



**THE REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF TRANSPORT AND COMMUNICATIONS
DEPARTMENT OF MARINE ADMINISTRATION**

No-363/421, Corner of Merchant & Theinbyu Road,
Botataung Township, Yangon, Myanmar

E-mail: dmadg@ms-motc.gov.mm, dma.myan@gmail.com

P.O.Box: 194

Tel: +95-1-397640

Fax: +95-1-397641

Date: 24th December 2020

Marine Guidance (11/ 2020)

Guidance for Data Collection, Flag State Performance Evaluation and Review

Applicable to: Shipowners, Ship managers, Ship operators, Masters and other stakeholders

- Reference:**
- (a) Myanmar Merchant Shipping Act, 1923 and as amended;
 - (b) Notification 2/2017 (Flag State Inspection);
 - (c) Marine Instruction 1/2017 (Requirement of annual Report for Flag State, Port state and Coastal State Performance and Evaluation);
 - (d) Notification 3/2015 (National Guidance for the Implementation of IMO Instrument); and
 - (e) Resolution.912 (22) Self-assessment of flag state performance

Summary

Annual Report of a flag State performance and evaluation is addressed to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which Myanmar is a party.

1. The Republic of the Union of Myanmar is responsible to improve safety of life at sea and to minimize the adverse effect of shipping on the environment and to promote working and living condition on board ships. It is also the responsibility of Department of Marine Administration (DMA) to establish and maintain measures for the effective application and enforcement of the IMO instruments to which Myanmar is a Party.
2. The purpose of flag State performance and evaluation is to ensure that DMA effectively and consistently discharge their obligations as a flag State's administration, and to enhance safety, security and prevent environmental pollution from Myanmar ships.
3. From the point of view of flag State implementation, the most significant IMO instruments are:
 - (a) International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), and its Protocol, 1988;

- (b) International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as amended;
- (c) International Convention on Load Lines, 1966 (LL 66), and its Protocol 1988;
- (d) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78), as amended;
- (e) Convention on the International Regulations for Preventing Collisions at Sea, 1972, (COLREG 72), as amended; and
- (f) International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69).

Regard should also be given to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS).

Evaluation and review

4. DMA shall conduct annual review and performance evaluation with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which Myanmar is a party.
5. Measures to evaluate the performance of DMA shall include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet the DMA obligations.
6. Periodic review and evaluation shall be carried out through the collection of the data of various activities conducted by the DMA. This Annual Report together with its performance, review and evaluation shall be submitted to the Ministry of Transport and Communications (MoTC) for further review and the Ministry's recommendations shall be taken into account for the next year report.

Self-Assessment of flag State performance

7. DMA shall carry out Self-Assessment of Flag State Performance as per the Resolution A.912 (22) annually to assess the performance by the Criteria and performance indicators. DMA will issue an annual report containing a full analysis of Myanmar flagged ships' performance in relation to Flag State Implementation System.

Internal criteria for the assessment of flag State performance

8. **"Internal" criteria** are criteria which are directly relevant to the operation of the DMA as an Administration and are designed to give a clear indication of the effectiveness of the DMA in fulfilling its obligations under the instruments. Guidance on flag State responsibilities is contained in Assembly resolution A.847(20) on Guidelines to assist DMA in the implementation of IMO instruments. Article 94 of UNCLOS also sets out the duties of State Parties (Article 1.2(1)). Article 217 of UNCLOS is also relevant in detailing the enforcement responsibilities of flag States. Based on

international instruments, the DMA has responsibilities relating, in particular, to setting legal requirements to give national effect to the instruments to which Myanmar is a Party; enforcement of those requirements; the DMA acting on its behalf and casualty investigation.

External criteria for the assessment of flag State performance

9. “**External**” criteria refer to information, in particular port State control data and casualty accident data, which may also be taken to be indicators of the way in which DMA is performing. The following are indicators of the way in which the DMA is performing but do not relate directly to the organization of the DMA. When used as indicators, the criteria listed in (a) to (e) shall be considered in proportion to the overall number of ships flying Myanmar flag, subject to international instruments to which the Myanmar is a Party:

- (a) Number of accidents, casualties and incidents reportable to IMO in terms of the requirements of the international casualty database.
- (b) Number of accidents involving personal injuries leading to absence from duty of 3 days or more on board ships flying the Myanmar flag.
- (c) Number of lives lost on its ships resulting from the operation of ships flying Myanmar flag.
- (d) Number of ships lost.
- (e) Number of incidents of loss of pollutants into the sea according to MARPOL 73/78 reporting standards, including a measure of the seriousness of the incidents.
- (f) Number of ships detained by other States under port State control procedures.
- (g) Communication to IMO of information required in mandatory instruments.

Self-assessment form

10. Based on the internal and external criteria outlined above, the primary objective of the form is to assist the DMA in assessing their performance against these criteria. Questions relating to the STCW Convention have not been included because that instrument has its own assessment procedures. Flag State Self-Assessment Report set out in Annex 1 to Resolution A.912(22) is attached in **Appendix 1**.

Voluntary Report to IMO

11. DMA, Myanmar shall submit, on a voluntary basis, to the IMO a copy of Flag State Self-Assessment Report, in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments. Such report shall be sent annually, provided that statistical data information preceding five years shall be included.

Criteria and Performance Indicators

12. DMA conducting a self-assessment exercise shall adopt a holistic approach, meaning a generality which may be used by the DMA, irrespective of the composition of its fleet, and such a

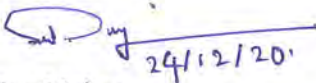
holistic approach shall lead to a balanced overall picture of the performance of the DMA, catering for its particular characteristics. The goal of the DMA shall be to have a fleet with a good safety record which causes minimal damage to the marine environment.

Criteria

13. The following are the criteria which permit the goal defined above to be attained:
- (a) Legal framework and means of promulgating maritime legislation which shall satisfy the international maritime obligations of the DMA.
 - (b) Ability to demonstrate that full and complete effect is being given to instruments in force to which the DMA is a Party.
 - (c) Enforcement of maritime legislation.
 - (d) Responsibility for any recognized organization (RO) acting on behalf of the DMA, including authorization and monitoring of, and any corrective action against, the RO.
 - (e) Ability to investigate the causes of personal injuries, non-compliance, casualties, and pollution incidents, and ability to take appropriate remedial action.
 - (f) Ability to ensure that a ship having joined its register does not operate unless it complies with applicable requirements.
 - (g) Ability to demonstrate that a policy is in place to promote a safety and environmentally-minded working culture at all times.

Key Performance Indicators (KPIs)

14. Key Performance Indicators (KPIs) have been formulated in order to obtain results demonstrating whether or not the above criteria have been fulfilled, and shall be perceived as general areas of performance which provide objective information that can be analysed. An analysis of the information associated with the KPIs shall be undertaken in an effort to identify trends and common factors. On this basis, the KPIs as attached in the **Appendix 2** shall be analyzed against each of the above criteria.



Soe Naing

Director General

Department of Marine Administration



ASSEMBLY
22nd session
Agenda item 9

A 22/Res.912
22 January 2002
Original: ENGLISH

Resolution A.912(22)

**Adopted on 29 November 2001
(Agenda item 9)**

SELF-ASSESSMENT OF FLAG STATE PERFORMANCE

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that one of the goals of the Organization is to ensure the consistent and effective implementation of IMO instruments globally and compliance with their requirements,

RECALLING FURTHER that amongst the objectives of the Organization is the assessment of the current level of implementation, and the identification of those areas where flag States have difficulties in fully implementing IMO instruments to which they are Party, paying special attention to difficulties encountered by Governments,

FURTHER RECALLING that, through resolutions A.777(18) and A.900(21), it reaffirmed the contents of resolution A.500(XII) and thus the assignment of the highest priority to promoting the implementation of relevant international instruments for the improvement of maritime safety and pollution prevention,

RECOGNIZING that Governments are required to meet and fulfil the obligations and the responsibilities which are set forth in international regulations, procedures and practices contained in IMO instruments and other mandatory instruments to which they are Parties, and to take any steps which may be necessary to secure their observance,

RECOGNIZING ALSO that Parties to international conventions such as the United Nations Convention on the Law of the Sea, 1982 (UNCLOS); the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974) and its 1988 Protocol; the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78); the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972);

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.
--

the International Convention on Load Lines, 1966 (LL 1966) and its 1988 Protocol; and the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969) have, as part of the ratification process, accepted the obligation under applicable international law to fully meet their responsibilities and to discharge their obligations as prescribed by the conventions and other instruments to which they are Party,

REAFFIRMING its desire that ships comply at all times with the maritime safety and pollution prevention standards laid down in relevant international instruments,

REAFFIRMING ALSO that flag States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations,

HAVING ADOPTED resolution A.847(20) on Guidelines to assist flag States in the implementation of IMO instruments; resolution A.739(18) on Guidelines for the authorization of organizations acting on behalf of the Administration; resolution A.789(19) on Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration; and resolution A.881(21) on Self-assessment of flag State performance,

NOTING circular MSC/Circ.954 - MEPC/Circ.373 by which the Marine Environment Protection Committee, at its forty-fourth session, and the Maritime Safety Committee, at its seventy-second session, approved criteria and performance indicators for the self-assessment of flag State performance,

NOTING ALSO that, while States may realize certain benefits by becoming Party to instruments aiming at promoting maritime safety and the prevention of pollution from ships, these benefits can only be fully achieved when all Parties carry out their obligations as required by the instruments concerned,

NOTING FURTHER that the ultimate effectiveness of any instrument depends, *inter alia*, upon all States:

- (a) becoming Party to the instruments mentioned above;
- (b) implementing them fully and effectively; and
- (c) reporting to the Organization, as required,

CONSCIOUS of the difficulties a number of Governments may face in giving full and complete effect to all the provisions of the various IMO instruments to which they are Party,

RECOGNIZING that any such difficulties need to be minimized and that, for that reason, the Organization has established and maintains an Integrated Technical Co-operation Programme,

BEING DESIROUS to further assist Governments in improving their capabilities and performance as flag States and in giving full and complete effect to the instruments to which they are Party,

RECALLING that, at its twenty-first session, when adopting resolution A.881(21) on Self-assessment of flag State Performance (Guidance to assist flag States in the self-assessment of their performance), it requested the Maritime Safety Committee and the Marine Environment

Protection Committee to keep the Guidance annexed to that resolution under continuous review and to update it in the light of their work on the matter,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its seventy-fourth session and by the Marine Environment Protection Committee at its forty-sixth session,

1. ADOPTS:

- (a) the Guidance to assist flag States in the self-assessment of their performance set out in Annex 1 to the present resolution; and
- (b) the Criteria and performance indicators for the self-assessment of flag State performance set out in Annex 2 to the present resolution;

2. URGES Governments, in their efforts to improve safety of life at sea and to protect the marine environment, to carry out, at regular intervals and at their discretion, a self-assessment of their capabilities and performance in giving full and complete effect to the various instruments to which they are Party;

3. URGES ALSO Governments to use the Guidance and Criteria and performance indicators, in conjunction with resolution A.847(20), and to bear in mind the relevant provisions of the various IMO instruments to which they are Party, when assessing their performance as a flag State in the context of these instruments;

4. ENCOURAGES Governments, when seeking technical assistance from or through the Organization, to provide the Secretary-General with the results of their most recent self-assessment, so as to enable and assist the Secretary-General to identify, qualify and quantify, in consultation with the State concerned, the needs and the priorities of the State in question. For this purpose, any submission of the results is not a prerequisite for seeking or obtaining technical assistance. In this respect, the contents of any such submission are to be treated with the utmost and strictest confidence and the name of the submitting Government will only be released with the expressed consent of the Government concerned;

5. INVITES Governments to submit, on a voluntary basis, to the Organization a copy of their self-assessment report in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments;

6. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to consider other measures necessary to ensure the effective and consistent global implementation of IMO instruments and, in so doing, to pay particular attention to any special difficulties faced by Governments;

7. REQUESTS ALSO the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Guidance and Criteria and performance indicators under continuous review and to update them in the light of their work on the matter;

8. REVOKES resolution A.881(21).

ANNEX 1

**GUIDANCE TO ASSIST FLAG STATES IN THE SELF-ASSESSMENT
OF THEIR PERFORMANCE****General obligations of flag States**

1 It is the responsibility of flag States to ensure that they establish and maintain measures for the effective application and enforcement of the IMO instruments to which they are a Party. From the point of view of flag State implementation the most significant IMO instruments are:

- .1 the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended;
- .2 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as amended;
- .3 the International Convention on Load Lines, 1966 (LL 66) as amended;
- .4 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78), as amended;
- .5 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, (COLREG 72), as amended; and
- .6 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69).

Regard should also be given to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS).

2 Having accepted an instrument, a Government is bound by the provisions of the instrument to promulgate laws in relation to the implementation of its provisions through appropriate national legislation (e.g. SOLAS 74 article I(b)). The undertaking to give effect to the provisions of the relevant instrument (e.g. SOLAS 74 article I(a)) means that the Government must have a functioning legislative body to enact laws for ships flying its flag and to provide for the subsequent implementation and enforcement of those laws.

Internal criteria for the assessment of flag State performance

3 **"Internal" criteria** are criteria which are directly relevant to the operation of the flag State as an Administration and are designed to give a clear indication of the effectiveness of a flag State Administration in fulfilling its obligations under the instruments. Guidance on flag State responsibilities is contained in Assembly resolution A.847(20) on Guidelines to assist flag States in the implementation of IMO instruments. Article 94 of UNCLOS also sets out the duties of State Parties (Article 1.2(1)). Article 217 of UNCLOS is also relevant in detailing the enforcement responsibilities of flag States. Based on international instruments, a flag State has responsibilities relating, in particular, to setting legal requirements to give national effect to the instruments to which it is a Party; enforcement of those requirements; authorization of organizations acting on its behalf and casualty investigation. These are considered in more detail below.

Legal framework

4 A flag State should:

- .1 take measures to ensure safety at sea and pollution prevention for ships entitled to fly its flag with regard to:
 - .1.1 the construction, equipment and management of ships;
 - .1.2 the principles and rules with respect to the limits to which ships may be loaded;
 - .1.3 the prevention, reduction and control of pollution of the marine environment and the minimization of the impact of accidental discharges of pollutants;
 - .1.4 the manning of ships and the training of crews; and
 - .1.5 the safety of navigation (including taking part in mandatory reporting and routing systems), maintenance of communications and prevention of collisions;
- .2 promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, relating to the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations; and
- .3 promulgate laws providing the legal basis for the establishment of a registry and maintain a register of ships flying its flag.

Enforcement

5 A flag State should:

- .1 provide for the enforcement of its national laws, including the associated investigative and penalty processes;
- .2 take appropriate action against ships flying its flag that fail to comply with applicable requirements;
- .3 ensure the availability of sufficient personnel with maritime and technical expertise to carry out its flag State responsibilities, including:
 - .3.1 the development and enforcement of necessary national laws;
 - .3.2 the establishment and maintenance of minimum safe manning levels on board ships flying its flag and the provision of effective certification of seafarers;
 - .3.3 the inspection of ships flying its flag to ensure compliance with the requirements of international instruments to which the flag State is a Party;
 - .3.4 the reporting of casualties and incidents as required by the respective instruments; and

- .3.5 the investigation of circumstances following any detention of ships flying its flag.

Responsibility of recognized organizations acting on behalf of the Administration

6 In cases where a flag State authorizes third party organizations to act on its behalf, i.e. recognized organizations, any delegation of authority to these recognized organizations must be clearly recorded and should follow as a minimum the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)) and the Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration (resolution A.789(19)). The requirements of SOLAS regulation I/6(c), and the analogous requirements of MARPOL 73/78 should be included in any delegation of authority. The flag State must also take full responsibility for all safety and pollution prevention certificates issued under the relevant instruments by it or on its behalf.

Casualty and incident investigation

7 A flag State should undertake prompt and thorough casualty and incident investigations and submit relevant reports to IMO, as appropriate.

External criteria for the assessment of flag State performance

8 "**External**" criteria refer to information, in particular port State control data and casualty accident data, which may also be taken to be indicators of the way in which a flag State is performing. The following are indicators of the way in which the flag State is performing but do not relate directly to the organization of the flag State's Administration. When used as indicators, the criteria listed in .1 to .5 should be considered in proportion to the overall number of ships flying its flag, subject to international instruments to which the State is a Party:

- .1 Number of accidents, casualties and incidents reportable to IMO in terms of the requirements of the international casualty database.
- .2 Number of accidents involving personal injuries leading to absence from duty of 3 days or more on board ships flying the flag of the State concerned.
- .3 Number of lives lost on its ships resulting from the operation of ships flying its flag.
- .4 Number of ships lost.
- .5 Number of incidents of loss of pollutants into the sea according to MARPOL 73/78 reporting standards, including a measure of the seriousness of the incidents.
- .6 Number of ships detained by other States under port State control procedures.
- .7 Communication to IMO of information required in mandatory instruments.

Self-assessment form

9 Based on the internal and external criteria outlined above, a self-assessment form is attached. The primary objective of the form is to assist flag States in assessing their performance against these criteria. Questions relating to the STCW Convention have not been included because that instrument has its own assessment procedures.

Appendix

FLAG STATE PERFORMANCE SELF-ASSESSMENT FORM

All questions relate to merchant ships flying the flag of the State concerned

GENERAL	
<p>1 Name of State/Associate Member</p> <p><i>List the Administrations which you represent at IMO (a separate assessment form should be completed for each. Include all flag States, including those which are not Member States of IMO but are Parties to IMO instruments).</i></p>	
<p>2 Name of contact person responsible for the completion of this form</p> <p>Name of Administration</p> <p>Address</p> <p>Telephone number</p> <p>Fax number</p> <p>E-mail address</p>	

3 Indicate to which of the following international instruments your State is a Party and which (optional) MARPOL 73/78 Annexes have been ratified.	
<p style="text-align: center;"> <i>SOLAS 74</i> <i>SOLAS Protocol 78</i> <i>SOLAS Protocol 88</i> <i>MARPOL 73/78</i> <i>Annex III</i> <i>Annex IV</i> <i>Annex V</i> <i>Annex VI</i> <i>LL 66</i> <i>LL Protocol 88</i> <i>TONNAGE 69</i> <i>COLREG 72</i> <i>UNCLOS</i> </p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>
<p>4.1 How many merchant ships of 100 gross tonnage and upwards, subject to the relevant instruments you indicated in question 3, are currently flying the flag of your State?</p> <p>4.2 What is the total gross tonnage of merchant ships currently flying the flag of your State?</p>	MS:
INTERNAL CRITERIA	
Legal framework	
<p>5 Does your Administration have the necessary laws in force to implement international maritime safety and pollution prevention instruments with regard to:</p> <p>.1 the construction, equipment and management of ships;</p> <p>.2 the prevention, reduction and control of pollution of the marine environment;</p> <p>.3 the safe loading of ships;</p> <p>.4 the manning of ships;</p> <p>.5 the safety of navigation (including taking part in mandatory reporting and routing systems), maintenance of communications and prevention of collisions?</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

<p>6 Does your Administration have the necessary laws in force to ensure the provision of penalties of adequate severity to discourage violation of international instruments to which your State is a Party?</p>	<p>Yes/No</p>
<p>7 Does your Administration have the necessary laws in force to provide for ship inspections to ensure compliance with international maritime safety and pollution prevention standards to which your State is a Party?</p>	<p>Yes/No</p>
<p>8 Does your Administration have the necessary laws in force to take legal action against ships which have been identified as not being in compliance with the international instruments to which your State is a Party?</p>	<p>Yes/No</p>
<p>9 Does your Administration have the necessary laws in force to carry out the required casualty investigations?</p>	<p>Yes/No</p>
<p>Enforcement</p>	
<p>10 Does your Administration have an infrastructure, including personnel with appropriate technical expertise and experience, to:</p> <p>.1 identify ships flying the flag of your State which are not in compliance with international maritime safety and pollution prevention requirements?</p> <p>.2 take action against ships flying the flag of your State which have been identified as not being in compliance with international maritime safety and pollution prevention requirements?</p> <p>- If yes, against how many such ships was action taken for each of the previous 5 years*?</p>	<p>Yes/No</p> <p>Yes/No</p> <p>....</p>
<p>11 Did your Administration investigate detentions by port States of ships flying the flag of your State for each of the previous 5 years*? (see also question 28)</p> <p>- If yes, indicate how many such detentions were investigated.</p>	<p>Yes/No</p> <p>....</p>

Recognized organizations acting on behalf of the Administration	
12 Which organizations has your Administration recognized for the purpose of delegation of authority under the relevant instruments you indicate under question 3?	
13 When your Administration delegates authority to recognized organizations, does it follow resolutions A.739(18) and A.789(19) as minimum requirements, the requirements in SOLAS 74, regulation XI/1, and the analogous requirements in MARPOL 73/78 in any delegation of authority?	Yes/No
14 Has your Administration provided IMO with a copy of the formal agreement or equivalent legal arrangements with the recognized organizations listed in question 12?	Yes/No
15 Indicate which survey and/or certification functions your Administration has delegated to the recognized organizations referred to in question 12.	
16 Indicate, for the instruments you listed under question 3, which survey and/or certification functions are carried out by your Administration.	
17 Does your Administration carry out the verification and monitoring functions specified in resolution A.739(18)?	Yes/No
18 How does your Administration carry out the verification and monitoring functions specified in resolution A.739(18)?	
19 How often does your Administration verify and monitor the work of recognized organizations acting on its behalf?	
20 How does your Administration take specific responsibility for international certificates issued on its behalf by dependent territories/second registers?	

Casualty and incident investigation	
21 Does your Administration have the means (financial and administrative) to ensure that thorough and prompt casualty and incident investigations into all cases of serious and very serious casualties, as defined in paragraphs 4.2 and 4.3 of the Annex to resolution A.849(20), are carried out?	Yes/No
22 For each of the previous 5 years*, for ships flying the flag of your State: .1 How many serious and very serious casualties were investigated? .2 How many such serious and very serious casualties were reported to IMO?	
23 Can your Administration provide to IMO, on request, evidence which shows that casualties and incidents on ships flying the flag of your State have been investigated?	Yes/No
24 For each of the previous 5 years*, has your Administration provided IMO with the mandatory annual reporting required by article 11.1(f) of MARPOL 73/78?	Yes/No
25 How many allegations of violations, according to article 4 of MARPOL 73/78, have been made against ships flying the flag of your State in each of the previous 5 years*? .1 How many investigations or legal proceedings has your Administration carried out in the previous 5 years* in accordance with articles 4 and 6 of MARPOL? .2 In how many cases did your Administration report back to the reporting State or to IMO in each of the previous 5 years*?	

EXTERNAL CRITERIA		
26	For each of the previous 5 years*, how many ships flying the flag of your State:	
.1	have been involved in serious or very serious casualties?	
.2	have become total losses or constructive total losses?	
.3	have caused severe pollution**?	
.4	What casualty rate per 1000 ships does this represent?	
.5	What is the total tonnage involved as a percentage of the total fleet?	
27	In each of the previous 5 years*, how many lives have been lost:	
.1	in casualties involving ships flying the flag of your State?	
.2	due to occupational accidents (i.e. other than from casualties to ships) on ships flying the flag of your State?	
	<i>NB - Includes: falls; boarding or disembarking; accidents on deck and in machinery spaces; deaths in enclosed spaces; but does not include: accidents ashore; homicide; suicide; or deaths from disease or natural causes.</i>	
28.1	For each of the previous 5 years*, how many ships flying the flag of your State were detained, within the scope of SOLAS 74, MARPOL 73/78, LL 66 or COLREG 72, by port States?	
28.2	What detention rate per 1000 ship inspections does this represent? (see also question 11).	

* or from the date your Government became a Party to the relevant instrument, if that is later.

** "Severe pollution" is a case of pollution which, as evaluated by the coastal State(s) affected or the flag State, as appropriate, produces a major deleterious effect upon the environment, or which would have produced such an effect without preventive action.

ANNEX 2

CRITERIA AND PERFORMANCE INDICATORS FOR THE SELF-ASSESSMENT OF FLAG STATE PERFORMANCE

Introduction

1 A flag State conducting a self-assessment exercise should adopt a holistic approach, meaning a generality which may be used by any flag State, irrespective of the composition of its fleet, and such a holistic approach should lead to a balanced overall picture of the performance of that State, catering for its particular characteristics. The goal of the flag State should be to have a fleet with a good safety record which causes minimal damage to the marine environment.

Criteria

- 2 The following are the criteria which permit the goal defined above to be attained:
- .1 Legal framework and means of promulgating maritime legislation which should satisfy the international maritime obligations of the State.
 - .2 Ability to demonstrate that full and complete effect is being given to instruments in force to which the flag State is a Party.
 - .3 Enforcement of maritime legislation.
 - .4 Responsibility for any recognized organization (RO) acting on behalf of the Administration, including authorization and monitoring of, and any corrective action against, the RO.
 - .5 Ability to investigate the causes of personal injuries, non-compliance, casualties, and pollution incidents, and ability to take appropriate remedial action.
 - .6 Ability to ensure that a ship having joined its register does not operate unless it complies with applicable requirements.
 - .7 Ability to demonstrate that a policy is in place to promote a safety and environmentally-minded working culture at all times.

Performance indicators

3 Performance indicators are needed in order to obtain results demonstrating whether or not the criteria listed in paragraph 2 above have been fulfilled, and should be perceived as general areas of performance which provide objective information that can be analysed. An analysis of the information associated with the performance indicators should be undertaken in an effort to identify trends and common factors. On this basis, the following performance indicators should be analysed against each of the above criteria:

- .1 Accidents, casualties and incidents reportable to the Organization in terms of the requirements of the applicable conventions.
 - .2 Accidents involving personal injuries leading to absence from duty of 3 days or more on board ships flying the flag of the State concerned.
 - .3 Lives lost on ships flying its flag resulting from the operation of those ships.
 - .4 Ships lost.
 - .5 Pollution incidents as defined by the reporting standards of MARPOL 73/78 and other applicable instruments, as appropriate, including a measure of the seriousness of the incidents.
 - .6 Information provided by other States under port State control procedures in accordance with the applicable conventions.
 - .7 Information provided by statutory surveys, audits and inspections carried out by, on behalf of and at the request of the flag State.
 - .8 Compliance with the requirements of mandatory instruments, concerning communication of information, including the serious and very serious incidents reportable to the Organization.
 - .9 Action taken against ships flying the flag of the State which have been identified as not being in compliance with the requirements of mandatory instruments, and the effects of such action.
-

KPI Form for Flag State

Implementation

15 In order to effectively discharge their responsibilities and obligations, flag States should:

- 15.1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which they are parties; and

KPI 15.1	Policy Implementation ratio	The number of implemented policy	The number of policy planned to implement
	Legislation ratio	the number of the obligations of administration which are completely issued as national legislation	the number of obligations of administration in ratified IMO Conventions
	Commentary regulation published	The number of commentary regulation published	The planned number of commentary regulation to publish

- 15.2 assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.

KPI 15.2	Assigning responsibilities of personnel to update & revise policies	Existence of the regulation for documentation of responsibilities and authority for administrative personnel.	Required regulation for documentation of responsibilities and authority for administrative personnel.
		Existence percentage of documentation for clear organigram	Required documentation for clear organigram
	Assigning responsibilities of maritime organizations	Existence of regulation for responsibilities and authority between maritime organizations	Required regulation for responsibilities and authority between maritime organizations

16 A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following:

- 16.1 administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations;

KPI 16.1	Administrative instructions to ROs		The number of administrative instructions published		The planned number of administrative instructions to publish
	Disseminating national regulations		The number of national regulations have been disseminated		The number of national regulations to be disseminated

- 16.2 compliance with the requirements of the applicable international instruments, using an audit and inspection programme, independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation;

KPI 16.2	RO delegation & monitoring		The number of RO audit actually performed		The number of RO audit to be performed as planned
			The number of deficiencies from the RO audit (per audit)		
			Existence of the review cycle of procedures of oversight ROs		
			Existence of the procedures of oversight ROs		required procedures of oversight ROs

- 16.3 compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers.
This includes, inter alia:

16.3.1 training, assessment of competence and certification of seafarers;

KPI 16.3.1	The level of training of seafarers	attained level of training for competence of seafarers which is in compliance with the STCW requirements	required level of training for competence of seafarers which is in compliance with the STCW requirements
		The number of seafarers trained (per year)	
		Year on year rate of trained seafarers	
KPI 16.3.1	Standards for issuing certificates for seafarers	Verified standards for issuing certificates and endorsements for seafarers (including external verification)	Required standards for issuing certificates and endorsements for seafarers (including external verification)
		The number of certificates issued	
		Year on year rate of certificates issued	
		The number of nonconformities in the external assessment	
		The number of corrective action for the nonconformities in the external assessment.	

16.3.2 certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical to those used in any safe manning document issued to the ship;

KPI 16.3.2	Standards for qualifications of seafarers		Verified standards for assessment of seafarers' competence which is in compliance with the STCW requirements.		Required standards for assessment of seafarers' competence which is in compliance with the STCW requirements.
			The number of seafarers took the qualification exam (year)		
			Year on year rate of seafarers who took the exam		
			The number of nonconformities in the external assessment		
			The number of corrective action for the nonconformities in the external assessment.		

16.3.3 impartial investigation to be held of any reported failure, whether by act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State;

KPI 16.3.3	Procedures of withdrawal/ suspension/ cancellation of certificates.		Existence of procedures to conduct impartial investigation on reported failure, act or omission by national certificate/endorsement holder		Required procedures to conduct impartial investigation on reported failure, act or omission by national certificate/endorsement holder

16.3.4 arrangements for the withdrawal, suspension or cancellation of certificates or endorsements issued by the State when warranted and when necessary to prevent fraud; and

KPI 16.3.4	Procedures of withdrawal/suspension/ cancellation of certificates.		Existence of procedures for withdrawal/suspension/cancellation of certificates		required procedures for withdrawal/suspension/cancellation of certificates
			The number of withdrawals/suspensions		The number of cancellations of certificates
			Existence of the procedures of withdrawal/suspension/cancellation of certificates		
			The number of withdrawal/suspension/cancellation of certificates		
			Year on year rate of withdrawal/suspension/cancellation of certificates		

16.3.5 administrative arrangements, including those involving training, assessment and certification activities conducted under the purview of another State, which are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;

KPI 16.3.5	Procedures to ensure competence of national certificate holder		Existence of procedures to ensure competency standards of CoC/CoP holders on board Myanmar ships		Required procedures to ensure CoC/CoP holders on board Myanmar ships

16.4 the conduct of investigations into casualties and adequate and timely handling of cases involving ships with identified deficiencies;
and

KPI 16.4	Procedures of accident investigation
KPI 16.4	Marine accident investigation

	Existence of procedures to maintain impartiality of flag State investigators		Number of required procedures to maintain impartiality of flag State investigators
	The number of investigations conducted		The number of investigations reported
	Average time from the accident reported to the investigation conducted		Record of times from the accident reported to the investigation conducted (total/number of accidents)

KPI 16.4	Adequate penalties to discourage violations
----------	---

	Existence of national penalty regulation		Penalty regulation for substandard ships and individuals
	The number of penalty imposed to substandard ships		
	Total amount of penalty imposed to substandard ships		
	The number of penalty imposed to individuals		
	Total amount of penalty imposed to individuals		

KPI 37	Instituting proceedings against substandard ships and individuals
--------	---

	The number of instituting proceedings for substandard ships per year	
	The number of instituting proceedings for individuals per year	

- 16.5 the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.

KPI 16.5	Guidance on the interpretation of "satisfaction of the Administration" under international conventions	Existence of national guidance on the interpretation of "satisfaction of the Administration"	Required national guidance on the interpretation of "satisfaction of the Administration"
----------	--	--	--

- 17 A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organization.

KPI 17.0	Manning level	current manning level of ships entitled to fly its flag, and compliance with the Principles of Safe Manning.	required manning level of ships entitled to fly its flag, and compliance with the Principles of Safe Manning.
		The number of deficiencies from flag State inspection regarding safe manning	Total number of flag State inspection

Delegation of authority

- 18 With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under its national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:

- 18.1 determine that the recognized organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization;

KPI 18.1	RO delegation & monitoring	The number of RO audit actually performed	The number of RO audit to be performed as planned
		The number of deficiencies from the RO audit (per audit)	
		Existence of the review cycle of procedures of oversight ROs	
		Existence of the procedures of oversight ROs	required procedures of oversight ROs

- 18.2 have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration;

KPI 18.2	Formal Agreement with ROs		The number of formal written agreement between administration and ROs		The number of ROs
----------	---------------------------	--	---	--	-------------------

- 18.3 issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;

KPI 18.3	Specific Instruction for ROs		Existence of specific instructions provided to ROs		To issue specific instructions detailing actions about a ship unfit to proceed to sea
----------	------------------------------	--	--	--	---

- 18.4 provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional standards of the Administration go beyond convention requirements in any respect; and

KPI 18.4	Providing instructions for RO beyond convention standards		Existence of additional standards beyond convention requirements		Whether additional standards beyond convention requirements
----------	---	--	--	--	---

- 18.5 require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.

KPI 18.5	Requires RO to maintain records		Existence of ROs keeping records to assist in interpretation		Required ROs keeping records to assist in interpretation
----------	---------------------------------	--	--	--	--

- 19 No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.

KPI 19.0	No mandates RO to apply other flagged-ships		No mandate ROs to require beyond convention requirements		
----------	---	--	--	--	--

20 The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:

KPI 20.0	RO Oversight programme	Existence of oversight procedures for ROs	Required oversight procedures for ROs
----------	------------------------	---	---------------------------------------

20.1 exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag effectively comply with the requirements of the applicable international instruments;

KPI 20.1	Supplementary surveys for flagged ships	Number of supplementary surveys of the flagged vessels actually conducted	Targeted number of supplementary surveys of the flagged vessels
----------	---	---	---

20.2 conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and

KPI 20.2	Supplementary surveys for flagged ships	Number of supplementary surveys of the flagged vessels actually conducted	Targeted number of supplementary surveys of the flagged vessels
----------	---	---	---

20.3 providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations.

KPI 20.3	Assign administrative staff to involve in carrying out in oversight programme	Number of administrative staff having knowledge involved in RO oversight programme	Number of administrative staff are available for RO oversight programme
----------	---	--	---

21 A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18, in particular subparagraphs .3 and .4.

KPI 21.0	Nominated surveyors shall accord with 18.3,4	Existence of guidance for nominated surveyors to take actions against ships unfit for sea	Required guidance for nominated surveyors to take actions against ships unfit for sea
		Existence of guidance for nominated surveyors to go beyond convention standards	Required guidance for nominated surveyors to go beyond convention standards

Enforcement

22 A flag State should take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction so as to ensure compliance with its international obligations. Such measures should include, inter alia:

- 22.1 prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules standards;

KPI 22.1	FSC detention procedure	Existence of procedures for prohibiting Myanmar ships from sailing upon non-compliance of international standards.	Required procedures for prohibiting Myanmar ships from sailing upon non-compliance of international standards.
----------	-------------------------	--	--

- 22.2 the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;

KPI 22.2	FSC inspection procedure	Existence of procedures for FSC inspection	required number of procedures for FSC inspection
	FSC inspection rate	The number of flag State inspections actually conducted	targeted number of flag State inspections conducted

- 22.3 the surveyor to ensure, during the periodic inspection referred to in subparagraph .2, that seafarers assigned to the ships are familiar with:

KPI 22.3	FS surveyor to ensure familiarization of seafarers assigned	Existence of surveyor guidance to ensure seafarers' familiarization on their duties and shipboard operations	Required surveyor guidance to ensure seafarers' familiarization on their duties and shipboard operations
----------	---	--	--

22.3.1 their specific duties; and

22.3.2 ship arrangements, installations, equipment and procedures;

- 22.4 ensuring that the ship's complement, as a whole, can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;

KPI 22.4	Effitiveness of activities in emergency & pollution prevention	Existence of measures to assess the effectiveness of emergency response activities	To identify measures to assess the effectiveness of emergency response activities for safety & pollution prevention
----------	--	--	---

- 22.5 providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;

KPI 22.5	Adequate penalties to discourage violations
----------	---

	Existence of national penalty regulation		Penalty regulation for substandard ships and individuals
	The number of penalty imposed to substandard ships		
	Total amount of penalty imposed to substandard ships		
	The number of penalty imposed to individuals		
	Total amount of penalty imposed to individuals		

- 22.6 instituting proceedings, after an investigation has been conducted, against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;

KPI 22.6	Instituting proceedings against substandard ships and individuals
----------	---

	The number of instituting proceedings for substandard ships per year	
	The number of instituting proceedings for individuals per year	

- 22.7 providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under its authority; and

KPI 22.7	Adequate penalties to discourage violations
----------	---

	Existence of national penalty regulation		Penalty regulation for substandard ships and individuals
	The number of penalty imposed to substandard ships		
	Total amount of penalty imposed to substandard ships		
	The number of penalty imposed to individuals		

- 22.8 instituting proceedings, after an investigation has been conducted, against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.

KPI 22.8	Instituting proceedings against substandard ships and individuals
----------	---

	Total amount of penalty imposed to individuals	
	The number of instituting proceedings for substandard ships per year	
	The number of instituting proceedings for individuals per year	

- 23 A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:

- 23.1 provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;

KPI 23.1	Reporting to IMO and/or made public
----------	-------------------------------------

	The number of investigation reports which have been reported to the IMO/year	total number of investigation reports/year
	The number of investigation report published per year	

KPI 23.1	Responding to deficiencies and pollution accident
----------	---

	Corrective actions taken to pollution deficiencies reported by coastal State	Number of pollution deficiencies reported by coastal State
	Responding to alleged pollution incidents reported by coastal State	Number of alleged pollution incidents reported by coastal State
	Number of spills occurring from ships subject to IMO instruments	total number of ships in fleet
	oil (cargo and bunkers) discharged into the sea	To total quantities of oil carried by sea/year

	Tonnes of harmful substances discharged into the sea operationally or accidentally from ships subject to IMO instruments.	
--	---	--

23.2 provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and

KPI 23.2	Providing statistical data
----------	----------------------------

	Existence of data collection system		Required data collection system
	The number of different types of statistical data provided/year available		Required number of different types of statistical data provided/year
	number of trend analysis that has identified problem areas		number of types of trend analysis upon annual statistics

23.3 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.

KPI 23.3	National arrangement for responding to deficiencies and pollution accident
----------	--

	Records of receiving deficiencies or pollution incidents reported by port or coastal State		Contact point has been established for receiving deficiencies or pollution incidents reported by port or coastal State
	Have ever response to alleged pollution incidents reported by port or coastal State		Have ever received number of alleged pollution incidents reported by port/coastal State

24 Furthermore, the flag State should:

24.1 ensure compliance with the applicable international instruments through national legislation;

KPI 24.1	Applicable legislation for Myanmar ships
----------	--

	the number of international instruments completely issued as primary legislations		Number of international instruments ratified by Myanmar
	the number of other international instruments completely issued as secondary legislations		Number of other international instruments to be issued as secondary legislations

- 24.2 provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 15.1, including personnel for performing investigations and surveys;

KPI 24.2	Qualification and training of flag State investigators/surveyors
----------	--

	The number of flag State investigators actually conducted per year		The number of flag State investigators
	Average number of investigation hours (per person per day)		Average number of investigation hours (per person per day)
	Number of qualified investigators/surveyors		Total number of investigators/surveyors

- 24.3 provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;

KPI 24.3	Port State Control detention follow up
KPI 24.3	Port State Control deficiency follow up
KPI 24.3	Countermeasures for substandard ships

	The number of follow-ups to detained ships		The number of PSC inspections resulting in detention
	The number of deficiencies followed-up		The number of PSC inspections resulting in deficiencies
	Existence of procedures to take measures against substandard ships		Required procedures to take measures against substandard ships
	Average time from the substandard ships reported to take measures		
	Total detained time of flagged ships per year		

- 24.4 provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and

KPI 24.4	Accident follow up
----------	--------------------

	The number of follow-ups to accidents		The number of accidents of flagged vessels (per fleet) (without fishing vessel)
--	---------------------------------------	--	---

24.5 ensure the training and oversight of the activities of flag State surveyors and investigators.

KPI 24.5	Training program for flag State surveyors
----------	---

	Existence of procedures for training program provided to flag State surveyors.		Required procedures for training program provided to flag State surveyors.
	Existence of procedures of field training for non-experienced personnel.		Required procedures of field training for non-experienced personnel.
	Existence of training standards for flag State surveyors		Required training standards for flag State surveyors
	Does training standard is in compliance with the international standards		
	The number of trained person regarding field training course		
	The number of flag State surveyors trained per year		

KPI 24.5	Training program for flag State investigators
----------	---

	Existence of procedures for training program provided to flag State investigators.		Required procedures for training program provided to flag State investigators.
	Existence of training standards		Required training standards
	Does training standard is in compliance with the international standards		
	Existence of education/training yearly plan		Required education/training yearly plan

	The number of flag State investigators trained per year	
--	--	--

- 25 When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.

KPI 25.0	Flag State Control follow up
KPI 25.0	Port State Control detention follow up

	The number of follow-up to FSC deficiencies		The number of FSC deficiencies
--	--	--	--------------------------------

- 26 A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.

KPI 26.0	Ship/individuals' certificates to be issued/endorsed by FS/RO after all applicable requirements
----------	---

- 27 A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements.

KPI 27.0	Ship/individuals' certificates to be issued/endorsed by FS/RO after all applicable requirements
----------	---

Flag State surveyors

- 28 The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to a ship affecting safety and pollution prevention.

KPI 28.0	Assign responsibilities of Administration
----------	---

Existence of assigning responsibilities between maritime organizations	Assigning responsibilities between maritime organizations
Existence of regulation for the documentation of responsibilities and authorities of concerned Administration.	Existence of regulation for the documentation of responsibilities and authorities of concerned Administration.

29 Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following:

KPI 29.0	Qualification of flag State surveyors
----------	---------------------------------------

Existence of qualification requirement in accordance with the international standards for flag State surveyors	qualification requirement in accordance with the international standards for flag State surveyors
Number of qualified surveyors (vs total number)	Total number of surveyors recruited
Existence of procedures for oversight of flag State surveyors.	Required procedures for oversight of flag State surveyors.
The number of flag State surveyors (per fleet)	The number inspection (per fleet)
Average number of inspection (per person per day)	

29.1 appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or

KPI 29.1	Qualification of flag State surveyors
----------	---------------------------------------

marine or nautical institution and relevant seagoing experience
a valid management level certificate of competency
having maintained their technical knowledge

	Appropriate qualification of flag State surveyors		Addition: sea service at least 3 years (para. 30)
KPI 29.1	Qualification of flag State surveyors		whether a degree or equivalent from a tertiary institution within a relevant field of engineering or science
	Appropriate qualification of flag State surveyors		Addition: 3 years in relevant capacity (para. 31)

29.2 a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the flag State; or

KPI 29.2	Qualification of flag State surveyors	number graduates of a degree or equivalent from a tertiary institution within a relevant field of engineering or science	number of FS surveyors
----------	---------------------------------------	--	------------------------

29.3 accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 29.1, 29.2 and 32.

KPI 29.3	Training program for flag State surveyors	Existence of procedures for training program provided to flag State surveyors.	Required procedures for training program provided to flag State surveyors.
----------	---	--	--

30 Personnel qualified under paragraph 29.1 should have served for a period of not less than three years at sea as an officer in the deck or engine department.

(see 29.1)

31 Personnel qualified under paragraph 29.2 should have worked in a relevant capacity for at least three years.

(see 29.2)

32 In addition, such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.

KPI 32.0	Training program for flag State surveyors
----------	---

Existence of procedures for training program provided to flag State surveyors.	Required procedures for training program provided to flag State surveyors.
--	--

33 Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized perform.

KPI 33.0	Training Standards for administrative personnel
----------	---

Existence of training standards
Does training standard is in compliance with the international standards
The number of administrative person trained
Existence of education/training yearly plan

34 Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training.

KPI 34.0	Training program for flag State surveyors
----------	---

Existence of procedures for training program provided to flag State surveyors.	Required procedures for training program provided to flag State surveyors.
--	--

35 The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.

KPI 35.0	Documented system for qualification and updating knowledge
----------	--

Existence of documented system for qualification of assigned personnel	Required documented system for qualification of assigned personnel
Existence of continuous updating knowledge in-house/oversea training	Required continuous updating knowledge in-house/oversea training

36 Depending on the function(s) to be performed, the qualifications should encompass:

36.1 knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation;

KPI 36.1	Qualification of flag State surveyors	applicable knowledge of international /national rules & regulations	applicable fields of ships, companies, crew, cargo and operation
36.2	knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;		
KPI 36.2	Applicable knowledge	applicable knowledge	survey, certification, control, investigative and oversight functions
36.3	understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;		
KPI 36.3	Understanding objectives	understanding goals & objectives	international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;
36.4	understanding of the processes both on board and ashore, internal as well as external;		
KPI 36.4	Understand process	understanding the processes	on board & ashore / internal & external
36.5	possession of professional competency necessary to perform the given tasks effectively and efficiently;		
KPI 36.5	Professional competency	professional competent	
36.6	full safety awareness in all circumstances, also for one's own safety; and		
KPI 36.6	Safety awareness	safety awareness	
36.7	training or experience in the various tasks to be performed and preferably also in the functions to be assessed.		
KPI 36.7	Training & experience		

KPI 37.0	Surveyor's ID to be provided
----------	------------------------------

	Has ID been issued for the surveyor to carry when performing his tasks?	
--	---	--

Flag State investigations

- 38 Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.

KPI 38.0	Procedures of accident investigation
	Marine accident investigation

	Existence of procedures to maintain impartiality of flag State investigators		Number of required procedures to maintain impartiality of flag State investigators
	The number of investigations conducted		The number of investigations reported

- 39 The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary:

KPI 41	Qualification and training of flag State investigators.
--------	---

	Existence of oversight procedures for flag State investigators		required oversight procedures for flag State investigators
	The number of flag State investigators (per total accident number per year)		
	Average number of investigation hours (per person per day)		
	Number of the qualified investigators		Total number of investigators

39.1 navigation and the Collision Regulations;

- 39.2 flag State regulations on certificates of competency;
- 39.3 causes of marine pollution;
- 39.4 interviewing techniques;
- 39.5 evidence gathering; and
- 39.6 evaluation of the effects of the human element.

40 It is recommended that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.

KPI 40.0	Reporting to IMO and/or made public	The number of investigation reports which have been reported to the IMO/year	total number of investigation reports/year
----------	-------------------------------------	--	--

41 Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code as may be amended, and guidelines developed by the Organization. The report on the investigation should be forwarded to the Organization together with the State's observations, in accordance with the guidelines referred to above.

KPI 41.0	Reporting to IMO and/or made public	The number of investigation reports which have been reported to the IMO/year	total number of investigation reports/year
----------	-------------------------------------	--	--

Evaluation and review

42 A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.

KPI 42.0	Validation of national legislation	Existence of validating procedures for the national legislation	Existence of procedures for managing amendment record for implemented Conventions
	Periodical evaluation of the III Code	The number of reviews to the III Code actually done	The number of reviews to the III Code as planned
	Follow up for nonconformities from periodical evaluation	The number of corrective actions for nonconformities	The number of nonconformities from periodical evaluation

- 43 Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.

KPI 43.0	Port State Control detention follow up	The number of follow-ups to detained ships	The number of PSC inspections resulting in detention
	Port State Control deficiency follow up	The number of deficiencies followed-up	The number of PSC inspections resulting in deficiencies
	Accident follow up	The number of follow-ups to accidents	The number of accidents of flagged vessels (per fleet) (without fishing vessel)
	Flag State Control follow up	The number of flag State inspections actually conducted	targeted number of flag State inspections conducted

- 44 Areas recommended for regular review may include, inter alia:

- 44.1 fleet loss and accident ratios to identify trends over selected time periods;

KPI 44.1	Fleet loss ratio	The number of fleet lost	Total number of flagged vessel
----------	------------------	--------------------------	--------------------------------

- 44.2 the number of verified cases of detained ships in relation to the size of the fleet;

KPI 44.2	Port State Control detention follow up	Number of detained ships	Total number of flagged vessel
----------	--	--------------------------	--------------------------------

- 44.3 the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under the flag State's authority;

KPI 44.3	Incompetency individuals	number of incompetent individuals	total number of seafarers on Myanmar ships
----------	--------------------------	-----------------------------------	--

44.4 responses to port State deficiency reports or interventions;

KPI 44.4	Reponse to PSC deficiency reports		number of response on port State deficiency reports		number of port State deficiency reports
----------	-----------------------------------	--	---	--	---

44.5 investigations into very serious and serious casualties and lessons learned from them;

KPI 44.5	Casualty investigations		number of very serious casulties		number of serious casulties
----------	-------------------------	--	----------------------------------	--	-----------------------------

44.6 technical and other resources committed;

KPI 44.6	Technical resources		shortage of resources		existing technical & other resources
----------	---------------------	--	-----------------------	--	--------------------------------------

44.7 results of inspections, surveys and controls of the ships in the fleet;

KPI 44.7	Flag State control results		result of inspection/survey/control		number of inspection/surveys/control
----------	----------------------------	--	-------------------------------------	--	--------------------------------------

44.8 investigation of occupational accidents;

KPI 44.8	Accident investigation		number of investigations on occupational accidents		number of occupational accidents
----------	------------------------	--	--	--	----------------------------------

44.9 the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and

KPI 44.9	Pollution incidents & violations		number of violation on pollution prevention regulations		total number of violations
----------	----------------------------------	--	---	--	----------------------------

44.10 the number of suspensions or withdrawals of certificates, endorsements, approvals, or similar.

KPI 44.10	Certificates status		number of cases certificate/endorsement suspension
-----------	---------------------	--	---

number of cases
certificate/endorsement withdrawal