



**Policy for Implementation of Exemptions, Exceptions and Equivalents According to MARPOL Annex I**

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Revision: 0

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**DISTRIBUTION DATE:**

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**Subj: INTERIM GUIDANCE FOR EXEMPTIONS, EXCEPTIONS & EQUIVALENTS (ACCORDING TO MARPOL ANNEX I)**

**Ref:** International Convention for the Prevention of Pollution from ship (MARPOL), Regulations 3.3, 4.3 & 5.2 of Annex I –Regulations for the Prevention of Pollution by Oil from ships.

**1. Purpose**

This policy letter provides interim guidance to ensure that, Myanmar flag ships are exempted or excepted, in compliance with MARPOL 73/ 78 and amendments to reference.

**2. Action**

Myanmar flag state Surveyors and recognized Surveyors shall use this interim guidance in the oversight of their respective Myanmar flag and foreign flag ships.

**3. Directives Affected.**

April 21 2014.

**4. Background**

MARPOL ANNEX I, REGULATION FOR THE PREVENTION OF POLLUTION BY OIL FROM SHIP. On May 4, 1988, the Republic of the Union of Myanmar was signed for the MARPOL Annex (1) & (2) and enters into force on August 4, 1988.

**5. Enforcement**

Myanmar flag state officers should verify a foreign flag ship’s compliance with MARPOL Annex – I during normally scheduled inspection. For Myanmar ships operating strictly on domestic routes, compliance should be verified by Myanmar Flag state Surveyors during normally scheduled inspections, but an educational outreach and awareness approach is

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encouraged. However, current enforcement options remain in place for willful and egregious violators or repeat offenders.

## 6. Limitation:

### Exemptions and waivers

- 1 Any ship such as hydrofoil, air-cushion vehicle, near-surface craft and submarine craft etc., whose constructional features are such as to render the application of any of the provisions of chapters 3 and 4 of this Annex relating to construction and equipment unreasonable or impracticable may be exempted by The Government of the Republic of the Union of Myanmar from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.
- 2 Particulars of any such exemption granted by the Government of the Republic of the Union of Myanmar shall be indicated in the Certificate referred to in regulation 7 of this Annex.
- 3 The Government of the Republic of the Union of Myanmar shall allow any such exemption, as soon as possible, but not more than 90 days thereafter, communicate to the Organization particulars of same and the reasons therefore, which the Organization shall circulate to the Parties to the present Convention for their information and appropriate action, if any.
- 4 The Government of the Republic of the Union of Myanmar may waive the requirements of regulations 29, 31 and 32 of this Annex, for any oil tanker which engages exclusively on voyages both of 72 h or less in duration and within 50 nautical miles from the nearest land, provided that the oil tanker is engaged exclusively in trades between ports or terminals within a State Party to the present Convention. Any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.
- 5 The Government of the Republic of the Union of Myanmar may waive the requirements of regulations 31 and 32 of this Annex for oil tankers other than those referred to in paragraph 4 of this regulation in cases where:
  - .1 the tanker is an oil tanker delivered on or before 1 June 1982, as defined in

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regulation 1.28.3, of 40,000 tonnes deadweight or above, as referred to in regulation 2.5 of this Annex, solely engaged in specific trades, and the conditions specified in regulation 2.6 of this Annex are complied with; or

.2 the tanker is engaged exclusively in one or more of the following categories of voyages:

.2.1 voyages within special areas; or

.2.2 voyages within 50 nautical miles from the nearest land outside special areas where the tanker is engaged in:

.2.2.1 trades between ports or terminals of a State Party to the present Convention; or .2.2.2 restricted voyages as determined by the Administration, and of 72 h or less in duration;

provided that all of the following conditions are complied with:

.2.3 all oily mixtures are retained on board for subsequent discharge to reception facilities;

.2.4 for voyages specified in paragraph 5.2.2 of this regulation, the Administration has determined that adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;

.2.5 the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in paragraphs 5.2.1 and 5.2.2.2 of this regulation; and

.2.6 the quantity, time and port of discharge are recorded in the Oil Record Book.

6 The Administration may waive the requirements of regulation 28(6) for the following oil tankers if loaded in accordance with the conditions approved by the Administration taking into account the guidelines developed by the Organization:

.1 oil tankers which are on a dedicated service, with a limited number of permutations of loading such that all anticipated conditions have been approved in the stability information provided to the master in accordance with regulation 28(5);

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- .2 oil tankers where stability verification is made remotely by a means approved by the Administration;
- .3 oil tanker which are loaded within an approved range of loading conditions; or
- .4 oil tankers constructed before 1 January 2016 provided with approved limiting KG/GM curve covering all applicable intact and damage stability requirements.

## Exceptions

Regulations 15 and 34 of this Annex shall not apply to:

- .1 the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or
- .2 the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment:
  - .2.1 provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and
  - .2.2 except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- .3 the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

## Equivalents

- 1 The Government of the Republic of the Union of Myanmar may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex if such fitting, material, appliance or apparatus is at least as effective as that required by this Annex. This authority of the Administration shall not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by regulations in this Annex.
- 2 The Government of the Republic of the Union of Myanmar which allows a fitting,

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material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Annex shall communicate particulars thereof to the Organization for circulation to the Parties to the Convention for their information and appropriate action, if any.