



# MINISTRY OF TRANSPORT AND COMMUNICATIONS

## DEPARTMENT OF MARINE ADMINISTRATION

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### Notification ( 10 / 2017)

#### The Role of Recognized Organizations (ROs) in Ensuring Compliance with IMO Mandatory Instruments and National Legislation

##### Power

1. The Department of Marine Administration, with the approval of Ministry of Transport and Communications in the exercise of the powers conferred by Section 294-B, paragraph (b) of the Myanmar Merchant Shipping Act, 1923 as amended, hereby issued this notification.

##### Purpose

2. The Department of Maritime Administrations (DMA) has delegated authority to certain ROs to perform ship statutory survey and certification services. The purpose of this notification is to provide ship owners/operators with greater clarity on the RO's role, as authorized by the DMA, in ensuring compliance with mandatory requirements of international conventions and Myanmar legislation and to outline the potential consequences of non-compliance to ship owners/operators.

##### Application

3. This Notification applies to all Myanmar-flagged ships subject to survey and certification for statutory compliance, where applicable.

##### Requirements

##### 4. General

- 4.1. While it is ultimately the responsibility of the DMA to ensure compliance of owners/operators and ships with the mandatory requirements of the international conventions, protocols and related codes to which the Myanmar is a signatory, the ROs are authorized by the DMA to perform the requisite surveys, inspections, audits and assessments to verify compliance, and to issue the relevant statutory certification as evidence of compliance, where applicable.
- 4.2. Furthermore, in consultation with the DMA, the ROs are also authorized to withdraw, cancel or invalidate Myanmar statutory certificates in accordance with the results of such surveys, inspections, audits and assessments. Where there is a failure by the ship

or owner/operator to correct a serious deficiency, ROs are authorized to suspend the relevant statutory certificates until all such deficiencies are remedied.

4.3. The ROs may also, as applicable, make recommendations to owners/operators as to compliance with the specific requirements of the relevant international conventions, protocols and related codes to which the Myanmar is a signatory.

## 5. Port State Control (PSC)

5.1. The ROs are authorized to cooperate with PSC officers on behalf of the DMA to facilitate rectification of reported deficiencies and defects on ships for which the RO has issued statutory certification. In cases where the ROs are made aware of deficiencies identified by PSC authorities, they are required to report to the DMA all such deficiencies, whether or not the deficiencies lead to detention.

## 6. PSC Detentions

6.1. The relevant RO, in consultation with the DMA, may attend any ship that is detained by PSC authorities. It is the responsibility of the ship manager or master to immediately notify the DMA.

6.2. The attending RO surveyor shall address, but not limit an inspection to, the deficiencies identified by PSC. Instead:

6.2.1. If the date of detention falls within the  $\pm 3$  (three) month window for annual statutory surveys or the -3 (three) month window prior to the renewal surveys, the RO shall conduct the surveys prior to the ship sailing. In the case of renewal surveys, the RO shall conduct the surveys to the maximum extent possible, except for safety equipment and safety radio which must be completed prior to the ship sailing. A time schedule for the completion of surveys at the next convenient port shall be set, and may not be delayed until the end of the window.

6.2.2. If the date of detention does not fall within the  $\pm 3$  (three) month window for annual statutory surveys or the -3 (three) month window prior to the renewal surveys, the attending RO surveyor is required, after clearing the port State control deficiencies, to carry out a general examination of the ship in consultation with the DMA. Additional surveys may be required based upon the professional judgment of the attending RO surveyor.

6.2.3. Depending on the number and nature of deficiencies, the RO may conduct an additional audit of the Safety Management System (SMS) or Ship Security Plan (SSP), as the case may be, equivalent to an Intermediate Audit.

## 7. Potential Consequences of Subsequent PSC Detentions

7.1. In the case of a ship detained twice in two (2) years by PSC:

7.1.1. all statutory certificates may be suspended from the date of the detention and the Master and/or ship owner/operator shall be notified in writing by the RO that the statutory certificates are invalidated or withdrawn as of the date of written notice. Upon such notice, the statutory certificates must be surrendered to the RO.

7.1.2. an Initial Audit of the Company may be required, the extent of which shall take

into account the number and nature of the deficiencies.

- 7.1.3. an Additional Audit equivalent to a Renewal Audit and inspection of the ship may be conducted jointly by the RO and DMA.
- 7.1.4. if statutory certificates have been withdrawn, they shall not be reinstated until the RO has conducted renewal surveys, there are no outstanding items or recommendations, and both the DMA and port State authorities are satisfied.
- 7.2. A ship detained three (3) times in two (2) years or banned by port State control or by a specific Memorandum of Understanding (MoU) authority may:
  - 7.2.1. cause the Document of Compliance (DoC) to be re-examined by the RO, resulting in its possible withdrawal.
  - 7.2.2. be subject to proceedings by the DMA to delete the ship from the Registry.

## 8. Flag State Detentions

- 8.1. The RO is authorized to invalidate or withdraw a statutory certificate, in consultation with the DMA, if corrective action of a deficiency is not taken and it is determined by a survey that a ship is not in substantial compliance with required standards and, therefore, is deemed unfit to proceed to sea without endangering the ship or persons on board or presents an unreasonable threat of harm to the marine environment.
- 8.2. In such cases, the RO is required to provide written notice to the Master and/or owner/operator of the invalidation/withdrawal and request that the statutory certificates be surrendered immediately.
- 8.3. Concurrently, the DMA shall also provide written notice of the ship being placed under Flag State Detention.
- 8.4. Statutory certificate(s) shall not be reinstated until the required corrective action, which may be equivalent to those required to remove a PSC detention, has been accomplished to the satisfaction of both the DMA and the RO.



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Director General

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