

# 2018 MEMORANDUM OF UNDERSTANDING ON THE IMPROVEMENT OF SAFETY STANDARDS AND INSPECTION FOR NON-CONVENTION SHIPS WITHIN ASEAN MEMBER STATES

*Signed in Bangkok, Thailand on 9 November 2018*

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## 2018 MEMORANDUM OF UNDERSTANDING ON THE IMPROVEMENT OF SAFETY STANDARDS AND INSPECTION FOR NON-CONVENTION SHIPS WITHIN ASEAN MEMBER STATES

*Signed in Bangkok, Thailand on 9 November 2018*

The authorities responsible for setting the standards for the safe operation of non-convention ships (NCS) of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (herein referred to collectively as "the Participating Parties" or individually as "each Participating Party" or "the Participating Party"),

**RECOGNISING** the importance of maritime safety to safe navigation within ASEAN Member States;

**NOTING** that the formalization of ASEAN non-convention ships movement is important for enhancing/fostering economic and facilitating trade carried out by native traders using traditional ships, also promoting sustainable development of non-convention ships operation in the ASEAN region;

**NOTING** the unacceptable loss of life and damage to the environment and property due to marine casualties and incidents involving NCS within ASEAN Member States;

**ACKNOWLEDGING** the urgent need to enhance the safety standards of NCS within ASEAN Member States;

**BEARING IN MIND** the integration of ASEAN Economic Community (AEC) in 2015 and the importance of promoting the free movement of people and cargoes through maritime transportation within ASEAN Member States to achieve steady growth of the AEC;

**RECOGNISING** the competent authority(ies) of each flag state to establish safety standards applicable for NCS which may differ from other ASEAN Member State;

**DESIRING** to formulate a common approach to implement safety standards and inspection on NCS within ASEAN Member States;

**WITHOUT PREJUDICE** to existing agreements, national laws, regulations and national policies;

**HAVE REACHED THE FOLLOWING UNDERSTANDING:**

### PARAGRAPH 1 OBJECTIVES

The Participating Parties, subject to the terms of this Memorandum of Understanding (MOU) and the extent permitted by the applicable national laws, rules, regulations and national policies from time to time in force in each Participating Party, aim to cooperate in improving safety standards and safety inspection of NCS within ASEAN Member States.

## **PARAGRAPH 2 SCOPE OF APPLICATION**

For the purpose of this MOU, NCS refers to ASEAN Member States' ships not governed under the IMO Conventions and engaged on international voyages within ASEAN Member States.

## **PARAGRAPH 3 AREAS OF COOPERATION**

1. The Participating Parties should accept each other's national certificates for the safe operation of NCS provided that they have been issued by a competent authority with reference to the safety standards set by the Participating Parties and such national safety certificates may include the following:
  - (i) Certificate of Registry;
  - (ii) Tonnage Certificate;
  - (iii) Load Line Certificate;
  - (iv) Safe Manning Certificate;
  - (v) Safety Certificates, as may be applicable such as Safety Construction Certificate, Safety Radio Certificate, Safety Equipment Certificate; and
  - (vi) Pollution Prevention Certificates, as may be applicable such as Oil Pollution Prevention Certificate, Air Pollution Prevention Certificate, and Sewage Pollution Prevention Certificate.
2. Each Participating Party agrees to share existing maritime safety and ship inspection rules and standards currently implemented in each ASEAN Member State;
3. The Participating Parties will maintain regular contact with each other. Each Participating Party may organise visits to or meetings with another Participating Party or other Participating Parties with the aim of exchanging experiences, skills and technical knowledge, and identifying in advance areas of possible assistance or cooperation.
4. Each Participating Party will endeavour to improve safety standards and safety inspections of NCS taking reference from the "Safety Regulations for Non-SOLAS cargo ships of more than 12 metres in length (GlobalReg)", national regulations or policies on Non-convention Ships in each ASEAN Member States or "Guidelines for Safety Standards of NCS", where applicable. The Participating Parties may, where possible and by mutual agreement, develop additional areas of cooperation to further improve safety standards and inspections of NCS within ASEAN Member States.
5. In addition, each Participating Party agrees to exchange information, discuss experiences and best practices on marine casualty and incident mitigation and search and rescue operations involving NCS.

## **PARAGRAPH 4 FLAG STATE RESPONSIBILITIES**

The Participating Parties could take reference from the "Safety Regulations for Non-SOLAS cargo ships of more than 12 metres in length (GlobalReg)", national regulations or policies on Non-convention Ships in each ASEAN Member States or "Guidelines for Safety Standards for Non-convention Ships" on their NCS, where applicable.

## **PARAGRAPH 5 DESIGNATED AUTHORITY(IES)**

1. The designated authority(ies) responsible for the implementation of this MOU for the respective Participating Party is (are) the competent authority(ies) responsible for the formulation and issuance of rules and regulations relative to the implementation of Paragraph 3 of this MOU of the respective Participating Parties listed in the attached Annex A, which the case may be.
2. Each Participating Party undertakes to provide information on any change or addition to its designated authority in charge of setting maritime safety standards.

## **PARAGRAPH 6 CONSULTATIONS**

In the ASEAN spirit of solidarity and cooperation, Participating Parties may consult each other from time to time to ensure the implementation of this MOU.

## **PARAGRAPH 7 TRAINING**

Participating Parties may, on their own or through the technical assistance or financial assistance of international and regional organisations, conduct regional training programmes or seminars to enhance the technical capabilities and knowledge of their respective safety inspectors and surveyors who will be involved in the formulation of safety rules and standards for NCS.

## **PARAGRAPH 8 SUSPENSION**

Each Participating Party reserves the right, for reason of national security, national interest, public order or public health, to suspend temporarily, either in whole or in part, the implementation of this MOU and such suspension will take effect immediately after notification has been given to the other Participating Parties through diplomatic channels and will last no longer than is necessary by the reasons for its imposition.

## **PARAGRAPH 9 REVISION, MODIFICATION AND AMENDMENT**

1. Any Participating Party may request in writing a revision, modification or amendment of all or any part of this MOU through the Secretary General of ASEAN.

2. Any revision, modification or amendment agreed to by the Participating Parties shall be made in writing and will form an integral and inseparable part of this MOU.
3. Such revision, modification or amendment will come into effect on such date as may be determined by the Participating Parties.
4. Any revision, modification or amendment will not prejudice the rights and obligations arising from or based on this MOU before or up to the date of such revision, modification or amendment.

## **PARAGRAPH 10 CONFIDENTIALITY**

1. Each Participating Party will undertake to observe the confidentiality and secrecy of documents, information and other data received or supplied to the other Participating Party during the period of the implementation of this MOU or any other agreements made pursuant to this MOU.
2. The Participating Parties agree that the provisions of this Paragraph will continue to apply notwithstanding the termination of this MOU.

## **PARAGRAPH 11 SETTLEMENT OF DISPUTES**

Any difference or dispute between the Participating Parties concerning the interpretation, implementation, and/or application of any of the provisions of this MOU shall be settled amicably, through mutual consultation or negotiations between the Participating Parties, without reference to any third party or international tribunal.

## **PARAGRAPH 12 FINAL PROVISIONS**

1. This MOU shall come into force upon signature by all Participating Parties.
2. This MOU shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Participating Party.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized thereto by the Participating Parties, have signed this MOU.

**DONE** at Bangkok, Thailand, this Ninth Day of November in the Year Two Thousand Eighteenth, in a single original copy in the English Language.

For Brunei Darussalam:  
**Dr. AWANG HAJI SUPRY BIN HAJI AWANG LADI**  
Deputy Permanent Secretary  
Ministry of Communications

For the Kingdom of Cambodia:

**CHAN DARA**

Director General

General Department of Waterway, Maritime Transport and Port

For the Republic of Indonesia:

**R. AGUS H. PURNOMO**

Director General of Sea Transportation

Ministry of Transportation

For the Lao People's Democratic Republic:

**SENGDARITH KATTIGNASACK**

Director General

Department of Planning and Cooperation

Ministry of Public Works and Transport

For Malaysia:

**DATO' HJ BAHARIN BIN DATO' ABDUL HAMID**

Director General

Marine Department

For the Republic of the Union of Myanmar:

**WIN KHANT**

Permanent Secretary

Ministry of Transport and Communications

For the Republic of the Philippines:

**NANNETTE Z. VILLAMOR-DINOPOL**

Deputy Administrator for Operations

Maritime Industry Authority

For the Republic of Singapore:

**LOH NGAI SENG**

Permanent Secretary

Ministry of Transport

For the Kingdom of Thailand

**SOMSAK HOMMAUNG**

Director General

Marine Department

For the Socialist Republic of Viet Nam:

**LE TUAN ANH**

Director General

International Cooperation Department

Ministry of Transport

## LIST OF DESIGNATED AUTHORITIES

1. Maritime and Port Authority of Brunei Darussalam (MPABD)  
Jalan Pelabuhan Muara, BT 1728, Negara Brunei Darussalam  
Telephone: +673-277 0222  
Fax No.: +673-277 0283  
Website: [www.mpa.gov.bn](http://www.mpa.gov.bn)
2. General Department of Waterway, Maritime Transport and Port  
Preah Norodom Blvd., Phnom Penh, Cambodia.  
Phone: (+855) 88 7878 777  
Email: [suonvansar@gmail.com](mailto:suonvansar@gmail.com)
3. Directorate General of Sea Transportation  
Ministry of Transportation  
Republic of Indonesia
4. Director General of the Department of Planning and Cooperation,  
Ministry of Public Works and Transport,  
Lane Xang Avenue,  
Phonexay Village, Xaysettha District,  
Vientiane Capital, Lao PDR
5. Marine Department Malaysia  
Headquarters,  
Peti Surat 12, Jalan Limbungan,  
42007 Pelabuhan Kelang, Selangor  
Malaysia
6. Department of Marine Administration  
Ministry of Transport and Communications  
The Republic of the Union of Myanmar
7. Maritime Industry Authority  
Department of Transportation  
Parkview Plaza, 984 Taft Avenue cor. T.M. Kalaw  
1000 Ermita, Manila, Philippines  
Telephone No.: (+63) 523 9078 / (+63) 526 0971  
Website: [www.marina.gov.ph](http://www.marina.gov.ph)
8. Maritime and Port Authority  
Republic of Singapore
9. Marine Department  
1278 Yotha Road, Talardnoi, Samphanthawong District,  
Bangkok 10100  
Kingdom of Thailand

10. a. Viet Nam Maritime Administration (VINAMARINE)  
Ministry of Transport of Viet Nam  
Address: No.8 Pham Hung Road, Cau Giay District, Ha Noi, Viet Nam  
Website: [www.vinamarine.gov.vn](http://www.vinamarine.gov.vn)
  
- b. Viet Nam Register (VR)  
Ministry of Transport of Viet Nam  
Address: No.18 Pham Hung Road, Tu Liem District, Ha Noi, Viet Nam  
Website: [www.vr.org.vn](http://www.vr.org.vn)