

# MARINE SAFETY MANAGEMENT SYSTEM

## TIER I – POLICY

### CERTIFICATION OF VESSELS OF 24 METRES IN LENGTH AND ABOVE

#### 1 Policy Objective

- 1.1 The objective of this policy is to specify the form and manner in which an application for a Canadian maritime document and certification services is made for a vessel of 24 metres in length and more.

#### 2 Policy Statement

- 2.1 Part 4 of the *Canada Shipping Act, 2001* (CSA 2001) requires the Authorized Representative of a Canadian vessel to ensure that the vessel and its hull, machinery and equipment are inspected for the purpose of obtaining all of the Canadian maritime documents (CMD) that it requires.
- 2.2 Part 4 also requires that the master of a Canadian vessel ensure that all of the CMDs required under that Part have been obtained before the vessel embarks on a voyage from a Canadian port.
- 2.3 Transport Canada has authorized classification societies to issue CMDs to vessels of 24m and above on behalf of the Minister of Transport. When authorized, these classification societies are called Recognized Organizations. The list of Canadian Recognized Organizations can be found on the Delegated Statutory Inspection Program website: <http://www.tc.gc.ca/eng/marinesafety/dvro-fsc-dspi-1781.htm>.
- 2.4 The Minister of Transport has the authority to determine the form and manner in which an application for a CMD is to be made.
- 2.5 The Minister of Transport may also require that the vessel or its hull, machinery or equipment undergo any inspections that he considers necessary to establish that the requirements for the issuance of the CMD have been met.
- 2.6 The Minister of Transport has the authority to authorize persons, classification societies or other organizations to issue any CMD under the CSA 2001.

- 2.7 The Minister of Transport may also enter into agreements for the administration of any provision of the CSA 2001, including inspections for the purpose of certification.
- 2.8 The ARs of all vessels of 24 metres and above will be directed to the Recognized Organizations (ROs) to obtain their CMDs and to undergo any inspections necessary to establish that the requirements for the issuance of the CMD have been met. This will apply to all CMDs that ROs have been authorized to issue under the DSIP Agreement.
- 2.9 "New vessels" will be expected to be in class with one of the Recognized Organizations.
- 2.10 "Existing vessels", where possible, should be in class. In the event that a vessel cannot meet class requirements, ROs may carry out inspections against Transport Canada regulations and issue CMDs to vessels. There are two options for how this service may be delivered, depending on the internal policies of each RO.
  - 2.10.1 Where the RO can issue CMDs to a vessel not in class, the vessel owner will receive certification services from the RO as per DSIP procedures (DSIP Enrolment Procedure, RDIMS 4791259).
  - 2.10.2 Where the RO cannot issue CMDs to the vessel, ROs may also choose to offer regulatory verification services according to Transport Canada regulations applicable to the vessel. In this case, CMDs will be issued according to the relevant TCMSS procedure (Procedure on TCMSS Certification of Vessels when Inspections are Carried Out by Recognized Organizations, RDIMS 8845093).
- 2.11 In exceptional circumstances, for new and existing vessels, the Minister of Transport may consider conducting the inspections mentioned in 2.8 and issuing CMDs when there is sufficient justification in a request from the AR of the vessel in question, demonstrating undue hardship (according to the procedure in RDIMS 8845087). This includes cases where ROs may be unable to provide services.

### **3 Scope**

- 3.1 This policy applies to the issuance of Canadian maritime documents and other certification services to vessels of 24 metres in length and above.
- 3.2 This policy does not apply to the issuance of Canadian maritime documents or other certification services to vessels under 24 metres in length.

### **4 Authority**

- 4.1 Section 16 of the *Canada Shipping Act, 2001* provides the authority to the Minister of Transport to specify the form and manner in which an application for a Canadian maritime document must be made.

- 4.2 Paragraph 16(2)(c) of the *Canada Shipping Act, 2001* provides the authority to the Minister of Transport to require that the vessels or its machinery or equipment undergo any inspections that the Minister of Transport considers necessary to establish that the requirements for the issuance of the document have been met.
- 4.3 Section 12 of the *Canada Shipping Act, 2001* provides the authority to the Minister of Transport to authorize classification societies or other organizations to issue Canadian maritime documents
- 4.4 This policy comes under the overall administrative authority of the Director General, Marine Safety & Security, and the Marine Safety & Security Executive (MSSE) committee has approved this policy for general application.

## **5 Responsibility/ further information**

- 5.1 The Executive Director, Domestic Vessel Regulatory Oversight and Boating Safety is accountable for the development, implementation, maintenance, and continuous improvement of the policy.

- 5.2 For further information, please contact:

Manager National Marine Safety Program – Flag State, Compliance & Enforcement

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## **6 Related Documents**

- 6.1 *Canada Shipping Act, 2001*
- 6.2 Tier I – Policy – Delegated Statutory Inspection Program (RDIMS 4791297).
- 6.3 Tier II – Procedure – Determining When Transport Canada Will Certify Vessels of 24 Metres in Length and Above
- 6.4 Tier II – Procedure – Delegated Statutory Inspection Program Monitoring Procedure (RDIMS 5073673).
- 6.5 Tier II – Procedure – Delegated Statutory Inspection Program Enrolment (TP 13585)

## **7 Background**

- 7.1 As part of Federal Budget 2012, Transport Canada (TC) is implementing an alternative service delivery (ASD) plan that is intended to transfer certification services for vessels 24 metres and above, currently performed

by TC, to classification societies that are authorized to act on behalf of the Minister of Transport (i.e. Recognized Organizations).

- 7.2 The transfer of certification services to Recognized Organizations will allow ARs to continue to receive certification of their vessels and allow TC to focus on risk-based inspections (i.e. compliance inspections) to better manage non-compliance in the Canadian marine industry. This approach to vessel certification is a proven international model and common international practice.

## 8 Definitions

- 8.1 Certification services include services related to Canadian maritime documents and other approvals and certificates; approval of plans associated with the construction or modification of a vessel; conduct and witnessing of tests; and, conducting any inspections necessary to establish that all the requirements have been met for the issuance of the CMD, including any necessary first (initial) inspections, periodic (periodical) inspections, and intermediate inspections.
- 8.2 Canadian maritime document (CMD) has the same meaning as in S. 2 the *Canada Shipping Act, 2001*.
- 8.3 Authorized Representative (AR) is the person meeting the requirements of Section 14 of the *Canada Shipping Act, 2001*.
- 8.4 Recognized Organization (RO) is a classification society that has entered into an agreement with the Minister of Transport to perform certain functions on his or her behalf, such as issuing Canadian maritime documents or type approval of equipment.
- 8.5 Length is calculated in accordance with the formula in the *Vessel Registration and Tonnage Regulations* and the *International Convention on Tonnage Measurement of Ships, 1969*. Existing fishing vessels (that had a valid CMD on or before December 31, 2013) will apply the 24.4m cut-off that currently exists between small and large fishing vessels.
- 8.6 "In class" is to maintain a class certificate from a classification society, meaning that the vessel is maintained to the rules of that classification society.
- 8.7 Vessel means all vessels that require CMDs under the CSA 2001, including those barges that require CMDs.
- 8.8 An existing vessel is a vessel that had a valid CMD prior to December 31<sup>st</sup>, 2013 and that was not subsequently removed from the Canadian registry. Existing vessels also includes new vessels under planned construction or other vessels undergoing major modifications that have submitted their vessel plans to Transport Canada for approval before the coming into force of this Policy.

- 8.9 A new vessel is a vessel that was registered in Canada on or after January 1<sup>st</sup>, 2014. This includes vessels that had a valid CMD on December 31<sup>st</sup>, 2013 that were subsequently removed from the Canadian registry and then registered again in Canada on or after January 1<sup>st</sup>, 2014.

## **9 Date of Application**

- 9.1 This policy will come into force on January 1<sup>st</sup>, 2014.
- 9.2 With respect to new vessels and existing vessels that are already in class, it will apply immediately upon coming into force.
- 9.3 With respect to existing vessels that are not already in class, it will apply not later than the vessel's next dry dock inspection. However, owners may choose to join the program at any time before that date.

## **10 Date for Review or Expiry**

- 10.1 This policy is to be reviewed after 12 months of its coming into force and every 5 years thereafter.

## **11 RDIMS Reference**

- 11.1 The English version of this document is saved in RDIMS under reference number 8388535.
- 11.2 La version française du présent document est dans le SGDDI et porte le numéro de référence 8388559.
- 11.3 This is the first approved and finalized revision of the English version of this document.

## **12 Keywords**

- Vessel certificates
- Inspection
- Certification
- Authorized Representative
- Canadian maritime documents
- Recognized Organization
- Classification societies
- 24 metres
- 150 GT
- Alternative Service Delivery (ASD) plan