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**Marine Instruction (5/2021)**

**INSTRUCTIONS TO RECOGNIZED ORGANIZATIONS**

**Applicable to:** Recognized Organizations and flag State Surveyors

- Reference:**
- (a) Notification (3/2015): National Guidance for the Implementation of IMO Instruments;
  - (b) IMO Resolution A.1070 (28): IMO Instruments Implementation Code (III Code); and
  - (c) IMO Resolutions MEPC.237 (65) and MSC.349 (92): the Code for Recognized Organizations (RO Code)

**Summary**

*This Marine Instruction provides instructions to Recognized Organizations (ROs) delegated authority by the Department of Marine Administration to perform, statutory certifications and services on its behalf.*

1. The Department of Marine Administration (DMA) has authorized a Recognized Organization (RO) 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 IMO Instruments or national legislation.
2. The DMA issues 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 DMA in accordance with the provisions of SOLAS regulation XI-1/1 and which certificate is required by the DMA to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the Myanmar is a party or compliance with a requirement of the flag State's national regulations and Part II of IMO Instruments Implementation Code (III Code).
3. This Marine Instruction covers flag State implementation of issuing instructions to ROs and their surveyors hereby attached in Appendix.

Dr. Ko Ko Naing  
Director General (Acting)

## INSTRUCTIONS TO RECOGNIZED ORGANIZATIONS AND THEIR SURVEYORS

<b>CONTENTS</b>		<b>Page</b>
<b>Department of marine Administration (DMA), Myanmar – Contact details</b>		<b>1</b>
<b>Introduction</b>		<b>2</b>
<b>National Legislation and Guidance</b>		<b>2</b>
<b>Section 1</b>	<b>Statutory surveys, verifications and issue of certificates</b>	<b>2-7</b>
1.	Conventions that have been extended to Myanmar	
2.	RO Authorization	
3.	Drills	
4.	Crew Training	
5.	Convention requirements left ‘to the satisfaction of the Administration’	
6.	IACS Unified Interpretations of convention requirements	
7.	IMO Interpretations, Guidance and Recommendations	
8.	Harmonized surveys and certification	
9.	Approval and Endorsement of Statutory Documents	
10.	Maintenance of conditions after survey	
11.	Ships not compliant with statutory requirements	
12.	Exemptions, Equivalences, Extensions and Dispensations	
13.	Approval of manuals	
14.	Electronic Certificates	
15.	Note to be added to all Convention certificates	
16.	Certification updating	
17.	Surveys outside of survey window	
18.	Conditions of Class and the recording of deficiencies	
19.	New build Passenger Ship	
20.	Existing Passenger Ships	
<b>Section 2</b>	<b>Registration</b>	<b>7-8</b>
1.	Equivalent Provisions (EPs)/Alternative Design Arrangement (ADAs)/ Exemptions/’Satisfaction of the Administration’	
2.	Certificate of Survey (Measurement)	
3.	Carving and Marking (C&M) Note	
4.	Certificate of Ship Registry	
<b>Section 3</b>	<b>Flag-in Surveys</b>	<b>8</b>
1.	Flag-in Surveys	
<b>Section 4</b>	<b>New construction, major modifications, conversion and type approval</b>	<b>8</b>
1.	New construction, major modifications or conversions	
2.	Statutory equipment requiring type-approval	

<b>Section 5</b>	<b>The International Convention for the Safety of Life at Sea</b>	<b>8-13</b>
	Chapter II-1 Construction – Structure, subdivision and stability, machinery and electrical installations	
	Chapter II-2 Construction – fire protection, fire detection and fire extinction	
	Chapter III Life-saving appliances and arrangements	
	Chapter IV Radio communications	
	Chapter V Safety of navigation	
	Chapter VII Carriage of dangerous goods	
	Chapter XI-1 Special measures to enhance maritime safety	
	Chapter XII Additional safety measures for bulk carriers	
<b>Section 6</b>	<b>International Convention for the Prevention of Pollution from Ships</b>	<b>13-15</b>
	Annex I Prevention of pollution by oil	
	Annex II Control of pollution by noxious liquid substances in bulk	
	Annex IV Prevention of pollution by sewage from ships	
	Annex V Prevention of pollution by garbage from ships	
	Annex VI Prevention of air pollution from ships	
<b>Section 7</b>	<b>Load Line, Ballast Water, COLREGS &amp; Non-Convention requirements</b>	<b>15-16</b>
	1. Load Line Convention	
	2. Ballast Water Management Convention	
	3. COLREGS	
<b>Section 8</b>	<b>ISM Code</b>	<b>16-17</b>
	1. ISM Audit Procedures and certification	
	2. ISM audit delegation	
<b>Section 9</b>	<b>MLC</b>	<b>17-18</b>
	<b>MLC inspections</b>	
	1. MLC inspections	
	2. MLC inspectors	
	3. MLC certification & DMLC Part I & II	
	4. Amendments to DMLC Part I & II	
	5. Exemptions or Equivalences	
	6. Reporting	
	7. Seafarer Complaints	
	8. MLC specific requirement	

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## **Introduction**

This Instruction applies to Recognized Organizations (ROs), shipowners, ship managers, ship operators, flag State surveyors and port State Control Officers.

The Department of Marine Administration (DMA) issues technical instructions to Recognized Organizations (ROs) to implement in conducting inspection, survey and certification services delegated to the ROs in accordance with the paragraph 18 of the IMO Instruments Implementation Code (III Code). (Resolution A.1070 (28)).

The DMA has delegated authority to the following ROs:

- (a) American Bureau of Shipping;
- (b) Bureau Veritas;
- (c) Lloyd's Register;
- (d) Nippon Kaiji Kyokai;
- (e) Korean Register of Shipping and
- (f) China Classification Society.

## **National Legislation and Guidance**

National legislations issued by the DMA such as Law, Policy, Notification, Directive, Marine Guidance, Marine Instruction, Circular and Announcement are freely available on the website ([www.dma.gov.mm](http://www.dma.gov.mm)).

## **Section 1 Statutory surveys, verifications and Issue of certificates**

### **1. International Conventions that have been extended to Myanmar**

The International Conventions that have been extended to Myanmar are as follow:

- (a) The International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1988;
- (b) The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 and 1997 Protocols (Annex I, II, III, IV, V);
- (c) The International Convention on Load Line 1966;
- (d) The International Convention on Load Lines, 1966, and its Protocol of 1988 (Load Lines Protocol 88);
- (e) The International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969);
- (f) Convention on the International Regulations for Preventing Collisions at Sea ,1972 (COLREG 72); and
- (g) Maritime Labour Convention, 2006 (MLC, 2006).

The above-mentioned Conventions that have been extended to Myanmar can be found on the IMO GISIS website and are also provided in Notification (9/2017) which is available on the website of the DMA ([www.dma.gov.mm](http://www.dma.gov.mm)).

In the case of a Convention that has not been extended to the Myanmar (e.g the Ballast Water Management Convention), authorization to carry out a survey is not required. Following a successful survey, a Statement of Compliance may be issued by ROs on behalf of the DMA at the request of the owner for compliances to Conventions which are not in force or ratified by the DMA.

2. **RO Authorization**

The ROs have been delegated the authority to carry out survey and/or certification functions for all of the relevant instruments according to IMO Resolutions A.739(18), A.789(19) and IMO Resolution MSC.208(81) as minimum requirements, the requirements in Regulation XI/1 of SOLAS 74, and the analogous requirements in MARPOL 73/78.

3. **Drills**

All audits and general inspections may include witnessing a fire and abandon ship drill. The survey report will be recorded unless a drill can be witnessed due to valid reasons (i.e. due to port restrictions)

4. **Crew Training**

Onboard crews are familiar with their responsible duties, ship arrangements, installations, equipment and procedures to be verified by RO surveyors during all surveys, audits and general inspections.

5. **Convention requirements for the satisfaction of the Administration**

The requirements of the DMA for convention requirements left ‘to the satisfaction of the Administration’ are provided in Directive (5/2016) entitled to “Guidance for National standard of satisfaction relation to the items concern with SOLAS, Chapter II-1 & II-2” and Marine Guidance (2/2016) related to “Type Approvals and to the Satisfaction of the Administration”.

6. **International Association of Classification Societies (IACS) Unified Interpretations of Convention requirements**

All IACS Unified Interpretations are recognized by the DMA unless stated otherwise herein.

7. **IMO Interpretations, Guidance and Recommendations**

All IMO interpretations, guidance and recommendations (as amended) should be considered mandatory unless otherwise agreed with the DMA on a ship specific basis; in all cases the relevant IMO guidance or recommendations are to be referenced on the RO plan appraisal letters.

8. **Harmonized Surveys and Certification**

The instructions of Harmonized System of Survey and Certification (HSSC) are provided in Directive (3/2021) “Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) 2019” which are taken into account the amendments of statutory



instruments concerned with the IMO Conventions ratified or acceded by Myanmar, its amendments and its respective Codes.

**9. Approval of Statutory Documents**

All statutory documents which are required to be carried on board ships must be approved by the DMA.

**10. Maintenance of conditions after survey**

Whenever an accident occurred to a ship or a defect is discovered which affects:

- (a) the safety and integrity of the ship; or
- (b) the efficiency or completeness of its equipment covered by statutory conventions,

Master or company is required to report the details of the accident or defect to the DMA and ROs those are responsible for issuing the relevant certificates without delay.

If the ship is in or proceeding to the port of another Contracting Government, master or the company shall also report details of the accident or defect to the appropriate authorities of the port State.

**11. Ships not compliant with statutory requirements**

In cases where the condition of a ship or its equipment does not correspond substantially with the particulars of the relevant statutory certificate, the surveyor or ROs are required to follow the provision of “Ship not fit to proceed to sea” provided in Marine Instruction (4/2021): Specific Instructions to the Recognized Organizations.

For minor items, the ROs are necessary to follow the requirements specified in IACS Recommendation No. 98 “Duties of Surveyors under Statutory Conventions and Codes”.

Where, temporarily, the requirements of an applicable instrument cannot be met under particular circumstances, any measures or supplementary equipment as available has to be specified by the surveyor to allow the vessel to proceed to an appropriate port for permanent repairs or rectification, as well as the installation of replacement equipment. For urgent cases, the attending surveyor may contact the DMA for authorization to issue a restricted certificate.

Any exemption or equivalent arrangement that has been agreed for a specific ship will apply only to that ship for the period of time agreed. Exemptions and equivalents agreed under the above-mentioned process do not apply to other ships, unless specifically authorized by the DMA, and should not be repeated or extended for the same ship without prior the agreement of the DMA.

**12. Exemptions, Equivalences, Extensions and Dispensations**

Any exemption, equivalence, extensions and dispensation can only be issued by the DMA. Once it is issued, it will be uploaded in the IMO GISIS (<https://gisis.imo.org/Public/SURCERT/Default.aspx>).

Extensions and certain Dispensations may be issued by ROs with time specific corrective action requirements compliance with which are reportable to the DMA by the expiry date.

**13. Approval of manuals and plan**

The DMA has fully delegated authority to the ROs for approving all shipboard manuals and plan required by international conventions.

**14. Electronic Certificates**

The DMA authorizes the ROs to issue e-Certificate(s) on conditions as follows:-

- (a) To comply fully with the requirements as specified in FA1.5/Circ.39/Rev.2;
- (b) As per Marine Guidance (1/2018); and
- (c) ROs may provide access to the certificate databases to the DMA.

**15. Note to be added to all convention certificates**

The following text relating to the issuing authority is to be included on all certificates:

- (a) At the top: “under the authority of the Government of the Republic of the Union of Myanmar by .....”.

This requirement is not applicable to any Statement/Document/Certificate issued to indicate compliance with a Convention that has not been extended to the DMA.

**16. Certification updating**

The ROs are authorized to make minor amendments for updating on all statutory certification such as change of name, tonnage, details of new and/or replaced equipment, etc. These amendments are to be made by hand, signed and stamped by the attending RO’s surveyor. Such amendments on certification issued by the DMA should be forwarded to the DMA for information.

**17. Surveys outside of survey window**

A certificate ceases to be valid if the Annual, Intermediate, Periodic survey/audit/ inspection, or the inspection of the outside ship’s bottom survey required by a Statutory Convention or Code, is not carried out before the due date, end of the survey/audit/inspection range date, or commenced within the range date, but not completed before the end of the range date, within the relevant time of survey window.

In cases of force majeure, the DMA may, at its discretion, authorize the administrative issuance of interim Certificate until the first available opportunity. When applying for Interim Certification, the RO has to provide full details of the situation, including relevant DMA documentary evidence of attempts to have the survey / audit / inspection completed within the range dates and other supporting information.

In all cases, the existing certificate may not be endorsed when the survey / audit / inspection is undertaken. The existing certificate is necessary to be withdrawn and the appropriate survey/ audit/ inspection are to be undertaken to the extent required by the



DMA. New certificate is to be issued on successful completion of the survey/ audit/ inspection, with the same expiry date as the original certificate. The completion date of the survey/ audit/ inspection of the certificate are the date of completion of the survey to revalidate or re-issue the certificate. The endorsement sections of the new certificate for the current and previous annual, intermediate, periodic survey / audit / inspection or the inspection of the ship's bottom survey are to be struck through and annotated "N/A".

**18. Conditions of Class and the recording of deficiencies**

The DMA approves the use of Conditions of Class to manage the rectification of minor deficiencies relating to classification items such as hull structure, machinery and electrical/control systems. In such cases, issuing short-term statutory certificates such as safety construction and/or load line certificates are not required.

Conditions of Class cannot be used to manage the rectification of statutory, e.g. safety equipment, safety radio, etc, unless in the opinion of the RO's surveyor may affect the validity of the relevant certificate.

Such deficiencies are to be reported to the DMA that will advise how the deficiencies are to be dealt with, for example:

- (a) the issue of a short-term conditional certificate by the RO; or
- (b) the issue of a temporary dispensation letter by the DMA.

**19. New build Passenger Ship**

All surveys of passenger ships will be carried out by surveyors from the DMA in conjunction with surveyors from the RO; as detailed in a project specific authorization.

Before issuing a project specific RO authorization, a RO surveyor pre-authorization is required to be completed and accepted by the Principal flag State surveyor of the DMA.

Whilst all plan appraisals are fully delegated, except for GMDSS Radio Installation, RO comments on the following reviews/appraisals are to be presented to the DMA for agreement before being released to the client:

- (a) Life Saving Appliances Plan
- (b) Navigations Lights Plan
- (c) Navigation Equipment Plan
- (d) Bridge Visibility Plan
- (e) Crew Accommodation Plan
- (f) Structural Fire Protection Plan
- (g) Fire Load Calculations
- (h) Escape Plan and Escape Calculations
- (i) Fire Control Plan

- (j) Passenger Safety Instructions
- (k) Weather tight Integrity Plan (incl. glazing)
- (l) Damage Control Plan

**20. Existing Passenger Ships**

- (a) All surveys of passenger ships will be carried out by surveyors from the DMA in conjunction with surveyors from the RO.
- (b) Principal flag State surveyor of the DMA, the RO's surveyor(s), the master and the operator of the ship will discuss the delegation of survey items prior to commencement.
- (c) This will be included the procedure and schedule of surveys to be conducted in the three months window prior to the expiry date of the Passenger Ship Safety Certificate.
- (d) The DMA will issue a document "Declaration of Surveys required for issue of a Passenger Ship Safety Certificate".
- (e) On completion of all surveys, the DMA will issue the relevant Passenger Ship Safety Certificate (PSSC), as appropriate.

**Section 2 Registration**

**1. Equivalent Provisions (EPs)/ Alternative Design Arrangement (ADAs)/ Exemptions/ 'Satisfaction of the Administration'**

RO should inform DMA of any Eps, ADAs, or exemptions approved by previous flag state prior to registration of Myanmar flag. The information should have attached indication of reference to applicable IMO notification and any supporting documentation such as risk assessments, safety cases, plans etc. Any items approve with regard "to the satisfaction of previous Administration" are to be communicated to DMA.

**2. Certificate of Survey (Measurement)**

ROs shall submit the certificate of survey (Measurement) approved by previous Administration to DMA before making registration.

**3. Carving and Marking (C&M) Note**

Once the DMA has verified that the ship meets the flagging-in criteria, it will be issued with a C&M Note, so that marking of the ship's official number, port of registry and any change of name can be arranged for the flag-in survey at which time the attending RO surveyor may sign the C&M Note if markings are in accordance with the same. The ship may not proceed to sea unless it has been properly marked.

#### **4. Certificate of Myanmar Ship Registry**

After verifying the flagging-in criteria, the DMA will issue with a Certificate of Myanmar Ship Registry which is valid from the date the flag-in surveys and audits have been scheduled.

### **Section 3 Flag-in Surveys**

#### **1. Flag-in Surveys Merchant Ships**

It shall be complied with IACS Procedural Requirement 28 (Procedure for Change of Flag) except where otherwise advised by the DMA.

When the DMA surveyor is not attending for a flag-in survey, the RO will complete and return the RO Instructions for Change of Flag – Merchant Ships.

The RO may conduct Interim ISM, ISPS and MLC audits and inspections in the absence of official authority for ships which is accredited by the DMA. Although this cannot preclude the DMA in carrying out interim audits or inspections by the request of the ship-owner or when DMA considered that it is suitable.

### **Section 4 New construction, major modifications or conversions & type approval**

#### **1. New construction, major modifications or conversions**

Major modifications or conversions delegation arrangements and procedures are as per new build requirements.

#### **2. Statutory equipment requiring type-approval**

Statutory equipment requiring type-approval must be accompanied by a type approval certificate issued:

- (a) by an RO on behalf of an IMO Member State; or
- (b) to be followed as stated in Directive (10/2020).

If the equipment has been issued with a type approval certificate by another organization, it may only be used or fitted with the consent of the DMA.

Equipment which has been certified under the Marine Equipment Directive (MED) is acceptable to be used on the DMA registered ships, although, it is not a mandatory requirement that equipment has been certified under the MED.

### **Section 5 The International convention on Safety of life at sea**

#### **SOLAS Chapter II-1**

#### **Construction –Structure, subdivision and stability, machinery and electrical installations**

#### **1. Protection against noise**

The DMA accepts the view of a RO if it is not in conflict with Directive (9/2020) regarding the national standard for noise level onboard ships.

## **2. Type approval of marine equipment**

The DMA issues Directive (10/2020) for type approval of marine equipment used on Myanmar ships as required by the SOLAS and MARPOL Conventions.

## **3. Means of going astern (Regulation 28), Steering Gear (Reg. 29), Additional requirements for electric and electro hydraulic steering gear (Reg. 30)**

The DMA accepts the view of a RO if it is not in conflict with the unified interpretations of Regulations II-1/28, Regulations II-1/29 and Regulations II-1/30 of SOLAS Convention. (MSC.1-Circ.1416)

## **Chapter II-2**

### **Construction – Fire protection, fire detection and fire extinction**

#### **1. Manually operated call points (Reg 7.7)**

The DMA does not accept IACS UI (SC241) on manually operated call points (MOCP), particularly in relation to the statement:

It shall have a manually operated call point in service spaces and control stations where have only one access, leading directly to the open deck and that call point shall have not more than 20m (measured along the access route using the deck, stairs and/or corridors) from the exit.

In these cases, the manually operated call point may be at the exit to the space.

In the event of a ship having Fixed Fire Detection System with MOCPs, the MOCPs might be able to immediately operation at all times in accordance with the FSS Code. Especially, MOCPs in the zone where fire detection zone has been isolated or disabled must continue to operate.

#### **2. Spare breathing apparatus cylinders (Reg 15.2.2.6)**

Additionally, each self-contained breathing apparatus (SCBA) needs the fully charged spare cylinders, when there is no specific measure to recharge such cylinders are provided on board, adequate spare cylinders must be provided for training purposes. The ship owner should consider factors based on the number of provided training cylinders including the requirements in the Safety Management System for the number/frequency of drills on board where SCBA cylinders may be used, and the nature of the vessels trading pattern with respect to shore-based charging facilities. Cylinders intended for training purposes should be prominently marked to indicate their intended use.

The Safety Management System has to take account that at least one fully charged spare cylinder for training purposes may be provided for each SCBA set required by regulation to be on board.

#### **3. Voluntary Early Implementation**

Myanmar has agreed with respect to the requirements of II-2/10.5, to install a fixed water-based local application fire- extinguishing system instead of a 135L foam extinguisher.

4. **Fire-extinguishing arrangements in cargo spaces (Reg.10.7)**

The Exemption Certificate under the provisions of Reg.10.7.1.4 may be issued by the DMA.

5. **Emergency Escape Breathing Devices (EEBDs) (Reg 13)**

The DMA will provide the interpretation on the number of EEBDs and spares required to be carried onboard a ship.

6. **Fire-fighting Protective Clothing (Reg 10.10.1)**

It should be approved for Fire-fighting protective clothing which is intended as the mandatory fire-fighting outfits for enclosed space entry, like BS EN 469:2005.

It is not accepted Protective clothing approved to a fire proximity standard only (such as EN 531), with limitations such as “not suitable for fire entry” or “not a fire entry suit” as the mandatory fire-fighting outfits.

## **SOLAS Chapter III**

### **Life-saving appliances and arrangements**

1. **Maintenance and Inspection of Life Saving Appliances**

General guidance for the maintenance and inspection of life saving appliances is provided in Directive (11/2020).

2. **Immersion suits (Reg 7.3)**

The requirements for the carriage of immersion suits are stated in Directive (12/2014) regarding Carriage of immersion suits on Cargo Ships flying the Flag of Myanmar.

3. **Authorized service providers for survival craft launching appliances and on-load release gear**

Further information is available in (Directive 8/2018) about the Authorization of Service Providers for Survival craft, Rescue boats, Launching Appliances and On-load Release Gear.

4. **Radar Reflectors for SOLAS Life rafts**

According to the Directive (13/ 2014) related to Life Saving Appliances, it is required that when a Life-saving Appliances (LSA) Code approved life raft is to be carried onboard a Myanmar ship it must always be provided with a radar reflector, even if a survival craft radar transponder is stowed in the life raft.

5. **Fall preventer devices (Reg 20)**

According to the Directive (11/ 2017) related to the Lifeboats lowered by means of falls and free fall lifeboats), the DMA strongly recommends the use of fall preventer devices in accordance with MSC.1/Circ.1392 but their use is not mandatory.

6. **Arrangements for remotely located survival craft**

The DMA supports the implementation of revision 4 of IACS UI SC213 rev.4, subject to the following additional requirements being met:

- (a) Portable lighting may be included in the ship's planned maintenance system;
- (b) If installed on tankers, such electrical equipment may be of a safe type;
- (c) Securing arrangements such as brackets for portable lights will be suitable for the expected environmental conditions.

7. **Equivalent arrangements for the extended servicing of an inflatable life raft (Reg 20.8) for the SURVITEC Group**

The DMA accepts the IACS approval of extended service intervals for inflatable life rafts according to IMO guidelines provided in MSC.1/Circ.1328.

**SOLAS Chapter IV**

**Radio communications**

- 1. The guidance of EPIRB programming will be provided by the DMA.
- 2. Myanmar flagged ships are required to program their EPIRBs with the serialized protocol appropriate to their respective countries. On no account may EPIRBs be programmed with the Myanmar MMSI number.
- 3. The radio specialist undertaking the radio inspection may attend on the same date as the Cargo Ship Safety Radio survey.
- 4. For ships over 300GT, the radio specialist must be approved by one of the ROs which are authorized by the DMA.
- 5. For ships under 300GT, the radio specialist must be a service provider acceptable to the DMA if not approved by one of the ROs which are authorized by the DMA.

**SOLAS Chapter V**

**Safety of Navigation**

1. **Safe manning and certification and training requirements for seafarers (Reg 14)**

The requirements and guidance relating to minimum safe manning and seafarer's certification and training requirements and Minimum Safe Manning Documents (MSMDs) are provided in Directive (15/2018).

2. **Carriage of Nautical Publications**

The Directive (9/2018) related to Carriage publication on board ships advises of the statutory and other requirements for publications, log books and manuals on Myanmar flag ships over 12m registered length.

3. **Electronic chart display and information system (ECDIS) (Reg 19)**

The Directive (6/2018) entitled to the use of ECDIS, AIS, VDR and BNWAS for purpose of safe Navigation which brings MSC.1/Circ.1503 clarifies the carriage requirement and seafarers' training requirements for ECDIS on Myanmar registered ships.

4. **BNWAS (Reg 19)**

The standards for BNWAS units installed on Myanmar flagged ships are prescribed in the Directive (6/2018) entitled to the use of ECDIS, AIS, VDR and BNWAS for purpose of safe Navigation.

5. **Long-range identification and tracking of ships (LRIT) (Reg 19-1)**

It is required to install a system which has automatic transmission of ship's identity, position, date and time of the position of the ship to the Myanmar's National Data Centre in all Myanmar registered ships under the national regulation.

6. **Equivalent arrangement to the carriage requirements for standard and spare magnetic compasses (Reg 19)**

A General Equivalence stating the carriage requirements for standard and spare magnetic compasses and a gyro compass may be fulfilled by the fitting of three gyro compasses, under certain conditions – refer to the Myanmar's area of GISIS for the General Equivalence has been provided to the International Maritime Organization.

7. **Voyage Data Recorders (Reg 20)**

The requirements for voyage data recorders and simplified voyage data recorders are described in the Directive (6/2018) regarding the applying of ECDIS, AIS, VDR and BNWAS for purpose of safe Navigation. Acceptable different standards within MSC.333 (90) based on installation of the VDR before 1 July 2014 or on/after 01 July 2014.

The term "installed" defined as "setting in position, connection with appropriate peripheral equipment, testing and ready for usage and verification of evidence of proper operation by the Flag/RO or its representative."

## **SOLAS Chapter VII**

### **Carriage of dangerous goods**

Chapter 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) lists the products which have been reviewed for their safety and pollution hazards and determined not to present hazards to such an extent as to warrant the application of the Code. However, the transportation of these products might be required some safety precautions. As per Section 18.2 of the IBC Code, Administrations should prescribe appropriate safety requirements for the carriage of these products. While transporting those products listed in Chapter 18 of the IBC Code on Myanmar flag ships, the safety precautions to be followed by companies and ships are stated in the Directive (4/2019).



## **SOLAS Chapter XI-1**

### **Special measures to enhance maritime safety**

General information on the Company and Registered Owner Identification number and Continuous Synopsis Records are stated in Directive (8/2016) related to the maintenance of the Continuous Synopsis Record (CSR).

## **SOLAS Chapter XII**

### **Additional safety measures for bulk carriers**

#### **1. Resolution MSC. 277(85) Clarification of the term “Bulk Carrier”**

All ships to which this circular applies have to be issued with a statement from their ROs identifying that they are either:

- (a) A dry cargo ship meeting the definition of 1.5 of the Resolution; or
- (b) A dry cargo ship which may occasionally carry dry cargoes in bulk due to meeting the definition of 1.6 or 1.7 of the Resolution.

Dry cargo ships that fall under the above must be identified as ‘Other Cargo Ship’ for statutory certification purposes.

From 1st January 2020, the DMA will not register any vessels as ‘Bulk Carriers’ unless they are a Bulk Carrier as defined in SOLAS regulation XII/1.1.

By the inspection of the scope of the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), any ships currently registered as a ‘Bulk Carrier’ but only meeting the requirements of 1.ii are, at their 3<sup>rd</sup> Special Survey (15 years of age) to be inspected; similarly, the scope of the 4<sup>th</sup> Special Survey (20 years of age) the scope of the inspection is to be as per the 2011 ESP Code.

Any ship registered as a ‘Dry Cargo Ship’ that intended to carry dry cargo in bulk on an occasional basis must consist of a statement as per 1.ii above and will require the prior agreement of the RO and DMA before undertaking a voyage with dry cargo in bulk. The interpretation of ‘occasional’ is left to the discretion of DMA.

## **Section 6**

### **International Convention for the Prevention of Pollution from Ships**

#### **MARPOL Annex I**

- 1. The DMA accepts the view of a RO if it is not in conflict with Directive (19/2016) about the National Guidance for the Recording of Operations in the Oil Record Book Part I- Machinery Space Operations (All Ships).
- 2. The DMA authorized to conduct all works relating to Shipboard Oil Pollution Emergency Plan, as per Directive (3/2019).

3. The DMA authorized to conduct all works relating to prevent the oil pollution from Myanmar Ships of less than 100 GT Engaged in Myanmar Waters, in line with the Directive (26/2017).
4. The DMA authorized to conduct all works relating to prevent the oil pollution from Myanmar Ships of less than 400 GT but more than 100 GT Engaged in Myanmar Waters, with reference to the Directive (25/2017).
5. The DMA authorized to conduct all works relating to prevent the oil pollution from Myanmar Coastal Vessels Engaged on Myanmar Waters, as stated by the Directive (24/2017).
6. In accordance with the Directive (23/2017), the DMA authorized to conduct all works relating to prevent the oil pollution from Myanmar Ships of less than 100 GT engaged on Myanmar Waters.
7. The DMA authorized to conduct all works relating to prevent the oil pollution from Myanmar Ships of less than 400 GT but more than 100 GT engaged on Myanmar Waters as per the Directive (22/2017).
8. The DMA authorized to conduct all works relating to prevent the oil pollution from Myanmar Coastal Vessels engaged on Myanmar Waters in line with the Directive (21/2017).
9. The DMA accepts the De-harmonization of the IOPP Renewal Survey, as per Directive (10/2017).

#### **MARPOL ANNEX IV**

1. The DMA accepts the view of a RO if it is not in conflict with Directive (6/2017) regarding the National Standard for the Determination of the Rate of Discharge of untreated sewage.
2. The DMA accepts the view of a recognized organization if it is not in conflict with Directive (4/2017) relating to the National Standard on implementation of effluent standards and performance tests for sewage treatment plants.
3. The DMA accepts the view of a recognized organization if it is not in conflict with Directive (3/2017) about the National Standard for Calculation of Sewage Holding Tank Capacity.

#### **MARPOL ANNEX V**

1. The DMA accepts the view of a RO if it is not in conflict with Directive (2/2017) regarding the National guidance for the Prevention of Pollution by Garbage from Ships.

#### **MARPOL ANNEX VI**

##### **1. IMO Data Collection System**

The DMA would permit the RO to carry out the MARPOL VI Reg 22A work as data collection system for fuel oil consumption of Myanmar ships for reporting to IMO.

## 2. **SEEMP/EEDI**

The DMA authorizes the ROs to conduct all work relating to SEEMP and EEDI under the existing MARPOL Annex VI.

### **Section 7 Conventions on Load Lines, Ballast Water Management and COLREGs**

#### **7.1 Load Line**

##### **1. Multiple Load Line Certificates**

The issuance of multiple load line certificates does not require the formal authorization. The followings are the requirements which are to be applied to Myanmar registered vessels:

- (a) The ship fully complies with all the applicable safety and pollution convention requirements appropriate for a ship of the maximum deadweight for which the minimum freeboard could be assigned;
- (b) Only one set of Load Lines is displayed at one time - all others have to be permanently marked but effectively painted over.
- (c) If there are International Load Line Certificates in force concurrently relating to each set of Load Line marks, the Master is to ensure that the certificate in use corresponds to the Load Line marks displayed.
- (d) The Master should make an entry in the vessel's Official Log Book on each occasion that the Load Line marks in use are changed. The attendance of a RO's surveyor on such occasions is not required;
- (e) In conducting the Load Line Annual survey, the attending surveyor of the RO may check all Load Line marks. The DMA requires that all other statutory certificates may show only the maximum deadweight of the ship. It is not intended to issue a full set of statutory certificates corresponding to each of the deadweights shown on the multiple Load Line Certificates.

The DMA issued Directive (22/2015) regarding National Requirements of Load Line Assigning for the Vessels Serviced on Myanmar Coastal Waters.

##### **2. Multiple Load Lines Certificates (from specific instruction)**

ROs are allowed to issue Multiple Load Lines Certificates. ROs have to fulfill the requirements as follows:

- (a) All assigned load lines shall comply with all relevant regulations.
- (b) The deepest summer draught shall not be exceeded the draught given in the International Tonnage Certificate;
- (c) Stability information shall contain information relating to all freeboard assigned;
- (d) The master shall ensure that only one set of Load Line Marks are visible on the ship's sides and the corresponding load line certificate is displayed at any

one time;

- (e) The master shall make an official entry in the ship's official log book on every occasion of the load line marks in use are changed; and
- (f) At periodical inspection, all load line marks shall be verified and all certificates shall be endorsed by the attending surveyor from RO.

## **7.2. Ballast Water Management**

This convention has not yet been extended to DMA. In the meantime, an RO may issue a Statement of Compliance for a Myanmar flagged ship;

## **7.3. COLREGs**

Masthead lights, stern lights, side lights and NUC lights must be tier in new construction and capable of being switched to maintain function in the event of a bulb failure or one power supply system failure. Other lights, e.g. Suez Canal etc. may be single tier.

The DMA issued Directive (8/ 2017) regarding the Implementation of the Convention on the International Regulations of Preventing Collision at sea 1972, as amended.

## **Section 8 ISM Code**

### **1. ISM audit procedures & certification**

In conducting ISM audits and issuing DOC and SMC certification, the procedures and criteria will be carried out in line with the following:

- (a) IACS procedure No.9 Rev.3;
- (b) IMO Resolution A.1118 (30) Revised guidelines on the implementation of the International Safety Management Code by Administrations; and
- (c) Notification (10/2014) regarding the Implementation of International Management Code for the safe Operation of ships and for Pollution Prevention (ISM Code).

### **2. ISM audit delegation**

#### **2.1 Shipboard audits**

Auditors of the DMA will carry out ISM audits and issue ISM certificate to Myanmar flagged ships engaged on international voyages.

For those ISM audits required under the Code, any additional ISM audits instructed by the DMA is also be carried out by the ROs, considering the severity of the failure of the working systems on board the Company's vessels. Circumstances may include but not be limited to the number of ISM related deficiencies, the detention of a Myanmar flagged ships on ISM related deficiencies. Additional ISM audits may be carried out by the DMA at its discretion.

## **2.2 DOC audits**

Auditors of the DMA may carry out all DOC audits for Companies that operate Myanmar flagged ships engaged on international voyages but may at their discretion authorize the ROs to conduct the audit on behalf of the DMA.

However, an audit will be conducted by the DMA at least once 5 years and typically this will be the renewal audit. After the first ship is registered, the DMA will conduct the next DOC audit for a company new to Myanmar.

## **Section 9 MLC**

### **MLC inspections**

#### **1. MLC inspections**

MLC inspections and the issue of the MLC Certificates are to be carried out in accordance with the following:

- (a) Directive (2/2020) relating to “Issuing the Maritime Labour Certificate”;
- (b) ILO’s Guidelines for Flag State Inspections; and
- (c) MLC specific requirements (stated below)

Before conducting an MLC initial inspection, the Seafarer Employment Agreement (SEA) and DMLC Part II are to be submitted to the DMA for review.

#### **2. MLC Inspectors**

MLC inspectors of the DMA may carry out MLC inspections and issue MLC certification on Myanmar flagged ships.

In addition to those inspections required under the MLC, ROs may also carry out additional inspections as instructed by the DMA, taking into account the reasons for the inspection. This may include the detention of a ship on MLC related deficiencies or receipt of a complaint.

#### **3. MLC certification & DMLC Part I & II**

For Myanmar flagged ships, MLC inspections have been delegated to ROs to issue the MLC Certification. However, the DMA issues DMLC Part I and approves the Seafarer Employment Agreements (SEAs).

Ship owners are required to obtain the approval from the DMA or ROs for the DMLC-Part II prepared in accordance with the provisions of the DMLC Part-I.

The DMA or ROs may issue the MLC Certificate after inspection and approval of DMLC-Part II.

A copy of the SEA approved by the DMA has to be available onboard.

4. **Amendments to DMLC Part I & II**

For DMLC Part I, the latest DMA DMLC Part I is available on the website [www.dma.gov.mm](http://www.dma.gov.mm) .

For DMLC Part II, if the ship owner makes minor amendments, they can use an amendment sheet to state these (this includes amending contact details, references to forms and/or the SMS). If the amendments are major, the DMLC Part II is to be reapproved by the DMA or ROs.

5. **Exemptions or Equivalences**

Any exemptions or equivalences have to be agreed by the DMA. Any existing exemptions or equivalences are stated on the DMLC Part I.

6. **Reporting**

The DMA should be notified instantly if there is a serious deficiency.

7. **Seafarer Complaints**

The DMA may investigate the MLC complaints. If any complaints are received by the ROs, these are to be reported to the DMA ([nd@dma.gov.mm](mailto:nd@dma.gov.mm)) together with the comments from the attending surveyor. On the other hand, seafarers can submit any complaint to the DMA directly via our on-line form.

8. **MLC specific requirements**

The following requirements are specific to Myanmar flagged ships and need to be verified during MLC inspections according to Marine Guidance (3/2013):

- (a) Food, fresh water and catering;
- (b) Hours of work and rest;
- (c) Crew Accommodation;
- (d) Recreational facilities; and
- (e) Mandatory Reporting of incidents.