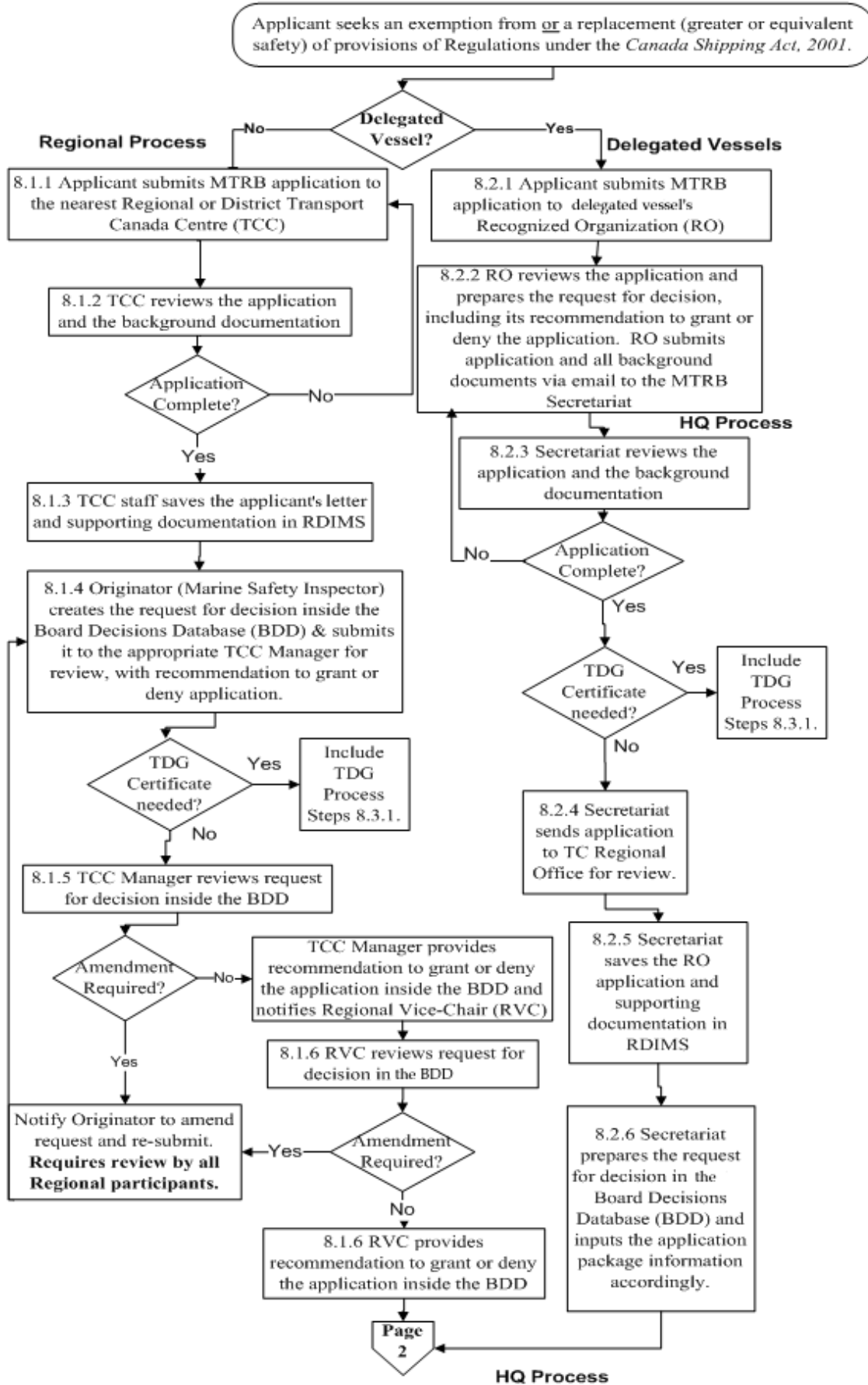


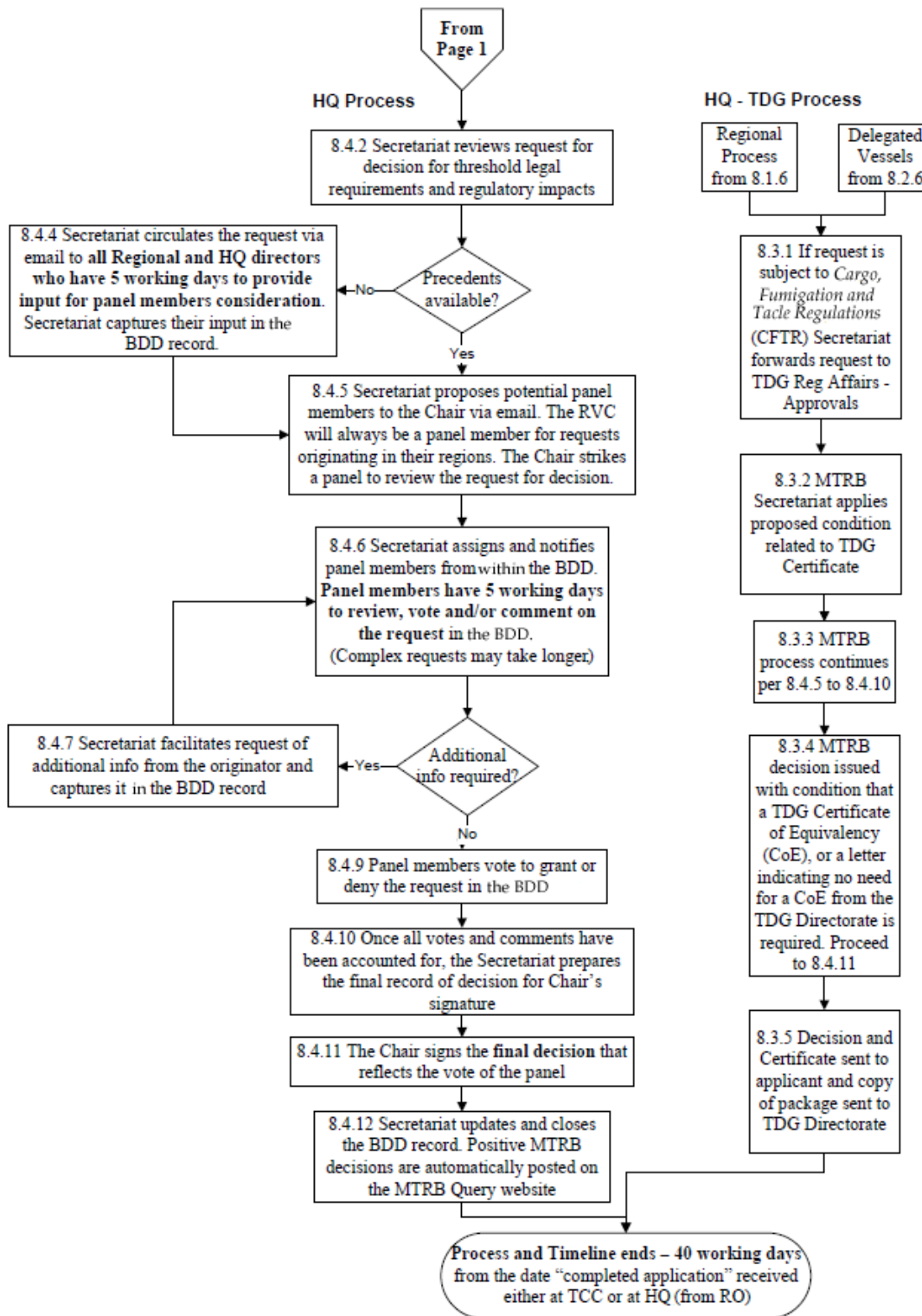
MARINE SAFETY MANAGEMENT SYSTEM

TIER II – PROCEDURE

**MARINE TECHNICAL REVIEW BOARD PROCESS FOR
GRANTING A REGULATORY EXEMPTION OR REPLACEMENT**

1 Process Flowchart





2 Purpose

- 2.1 This procedure details how to prepare and process Records of Board Decisions made by the Marine Technical Review Board (MTRB).

This procedure is intended to ensure that

- records of Board Decisions are prepared in a consistent manner;
- the *Rules of Procedure for the Marine Technical Review Board for the Processing of Exemptions or Replacements* are followed;
- applications are reviewed and decided upon in a timely manner; and
- a databank of Board Decisions is available for reference by all Marine Safety personnel.

3 Authority

- 3.1 This procedure is issued under the general authority of the Chair of the MTRB pursuant to Rule 12 of the *Rules of Procedure for the Marine Technical Review Board for the Processing of Applications for Exemptions or Replacements*.

4 Background

- 4.1 The procedure is established pursuant to the *Rules of Procedure for the Marine Technical Review Board for the Processing of Applications for Exemptions or Replacements*, approved by the Minister on 3 July 2007. The Rules were made pursuant to subsection 28(10) of the CSA 2001.
- 4.2 The MTRB is an administrative body established pursuant to the *Canada Shipping Act, 2001*, and replaces the Board of Steamship Inspection. Part I of the CSA 2001 (subsection 26(1)) establishes the Board to make decisions on applications for an exemption from, or the replacement of, any requirement under the regulations in respect of a Canadian vessel or in respect of the issuance of a Canadian maritime document to a person, other than a requirement with respect to fees.
- 4.3 Section 28 of CSA 2001 states that any person may make an application for an exemption or replacement decision by the MTRB.

5 Scope

- 5.1 This procedure applies nationally to Marine Safety employees dealing with applications to the MTRB and preparing and processing of Records of Board Decisions.

6 Timeline

- 6.1 Requests for decision should be prepared in the Regions by using the Board Decisions Database (BDD) and submitted to the Secretariat with recommendations, again in the BDD, within five working days of receipt of a “completed application” from the applicant.
- 6.2 Requests for decision should be reviewed by the Panel inside the BDD and granted or denied within
- 6.2.1 five working days of receipt from the Region when a precedent is provided, or
- 6.2.2 ten working days of receipt from the Region when no precedent is provided.

- 6.3 Complex requests may take longer to process at either of the above two stages.
- 6.4 Decisions should be issued to the applicant within three working days of the end of Panel deliberations.

7 Responsibility

- 7.1 The Chair of the MTRB is responsible for the development, implementation, maintenance and improvement of the procedure.

8 Procedure

8.1 People and Non-delegated Vessels - Regions

Application

- 8.1.1 The applicant applies for a decision of the Marine Technical Review Board by submitting an application by mail, fax, or e-mail to the Regional or District Transport Canada Centre (TCC), along with any supporting background documentation.

The application should include:

- applicant's name & address;
- if the applicant is not the Authorized Representative (AR) for the vessel, an authorization letter from the AR is required;
- particulars of vessel, if applicable;
- request for exemption or replacement;
- relevant regulation, title and section number;
- rationale for exemption or replacement; and
- known precedent(s) for exemption or replacement.

Review

- 8.1.2 At TCC, a Marine Safety Inspector reviews the application and background documentation, ensures its completeness and accuracy. If the application is incomplete, the inspector returns it to the Applicant requesting additional information.
- 8.1.3 The TCC scans the application and background documentation into RDIMS, filed under the vessel's file (Z 8562-XXXXX) or individual's file (Z 8600-15).
- 8.1.4 The Originator, a Marine Safety Inspector,
 - researches any Board Decision precedents, and consults with the appropriate Manager;
 - in the case of a request under the *Cargo, Fumigation and Tackle Regulations*, an additional consultation is required with the MSS Regional DG OPI. [see 8.3.1 on the chart]
 - prepares the request for decision in the BDD and saves any supporting documentation in RDIMS;
 - indicates the urgency of the decision;
 - recommends an expiry date;
 - captures the Date Application Received, which is the date when the application was received by the regional TCC office; this date is required for the calculation of Service Standards;
 - recommends that the application be granted or denied in the BDD;
 - adds Board Decision information in the appropriate records (e.g., RDIMS, BDD);

- notifies the appropriate Manager via a system-generated email that a request for decision is awaiting his or her review; and
- following review within the region, makes amendments to the request for decision to reflect changes proposed by the Manager or Regional Vice-Chair.

8.1.5 The Manager reviews the request for decision prepared by the Originator in the BDD and,

- if not satisfied with the contents, proposes amendments to the request for decision, documents the rationale for the amendment and returns it to the Originator; or,
- if satisfied with the contents, recommends that the application be granted or denied and notifies the Regional Vice-Chair via a system-generated email that a request for decision is awaiting his or her review.

8.1.6 The Regional Vice-Chair reviews the request for decision and,

- if not satisfied with the contents, proposes amendments to the request for decision, documents the rationale for the amendment and returns it to the Originator; or,
- if satisfied with the contents, recommends that the application be granted or denied and notifies the Secretariat via a system-generated email that a request for decision awaits review in RDIMS.
- The Regional Vice-Chair should include RDIMS references to all background documentation in the BDD record if not contained in the request.

8.2 Delegated Vessels - Recognized Organizations (ROs)

Application

8.2.1 The applicant applies for a decision of the Marine Technical Review Board by submitting an application by mail, fax, or email to its delegated vessel's classification society (i.e. Recognized Organization), along with any supporting background documentation.

The application should include:

- applicant's name & address;
- particulars of the vessel;
- request for exemption or replacement;
- relevant regulation, title and section number;
- rationale for exemption or replacement; and
- known precedent(s) for exemption or replacement.

Review

8.2.2 The Recognized Organization (RO),

- reviews the application and background documentation, ensures its completeness and accuracy, and researches any Board Decision precedents;

- prepares the request for decision and saves it electronically; indicates the urgency of the decision;
- recommends an expiry date;
- recommends that the application be granted or denied; and
- submits the request for decision, the original application and all background documentation by email to the Secretariat.

Secretariat

8.2.3 The Secretariat

- reviews the application and background documentation, ensures its completeness and accuracy, and researches the Board Decision precedents;
- if not satisfied with the contents, returns the application to the RO and requests missing information;
- if satisfied with the contents, saves the application from the RO and supporting documentation in RDIMS under the vessel's file (Z 8562-XXXXX).

8.2.4 The Secretariat sends the application to the TC Regional Office for review.

8.2.5 The Secretariat saves the RO application and supporting documentation in RDIMS.

8.2.6 The Secretariat prepares the request for decision in the Board Decisions Database (BDD) and inputs the application package information accordingly.

8.3 Packaged Dangerous Goods

Secretariat

- 8.3.1 If the request is subject to the *Cargo, Fumigation and Tackle Regulations*, the Secretariat will forward the application (in pdf format) and a Word summary generated by the system to TDG Regulatory Affairs – Approvals Section.
- 8.3.2 The MTRB Secretariat applies a proposed condition that a TDG Certificate of Equivalency is required, or a letter from the TDG Directorate indicating that a Certificate of Equivalency is not required by the TDG Directorate: <http://www.tc.gc.ca/eng/tdg/certificates-apply-1140.htm>

Panel

- 8.3.3 The MTRB Secretariat forwards the request for decision to the voting panel and the MTRB process continues as per section 8.4 Headquarters.
- 8.3.4 The MTRB decision is rendered with the condition that Certificate of Equivalency must be issued by the TDG Directorate or a letter from the TDG Directorate indicating that a Certificate of Equivalency is not required. Therefore the final authorization for the vessel to transport dangerous goods is dependent on the TDG Directorate's process.

Finalize Decision

- 8.3.5 Once the MTRB decision has been signed by the Chair of the Marine Technical Review Board, the usual letter to the applicant and package will include the Certificate of Equivalency issued by the TDG Directorate or a letter from the TDG Directorate indicating that a Certificate of Equivalency is not required. The Secretariat will provide the TDG Directorate with an electronic copy of the signed decision package including all of the documents submitted by the applicant.

8.4 Headquarters

Secretariat

- 8.4.1 Only for those applications related to delegated vessels and received from the Classification Society, the Secretariat prepares the request for decision in the BDD and copies the application package information into the BDD record.
- 8.4.2 Upon receipt of the request for decision, the Secretariat conducts a review to ensure that threshold legal requirements are met. These requirements include whether the subject matter actually relates to a regulatory requirement or whether the request relates only to one person or vessel.
- 8.4.3 The time period referred to in 6.2 begins once the application meets the threshold legal requirements and sufficient information is included for the panel to make a decision.
- 8.4.4 If the request has no precedent, the Secretariat has the request translated and emails it to the HQ and Regional Directors to provide input that must be considered by the panel. **Directors have 5 days to provide input.**

Panel

- 8.4.5 Once the request has been reviewed and any comments have been received, the Secretariat proposes potential panel members and submits

them to the Chair via email. The Chair strikes a panel to consider the request. The Regional Vice-Chair will always be a panel member for requests originating in his or her region.

- 8.4.6 The Secretariat assigns panel members in the BDD record and notifies the panellists that the request is awaiting their decision by sending a system-generated email to the panellists. **Panel members have 5 days to review and vote on the request.** (Complex requests may take longer.)
- 8.4.7 The panellists consider the application based on the request for decision, the proposed expiry date and any other relevant information. A panellist may request additional information from the Originator through the Secretariat.
- 8.4.8 If a panellist wishes to propose an amendment to the request or the proposed conditions, the panellist must use the Comments section under the Edit Votes screen in the BDD. The BDD will automatically send an email to all panel members indicating that a vote or comment has been made and should be reconsidered by all panel members.
- 8.4.9 Once all amendments are completed, panellists vote to grant or deny the application from within the BDD. The Chair has a second vote in the case of a tie.

Finalize Decision

- 8.4.10 The Secretariat prepares the final record of Board Decision (Final Record) in both official languages that includes
- a. an identification number,
 - b. an effective date,
 - c. an expiry date,
 - d. the names of Panel Members, and
 - e. the signature of the Chair.
- 8.4.11 The Chair then signs the MTRB Decision that reflects the decision of the majority of the panellists.
- 8.4.12 Once the MTRB Decision is signed, the Secretariat
- scans the Final Decision and Cover Letter and saves it in RDIMS under the Regulatory decisions file (8500-7-YYYY, where YYYY corresponds to the year in which the decision was granted or rejected);
 - inputs the translated Final Record data into the BDD fields: RDIMS Number of Signed Decision, Decision Summary (in English and French), Final Conditions (in English and French), Effective Date, Expiry Date, and Date Decision Sent to Applicant;
 - finalizes/closes the BDD record appropriately;
 - on behalf of the Chair, sends a copy of the MTRB Decision to the applicant, to the originator, and to the appropriate Regional Vice-Chair;
 - if the exemption or replacement relates to a provision of an international convention to which Canada is a signatory, sends a copy of the MTRB Decision to the International Maritime Organization on behalf of the National Vice-Chair;
 - if the exemption or replacement relates to a vessel that is under the Delegated Statutory Inspection Program, sends a copy of the MTRB Decision to the classification society responsible for the vessel on behalf of the appropriate Regional Vice-Chair;

- positive/approved MTRB Decisions are automatically published on the MTRB Query website.

8.4.13 As the case may be, the Final Record is automatically displayed within SIRS or has to be manually recorded in ACES by AMSP.

9 Related Documents

- 9.1 Positive decisions of the MTRB are available on the MTRB Query website at <http://wwwapps.tc.gc.ca/saf-sec-sur/4/mtrbq-sridb/eng/decisions>.
- 9.2 Tier III – Work Instruction - MTRB Work Instructions for Equivalencies and Exemptions

10 Date of Application

- 10.1 This procedure comes into effect on March 3, 2014.

11 Date for Review

- 11.1 This procedure is subject to review every three (3) years.

12 RDIMS Reference

- 12.1 The English version of this document is saved in RDIMS under reference number 562407. The applied naming convention is PUBLICATION – TP 13585 – PROCEDURE – MARINE TECHNICAL REVIEW BOARD PROCESS FOR GRANTING A REGULATORY EXEMPTION OR REPLACEMENT.
- 12.2 La version française du présent document est dans le SGDDI et porte le numéro de référence 3691217. La règle d’affectation des noms est PUBLICATION – TP 13585 – PROCÉDURE – TRAITEMENT DES DEMANDES D’EXEMPTION OU D’ÉQUIVALENCE ADRESSÉES AU BUREAU D’EXAMEN TECHNIQUE EN MATIÈRE MARITIME.
- 12.3 This is the second approved and finalized revision of the English version of this document. Previous versions may be found under the same RDIMS number.

13 Keywords

- Marine Technical Review Board (MTRB)
- [MTRB Query website](#)
- Board Decisions Database (BDD)
- Exemption
- Replacement
- Equivalency
- Regulations