



**REPUBLIC OF THE UNION OF MYANMAR**  
**MINISTRY OF TRANSPORT AND COMMUNICATIONS**  
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Date: 26 December 2023

**Directive ( 3 / 2023 )**

**LIABILITIES FOR BUNKER OIL POLLUTION DAMAGE**

**Applicable to: Shipowners, Ship Operators and Managers, Master of Ships, Flag State Surveyors, Recognized Organizations and Port State Control Officers**

The Department of Marine Administration issues this Directive relating to “**Liabilities for Bunker Oil Pollution Damage**” in the exercise of the power conferred by sub-section (b) of section 294 B of the Myanmar Merchant Shipping Act.

1. (a) This Directive shall apply:
  - (i) to pollution damage caused by escaping or discharging of any bunker oil onboard of Myanmar ship arriving within the jurisdiction of a member State of the International Convention on Civil Liability for Bunker Oil Pollution damage, 2001 or any ship in Myanmar waters including the exclusive economic zone; and
  - (ii) to preventive measures, wherever taken, to prevent or minimize damage of sub-paragraph (i).
- (b) This Directive shall not apply to warships, naval auxiliary, or other ships owned and operated by the government and used, for the time being, only on government non-commercial service.
2. (a) Ships owned or operated by the government of a country that are being used for commercial purposes, such country shall have responsibility for the pollution damage caused by escaping or discharging of any bunker oil onboard the ship.
  - (b) The shipowner at the time of an incident shall be liable for any pollution damage caused by escaping or discharging of any bunker oil onboard the ship.
  - (c) If an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences, and if more than one person is liable, their liability shall be joint and several.
  - (d) If there is a serious threat of damage to anything outside the ship, the shipowner is responsible for paying the cost of preventive measures reasonably taken to prevent or minimize such damage.

- (e) When an incident involving two or more ships occurs and pollution damage results there from, the shipowners of all the ships concerned, unless exonerated under liability of the shipowner, shall be jointly and severally liable for all such damage which is not reasonably separable.
3. The Department of Marine Administration may grant the limitation and exemption of the liability of shipowners in respect of pollution damage caused by escaping or discharging of any bunker oil onboard in accordance with the provisions of the International Convention on Civil Liability for Bunker Oil Pollution damage, 2001.
4. If there is a dispute regarding liability for pollution damage caused by escaping or discharging of any bunker oil onboard, it shall be in accordance with the provisions of the International Convention on Civil Liability for Bunker Oil Pollution damage, 2001.
5. Every owner of ships of more than 1,000 gross tonnage shall maintain a compulsory insurance or other financial security in accordance with the provisions of the Convention on Limitation of Liability for Maritime Claims, 1976 and its protocols against their liability for pollution damage under this Directive.
6. The Department of Marine Administration shall issue the Bunker Convention Certificate as attached in the Annex to attest that insurance or other financial security, to Myanmar ships having insurance or other financial security, according to paragraph 5. The period of validity of the certificate shall not be longer than the period of validity of the insurance or other security mentioned in paragraph 5.
7. Shipowners, ship operators and managers of Myanmar ships must obtain the Bunker Convention Certificate as mentioned in paragraph 6 and those of foreign flag ships must obtain a valid Bunker Convention Certificate issued by the competent authority of the flag State or member State of the International Convention on Civil Liability for Bunker Oil Pollution damage, 2001, and keep them onboard the ships for inspection.
8. Any ship shall not enter, leave, attempt to enter or attempt to leave any port or place in Myanmar without a valid Bunker Convention Certificate.
9. This Directive shall not apply to pollution damages under the International Convention on Civil Liability for Oil Pollution Damage, 1992.



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