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Circular Letter No.4246/Add.6
12 November 2020

To: All IMO Members
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Republic of the Union
of Myanmar**

The Government of the Republic of the Union of Myanmar has sent the attached communication, dated 11 November 2020, with the request that it be circulated by the Organization.



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

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Letter No: DMA/DDG-Tech/292

Date: 11 November 2020

To

His Excellency Mr. Kitack Lim
Secretary General
International Maritime Organization
4 Albert Embankment London, SE 17 SR
United Kingdom

Subject: Extension of the validity of the certificates of Myanmar registered vessels trading international voyages during the COVID-19 Pandemic

Your Excellency,

The Department of Marine Administration under the Ministry of Transport and Communications of the Republic of the Union of Myanmar would like to extend its greetings to the Secretary General and Secretariat, and express our appreciation to the International Maritime Organization for continuously ensuring strong coordination between IMO Member States amidst this COVID-19 pandemic.

The COVID-19 pandemic is currently posing a significant challenge to the entire global shipping industry and there are travel and quarantine restrictions for surveyors, superintendents, technicians and service providers of the whole globe, including Myanmar.

In view thereof, the Department of Marine Administration presents its compliments to the Secretary General and is pleased to forward the following Marine Guidance/s and Marine Instruction issued by our Department dated 3 November 2020: -

- Marine Guidance (8/2020)- Extending the validity of the certificates of Myanmar registered vessels trading in international voyage due to the outbreak of 2019 Novel Coronavirus;
- Marine Guidance (9/2020)- Guiding principles for the further extension of the validity of certificate beyond its statutory maximum during the COVID-19 Pandemic;

Marine Instruction (5/2020)- Extending the validity of the certificates of Myanmar registered vessels trading in international voyages during the COVID-19 Pandemic.

It would be highly appreciable if you could circulate the enclosed documents to all IMO Member States and relevant stakeholders.

Please accept the assurance of my highest consideration.

Yours truly,

A handwritten signature in blue ink, consisting of a stylized initial 'S' followed by a horizontal line and a small flourish.

Soe Naing
Director General
Department of Marine Administration



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Date: 3rd November 2020

Marine Guidance (8/2020)

Extending the validity of the certificates of Myanmar registered vessels trading in international voyage due to the outbreak of 2019 Novel Coronavirus

Applicable to: Ship owners, Operators, Managers, Masters and Officers of Myanmar registered vessels and Recognized Organizations

Summary

The Department of Marine Administration circulates this Marine Guidance as a revised of the Marine Guidance (3/2020) to allow extension for a period of three months to the validity of the Myanmar Registered vessels' certificates the expiries of which fall between 30th September 2020 and 31st December 2020.

1. The entire global shipping industry is currently being posed a serious challenge of the COVID-19 pandemic and there are travel and quarantine restrictions for surveyors, superintendents, technicians and service providers. The Department of Marine Administration of Myanmar (DMA) has recognized that there is a reasonable case for force majeure or unforeseen exceptional circumstances.
2. Referring to the provisions relating to the endorsement to extend the validity of the certificates provided in relevant conventions, the DMA circulates this guidance to extend the survey, audit and inspection windows for allowing Myanmar registered vessel to continue operating in international seaborne trade the expiries of the certificates of which fall before 31st December 2020.
3. This Marine Guidance provides guideline on maintaining validity of statutory certificates and Document of Compliances issued under the following Conventions and relevant Codes:
 - a. International Convention for the Safety of Life at Sea, 1966, and Protocol of 1988, as amended (SOLAS);
 - b. International Convention for the Prevention of Pollution from Ships (MARPOL);
 - c. International Convention on Load Lines, 1966 and Protocol of 1988, as amended (Load Line);
 - d. International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWMC);

- e. The Maritime Labour Convention, 2006 (MLC);
- f. The International Safety Management Code (ISM) and the International Ship and Port Facility Security Code (ISPS).

4. In a such case a surveyor is not able to conduct scheduled surveys due to the restrictions of travelling or cancellation of scheduled dry docking, the DMA authorizes Recognized Organizations (ROs) for extension/postponement the period between outside of ship's bottom surveys and extending the validity of certificates or issuing short term statutory certificates for up to three months. This is to be followed up by docking & outside of ship's bottom survey at the earliest opportunity.

5. The DMA temporarily permits extension/ postponement to annual ISM and ISPS internal audits for up to three months, in cases where it is not physically possible to attend and remote audit is not practicable.

6. For SMC and DOC periodical audits, the RO may issue a new SMC or DOC valid for three months or until the audit can take place, whichever comes first.

7. For SMC and DOC renewal audits, the DMA authorizes ROs to issue three months extension, where requested by the Ship owner/Operator, to existing SMC and DOC certificates.

8. For ISSC intermediate audits, the RO may issue a new ISSC valid for three months or until the audit can take place, whichever comes first.

9. With regards to ISSC renewal audits, the DMA authorizes ROs to issue three months extensions, where request by the Ship owner/Operator, to existing ISSC Certificates.

10. The DMA authorizes ROs to issue a short-term Maritime Labour Certificate for three months, in the cases where the renewal or intermediate inspection is not practicable.

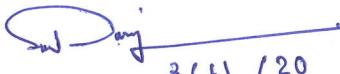
11. The RO shall state that the certificate has been issued to allow the ship to continue on its intended voyage and to complete the survey/inspection at the first port where surveyors/inspectors are available. When the renewal or intermediate inspection has been completed, a full-term Certificate may be issued with its expiry date not later than 5 years from the expiry date of its origin.

12. In all cases, the RO must maintain a record of ships receiving extensions to surveys or certificates and ensure the DMA is kept informed about the ongoing status. If the RO has a proposal other than above description, those will be considered on a case-by-case basis by the DMA.

13. The ROs are requested to take into account for the transitional arrangement to the HSSC of Myanmar registered vessel issued by the DMA with Marine Guidance (5/2019) and (6/2019) which should not be a hindrance for the implementation of this Guidance.

14. The temporary measures described in this Guidance will remain in place until 31st December 2020 and further review and amendment shall be taken in place accordingly to the situational develops.

15. Existing Marine Guidance (3/2020) issued on 17th August 2020 is replaced by this Marine Guidance.



31/11/20

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Director General
Department of Marine Administration



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Date: 3rd November 2020

Marine Guidance (9 / 2020)

Guiding principles for the further extension of the validity of certificate beyond its statutory maximum during the COVID-19 pandemic

Applicable to: Shipowners, Operators, Managers, Masters, and Officers of Myanmar registered vessels, Recognized Organizations and Port State Control Officer

- References:**
- (1) IMO Circular Letter No. 4204/Add.19, Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic
 - (2) IMO Circular Letter No. 4204/Add.19/Rev.1, Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic

Summary

This guidance provides the step-based approach (guiding principles) to the issuance of short-term certificate for further extension beyond three months in the circumstances where it is impossible to conduct survey, inspection or audit.

1. According to the encouragement of the IMO Secretary General to the Flag States, the issuance of short-term certificates or other measures should be limited to specific situations caused by the COVID-19 pandemic and relevant decisions should be made on a case-by-case basis, the Department of Marine Administration (DMA) adopts the Guiding Principles (step-based approach) developed by International Association of Classification Societies (IACS) and circulated as Annex to the IMO Circular Letter No. 4204/Add.19/Rev.1 to be used as a guidance for applicable alternative arrangements when considering whether to permit statutory certificate extension beyond three months.

2. The Recognized Organizations (ROs) to the DMA are required to comply with the following step-based approach stated in said Guiding Principles for decision-making process

when deciding to permit the extended operation of the ship beyond statutory maximum (three months):

Step 1: Have all options for completing the survey and renewing the certificates (using all available means permitted by the Administration) been exhausted?

Step 2: For each case of demonstrated exceptional circumstances and/or force majeure, examine the available information on the ship and its history as a means to considering alternative evidence on the condition of the ship in lieu of completing the survey and offering a recommendation to its flag state.

Step 3: Consider how the requirements of the convention and classification rules can be shown to be met in the interim without changing the requirements themselves.

Step 4: Use verification requirements which are based on accepted survey procedures.

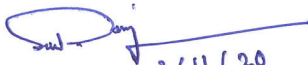
Step 5: Consider alternative evidence for assessing compliance to account for:

- a. Confidence (how accurate a representation of the actual condition is this?)
- b. Durability (i.e. how long can this be considered a valid evidence before revalidation is required?)

Step 6: Concluding with an overall documented evidence on which the extension period and any service restrictions are based

3. The ROs to the DMA may issue the short term certificate with the validity for not more than three months from the extended date of expiry endorsed by the provision of Marine Guidance (1/2020) and (3/2020) or until the survey or audit or inspection can take place, whichever comes first.

4. The existing Marine Guidance (4/2020) issued on 17th August 2020 is replaced by this Marine Guidance.



3 / 11 / 20

Soe Naing
Director General
Department of Marine Administration



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Date: 3rd November 2020

Marine Instruction (5 / 2020)

Extending the validity of the certificates of Myanmar registered vessels trading in international voyages during the COVID-19 pandemic

Applicable to: Shipowners, Operators, Managers, Masters and Officers of Myanmar registered vessels and Recognized Organizations

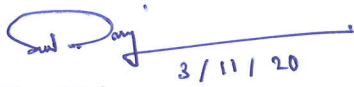
Summary

This Marine Instruction is issued by the Department of Marine Administration to allow the extension of the validity of Myanmar registered vessels' certificates the expiries of which fall between 30th September 2020 and 31st December 2020.

1. On 17th August 2020, the Department of Marine Administration (DMA) has issued Marine Instruction (2/2020) which provided that the validity of the certificates of Myanmar registered vessels trading in international voyages expired between 30th June 2020 and 30th September 2020 was extended for a period of three months during the COVID-19 pandemic.
2. With the consideration to the ship owners, ship operators, ship management companies and Recognized Organizations continuously experience difficulties in arranging the necessary surveys, audits, inspection and dry docking for Myanmar registered vessels trading in international voyages due to the current disruption caused by COVID-19 pandemic is still persists the DMA shall allow:-
 - (a) the extension for a period of three months as statutory maximum from the date of expiry to the validity of the certificate which expiry date falls between 30th September 2020 and 31st December 2020 by complying to the requirements provided in Marine Guidance (8 / 2020).
 - (b) the further extension for a period of three months from the date of expiry to the validity of the certificates, which had been extended for three months as statutory maximum in accordance to the provisions of Marine Guidance (1/2020) and (3/2020) issued by the DMA, by complying to the requirements provided in Marine Guidance (9/2020).

3. In all cases, the Recognized Organizations (RO) must maintain a record of ships receiving extension to survey or certificates and ensure that the DMA is kept informed about the ongoing status. If the RO has a proposal other than above description, it will be considered on a case-by-case basis by the DMA.

4. The existing Marine Instruction (2/2020) circulated on 17th August 2020 is replaced by this Marine Instruction.



3 / 11 / 20

Soe Naing
Director General
Department of Marine Administration
