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**Directive (20/2014)**

**National Guidance for the Provision of Model Ship Safety Regulations**

Applicable to: Ship owners, Recognized Organizations, Shipping Companies, Flag State Surveyors

1. The Department of Marine Administration circulated this directive in the exercise of the power of Section 294(B), paragraph (b) of Myanmar Merchant Shipping Act.
2. Pursuant to the provision of section 213 (A) of Myanmar Merchant Shipping Act, the Department of Marine Administration circulated this directive to apply the IMO – Model Ship Safety Regulations as national guidance to provide National Standards for the safety of coastal ships subjected to Myanmar ships engaged on Myanmar waters.
3. The purpose of this guidance is to provide Myanmar National Standards of the safety of coastal ships complied with the requirements provided in chapter II-1 of the International Convention for the Safety of Life at Sea, 1974, as amended.

Maung Maung Oo  
Director General  
Department of Marine Administration



**INTERNATIONAL MARITIME ORGANIZATION**



**MODEL SHIP SAFETY REGULATIONS**

**“GlobalReg”**



**General introduction**

**Edition February 2013**

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## **1. Presentation of the GlobalReg draft Model Regulations**

The proposed model regulations, so called “GlobalReg”, provide what should be included within a national legislation to enable a State, Party to the Convention on the Law of the Sea, located in any region in the world (contrary to different regional approaches previously undertaken under the aegis of IMO), to fulfill its obligations regarding safety of ships, and particularly those ships which are not covered by the IMO conventions. They have been drafted in such a way that they can be directly incorporated by such a State in its national legislation.

It is assumed that the country has already adopted and implemented the legislative corpus regarding safety of ships, i.e. a Maritime Code or Act, which defines rights and obligations of the State, and in particular entitles the services in charge of ship safety to survey ships, to issue safety certificates and, if necessary, to prosecute any violation of the rules.

The top document proposed, standing immediately below the Maritime Code, is an extensive set of **Procedural Regulations for Ship Safety Certification and Safe Manning**.

Several sets of **Technical Regulations** define the technical requirements the ships have to comply with in order to be certified by the flag Administration. At this stage, the following were prepared:

- Safety Regulations for Small Cargo Ships (i.e. less than 500 GT),
- Safety Regulations for Small Passenger Ships (i.e. less than 24 m in length (L)),
- Safety Regulations for Ships engaged in Inland Waterways,
- Safety Regulations for Cargo Ships of more than 500 gross tonnage and for Passenger Ships of more than 24 metres in length (L) (SOLAS ships),
- Safety Regulations for Fishing Vessels of 12 metres in length and above, but less than 24 metres,
- Safety Regulations for Fishing Vessels of less than 12 metres in length,
- Safety Regulations for Fishing Vessels of more than 24 metres in length.

Simplified safety regulations for larger passenger ships could be required by a number of national maritime administrations. Such a document should, as the Regulations for Small Passenger Ships, propose simplified technical requirements ensuring a safety level which could be accepted as equivalent to SOLAS.

To be fully comprehensive and to cover all different ship types, the national regulations could include more technical regulations, the development of which was not undertaken, such as:

- Safety regulations for leisure craft,
- Safety regulations for small traditional open boats,
- Regulations on lifting appliances,

Specific procedural regulations are recommended to cope with other relevant aspects:

- Regulations on Organisation and Duties of the Maritime Administration (for which it looks unrealistic to propose a worldwide model),
- Regulations for training and qualification of small ship surveyors,
- Regulations on approval of marine equipment,
- Regulations on registration of persons on board passenger ships,
- Regulations on safety management,
- Regulations on ship accident investigation,
- Regulations on ship manning and seafarers qualification and certification (it should be the adaptation to the national law of the STCW and the STCW-F

Conventions, as well as the national implementation of the MLC 2006 Convention of ILO),

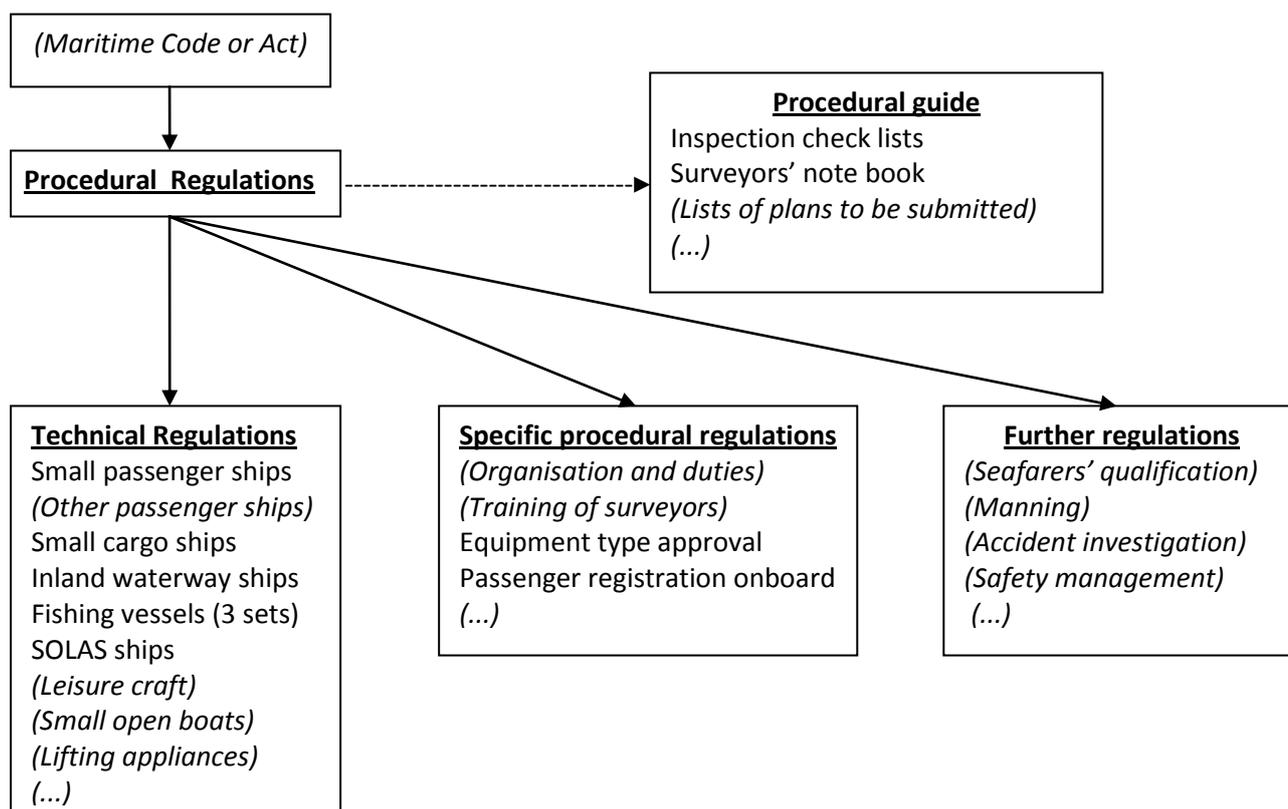
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Only draft Regulations on approval of marine equipment and Regulations on registration of persons on board passenger ships are proposed at this stage. It would be highly commendable that model regulations for training and manning aspects be developed by IMO and ILO.

Furthermore, it appears that there is a need for a guidance document, as a tool to assist maritime administrations in their implementation of the above regulatory documents. To that effect, a **procedural guide** is proposed. A detailed outline of this guide is proposed, together with the following tools it introduces:

- Inspection check list for small passenger ships and cargo ships,
- The surveyors' note book, which is a compendium of useful guidance documents.

The diagram below presents the suggested structure of a national legislative and regulatory system for ship safety certification and safe manning.



**Fig. 1**

**Possible structure of a national legislative and regulatory system**

In figure 1, the already available draft sets of regulations are in regular font, while those that are only envisaged are in italics between brackets.

A presentation of the sources used for drafting the proposed technical regulations is attached as Annex 1.

Questions raised on two of the missing texts, leisure craft and traditional small open boats such as pirogues or canoes are briefly discussed in Annex 2.

## **2. Main assumptions and options**

As explained above, the country is supposed to implement a Maritime Code. However, it is important to ensure that there is no contradiction between the Code and the regulations proposed, in particular, the Procedural Regulations for ship safety certification and safe manning.

### Institutional and organizational assumptions

- The country has ratified the “mandatory IMO Conventions” addressed in the Resolution A.1019(26), which is the basis for the Voluntary IMO Member States Audit Scheme.
- The country has ratified the main relevant ILO conventions, in particular the OIT 147 and ILO 180, and/or has ratified the new consolidated Maritime Labour Convention, 2006.
- The Minister in charge of the maritime affairs has the responsibility of safety of ships engaged in any activities, except war ships.
- The country and its coasts are not so extensive as to require regional subdivisions. The drafts assume that there is a ministerial level and then inspection centres established in different ports of the country, without an intermediate regional structure. If a regional level is needed, slight modifications should be made to the Procedural Regulations.

### Options taken regarding procedural matters and appellations used

- Regarding recognized organisations: for the sake of clarity, a distinction is made between the organisations referred to in regulation SOLAS XI-1/1, which have to be classification societies, they are called Recognized Organisations in the proposed models, and the other organisms which are authorised by the Administration to carry out inspections or other duties, they are called Authorized Experts.
- It is intended that, except for the smallest ships, the Minister, the Director or the Surveyor are assisted by Commissions when they have to take a decision, such as the issue of an initial certificate. In particular, a National Safety Committee is charged to advise the Minister and the Director prior to the approbation of plans of a new ship or of marine equipment, and before the adoption of any new safety regulations.
- The authority responsible for taking a decision is designed as “the Surveyor” or as “the Administration”. The latter designates anyone having been delegated by the Minister, or identified in the Maritime Code or in the Procedural Regulations as having the power to act accordingly. In some cases, it was found useful to name “the Director” for some functions. Director means the Director in charge of maritime safety, or equivalent, at the ministry level.

### Options taken regarding the content of the models

The technical regulations for the different types of ships are as comprehensive as possible, and independent from each other. They include, in an annex, the models of safety certificates, which are slightly different for each type of ship.

In the proposed draft texts, the term XXX appears repeatedly; this represents the name of the country to which the legislation is applicable. It can be the noun or the adjective forms of

the country. Where unknown specific data needs to be introduced in the text, for instance the level of criminal sanctions, YYY or similar symbols are used.

### **3. Conclusion**

1 An important feature of the proposed regulations is that they can be applicable to new ships only. However, as specified in each set of regulations applicable to the different types of ships, the Administration should, as far as practicable and reasonable, apply the same standards to existing ships, in particular for safety equipment and operational requirements.

The Administration may continue to authorize the operation of an existing ship designed on the basis of lower standards than those set out in the regulations. However, such ships should at least satisfy those provisions which, in the opinion of the Administration, are considered necessary to ensure the safety of the ship and its crew during the voyage or voyages that it is expected to make.

2 As a conclusion to this presentation, it is important to remind the following:

- These model regulations should be considered as a starting tool for a number of flag States to build the necessary legislation needed to fulfil their obligation with regard to the Convention on the Law of the Sea;
- The regulations proposed, once adopted, should be regularly updated by IMO in the light of experience and developments in international safety standards.
- Finally, it should be noted that, although drafted in the form of national regulations, the model regulations are set in the context of a possible regional agreement between neighbouring countries, preferably between countries parties to the same PSC MoU. In that case, a certain number of exchanges should be arranged between countries which have decided to apply the same regulations. These exchanges could involve:
  - exemptions granted,
  - recognized equivalences,
  - the statistical and technical return from accident investigations.

## **Annex 1**

### **Origins, sources and discussion**

#### **1. Small Passenger Ships**

The “*Safety regulations for Small Passenger Ships*” are proposed as a generic set of national regulations, recommended by IMO as minimum safety standards for new passenger ships of an overall length of 12 metres and over, but less than 24 metres length (L), for the use of those countries which undertake to establish national regulations for this category of ships.

The proposed text has its origins in the “Safety regulations for cargo ships and small passenger ships not covered by the provisions of international maritime conventions in the Co-operation Council for the Arab States of the Gulf (GCC) Region, Djibouti and Yemen”, adopted in 2006 in Bahrain and in the recent Caribbean Code of Safety for Small Commercial Vessels. Those two texts apply both to cargo and small passenger vessels. However as the objectives were a complete set of maritime safety regulations covering all types of ships and their equipment, as every flag State should have, it was decided that passenger vessels, including the small ones, would have their own regulations.

Indeed, the task was to transcribe and adapt the universally accepted provisions for ships covered by the provisions of the Conventions to ships not so covered, including, where possible and reasonable, the recommendations and interpretations adopted by the IMO. In such cases, they are referred to in the regulations, either in the body of the text, or in a footnote.

As explained in their Preamble, the regulations are equally proposed for passenger ships when engaged on domestic or international voyages. In the case of international voyages, their requirements are to be understood as a reasonable interpretation of the SOLAS regulations, as simplified for ships of a limited size, submitted to restricted navigation limits, both in terms of distance and of probable wave height. Inasmuch as IMO acknowledges that these regulations are equivalent to SOLAS for these restricted navigations, the foreign port should easily accept the corresponding safety certificate.

The question of the involvement of classification societies should be the subject of a debate. For passenger ships between 12 and 24 metres in length, the answer is not a simple one. Probably the most difficult task for the Administration is the approval of the stability booklet, which requires a computer programme (and know-how) possessed by classification societies but more seldom by Administrations. If the latter do not wish to equip themselves accordingly, it is desirable that they should require the endorsement of a recognized classification society. The other difficulty concerns the issue of the load line certificate, although this task is more within the compass of Administration inspectors when they have received appropriate training.

#### **2. Small Cargo Ships**

The proposed draft “*Safety regulations Small Cargo Ships*”, of more than 12 metres in length but less than 500GT, have their origin in the Co-operation Council for the Arab States of the Gulf (GCC) Region, Djibouti and Yemen safety regulations adopted in 2006 in Bahrain, the Mediterranean safety regulations adopted in 2005 in Malta and the Maghreb safety

regulations adopted in 2002 in Algiers. These texts were prepared taking into account similar texts adopted in other regions of the world – Asia, Pacific and Caribbean Regions – and current international law. The text is very much inspired by the principal IMO Conventions and their protocols in force (SOLAS, Load Lines, STCW, MARPOL and COLREG). Some provisions are inspired from the Convention for the Safety of Fishing Vessels and the Torremolinos Protocol (SFV Convention), not yet in force.

Applying as they do to cargo ships, the Regulations also cover ships intended for specific transport (oil, gas, chemicals, dry bulk, special ships...). However, the particular provisions for such ships, which are normally additional to the general provisions on cargo ships, have not been developed, but refer to the various IMO specialised codes.

Also, some clarifications and, in some cases, some strengthening of the requirements, particularly in the chapters on stability, load lines, bilge-pumping, fire and safety of navigation, were borrowed from the French regulations on cargo ships of less than 500 GT.

The range of cargo ships of less than 12 m in length overall is not covered. As for the upper limit of applicability, the draft includes ships of less than 500 gross tonnage. Theoretically the regulations could cover also larger ships which solely practice domestic navigation, but such ships have no convincing reason not to fully comply with SOLAS. In addition, it should be borne in mind that:

- several chapters, SOLAS chapters, IV and V in particular, have different limits,
- the Load Lines Convention applies to ships of 24 metres and over in length (L) engaged on international navigation, and
- the MARPOL and COLREG Conventions apply to all ships.

The involvement of classification societies is explicitly required for ships of a more than 24 m length (L), bearing in mind that, for the largest ships, the insurance companies generally require shipowners to have their ships classed. For smaller ships, the same position as for small passenger ships is proposed.

Concerning safety certificates, the principle of a separate national load line certificate is kept, but alternatively it could be combined with the general safety certificate if the ship is not required to have an international load line certificate because of its size ( $L < 24\text{m}$ ) or because it is not engaged in international navigation.

The Regulations thus contain three model certificates:

- Safety Certificate for Small Cargo Ship,
- Exemption Certificate,
- National Load Line Certificate.

### **3. Ships engaged on inland waterways**

For the drafting of those regulations use was made of the rules developed by the Australian consultant Mr. Ian Williams, assigned by IMO to develop rules for navigating on African inland waterways. The consultant used the 1982 version of the European regulations as a basis and supplements its provisions with material drawn from later versions where it appeared that the basis needed improvement from the perspective of its suitability for application to vessels operating on African inland waterways. Provisions have also been incorporated into the model regulations from legislation of African countries, in particular the provisions of the Tripartite Agreement on Inland Waterway Transport between Kenya, Uganda and Tanzania, made on 30 April 1998, which contains some important areas of agreement on standards to be applied to certain African inland waterways vessels.

The proposed text also includes numerous amendments, additions and updates as well as a modification of its outline so as to have it closer to the ones adopted for safety regulations for non-convention seagoing ships.

#### 4. Fishing Vessels

It was agreed that the most efficient and the simplest way to present the rules applicable to the different categories of fishing vessels was to provide separate regulations according to the size of ships. The division used by IMO was adopted. Therefore, three sets of regulations were prepared: the “*Safety regulations for fishing vessels of less than 12 metres*”, the “*Safety regulations for fishing vessels of 12 metres in length and above, but less than 24 metres*” and the “*Safety regulations for fishing vessels of more than 24 metres in length*”.

The basis for the model regulations are:

- For the “12 – 24 metres”, the IMO/ILO/FAO Voluntary guidelines for the design, construction and equipment of small fishing vessels, 2005;
- For the “less than 12 metres”, the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, as it appears in the document SLF 51-5 of August 2007, which is not yet finalized and should be adopted in its final version within one or two years, with the consequence that the regulations for fishing vessels of less than 12 metres will have to be updated when the final recommendation is adopted;
- For the “more than 24 metres”, the Torremolinos Convention 1977 and its 1993 Protocol on safety of fishing vessels, not yet in force, as updated by the Code of Safety for fishermen and fishing vessels, 2005. Flag States having registered fishing vessels above 24 metres in their fleet should indeed ratify the Torremolinos Protocol and implement the IMO/ILO/FAO Code; however, it is important to note that the regulations that are proposed in GlobalReg include the requirements of the Torremolinos Protocol, but exclude most of its dispensation and exemption provisions. The regulations that are proposed are therefore more consistent with the safety levels provided for smaller fishing vessels.

Also, some clarifications and, in some cases, some strengthening of the requirements were borrowed from the French regulations on fishing vessels of less than 12 metres and fishing vessels between 12 and 24 metres.

## Annex 2

### The missing regulations

#### 1. The leisure craft

Many countries have a large fleet of leisure craft and some produce such ships. Therefore, a complete set of model regulations for the safety of ships would benefit from having a model for pleasure craft. Taking into account the specific features of this type of ships and the fact that most of them are built in mass production, there is an interest to adopt standards similar to those adopted in the United States and in the European Union, in order not to impede trade of such ships between countries.

#### 2. The small traditional open boats such as pirogues or canoes

It is obviously the most crucial question regarding maritime safety as pirogues or equivalent are operated in most developing countries, with a far heavier number of victims than from other maritime activities. There are few statistics regarding the number of accidents with pirogues, but some studies have demonstrated how dangerous they can be; for instance, a study on accidents with pirogues in Senegal and Mauritania reports an average of 150 to 200 fatalities per year. It means that this specific fishing activity is the most dangerous professional activity, and it is certainly not acceptable. However, the solution to that problem is not simple. It is, first of all, a social and economical question, which means a political question as well, before being a technical question. It means that it is not with just simple technical regulations that the situation can be noticeably improved.

Rather than drafting such regulations, it is proposed a three-tier action plan, preferably implemented at a regional level and supported with much dialogue and huge efforts for training.

The first tier regards the area of navigation. Pirogues, or equivalent, are open craft, undecked and with no protection. Whatever their length, they are not designed to sail on high sea, and certainly not to remain at sea for more than one day. Therefore, their areas of navigation and their voyage durations at sea have to be limited, as it is the case in the "Safety regulations for fishing vessels of less than 12 metres": the undecked vessels are limited to the coastal area (3 nautical miles from the coast). Such a limit may be different for the largest fishing pirogues, but it has to be decided after discussions and agreements with the parties involved.

The second tier regards the equipment. It should be defined with the users and the owners of the pirogues. And once the list of equipment is agreed, controls should be organised by the Administration to ensure that all respect the rules and that crews are all at an equal level. It is interesting to note that, when it is economically useful, skippers of pirogues do not hesitate to put electronic navigational equipment on board. Therefore, many large fishing pirogues in Senegal have a GPS receiver on board, that the skipper uses to retrieve and recover his fishing gear.

The third tier regards the design of the pirogue itself. If it is possible to improve its design towards higher safety standards, it could only be done in case the users (and the builders) agree to modify their craft. Many experiences in the past have demonstrated that the fishermen are very reluctant to change their habits. It is essential that they have participated themselves in defining the modifications proposed. A thorough analysis of behaviours is necessary which is why it is highly desirable to take the time and make the efforts to carry out an accident investigation each time the Administration is informed that there was an

accident in which a pirogue was involved. It is the only way to constitute a data base on the circumstances of accidents with pirogues and to make possible a statistical approach of the matter. It is not intended here to draft long and complex reports but to describe, as accurately as possible, the circumstances of each accident. To that effect, it would probably be judicious to choose as investigators surveyors amongst those having a good knowledge, and even better the practice, of this activity. The accumulation of experience and analyses on the causes of accidents will allow not only the development of really efficient means to improve the design of pirogues, but also to convince the users and builders to go in that direction. It will also ease the evolution of the habits and the necessary training of the crew.

Therefore, at this stage, there are no model regulations to be proposed, but a set of actions to undertake and of decisions to take and to implement, which should preferably be decided at a regional level to be more efficient. It also means that the legislation adopted by each country should be applicable to pirogues or other open boats, including the maritime code and such measures as the approved marine equipment or the casualty investigations.