



ARMA Update: 22 August 2022

DGMT Letter 12/2022: Fulfilment of Seaworthiness Requirements to Be Required for Containers-Shipping Barges

Overview

In order to uphold the White List status of the Memorandum of Understanding on Port State Control in the Asia-Pacific Region (“**Tokyo MoU**”), Directorate General of Marine Transportation of the Republic of Indonesia (“**DGMT**”) has issued Director General of Marine Transportation Letter No. AL.012/3/11/DJPL/2022 of 2022 concerning Submission of Seaworthiness Requirements Fulfillment Obligation for Barges Serving Container Shipping (“**DGMT Letter 12/2022**”). Through this letter, barges which carry containers are obliged to fulfill seaworthiness requirements by proving it with a Class Notation (*notasi kelas kapal*) or a letter confirming that such barges have met seaworthiness requirements.

White List Status of Tokyo MoU

As one of the Tokyo MoU endorsers, Indonesia has the obligation in participating to eliminate substandard shipping in the Asia-Pacific region, that is, any ships failing to meet basic standard of seaworthiness. In order to assess the performance of each member-state, Tokyo MoU has adopted the Black, Grey and White list for flag member-state performance by annually taking account of the inspection and detention history over the preceding three calendar years to be published in the Annual Report. If a member-state is placed in the Black List status, it may lead ships from such member-state to receive a High-Risk Ships profile. Meanwhile, if a member-state is placed in the White List status, it contributes as an advantage for the ships to receive a Low-Risk Ships profile.

For years, Indonesia has long been in the Black List of Tokyo MoU ever since its signing in 1993. Such condition has driven the DGMT to issue Circular Letter of Director General of Marine Transportation Letter No. UM.003/11/8/DJPL-18 dated 5 February 2018 concerning Increasing Supervision of Indonesian-Flagged Vessels Sailing Abroad. The circular letter depicts Indonesia’s effort to avoid Port State Control (PSC)¹ detentions for its ships, as well as for Indonesia to move from the Black List of Tokyo MoU. This effort has resulted in Indonesia placing in the Grey List in 2019 and the White List in the following years. Thus, in order to maintain this condition, the DGMT has issued Circular Letter of Director General of Marine Transportation Letter No. SE 8 of 2021 concerning Consistency of Inspection of Indonesian Flag Ships that will be Sailing Overseas Within the Framework of Maintaining White List Status of Tokyo MoU and further issued the DGMT Letter 12/2022 to ensure that every Indonesian ships are seaworthy for sailing.

¹ Port State Control is a state supervision of the seaworthiness and security of foreign ships entering the port area in order to ensure the fulfilment of requirements in accordance with the provisions of the convention implemented by the harbourmaster (*syahbandar*).



Submission of Seaworthiness Requirements Fulfillment Obligation

According to DGMT Letter 12/2022, every submission of Approval for Operation of National Ships to Overseas (*Persetujuan Pengoperasian Kapal Nasional ke Luar Negeri/PPKN*) and Foreign Deviated Ships Operating Plan (*Rencana Pengoperasian Kapal Deviasi Luar Negeri/RPKDLN*) of Indonesian flag barges carrying containers domestically and/or abroad, must fulfill seaworthiness requirements for carriage of containers. This obligation also applies for every submission of Approval for Foreign Ships Agency for foreign barges serving container carriage in Indonesian waters. Such fulfillment must be proved by/with:

1. Having Class Notation “equipped for carriage of container” or equivalent to that in Ship’s Classification Certificate; or
2. Certificate from the ship’s flag country or classification society recognized by the ship’s flag country confirming that such barge has fulfilled the seaworthiness requirements for carriage of container.

For Indonesian ships, such notation class may be obtained through filing an application to the PT Biro Klasifikasi Indonesia as Indonesian classification society.

Please contact Aryo Baskoro (aryo.baskoro@arma-law.com) for further information.

Disclaimer:

This ARMA Update is the property of ARMA Law and is intended to provide general information and should not be treated as legal advice, nor shall it be relied upon by any party for any circumstance. ARMA Law has no intention to provide specific legal advice with regard to this ARMA Update.