survey results</li> <li>- Minimum port user and passenger service standards</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Section 3: Policy objectives               <ul style="list-style-type: none"> <li>- To define the corporate directions of PPA in support of its policy and strategy on environmental protection and preservation in the pursuit of its mandate</li> <li>- To encourage and provide guidance to and where necessary compliance by port stakeholders in adopting environmental protection and preservation while doing business inside the ports;</li> <li>- To provide a framework for the formulation and design of capacity-building courses consistent with environmental protection, preservation and management; and</li> <li>- To provide the legal basis and effective enforcement of PPA's programs, projects and activities to implement and sustain the Green, Resilient and Smart Port Strategy (GRaSPS).</li> </ul> </li> <li>• Section 4: Scope: The PEP shall be applicable in all aspects of PPA ports administration, management, operation, and development such as:               <ul style="list-style-type: none"> <li>- port operations contract administration and monitoring;</li> <li>- cargo handling services including those rendered by service providers, cargo handling equipment including its repair and maintenance;</li> <li>- engineering planning and development, engineering projects implementation and non-engineering project and programs implementation; engineering contract administration and monitoring;</li> <li>- port maintenance and repairs;</li> <li>- contracts formulation;</li> <li>- lease administration;</li> <li>- finance administration;</li> <li>- manpower training and skills development; capacity building; hiring and promotions;</li> <li>- issuance of permits and outsourcing of services;</li> <li>- marketing and port promotions and information dissemination;</li> <li>- procurement of services and suppliers</li> <li>- corporate dealings with stakeholders; and</li> <li>- inter-agency transactions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Legal Bases:               <ul style="list-style-type: none"> <li>- Statutory requirements                   <ul style="list-style-type: none"> <li>• PD No. 857 (as amended) otherwise known as "Providing for the Reorganization of Port Administration and Operation Functions in the Philippines, Revising Presidential Decree No. 505 dated July 11, 1974, Creating the Philippine Ports Authority, by Substitution, and for other Purposes</li> <li>• PD No. 1586 otherwise known as the "Philippine Environmental Impact Statement System".</li> <li>• RA No. 8749 otherwise known as 'The Philippine Clean Air Act of 1999"</li> <li>• RA No. 9275 otherwise known as "The Philippine Clean Water Act of 2004</li> <li>• RA No. 9003 otherwise known as 'The Ecological Solid Waste Act of 2000</li> <li>• RA No. 9729 otherwise known as "The Climate Change Act of 2009</li> <li>• RA 6969 otherwise known as "Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990"</li> </ul> </li> <li>- International requirements UN Conventions                   <ul style="list-style-type: none"> <li>• Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal is designed to reduce the movements of hazardous waste between nations specifically, to prevent transfer of hazardous waste from developed to less developed countries. The country ratified the agreement on January 14, 1994.</li> </ul> </li> </ul> </li> </ul>

Number	Title	Brief overall description/purpose

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 5: Responsibilities               <ul style="list-style-type: none"> <li>- PPA Board of Directors</li> <li>- General Manager, AGMs</li> <li>- PPA Head Office Managers</li> <li>- PMO Managers</li> <li>- PPA rank and file employees</li> <li>- Port Service Providers (e.g., Shore Reception Facility Operators)</li> <li>- Port users</li> <li>- Port community</li> </ul> </li> <li>• Section 6: The Green, Resilient and Smart Port Strategy (GRASPS)               <ul style="list-style-type: none"> <li>- GRASPS framework hard infrastructure: fixed assets, physical port developments or improvements, control systems required to operate, manage, administer and monitor the operations of the port as well as accessory buildings, plants or vehicles that are essential in attaining compliance with environmental protection measures and standards, climate change adaptation, climate change proofing, disaster counter measures, including information technology infrastructure to achieve a smart port status (includes shore reception facilities and hazardous waste storage facilities).</li> <li>- GRASPS framework soft infrastructure: human resources and institutions such as port rules and regulations, systems and procedures, business processes, human resource development programs, including communication and awareness which are essential to attain compliance with environmental protection measures and standards, and to support climate change proofing, disaster counter measures, disaster mitigation including information technology infrastructure to achieve a smart port status.</li> <li>- GRASPS implementing guidelines: to be formulated, approved by the General Manager and implemented by concerned units or officials or personnel.</li> <li>- GRASPS action plan: all units in PPA shall define its action plans (long, medium and short term) and shall identify and associate the corresponding output that is consistent with the PEP Statement of Policy to be approved by the unit head. In order to achieve the GRaSPS Action Plans the annual projects and programs shall be proposed for inclusion to the Annual Plans, Programs and Budget subject to the approval of the General Manager.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• United Nations Framework Convention on Climate Change (UNFCCC) is a framework for international cooperation to combat climate change by limiting the average global temperature increases. Said convention entered into force on March 21, 1994. The Philippines has acceded to the agreement on July 28, 1994 and entered into force on October 31, 1994.</li> <li>• Kyoto Protocol legally binds developed country parties to emission reduction targets. The protocol's first commitment period started in 2008 and ended in 2012. The second commitment period began on January 01, 2013 and will end in 2020. Adopted in Kyoto, Japan on December 11, 1997 and entered into force on February 16, 2005. The Philippines acceded to the protocol on November 20, 2003 and entered into force on February 16, 2005.</li> <li>• The 2015 Paris Agreement adopted in Paris on December 12 2015, marks the latest step in the evolution of the UN Climate Change regime and builds on the work undertaken under the agreement. Its central aim is to strengthen global response to the threat of climate change by keeping the global temperature rise this century well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increases even further to 1.5°C. The Philippines acceded to the agreement on March 23, 2017 and officially entered into force on April 22, 2017.</li> <li>- IMO Conventions               <ul style="list-style-type: none"> <li>• The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL);</li> <li>• The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (LC), 1972 (and the 1996 London Protocol)</li> </ul> </li> </ul>

Number	Title	Brief overall description/purpose
AO 08-2018	<ul style="list-style-type: none"> <li>Interim Guidelines on the Issuance of Permit to Operate for Shore Reception Facilities/Waste Disposal Service Provider</li> </ul>	<ul style="list-style-type: none"> <li>Applies to service providers for SRF/waste disposal In government and private ports within the jurisdiction of the Philippine Ports Authority (PPA), pending the implementation of the PTMRF to ensure continuity of providing SRF/waste disposal service in ports under the jurisdiction of the PPA</li> </ul>

Provisions related to Ship Waste Management	Remarks
	<ul style="list-style-type: none"> <li>• The International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990</li> <li>• Protocol on Preparedness, Response and Co-operation to Pollution incidents by Hazardous and Noxious Substances, 2000 (OPRCHNS Protocol)</li> <li>• International Convention on the Control of Anti-Fouling Systems on Ships (AFS), 2001</li> <li>• International Convention for the Control and Management of Ship' Ballast Water and Sediments, 2004</li> <li>• International Association of Ports and Harbor Facilities (IAPH), a non-profit making, non-government organization which is a global alliance of ports, recognized as the only international organization representing the voice of the world port industry.</li> <li>- References from other international organizations             <ul style="list-style-type: none"> <li>• Permanent International Association of Navigational Congresses (PIANC), a non-political and non-profit organization providing expert advice on cost-effective, reliable and sustainable infrastructures to facilitate the growth of waterborne transport.</li> <li>• APEC Port Services Network (APSN), a non-profit self-funded organization to promote liberalization and facilitation of trade and investments and enhance supply chain security by strengthening economic cooperation, capacity building, information and personnel exchange among port and port-related industries in the Asia Pacific region, so as to achieve the common prosperity of the APEC member economies as a whole.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Section 5: Guidelines             <ul style="list-style-type: none"> <li>- 5.1: Issuance of a PTO to a service provider:                 <ul style="list-style-type: none"> <li>• For government ports: The relevant Port Management Office (PMO) of the PPA shall issue a Permit to Operate (PTO) to the permittee to provide, equip, and operate shore reception facilities for the regular collection, treatment and disposal of waste/refuse from vessels calling at each port</li> <li>• For private ports: Registered private ports shall be primarily responsible for providing SRF/waste disposal service whether on their own or by contracting a qualified third-party service provider. If the private port would engage the services of a qualified third party service-provider, said third party SRF service provider shall apply for a PTO with the PMO concerned. In which case the PTO shall be issued Jointly in the name of the registered private port operator and the qualified third party SRF service provider</li> </ul> </li> </ul> </li> </ul>	

Number	Title	Brief overall description/purpose
<b>AO 10-2018</b>	<ul style="list-style-type: none"> <li>Guidelines on the Accreditation of Port Service Providers</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all parties seeking accreditation from PPA to be able to provide port services at ports, whether government or private, under the jurisdiction of PPA.</li> <li>Specifies the requirements and procedures for the processing of applications for accreditation to provide port services.</li> </ul>
<b>AO 12-2018</b>	<ul style="list-style-type: none"> <li>Guidelines on the Selection and Award of Contract Under the Port Terminal Management Regulatory Framework (AO 03-2016, as Amended)</li> </ul>	<ul style="list-style-type: none"> <li>Provides the procedure for the selection and award of Port Terminal Management Contracts in relation to AO No 03-2016, as amended, otherwise known as the 'Port Terminal Management Regulatory Framework', the guidelines are prescribed for the information, guidance, and compliance of all concerned</li> </ul>
<b>AO 06-2019</b>	<ul style="list-style-type: none"> <li>Guidelines on the Accreditation of Port Service Providers</li> </ul>	<ul style="list-style-type: none"> <li>Prescribes the requirements in the issuance of PPA accreditation and shall apply to corporations, partnerships, single proprietorships or entities who intend to provide port services at ports under the jurisdiction on of PPA</li> <li>An accreditation certificate per port service shall be required prior to the issuance or award of port services contract or permit to operate.</li> <li>The accreditation system serves as a structured methodology which includes processes such as review, evaluation and registration of port user application documents to determine compliance with the requirements for port services</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• For anchorage operations: The SRF/waste disposal service provider for anchorage operations shall be the Terminal Operator or duly authorized cargo handling operator who handles the cargoes of the vessel, and holder of a valid PTO issued by the PMO concerned</li> <li>- 5.2: Qualifications of SRF/Waste Disposal Service Provider: Proponents seeking to undertake the provision of shore reception facilities for the collection, treatment and disposal of waste/refuse from vessels should possess and/or comply with the following: <ul style="list-style-type: none"> <li>• Must be a duly qualified Terminal Operator or Cargo Handling Operator or SRF service provider with a valid PTO issued by PPA, provided that 1n the case of the SRF service provider, the same must have at least one (1) year relevant experience 1n waste handling and disposal</li> <li>• Must be compliant with all requirements of DENR to render the SRF service</li> <li>• Must have a safe and efficient Waste Management System and Plan m accordance with the standards, rules and regulations set by PPA</li> <li>• Must have the necessary equipment for the purpose.</li> </ul> </li> <li>- 5.5: Responsibility of the PMO: <ul style="list-style-type: none"> <li>• Approve/deny appl1cat1ons for PTO SRF/waste disposal service m accordance with this AO</li> <li>• Supervise the operations of SRF/waste disposal service providers and enforce he terms and cond1t1ons of the permit and 1n1t1ate necessary corrective measures as may be deemed appropriate, including the enforcement of regulations applicable to such service, 1n coordination with other relevant law enforcement agencies,</li> <li>• Directly undertake projects involving the provision of SRF/waste disposal service in case of lack of private sector interest.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Section 4: Criteria for accreditation</li> <li>• Section 5: Documentary requirements for accreditation</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 3: Governing principles in the selection and award of port terminal management contracts</li> <li>• Section 4: Scope and application: Applies to the selection and award of Port Terminal Management Contracts under Administrative Order No 03-2016, as amended</li> </ul>	<ul style="list-style-type: none"> <li>• Includes in the definition port development plan and port performance measures.</li> </ul>
<ul style="list-style-type: none"> <li>• Section 4: Guidelines: Criteria for applicants for accreditation of port services</li> </ul>	<ul style="list-style-type: none"> <li>• Annex 1 provides a list of port services for accreditation <ul style="list-style-type: none"> <li>- Chandling: The business of supplying food items, groceries, consumables and other provisions to vessels and other sea going crafts docked at the piers, wharves or anchorage</li> <li>- Cleaning: The business of providing cleaning services for passenger, bulk, oil and other types of vessels at berth or anchorage</li> <li>- Environmental service management: The business of undertaking environmental safety and protection within the port premise</li> </ul> </li> </ul>

Number	Title	Brief overall description/purpose
AO 16-2019	<ul style="list-style-type: none"> <li>Amendment to PPA AO No 03-2016 and 12-2018</li> </ul>	<ul style="list-style-type: none"> <li>Amendment to Section 4 (Specific Guidelines) particularly on investment categories</li> <li>All references to Tiers 3, 4 and 5 under PPA AO No 03-2016 (Port Terminal Management Regulatory Framework) and PPA AO No 12-2018 (Guidelines for the Selection and Award of Contract Under the Port Terminal Management Regulatory Framework (PPA Admirative Order No 03-2016, as Amended), are hereinafter amended and/or referred as Tier 3</li> </ul>
AO 08-2020	<ul style="list-style-type: none"> <li>Revised Guidelines on the Transfer of the Management and Operations of PPA ports to LGUs</li> </ul>	<ul style="list-style-type: none"> <li>Transfer of management and operation of a PPA port to the LGU temporarily where it is located or to GC created by or authorized by said LGU</li> <li>Covers ports under the administrative jurisdiction of PPA, which generally cater only to domestic vessels and cargoes and not categorized by PPA as vital or priority ports among the ports programmed for development into international standards.</li> <li>Prescribes revised guidelines in the temporary transfer of the management, operation, development and maintenance of PPA ports to LGU</li> <li>To allow LGU participation in providing vital transport network linkages and services without PPA abandoning its statutory responsibility over ports</li> </ul>

Provisions related to Ship Waste Management	Remarks
	<ul style="list-style-type: none"> <li>- Annex 1 provides a list of port services for accreditation</li> <li>- Chanding: The business of supplying food items, grocer-ies, consumables and other provisions to vessels and oth-er sea going crafts docked at the piers, wharves or anchor-age</li> <li>- Cleaning: The business of providing cleaning services for passenger, bulk, oil and other types of vessels at berth or anchorage</li> <li>- Environmental service man-agement: The business of undertaking environmental safety and protection within the port premise</li> <li>- Passenger terminal services: the business or services in-volving the lease, manage-ment, operation and mainte-nance of a Passenger Termi-nal Building and all its facilities and existing structures</li> <li>- Port terminal services: he business or services involving the management and opera-tions of a terminal and all the facilities and structures exist-ing, including cargo handling</li> <li>- Waste disposal service: the business of providing waste collection services to ships and within port premise due to garbage, oil/ sludge and other kinds of waste</li> </ul>
<ul style="list-style-type: none"> <li>• Section 6: General guidelines: only provinces shall be allowed to apply for the management, operation, development and maintenance of a port. In case where PPA receives an application to operate, manage, develop and ma1nta1n a port from a municipality or city, such application will only be processed upon the submission of an endorsement from the province where the municipality or city is located. All development plans for the port by the LGU shall have prior approval of PPA and shall conform to the overall master plan for all ports nationwide. The implementat1on of the development plan committed by the LGU shall be its sole and primary responsibility.</li> <li>• Section 7: Ports eligible for transfer to LGU or GC: Only ports meeting the following requirements may be managed, operated, maintained and developed by LGU: (a) Cater only to domestic vessels; (b) Annual cargo throughput should not be more than 50,000 metric tons or for ports with purely passenger or RO-RO cargo the annual gross revenue reported should not be more than Php4,780,00 00 over a 3-year penod, and (c) Not part of the integrated port development program as determined by the PPA Board</li> </ul>	<ul style="list-style-type: none"> <li>• Annex E provides details on the performance evaluation review for renewal of MOA for the management, operation, development and maintenance of ports transferred to LGUs or GCs.</li> <li>• Audit item F under operations covers cleanliness, orderliness and environmental protection.</li> </ul>

Number	Title	Brief overall description/purpose
		<ul style="list-style-type: none"> <li>• To harmonize LGU empowerment pursuant to Republic Act No. 7160 and PPA's statutory Jurisdiction over government ports pursuant to Presidential Decree No 857</li> </ul>
AO 14-2020	<ul style="list-style-type: none"> <li>• Mandatory Tree or Mangrove Planting as a Condition for the Issuance of Accreditation, Certificate of Registration, Appointment, or Award of Contract or Renewal/Extension Thereof</li> </ul>	<ul style="list-style-type: none"> <li>• Applies to all grantees or persons or entities applying with the Philippine Ports Authority (PPA) for the issuance of accreditation certificate, certificate of registration (COR), appointment, authorization, including those awarded with contracts for the provision of services in the ports.</li> </ul>
AO 08-2021	<ul style="list-style-type: none"> <li>• Amendments to PPA AO No. 01-2020 entitled Prescribed Waste Reception Fee in all PPA Ports</li> </ul>	<ul style="list-style-type: none"> <li>• Amends the type and classification of vessels subject to the charge of waste reception fee under PPA AO 01-2020 and include the prescription of a per round trip collection of waste reception fee for vessels with short travel time.</li> <li>• Applies to all ships calling at government and private ports under the jurisdiction of PPA.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 13: Powers, functions and obligation of LGU or GC: The LGU or GC shall create a separate unit or department which will manage, operate, develop and maintain the day-to-day affairs of the port subject of a MOA between PPA and LGU or GC. Said unit or department shall have its own organizational set-up and separate book of accounts from LGU or GC</li> <li>• Section 17: Compliance with regulations: The LGU or GC shall strictly comply with all applicable laws, policies, guidelines and regulations, which are now or may hereafter be promulgated by the government and PPA</li> <li>• Section 19: Audit of ports transferred to LGU: The prescribed Performance Evaluation Review For Renewal of MOA (PERFORM) shall be adopted in the conduct of periodic performance audit on the administration and operations of port transferred to LGU or GC</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 3: Guidelines: <ul style="list-style-type: none"> <li>- The PPA accreditation certificate, certificate of registration, appointment, including contracts for the provision of services in the ports are subject to the condition that the applicant/grantee shall plant trees and/or mangroves.</li> <li>- The applicant/grantee shall coordinate with the local Community Environment and Natural Resources Office (CENRO), or concerned office or unit, of the Department of Environment and Natural Resources (DENR) for the type of seedlings to be planted and the location where said seedlings shall be planted. Upon completion of the planting, the grantee shall secure a certificate of completion from the said office which shall be submitted to the PPA office where the accreditation, PTO, COR, appointment, or contract was secured or awarded.</li> <li>- For contractors of PPA contracts for the supply of goods and/or services, they shall be required to plant at least 1,000 seedlings for contracts with at least PS Million contract amount and additional 1,000 seedlings for every additional PS Million contract amount, or fraction thereof.</li> <li>- Port Management Offices and HO Responsibility Centers shall monitor compliance and coordinate with CENRO, or concerned office/unit, of DENR for the effective implementation of this Order</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Section 5: Waste reception fee for domestic and foreign vessels</li> <li>• Section 6: Guidelines <ul style="list-style-type: none"> <li>- Fixed fee shall be imposed on every vessel with 1 cubic meter or less with garbage to cover the costs of the provision of appropriate receptacles for receiving and management of prescribed waste</li> <li>- Only 1 fixed fee shall be levied per round trip of a domestic ship engaging in short travel time from to the same port of origin which shall be paid at the port of origin</li> <li>- Only ½ of the prescribed fixed fee shall be levied per trip to a domestic ship engaging in short travel time from one port of origin to one port of destination if it does not make a round trip which shall be paid at the port of destination.</li> <li>- Only 1 fixed fee shall be levied to a ship that is docked at wharf, pier, anchorage or breakwater (inside or outside) for a continuous period. In the duration of docking, mandatory delivery of prescribed waste shall be conducted every two days and additional fee shall be imposed as stipulated under prescribed waste reception fees.</li> </ul> </li> <li>• Section 7: Exemptions</li> <li>• Section 8: Payment of waste reception fee: Billed through a Cash and Carry System, electronic commerce payment system, revolving fund, or such payment arrangements mutually agreed by the PRF provider and the shipping company/agent. Payment shall be in Philippine currency and shall be made upon presentation of the Waste Delivery Receipt by the PRF provider.</li> </ul>	

Number	Title	Brief overall description/purpose
<b>AO 09-2021</b>	<ul style="list-style-type: none"> <li>Grant of 50% discount on waste reception fee for motor bancas and passenger/cargo vessels with capacity of more than 15 passengers and up to 35 gross tonnage during the state of national emergency due to Covid-19 pandemic</li> </ul>	<ul style="list-style-type: none"> <li>Reduce the adverse effects of Covid-19 pandemic to the shipping industry which has been critically affected through a discounted waste reception fee</li> <li>Applies to motor bancas and passenger/cargo vessels with capacity of more than 15 passengers and up to 35 gross tonnage operating in the domestic trade and calling all ports under the administrative jurisdiction of PPA</li> </ul>
<b>MEMORANDUM CIRCULARS</b>		
<b>MC 03-1999</b>	<ul style="list-style-type: none"> <li>Clarificatory Guidelines Documentary Requirements for the Transfer of Administration of Identified Government Ports to LGUs and Government Corporations</li> </ul>	<ul style="list-style-type: none"> <li>Prescribes guidelines to guide the LGU-applicants, the PDOs and PMOs in the processing and evaluation of requests from LGUs and government corporation for the transfer of the administration of government ports pursuant to PPAAO No. 02-98</li> </ul>
<b>MC 35-2001</b>	<ul style="list-style-type: none"> <li>Ratification of MARPOL 73/78 by the Philippine Government</li> </ul>	<ul style="list-style-type: none"> <li>The Philippine Government has ratified MARPOL 73/78 including its succeeding Protocols and Annexes I to V, which prohibit the discharge of oil (Annex I), noxious liquid substances (Annex II), dangerous goods in packaged form (Annex III), sewage (Annex IV) and garbage (Annex V). With that, the government including its implementing agencies is bound to comply with the provisions of the Convention.</li> <li>PPA, on its part, shall provide reception facilities to receive wastes from ships calling at the ports under PPA jurisdiction. The Committee on Safety, Health and Environment (CSHE) is instructed to expedite the implementation of the provision of the Convention related to shore reception facilities</li> <li>Information campaign and education of personnel of PPA and shipping companies/lines/ agents, in particular, regarding this Convention is essential in the effective implementation of the same</li> <li>PPA Training Center in coordination with the CSHE, PDOs and PMOs, is tasked to handle the orientation of these personnel with emphasis on the importance of MARPOL 73/78 in the preservation of our marine environment</li> </ul>
<b>MC 16-2005</b>	<ul style="list-style-type: none"> <li>Strict Implementation of PPAAO No. 02-2003 Entitled Implementing Guidelines on MARPOL 73/78 Requirements for Shore Reception Facilities</li> </ul>	<ul style="list-style-type: none"> <li>Pursuant to the Supreme Court Decision promulgated on 28 September 2005, the Court of Appeals affirmed in toto the assailed RTC decision and mandated PPA to prevent and treat the discharge not only of ship-generated wastes but also other solid and liquid wastes from docking vessels that contribute to the pollution of the bay.</li> <li>The provisions and procedures of PPAAO No. 02-2003 are reiterated for stricter enforcement by all concerned.</li> <li>All PDO and PMO Managers shall ensure full compliance of the foregoing Order.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 4: 50% discount on waste reception fee (PhP 250.00 per one round trip)</li> <li>• Section 5: Duration of 50% discount: remains valid until the lifting of Proclamation No. 922 declaring a state of public health emergency throughout the Philippines</li> </ul>	
<ul style="list-style-type: none"> <li>• Guidelines on basic requirements, additional requirements and final requirements</li> </ul>	
<ul style="list-style-type: none"> <li>• Senate Resolution 88 concurring on the ratification of MARPOL 73.78 including its succeeding protocols and its annexes I-V</li> </ul>	
<ul style="list-style-type: none"> <li>• Requirements:               <ul style="list-style-type: none"> <li>- Accomplishment and submission of Annex C, Wastes on Board Vessel Information Form by the shipping agent/line/company when applying for berth. PMOs shall assign Control Numbers to said Form for proper monitoring and accountability.</li> <li>- Application of the sanctions for vessels that fail to:                   <ul style="list-style-type: none"> <li>• dispose of their garbage into the reception facility;</li> <li>• discharge the oily waste or Noxious Liquid Substance into the reception facility after PCG's verification; and</li> <li>• pay the required fees</li> </ul> </li> <li>- Coordinate with and supervise the activities of the authorized contractor, Golden Dragon International Terminals Inc and ensure that it performs its contracted obligations and responsibilities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Annex C: Waste on Board Vessel Information Form: types of wastes for disposal (bilge water, sludge, garbage, noxious liquid substance, others); volume/weight</li> </ul>

Number	Title		Brief overall description/purpose
MC 02-2013	<ul style="list-style-type: none"> <li>PSHEMS Project at the Port of Cagayan de Oro</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of PSHEMS at the Port of Cagayan de Oro in accordance with the PSHEM Code</li> <li>Adoption of the Safety, Health and Environmental (SHE) Policy Statement and made known and understood within PPA, as required by the PSHEM Code, ISO 9001:2008, 14001 and OHSAS 1800 Standards</li> </ul>	
MC 11-2015	<ul style="list-style-type: none"> <li>PSHEMS Project at Batangas Port</li> </ul>	<ul style="list-style-type: none"> <li>Establishment and implementation of PSHEMS at the Port of Batangas in accordance with the PSHEM Code covering the Operations, Management and Control of Passenger Terminal Buildings 1 and 2, Batangas Port Development Project -Phase 1.</li> <li>Adoption of the Safety, Health and Environmental (SHE) Policy Statement and made known and understood within PPA, as required by the PSHEM Code, ISO 9001:2008, 14001 and OHSAS 1800 Standards</li> </ul>	
MC 12-2015	<ul style="list-style-type: none"> <li>PSHEMS Project at the PMO SOCSARGEN</li> </ul>	<ul style="list-style-type: none"> <li>Establishment and implementation of PSHEMS at the PMO Socsargen in accordance with the PSHEM Code covering the Dry Container Handling Operations in the Port of General Santos.</li> <li>Adoption of the Safety, Health and Environmental (SHE) Policy Statement and made known and understood within PPA, as required by the PSHEM Code, ISO 9001:2008, 14001 and OHSAS 1800 Standards</li> </ul>	
MC 02-2017	<ul style="list-style-type: none"> <li>Revised Manual on Port Statistics and Port Performance Indicators</li> </ul>	<ul style="list-style-type: none"> <li>Contains a uniform set of procedures for the collection, processing and reporting of port statistical data as well as generating port performance indicators that can be adopted to assess the performance level of each port and facilitate comparison of performance among similarly situated ports</li> <li>The Corporate Planning Department is the lead Responsibility Center which shall see through the proper utilization of the Manual by all concerned. The CPD will ensure that updates, clarifications or changes, as necessary and warranted, are introduced to the Manual timely and disseminated for the information of users. All Responsibility Centers are enjoined to provide needed support for the realization of the objectives of the Manual</li> </ul>	

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>- Submit to the Office of the AGM for Operations a monthly report and copies of he accomplished Wastes on Board Vessel Information Form. The report shall include but not limited to the following:               <ul style="list-style-type: none"> <li>• the actual volume of wastes (liquid and solid) collected from the vessels and</li> <li>• the shipping lines/agents/companies not complying with AO 02-3003 including those that are not paying the required fees.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Policy statement: "It is the policy of the Port Management Office of Cagayan de Oro to continually improve the containerized cargo handling activities in the port to prevent accidents and pollution, protect the well-being of its employees and stakeholders, reduce the environmental impact from port activities, conserve the natural resources and comply with all the applicable international, national, statutory and regulatory requirements."</li> </ul>	<ul style="list-style-type: none"> <li>• All concerned PPA officials and employees are hereby enjoined to implement and maintain the SHE Policy within the defined scope of PSHEMS at the Port of Cagayan de Oro.</li> </ul>
<ul style="list-style-type: none"> <li>• Policy statement: It is the Policy of the Port Management Office of Batangas to Continually Improve the Passenger Terminal Building Operations, Control and Management in Conformity with International Best Practices as well as with Local and International Statutory Requirements and Standards on Safety, Health and Environment in Order to Enhance the Wellbeing of its Passengers, Employees, Port Workers and Stakeholders, to Prevent Accidents and Pollution and to Protect and Conserve the Environment."</li> </ul>	<ul style="list-style-type: none"> <li>• All concerned PPA officials and employees are enjoined to implement and maintain the SHE Policy within the defined scope of PSHEMS at the Port of Batangas.</li> </ul>
<ul style="list-style-type: none"> <li>• Policy statement: It is the Policy of PMO Socsargen to Establish and Implement a Port Safety, Health And Environmental Management System and its Continual Improvement in the Dry Container Handling Operations in the Port of General Santos to Prevent Accidents, Protect and Promote the Well-Being of the Port Workers and Stakeholders through Safe and Healthy Work Practices, Safeguard the Environment from Pollution and other Environmental Damage through Sustainable Programs and Adhere to All Applicable International, National and Local Statutory and Regulatory Requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• All concerned PPA officials and employees are enjoined to implement and maintain the SHE Policy within the defined scope of PSHEMS at the PMO Socsargen, Port of General SantoS</li> <li>• Check case study on good practices</li> </ul>
<ul style="list-style-type: none"> <li>• Contains information on progress reports (monthly, quarterly, annual projection and statistical reports, special reports); data collection; statistical data; port performance indicators (related to vessels, cargo operations); additional data for performance scorecard of UNCTAD; commodity classification and forecasting (annual projection)</li> <li>• List of ports</li> <li>• List of PMOs (26 PMOs which oversees the base ports and terminal management offices)</li> <li>• CPD and the PMOs may be requested, from time to time to prepare special statistical reports for submission to local (e g PSA, DOTr, private entities requesting for data, etc) and rntemat1onal organizations (e g UNCTAD, APA etc ) or for internal consumption by PPA in relation to special studies or policies being formulated/reviewed</li> <li>• Port Performance Indicator (PPI) gives an overview of port operations which Is used for management review of efficiency and effectiveness of ports This serves as basis for port congestion surcharges, port development, port tariff considerations and investment decisions (Port Performance Indicators, UNCTAD)</li> <li>• Port Performance Indicators are tools for evaluation of future capacity requirements and for monitoring development, improvement, and efficiency of port services. PPIs related to vessel operations and cargo operations</li> <li>• PPA is one of the participants to the TrainForTrade Port Management Programme of UNCTAD which is funded by the Government of Ireland and the participating ports from various developing economies as well as by other donor organizations. One of the objectives of the programme is to establish new/additional performance metrics,</li> </ul>	<ul style="list-style-type: none"> <li>• Mainly focuses on shipping traffic/summary of statistics for each PMO</li> <li>• Types of ports: terminal port, base port, other terminal port, other government port, private port</li> <li>• Classification of ships by type: general cargo ships (breakbulk vessel); specialized cargo ships (specialized carrier); container ships; Ro-Ro cargo ships; bulk carriers; liquid bulk carrier (tankers); passenger ships; cruise ships; offshore vessels; service ships; tugs; dry cargo barge; fishing vessel; batel</li> </ul>

Number	Title	Brief overall description/purpose
<b>MC 19-2020</b>	<ul style="list-style-type: none"> <li>Collection of Ship Generated Wastes from Cruise and Passenger Ships</li> </ul>	<ul style="list-style-type: none"> <li>Supplements the guidelines of PPA in the collection and disposal of wastes on board ships during Community Quarantine due to the COVID-19 pandemic subject to compliance with PPA Administrative Orders implementing MARPOL 73/78.</li> </ul>
<b>MC 11-2021</b>	<ul style="list-style-type: none"> <li>Ban on the Use of Unnecessary SUPs</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all ports and port facilities under the jurisdiction of the Philippine Ports Authority (PPA), including all offices and establishments inside the ports.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<p>i.e., Port Performance Scorecard (PPS) It may be important to note that the data elements that are being collected for many years now support development and operational planning on the basis of the guide for planners introduced by UNCTAD many years ago The involvement of UNCTAD in the present TranforTrade Programme will indicate how port management has evolved and how new sets of data can prove to be very useful in benchmarking port performance</p> <ul style="list-style-type: none"> <li>- Cargo operations</li> <li>- Labor</li> <li>- Finance</li> </ul>	
<ul style="list-style-type: none"> <li>• Guidelines: The Shore Reception Facility Service Provider (SRF-SP) shall be accredited and authorized by PPA to operate in the port where the ship to be serviced is berthed, moored, or anchored. It shall also comply with rules and regulations prescribed by DENR and LGU for the proper collection, transport, and treatment of ship-generated wastes.</li> <li>• Compliance with relevant regulations: <ul style="list-style-type: none"> <li>- PPA Administrative Order No. 02-2003 entitled as "Implementing Guidelines on MARPOL 73/78 Requirement for Shore Reception Facility (SRF)"</li> <li>- International Convention on the Prevention of Pollution from Ships, 1973 and modified by the Protocol 1978 (MARPOL 73/78)</li> <li>- PCG Memorandum Circular No. 01-2005 entitled "Revised Rules on Prevention, Containment, Abatement and Control of Marine Pollution"</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The annex provides the options for disposal of ship-generated wastes</li> </ul>
<ul style="list-style-type: none"> <li>• Guidelines <ul style="list-style-type: none"> <li>- The unnecessary use of single-use plastics in all PPA ports, facilities and offices is prohibited.</li> <li>- The following materials are considered as unnecessary single-use plastics: <ul style="list-style-type: none"> <li>• Plastic cups (lower than 0.2 mm in thickness)</li> <li>• Plastic drinking straws</li> <li>• Plastic coffee stirrers</li> <li>• Plastic spoons</li> <li>• Plastic forks</li> <li>• Plastic knives</li> <li>• Plastic labo and thin-filmed sando bags (lower than 15 microns)</li> </ul> </li> </ul> </li> <li>• Guidelines that may be issued by DENR on single-use plastics shall form part of this Circular</li> </ul>	<ul style="list-style-type: none"> <li>• Legal basis: National Solid Waste Management Commission (NSWMC) Resolution No. 1363 s. 2020</li> <li>• Took effect on 19 July 2021; notices issued to all concerned by the Port Managers/ Department Managers within their area of responsibility.</li> <li>• Port Managers and Department Managers shall submit a report to the General Manager, through the AGM for Port Operations, on the implementation of this Circular thirty (30) days after its issuance and every month thereafter.</li> </ul>

# ANNEX 5

## BILLS AND RESOLUTIONS FILED AT THE 18<sup>TH</sup> CONGRESS RELATED TO MARINE POLLUTION

Number	Title	Brief overall description/purpose
<b>House Bills filed at the 18th Congress</b>		
<b>HB 333</b>  Date Filed: 2019-07-01 Principal Author/s: ARENAS, ROSE MARIE "BABY" J. Date Read: 2019-07-23 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2019-07-23 Short title: Maritime Safety, Security and Prevention of Ship-Sourced Pollution Act of the Philippines	<ul style="list-style-type: none"> <li>• An Act Providing for a Maritime Code the Full Implementation and Enforcement of International Maritime Instruments of which the Philippines is a state-party (The International Convention for the Safety of Life at Sea, 1974, and its Protocols of 1978 and 1988, and Agreement of 1996 the International Convention for the Prevention of Pollution from Ships, 1973, its Protocol of 1978 and its Protocol of 1997, the Convention on the International Regulations for Preventing Collisions at Sea 1972, the International Conventions of Load Lines 1966 and its Protocol of 1988, as Amended in 2003, the International Convention on Tonnage Measurement of Ships 1969, and for Other Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• The Philippines is a State Party to the five (5) safety conventions which this law seeks to implement particularly:               <ul style="list-style-type: none"> <li>- The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74)</li> <li>- The International Convention for the Prevention and Pollution from Ships, 1973, as amended by the Protocol of 1978 (MARPOL 73/78)</li> <li>- The Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREGS)</li> <li>- The International Convention on Load Lines 1966 (Load Line)</li> <li>- The International Convention on the Tonnage Measurement of Ships 1969 (Tonnage)</li> </ul> </li> <li>• However, there has as yet been no national law which implements these conventions and appoints a government agency to oversee the full, proper, and effective implementation of the conventions.</li> <li>• The Philippines is not yet a party to the following international conventions which this bill also seeks to implement:               <ul style="list-style-type: none"> <li>- SOLAS Protocol of 1988,</li> <li>- MARPOL Protocol of 1997,</li> <li>- Load Lines Protocol of 1988, as amended in 2003</li> </ul> </li> <li>• This bill appoints the Maritime Industry Authority (MARINA) as the government agency with mandate to fully and effectively implement these conventions and clothe it with requisite powers so that the primary preventive measures established by the International Maritime Organization (IMO) for ensuring the safety of ships and of lives and property on board ships and the protection of the marine environment may be properly implemented.</li> <li>• The provisions of the conventions and its structure provide for the constant updating of national regulations covering technical requirements that ensure the safety and security of ships and the protection of the marine environment. The power granted to MARINA under this proposed measure includes the power to amend its regulations and incorporate these new technical requirements as these come into force without need of further ratification because these are part of the commitments of the Philippines when it ratified the original conventions and partake the nature of executive agreements.</li> </ul>
<b>HB 5222</b>  Date Filed: 2019-10-23 Principal Author/s: RODRIGUEZ, RUFUS B. Date Read: 2019-11-06 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2019-11-06		
<b>HB 5758</b>  Date Filed: 2019-12-09 Principal Author/s: SARMIENTO, EDGAR S. Date Read: 2019-12-11 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2019-12-11		

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 3: Scope               <ul style="list-style-type: none"> <li>- All merchant marine ships, whether seagoing or coastwise, which are registered under the Philippine flag;</li> <li>- (b) All persons, partnerships, corporations, firms or other entities duly registered or licensed in the Philippines to engage in the business of shipping as ship owners, ship operators, charterers, or ship managers, or those acting on their behalf;</li> <li>- (c) All foreign ships that are within the waters, ports, harbors and offshore terminals of the Philippines regardless of whether or not they are registered in, or belong to, State Parties to the Conventions sought to be implemented by this Act.</li> </ul> </li> <li>• Section 5: Powers and functions of the MARINA in addition to its mandate under PD 474 and EO No. 125 and 125-A, series of 1987. Will act as a single and central maritime administration and exercise all powers and functions relative to the compliance with and effective implementation and enforcement of the 5 conventions in addition to all other instruments, codes, recommendations, procedures and guidelines implementing or applying the 5 conventions               <ul style="list-style-type: none"> <li>- (n) Provide for THE POLICY FRAMEWORK AND RELEVANT regulations for the inspection of foreign merchant marine ships while in the waters, ports, harbors and offshore terminals of the Philippines, including the inspection of ship certificates, the manner by which further inspection shall be carried out, and the determination of clear grounds if the condition of the ship should pose a threat to the safety of the ship, its crew, passengers and cargo, and expose the marine environment to risk of damage from ship-sourced pollution;</li> </ul> </li> <li>• Section 8: Reorganization of the MARINA to create additional offices and positions necessary to address the requirements of the conventions, amending PD 474 and EO 125 and 125-A</li> </ul>	

Number	Title	Brief overall description/purpose
<b>HB 6217</b>  Date Filed: 2020-02-06 Principal Author/s: GONZALEZ, SANDRO L.; LUSOTAN, MACNELL; DUTERTE, PAOLO Z.; Date Read: 2020-02-12 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2020-02-12		
<b>HB 334</b>  Date Filed: 2019-07-01 Principal Author/s: ARENAS, ROSE MARIE "BABY" J. Date Read: 2019-07-23 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2019-07-23 Short title: Whistleblowers Against Marine Pollution Act of 2018	<ul style="list-style-type: none"> <li>• An Act Providing for an Environmental Informant Incentive System for Whistleblowers to Strengthen the Prevention and Prosecution of Maritime Pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Establishment of a Public Vigilance Incentive System against maritime pollution to strengthen efforts to police against maritime pollution, and even provide environmental organizations and volunteers with much needed funds to continue their activities to protect and preserve our maritime resources.</li> </ul>
<b>HB 590</b>  Date Filed: 2019-12-09 Principal Author/s: SARMIENTO, EDGAR S. Date Read: 2019-12-11 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2020-02-04	<ul style="list-style-type: none"> <li>• A Resolution Calling on the Department of Foreign Affairs, Department of Transportation and Maritime Industry Authority to Provide the House Committee on Transportation with the Status of the Country's Compliance with the European Maritime Safety Agency Findings</li> </ul>	

Provisions related to Ship Waste Management	Remarks
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- Section 3: Environmental Informant Incentive System: Any person, including duly incorporated non-governmental organizations, who voluntarily gives definite and sworn information, not yet in the possession of the Department of Environment or Natural Resources, or any of its line agencies, or the Department of Transportation, or any of its line agencies, leading to the discovery of acts polluting our maritime resources, thereby resulting in the imposition of administrative or criminal fines, shall be rewarded
- Section 4: Maritime Pollution Task Force: There is hereby created a Maritime Pollution Task Force to be organized by the Department of Transportation and Department of Environment and Natural Resources, which will be under their joint control and supervision. The members of the Maritime Pollution Task Force shall come from the pertinent line/attached agencies including the Philippine Coast Guard, Maritime Industry Authority, Philippine Ports Authority, and Environmental Management Bureau. The Maritime Pollution Task Force shall receive all information mentioned in the immediately preceding Section, and act upon such information within thirty (30) days from receipt thereof through the filing of a criminal or administrative case.
- Section 5: IRR: The Secretary of the Department of Transportation, in coordination with the Secretary of the Department of Environment and Natural Resources, shall issue the implementing rules and regulations of this Act within sixty (60) days from its effectivity. In no case shall the absence of the implementing rules and regulations be used as justification for the non-enforcement of this Act.

Number	Title	Brief overall description/purpose
<b>HB 884</b>  Date Filed: 2019-07-01 Principal Author/s: CABOCHAN, MANUEL III. D. Date Read: 2019-07-23 Primary Referral: GOVERNMENT REORGANIZATION Status: Pending with the Committee on GOVERNMENT REORGANIZATION since 2019-07-23 Short Title: Department of Maritime Affairs Act	<ul style="list-style-type: none"> <li>• An Act Creating the Department of Maritime Affairs Providing Funds Therefor and for Other Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of Department of Maritime Affairs</li> </ul>
<b>HB 1865</b>  Date Filed: 2019-07-09 Principal Author: Rodriguez, Rufus B. Date Read: 2019-07-24 Primary Referral: Ecology Status: Pending with the Committee on Ecology since 2019-07-24 Short Title: Shore Protection Act	<ul style="list-style-type: none"> <li>• An Act Regulating Shipping Vessels Coasting Philippine Waters for the Protection of Shores</li> </ul>	<ul style="list-style-type: none"> <li>• The bill provides regulatory measures with regard to indiscriminate unloading of municipal and commercial waste from shipping vessels.</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Section 5: Organization: The Department shall consist of the following offices and agencies: <ul style="list-style-type: none"> <li>- Department Proper</li> <li>- Maritime Industry Development Authority</li> <li>- Philippine Ports Authority</li> <li>- National Seafarers Administration</li> <li>- Philippine Merchant Marine Academy</li> <li>- National Maritime Polytechnic</li> <li>- Maritime Research Institute</li> <li>- Philippine Coast Guard</li> </ul> </li> <li>• Section 11: Transfer of bureaus, offices and agencies <ul style="list-style-type: none"> <li>- Maritime Industry Authority (DOTC)</li> <li>- Philippine Ports Authority (DOTC)</li> <li>- Philippine Merchant Marine Academy (DOTC)</li> <li>- Philippine Coast Guard (DND)</li> <li>- Seafarers Section of the Philippine Overseas Employment Administration (DOLE)</li> <li>- Seafarers Section of the Overseas Workers Welfare Administration (DOLE)</li> <li>- National Maritime Polytechnic (DOLE)</li> <li>- Maritime Training Council (DOLE)</li> </ul> </li> <li>• Section 12: Renaming of MARINA to Maritime Industry Development Authority</li> </ul>	
<ul style="list-style-type: none"> <li>• Section 3: Vessel permits: A vessel may not transport municipal or commercial waste in coastal waters without (1) a permit for that vessel from the Secretary of Environment and Natural Resources and (2) displaying a number or other markings on the vessel as prescribed by the Secretary of Transportation and Communications. Application for a permit required by this Act shall be made by the vessel owner or operator and includes a short history of the types of cargo transported by that vessel during the previous year, including identification of the type of municipal or commercial waste transported as: <ul style="list-style-type: none"> <li>- municipal waste</li> <li>- commercial waste</li> <li>- medical waste</li> <li>- or waste of another character</li> </ul> </li> <li>• Section 4: Waste handling practices <ul style="list-style-type: none"> <li>- Loading - The owner or operator of the waste source shall take all reasonable steps to assure that all municipal or commercial waste is loaded into a vessel in a manner that assures that waste deposited in coastal waters is minimized.</li> <li>- Securing. - The owner or operator of a vessel shall assure that all municipal or commercial waste will not be deposited into coastal waters during transport</li> <li>- Offloading. -The owner or operator of the receiving facility shall take all reasonable steps to assure that any municipal or commercial waste is offloaded from a vessel in a manner that assures that waste deposited into coastal waters is minimized</li> <li>- Cleaning. - The Secretary of Environment and Natural Resources in consultation with the Secretary of Transportation and Communications. shall prescribe regulations <ul style="list-style-type: none"> <li>• requiring that waste sources, receiving facilities, and vessels are provided with means and facilities to assure that the waste will not be deposited into coastal waters during loading and offloading•</li> <li>• requiring, as appropriate, the submission and adoption by each. responsible party of an operation and maintenance manual identifying procedures to be used to prevent, report and clean up any deposit of municipal or commercial waste into coastal waters, including record keeping requirements; and</li> <li>• determining tracking systems required to assure adequate enforcement of laws preventing the deposit of municipal or commercial waste into coastal waters requiring installation of the appropriate systems.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Included definitions of coastal waters, municipal or commercial waste, receiving facility and waste source</li> </ul>

Number	Title	Brief overall description/purpose
<p><b>HB 4204</b></p> <p>Date Filed: 2019-08-27 Principal Author/s: VARGAS, ALFRED Date Read: 2019-09-03 Primary Referral: ECOLOGY Status: Pending with the Committee on ECOLOGY since 2019-09-03</p> <p><b>HB 6739</b></p> <p>Date Filed: 2020-05-14 Principal Author/s: CABOCHAN, MANUEL III. D. Date Read: 2020-05-18 Primary Referral: ECOLOGY Status: Pending with the Committee on ECOLOGY since 2020-05-18</p>	<ul style="list-style-type: none"> <li>• An Act Increasing the Penalty Imposed Against Pollution of Navigable Waters by Amending Section 7 of Presidential Decree No. 979 Providing the Revision of Presidential Decree No. 600 Governing Marine Pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Section 1: Amendment on Section 7 of Presidential Decree No.979: <ul style="list-style-type: none"> <li>- Section 7. Penalties for Violations. - Any person who violates Section 4 of this Decree or any regulations prescribed in pursuance thereof shall be liable for a fine of not less than [Two hundred pesos nor more than Ten thousand pesos] FIVE MILLION PESOS or by imprisonment of not less than [thirty days] EIGHT YEARS AND ONE DAY nor more than [one year] TWELVE YEARS or both</li> <li>- such fine and imprisonment, for each offense, without prejudice to the civil liability of the offender in according with existing laws.</li> <li>- Any vessel from which oil or other harmful substance are discharged in violation of Section 4 or any regulation prescribed in pursuance thereof, shall be liable for the penalty of fine specified in this section, and clearance of such vessel from the port of the Philippines may be withheld until the fine is paid.</li> <li>- In addition to the penalties above described, the Philippine Coast Guard shall provide in its rules and regulation such reasonable administrative penalties as may be necessary for the effective implementation of this Decree."</li> </ul> </li> </ul>
<p><b>HB 4217</b></p> <p>Date Filed: 2019-09-02 Principal Author/s: HERRERA-DY, BERNADETTE "BH" Date Read: 2019-09-09 Primary Referral: GOVERNMENT REORGANIZATION Status: Pending with the Committee on GOVERNMENT REORGANIZATION since 2019-09-09 Short title: Philippine Ports Corporation Act</p>	<ul style="list-style-type: none"> <li>• An Act Separating the Regulatory and Commercial Functions of the Philippine Ports Authority by Converting it into Philippine Ports Corporation for Development, Management and Operation of Public Ports within its System and Transferring the Regulatory Functions to the Maritime Industry Authority (MARINA)</li> </ul>	<ul style="list-style-type: none"> <li>• Separates the regulatory and development functions of the Philippine Ports Authority (PPA) by converting it into a corporation solely for commercial and development purposes and transferring its regulatory functions and powers to the Maritime Industry Authority (MARINA).</li> </ul>

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>Section 6: Enforcement:               <ul style="list-style-type: none"> <li>Periodic Examinations. - The Secretary of Transportation and Communications shall conduct periodic examinations of vessels transporting municipal or commercial waste to determine that each of these vessels has a permit issued under this Act.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>Section 3: The Philippine Ports Corporation               <ul style="list-style-type: none"> <li>PPA shall be converted into Philippine Ports Corporation (PHILPORTS), a government-owned and controlled corporation (GOCC) attached to the Department of Transport (DOTr) and mandated to own, develop, manage and operate public ports within the port system of the old PPA.</li> <li>All regulatory powers and functions of the defunct PPA shall be transferred to the MARINA.</li> <li>PHILPORTS shall prepare a long-term, port system development plan - taking into consideration the needs and requirements of manufacturing, agro-fisheries, tourism, transport, and logistics sectors</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>No reference made to marine pollution and environmental protection</li> </ul>

Number	Title	Brief overall description/purpose
<b>HB 71</b>  Date Filed: 2019-07-16 Principal Author/s: GONZALEZ, SANDRO L. Date Read: 2019-07-29 Primary Referral: TRANSPORTATION Status: Pending with the Committee on TRANSPORTATION since 2019-07-29	<ul style="list-style-type: none"> <li>• A Resolution Calling on the Inter-agency Council on the International Maritime Organization Member State Audit Scheme (IMSAS) to Provide the Appropriate Committees of the House of Representatives with Regular Progress Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Directing the Inter-agency Council of the IMSAS to submit to the Committee on Transportation and the Committee on Overseas Workers Affairs of the House of Representatives quarterly reports on the following: <ul style="list-style-type: none"> <li>- The efforts of national government agencies involved in the implementation of applicable IMO instruments relating to: a) safety of life at sea; b) prevention of pollution from ships; c) standards of training, certification and watchkeeping for seafarers; d) load lines; e) tonnage measurement of ships; t) regulations for preventing collisions at sea</li> <li>- Adoption of rules and regulations implementing the provisions of IMO instruments;</li> <li>- Progress of implementation of the National Work Program to ensure that international obligations as a flag, port and coastal state are fully satisfied</li> <li>- And other reports that may be required from time to time</li> </ul> </li> </ul>
<b>HB 590</b>	<ul style="list-style-type: none"> <li>• A Resolution Calling on the Department of Foreign Affairs, Department of Transportation and the Maritime Industry Authority to Provide the House Committee on Transportation with the Status of the Country's Compliance with the European Maritime Safety Agency Findings</li> </ul>	<ul style="list-style-type: none"> <li>• EMSA audit results last March 2019 indicated that the country needs to address several issues including compliance with the SCTW;</li> <li>• Executive Order No. 63 last September 21, 2018 to empower the Maritime Industry Authority (MARINA) in addressing the issues regarding the SCTW Convention;</li> <li>• results of the revaluation of the country's compliance with the SCTW will be released by the first quarter of 2020;</li> </ul>

Provisions related to Ship Waste Management	Remarks
	<ul style="list-style-type: none"> <li>• Executive Order No. 84 on 2 July 2019, creating the Inter-Agency Council on the International Maritime Organization (IMO) Member State Audit Scheme (IMSAS);</li> <li>• WHEREAS, the Inter-agency Council on the IMSAS is composed of the Secretary of the Department of Transportation as Chairperson, the Administrator of MARINA as Vice-Chairperson and representatives from the Department of Foreign Affairs, Philippine Coast Guard, Philippine Ports Authority, and Cebu Port Authority as members;</li> <li>• WHEREAS, the Inter-agency Council on the IMSAS was created to ensure full compliance with the commitments and obligations of the Philippines as a member-state of the IMO, pertaining to the implementation of IMO instruments in an integrated manner in preparation for the IMSAS</li> </ul>
<ul style="list-style-type: none"> <li>• House of Representatives thru the House Committee on Transportation, to call on the Department of Foreign Affairs, Department of Transportation, and the Maritime Industry Authority to provide the House of Representatives with the reports on the status of the country's compliance with the European Maritime Safety Agency findings and the actions undertaken to resolve the issues surrounding the findings.</li> </ul>	<ul style="list-style-type: none"> <li>• European Maritime Safety Agency (EMSA) is one of the European Union's decentralized agencies which aims to provide technical assistance and support to the European Commission and Member States in the development and implementation of EU</li> <li>• legislation on maritime safety, pollution by ships and maritime security;</li> <li>• WHEREAS, the EMSA conducts regular audits to determine, in behalf of the members of the European Union, whether the Philippines in compliance with the Standards of Training,</li> <li>• Certification and Watchkeeping (SCTW) Convention. Compliance with the SCTW standards allows our seafarers to work on ships of other nations;</li> <li>• WHEREAS, being a member of the IMO Council and a party to the SCTW Convention, the country is obligated to demonstrate</li> </ul>

Number	Title	Brief overall description/purpose
<b>Senate Bills filed at the 18th Congress</b>		
<b>SB 1261</b>  Date Filed: 1/7/2020 Introduced by Senator RAMON BONG REVILLA JR.; Date Read: 1/20/2020 Read on First Reading and Referred to the Committee(s) on PUBLIC SERVICES and WAYS AND MEANS Short Title: Maritime Safety, 2 Security and Prevention of Ship-Sourced Pollution Act of the Philippines	<ul style="list-style-type: none"> <li>• An Act Establishing the Scope and Procedure for Philippine Ship Registry, Recognition and Enforcement of Maritime Claims, and Limitations of Liability, as well as Providing Essential Incentives, to Promote a Comprehensive and Orderly Philippine Ship Registry Systems for the Regulation of Vessels Carrying the Flag State</li> </ul>	<ul style="list-style-type: none"> <li>• Seeks to implement the international conventions and appoints the Maritime Industry Authority (MARINA) as the government agency with mandate to fully and effectively implement these conventions and provide it with requisite powers so that the primary preventive measures established by the International Maritime Organization (IMO) for ensuring the safety of ships and of lives and property on board ships and the protection of the marine environment may be properly implemented.</li> <li>• The provisions of the conventions and its structure provide for the constant updating of national regulations covering technical requirements that ensure the safety and security of ships and the protection of the marine environment. The power granted to MARINA under the proposed measure includes the power to amend its regulations and incorporate these new technical requirements as these come into force without need of further ratification because these are part of the commitments of the Philippines when it ratified the original conventions and partake the nature of the executive agreements</li> </ul>
<b>SB 1160</b>  Date Filed: 11/11/2019 Introduced by Senator SONNY ANGARA Date Read: 11/18/2019 Read on First Reading and Referred to the Committee(s) on PUBLIC SERVICES; and FOREIGN RELATIONS	An Act Providing for the Full and Effective Implementation and Enforcement of International Maritime Instruments of which the Philippines is a state-party	Same contents as SB 1261

Provisions related to Ship Waste Management	Remarks
<ul style="list-style-type: none"> <li>• Sec. 3. Scope: Unless otherwise indicated, this Act shall apply to:               <ul style="list-style-type: none"> <li>- All merchant marine ships, whether seagoing or coastwise, which are registered under the Philippine flag;</li> <li>- All persons, partnerships, corporations, firms or other entities duly registered or licensed in the Philippines to engage in the business of shipping as ship owners, ship operators, charterers, or ship managers, or those acting on their behalf; and</li> <li>- All foreign ships that are within the waters, ports, harbours and offshore terminals of the Philippines regardless of whether or not they are registered in or belong to State Parties to the international maritime instruments sought to be implemented by this Act</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The 2009 Voluntary IMO Member State Audit Scheme (VIMSAS) which the Philippines volunteered for, as one of its findings, the inability of the Philippines to effectively implement and enforce international maritime conventions.</li> <li>• The Philippines is a State Party to the five (5) safety conventions which this law seeks to implement particularly:               <ul style="list-style-type: none"> <li>- The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);</li> <li>- The Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS);</li> <li>- The International Convention on Load Lines, 1996 (Load Line);</li> <li>- The International Convention on the Tonnage Measurement of Ships, 1969 (Tonnage); and</li> <li>- The Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 (MARPOL Annex VI)</li> <li>- No national law which implements these conventions and appoints a government agency to oversee the full, proper, and effective implementation of the conventions</li> </ul> </li> </ul>

