

MARINE SAFETY MANAGEMENT SYSTEM

TIER I – POLICY

ACCEPTANCE OF AN ALTERNATIVE REGULATORY REGIME FOR INSPECTION, CONSTRUCTION AND SAFETY EQUIPMENT

1 Policy Objective

- 1.1 This policy addresses the need to clarify and simplify the process of importing or building new vessels under the Canadian flag.
- 1.2 This policy provides guidance on an alternate Regulatory regime that is accepted as providing a level of safety at least equivalent to the existing regulatory requirements.

2 Policy Statement

- 2.1 Marine Safety and Security's goal is to have a safe, efficient and environmentally safe marine industry in Canada. In order to meet this goal, Transport Canada Marine Safety and Security (TCMSS) has undertaken a regulatory reform project to update its regulations and to harmonize them with international requirements as much as possible. While the regulatory reform process is underway, regulations do not yet reflect the most current requirements of international conventions or classification societies.
- 2.2 Annex 1 of this policy, as amended from time to time, outlines the alternative regulatory regime which TCMSS has identified as providing a level of safety at least equivalent to the level of the existing regulations.
- 2.3 An application to the Marine Technical Review Board (MTRB) must be submitted for each vessel intending to use the alternate regulatory regime.
- 2.4 The MTRB submission should also include any possible deviation or non-compliance to the alternative regulatory regime. These deviations or non-compliances will be considered on a case by case basis.
- 2.5 When a vessel has been granted an MTRB in accordance with this Policy, in case of a conflict between documents, the following priority applies:
 1. The MTRB decision
 2. The Canadian Supplement
 3. IMO Conventions, Codes, Recommendations, Guides, etc.

4. Classification Society rules.

3 Scope

- 3.1 This policy applies to new passenger vessels of more than 24 metres and cargo vessels of more than 500 gross tonnage and to existing passenger vessels of more than 24 metres and cargo vessels of more than 500 gross tonnage transferring to the Canadian Registry.¹
- 3.2 Existing vessels transferring to the Canadian Registry the keel of which was laid or which was at a similar stage of construction not more than 10 years before the entry into the Canadian Registry must comply with the requirements of the alternative regime as set out in Annex 1 that were in force at the time of construction, plus all the retroactive amendments to this regime and the Supplement TP15211 in force at the time of entry in the Canadian Registry.
- 3.3 Existing vessels transferring to the Canadian Registry the keel of which was laid or which was at a similar stage of construction more than 10 years before the entry into the Canadian Registry must be upgraded to comply with the alternative regime set out in Annex 1 that was in force 10 years before the entry into the Canadian Registry, plus all retroactive amendments to this regime adopted thereafter and the Supplement TP15211 in force at the time of entry in the Canadian Registry.

4 Authority

- 4.1 This policy authorized by the Marine Safety and Security Executive and is in accordance with the objectives of the *Canada Shipping Act, 2001*.

5 Responsibility/ further information

- 5.1 **The Director General, Marine Safety and Security, and Chair of the MTRB** is accountable for the development, implementation, maintenance, and continuous improvement of the policy.
- 5.2 Comments or queries should be addressed to:
Executive Director,
Regulatory Services and Quality Assurance (AM SX)
Transport Canada
330 Sparks Street
Ottawa, ON, K1A 0N8

¹ Requests to apply these instruments to smaller vessels will be considered on a case-by-case basis.

Tel: (613) 998-0600
Fax: (613) 991-5670
E-mail: marinesafety@tc.gc.ca

6 Background

- 6.1 The new *Canada Shipping Act, 2001*, came into force on July 1st, 2007. As part of the coming into force of the new Act Transport Canada has been involved in a regulatory reform project to update all the Regulations made under the old CSA.
- 6.2 One of the main objectives of the regulatory reform project is to provide more modern, performance based regulations that are harmonized with international regulatory instruments and standards.
- 6.3 This policy provides a regulatory regime in line with the objective of the regulatory reform as an interim measure until the regulatory reform is completed.

7 Date of Application

- 7.1 This policy will come into force on XXX, 2012.

8 Date for Review or Expiry

- 8.1 This policy will be reviewed after 12 months, and will expire on completion of the regulatory reform process.

8.2 RDIMS Reference

- 8.3 The English version of this document is saved in RDIMS under reference number 7305930.
- 8.4 La version française du présent document est dans le SGDDI et porte le numéro de référence 7905136.

9 Keywords

- Marine Technical Review Board
- MTRB
- Equivalent level of safety
- Vessel Importation
- Vessel Construction

ANNEX 1 - ALTERNATIVE REGIME FOR INSPECTION, CONSTRUCTION AND SAFETY EQUIPEMENT REQUIREMENTS

1 EXISTING CANADIAN REGULATIONS

1.1 The following Regulations and standards applicable to the inspection, construction and safety equipment are replaced by the Regulatory Regime listed in section 2 and the Canadian modifications listed in section 3.

- a) [Hull Inspection Regulations](#) (C.R.C., c. 1432)
- b) [Hull Construction Regulations](#) (C.R.C., c. 1431)
 - *Stability, Subdivision and Load Line Standards (1975)*, TP 7301
 - *Passenger Vessel Operations and Damaged Stability Standards (Non-convention vessels) (2007)*, TP 10943
- c) [Marine Machinery Regulations](#) (SOR/90-264)
 - *Ships Electrical Standards*, TP127
- d) [Ships' Elevator Regulations](#) (C.R.C., c. 1482)
- e) [Fire Detection and Extinguishing Equipment Regulations](#) (C.R.C., c. 1422)
- f) [Life Saving Equipment Regulations](#) (C.R.C., c. 1436)

1.2 Any Regulations not listed in 1.1 remain applicable.

2 ALTERNATIVE REGULATORY REGIME

2.1.1 In replacement of the Regulations listed in section 1, the vessel shall comply with instruments listed in 2.2 and 2.3.

2.1.2 All documents listed below are to be applied as amended from time to time.

2.1.3 For the purpose of interpreting IMO instruments “should” is to be read as “must” and “Administration” is to be read as “Minister”.

2.1.4 For the purposes of this Policy, any document such as codes, guidelines, recommendations and requirements adopted by IMO or set out in an IMO instrument referred to in a footnote to a document listed below are to be considered mandatory.

2.2 SOLAS CONVENTION

- a) SOLAS Chapter I
 - Survey Guidelines Under the Harmonized System of Survey and Certification (HSSC), 2011
- b) SOLAS Chapter II-1

- International Code on Intact Stability, 2008 (IS Code 2008)
- c) SOLAS Chapter II-2
 - Fire Test Procedure Code (FTP Code)
 - Fire Safety System Code (FSS Code)
- d) SOLAS Chapter III
 - Life Saving Appliance Code (LSA Code)
 - Revised recommendation on testing of life-saving appliances (Resolution MSC.81(70))
- e) SOLAS Chapter XII
- f) All other Codes, Recommendations, Guidelines and Interpretations published in IMO Circulars and Resolutions that are relevant to the documents listed in a) to e) and that apply to the vessel (e.g., Offshore Supply Vessels must apply the OSV Code, Resolution A.863(20) and the OSV Guidelines, Resolution MSC.235(82)).

2.3 CLASSIFICATION SOCIETY RULES

- 2.3.1 The applicable Rules for the building and classification of ships published by a Classification Society that is recognized by Canada.
- 2.3.2 All Unified Requirements and Unified Interpretation published by the International Association of Classification Societies (IACS).

2.4 ALTERNATIVE IMO INSTRUMENTS

- 2.4.1 Vessels of particular design for which an alternative IMO instrument exist may comply with these instruments as an alternative to the SOLAS Convention:
 - a) International Code of Safety for High-Speed Craft, 2000, Resolution MSC.97(73)
 - b) Code of Safety for Special Purpose Ships, 2008, Resolution MSC.266(84)

3 CANADIAN SUPPLEMENT TO SOLAS

- 3.1 Any vessels complying with the provisions of Section 2 must also comply with the provisions states in the *Canadian Supplement to the SOLAS Convention* TP15211E, as amended from time to time.
- 3.2 The annex 1 of the *Canadian Supplement to the SOLAS Convention* also includes reference to construction requirements in regulations that are not included in 1.1 of this Annex. They are provided for the information of those using the Supplement. The regulations stating these requirements are not replaced by the current Policy and remain applicable.