



Bundesrepublik Deutschland
Federal Republic of Germany

Berufsgenossenschaft für Transport und Verkehrswirtschaft
Dienststelle Schiffssicherheit



Circular 09/2014 (ISM)

Subject: Flag state requirements on the implementation of the ISM Code
Reference: ISM-Code, IMO-Resolution A.1071(28)
Attachments: -
Date: 24.07.2014

This circular provides guidelines for owners and managers of German flagged ships concerning national requirements on the implementation of the ISM-Code. These guidelines are supplementary to the provisions of the ISM-Code (Part A/Part B) as well as IMO Resolution A.1071(28) *Revised guidelines on the implementation of the International Safety Management (ISM) Code by administrations*. They shall be considered in the safety management system of the Company and have to be observed by auditors performing safety management audits.

This circular supersedes ISM-Circular No. 04/2010 "Flag State Requirements on the implementation of the ISM-Code", dated 13.07.2010.

1. Verification and certification of the safety management system

Responsibilities of the Administration and Recognized Organizations (RO)

The Dienststelle Schiffssicherheit, BG-Verkehr, (following Dienststelle Schiffssicherheit) is responsible for the enforcement, monitoring and verification of the provisions of the ISM-Code and for issuing the Documents of Compliance (DOC) and Safety Management Certificates (SMC).

The Company may assign the Dienststelle Schiffssicherheit or a recognized organization (RO) that has a written agreement with the BG Verkehr to conduct safety management audits in the company (Company Audits) and on its ships (Shipboard Audits).

If, at the time of the company audit, a Company has not operated a German flagged ship for more than one (1) year, the audit principally may not be carried out for the German flag. The certificate should be sent back by the company to the Dienststelle Schiffssicherheit.

If, at the time of the company audit, one particular type of ship contained in the DOC has not been operated by the Company for more than one (1) year, this type of ship principally has to be withdrawn from the DOC.

If objective evidence found during an office or a shipboard audit justifies additional verifications, the RO may prescribe and conduct such additional ISM audits. The RO has to inform the Dienststelle Schiffssicherheit in writing and before conducting the audit about the reasons and the scope of such additional verification.

The Dienststelle Schiffssicherheit reserves its right to take part in audits or to perform additional audits and/or flag state inspections.

Planning, preparing and executing the audit

All verifications required by the provisions of the ISM-Code shall be carried out based on the guidelines of IMO-Resolution A.1071(28).

If an RO has been assigned to carry out the verification, the RO has to inform the Dienststelle Schiffssicherheit in writing and well in advance about planned safety management audits.

The basis for carrying out an audit is the review of the safety management manual of the company by the auditor. A review of the safety management manual should be carried out especially before commencing an initial audit or in the case of essential changes of the safety management system. If the review reveals that the system is not adequate to meet the requirements of the ISM-Code further auditing shall be postponed until the Company has undertaken corrective action to the satisfaction of the auditor.

An audit plan shall be prepared by the lead auditor in agreement with the Company.

When preparing and executing an audit, the auditor shall consider at least the following documents and reports:

- previous audit reports;
- results of inspections according to the Maritime Labour Act;
- Port State Control Reports;
- results of relevant surveys;
- other relevant reports, e.g. directive EU 1999/35 surveys for Ro-Ro Pax;
- reports about accidents;
- additional instructions by the Dienststelle Schiffssicherheit (if applicable).

The audit shall start with an opening meeting and finish with a closing meeting.

Audit documentation

The following audit documentation shall be submitted to the Dienststelle Schiffssicherheit within one month after completion of the audit:

- Audit report including a comprehensive summary of the audit result and observations on the effectiveness of the safety management system in meeting the specified objectives;
- Evaluation of the emergency exercise carried out during a shipboard audit;
- Audit plan stating the actual audit times;
- Copies of certificates issued, if applicable;
- Non-conformity note(s), if any, including corrective action accepted by the auditor.

Provided there are no objections, the Dienststelle Schiffssicherheit issues full term certificates on the basis of the documents submitted.

Non-Conformity

If a Non-Conformity is raised, the Company is responsible for determining the causes (including root causes) and initiating the necessary corrective and preventive action.

The corrective and preventive actions for non-conformities shall be completed within the agreed time period. This period shall not exceed three months from the date of issuance of a non-conformity note.

Major Non-Conformity

Definition:

A **deviation** is identified that poses a **serious threat** to the safety of personnel, the ship or the environment which **requires immediate corrective action**, or an **essential requirement** of the ISM-Code have not been implemented.

If a major non-conformity has been raised, the company has to initiate corrective action **during the audit** which is suitable to **avert immediately**, the **serious threat** to the ship, personnel or environment. If appropriate corrective action can be realized immediately the major NC shall be downgraded to a NC. The NC requires a proposal for further corrective action.

The procedures of MSC/Circ.1059 *Procedures concerning observed ISM Code Major Non-Conformities* shall be taken into account by the auditor.

The Dienststelle Schiffssicherheit has to be notified of the major non-conformity and the corrective action immediately after carrying out the audit (ism@bg-verkehr.de).

An additional audit has to be carried out within a period not exceeding three (3) months after detecting the Major Non-Conformity to evaluate the effectiveness of the established corrective and preventive actions.

Human Element

During the audit the familiarity and experience of the personnel on shore and on board with the safety management system and the used procedures shall be checked by observing and interviewing. The auditor should verify especially:

- how far the Safety and Environmental Protection Policy is implemented within the company;
- how far the personnel is familiar with assigned tasks and the resulting responsibilities and authorities;
- how the necessary qualification and training of the personnel is ensured.

In the course of a shipboard verification an emergency exercise shall be carried out in the presence of the auditor. An evaluation of this exercise shall be included in the summary assessment of the audit.

2. Ship Safety and Environmental Protection Policy

The policy of the Company should explicitly describe how the safety management objectives of the ISM Code will be achieved.

The company's safety management system shall ensure compliance with the international and also the national legislation, e.g.

- Maritime Labour Act
- Ship Safety Law (SchSG);
- Ordinance for the Safety of Seagoing Ships 98 (SchSV 98);
- Ordinance on the Transport of Dangerous Goods on Seagoing Vessels (GGV-See);
- National occupational safety regulations

The provisions laid down in § 3 SchSG and § 2 SchSV 98 as well as recommendations of the Administration, the IMO, the recognized organizations and other organizations should be incorporated into the company's SMS and should be implemented.

The ISM Circulars of Dienststelle Schiffssicherheit have to be considered by the Company and should be forwarded to the master if the carriage on board is required.

3. Company's Responsibility

The owner of each vessel must provide the Dienststelle Schiffssicherheit with details of the Company responsible for the operation of the vessel.

The Company has to ensure that

- all official publications and documents in compliance with § 13.1.2 SchSV 98 are available;
- the contents of log books are verified at least once every 12 months;

- the log books are kept for at least 3 years;

The Company has to establish procedures to ensure that all risks for the operated ships, the personnel and the environment are identified, assessed and appropriate safeguards are established.^{1,2,3}

4. Designated Person(s)

The Company must provide information about the designated person(s) to the Dienststelle Schiffssicherheit to ensure direct and immediate contact.

The Company has to ensure that the designated person has the required qualification and education to perform his tasks.⁴

5. Master's Responsibility and Authority

The Company has to ensure that the master is fully conversant with his additional responsibilities stipulated in national regulations, e.g.

- Maritime Labour Act
- SchSG;
- § 13.2 SchSV 98 (Behaviour Obligations);
- § 9.7 GGV-See (if applicable).

Furthermore the master has to ensure that watch officers and chief engineers are familiar with their duties as laid down in § 13.3 and § 13.4 SchSV 98 and entries in log books are made in compliance with Annex 1 B.II SchSV 98.

6. Resources and Personnel

The Company has to ensure that:

- every crew member on its ships is qualified and certified in accordance with the company's safety management system, STCW and other national and international requirements;
- its ships are manned in accordance with the Safe Manning Certificate and the demands of a safe operation of the ship considering the trade area and its purpose;
- relevant information including data on their experience, training, medical fitness and competency for assigned duties of all crew members employed on its ships are maintained and readily accessible.

The Company has to provide written instructions to the Master, setting forth the procedures to be followed to ensure that all new crew members or crew members who are transferred to new duties on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.

The shipboard familiarisation should include sufficient time to become as a minimum acquainted with:

- storage and handling of life saving appliances and fire safety equipment;
- ship specific equipment used or operated by the crew member;
- ship specific procedures and instructions for watch keeping⁵, safety, environmental protection and emergencies;
- personal protective equipment to provide protection against fatal hazards or permanent damage to health.

Before leaving port the crew members have to be familiarized with safety-relevant instructions.

One crew member shall be designated to ensure that essential information is provided

to newly assigned crewmembers.

Furthermore, the crew members on board have to be instructed in occupational safety and health at work, particularly in the hazards the crew members are exposed to in connection with their work activities and the measures used to prevent such hazards. The instruction shall be repeated as required.

7. Plans for Shipboard Operations

The Company shall identify key shipboard operations concerning the safety of the ship and the prevention of pollution and ensure that procedures, instructions and responsibilities are laid down for carrying out these operations safely.^{6,7,8,9,10,12}

The ship's operation plans shall consider and incorporate requirements for the management of occupational safety and health on board ships.

The responsibilities have to be clearly defined and delegated to those who are qualified to perform these duties.

8. Emergency Preparedness

The plans for emergency response¹¹ should – as a minimum - include the following groups of emergency situations:

- Fire;
- Abandon ship;
- Damage to the ship;
- Pollution;
- Personnel accidents (including entry into and rescue from enclosed spaces¹²);
- Recovery of persons from the water¹⁰;
- Cargo related accidents (if applicable);
- Emergency assistance to other ships;
- Emergency towing procedures¹³ (if applicable);
- Terrorism/Piracy;

For developing emergency plans interactions with third parties/contractors during certain situations like e.g. loading operations should be taken into account.

The IMO prepared "*Guidelines for the structure of an Integrated System of Contingency Planning for Shipboard Emergencies*" set out in Res.A.1072(28). This circular is not intended to enforce a new system or replace existing approved systems; however, the guidelines may assist in developing an integrated system of emergency response planning.

The SMS shall ensure that emergency plans will be continuously reviewed and updated if necessary.

Training manuals shall be available on board in compliance with SOLAS Reg. II-2/15 and III/35 and they have to reflect the shipboard operational conditions.

9. Reports of Non-Conformities, Accidents and Hazardous Occurrences

The SMS shall include procedures ensuring that reports are prepared and forwarded to the Company on all non-conformities, accidents, hazardous occurrences (e.g. Near-Misses) and Port State Control deficiencies. The reports shall be investigated, evaluated and analysed with the aim to:

- identify causes;
- determine and implement appropriate corrective and preventive actions;
- adapt existing procedures or develop new procedures.¹⁴

The Company has to ensure that in the case of certain accidents and incidents causing

damage or dangers to ship, crew and equipment:

- the Federal Bureau of Maritime Casualty Investigation (BSU) will be notified in accordance with § 7 of the Ordinance on Securing Shipping;
- the Dienststelle Schiffssicherheit will be informed immediately which is required by §13 SchSV 98 (During office-hours: ism@bg-verkehr.de, after office-hours: psc@bg-verkehr.de).¹⁵

The Company has to inform the Dienststelle Schiffssicherheit (ism@bg-verkehr.de) about detentions by port state controls immediately.

10. Maintenance of Ship and Equipment

The Company's maintenance system shall ensure that maintenance, surveys, inspections and repairs are carried out in a planned and comprehensible manner, taking into account national and international legislations, class society requirements and requirements developed by the Company.^{16,17}

A maintenance plan in compliance with SOLAS Reg. II-2/14.2.2 shall be available on board. The plan has to incorporate the guidelines of MSC1/Circ.1432 "*Revised Guidelines on maintenance and inspection of fire protection systems and appliances*".

On-board maintenance of life-saving appliances shall be carried out in compliance with SOLAS Reg. III/20 and the guidelines set out in Annex 1 of MSC.1/Circ.1206 (as amended).

Critical Equipment shall be identified in accordance with ISM-Code paragraph 10.3.¹⁸ The list of Critical Equipment has to be reviewed periodically and, if necessary, has to be adapted to operating conditions. For the identification of Critical Equipment a closer look should be taken to activities on board the ship which are vital to safety and to the protection of the environment. Results of risk assessments and analyses of accidents, hazardous occurrences and near-misses can also be indications for Critical Equipment. When critical equipment has been identified, it is essential to establish safeguards to ensure functional reliability or the use of back-up arrangements in case of sudden operational failure. These specific measures must include the regular testing of stand-by equipment or technical systems that are not in continuous use.

Other safeguards may be:

- regular testing of alarm functions,
- preventive maintenance of critical components,
- alternate running of stand-by arrangements,
- lubricating and fuel oil analysis,
- cleaning of filters,
- inspections/surveys in appropriate intervals,
- additional shipboard procedures to ensure redundancy of critical equipment during critical operations.

In the case of a failure of appliances and equipment affecting the validity of a ship safety certificate, the failure shall be reported to the authority issuing the certificate.¹⁹

11. Documentation

The Company has to ensure that personnel involved ashore and on board has access to all relevant and updated data of the SMS at all times.

12. Verification of the SMS by the Company

The Company shall conduct internal audits ashore and on board in intervals of not more than 12 months. As soon as it is foreseeable that this interval will be exceeded because of exceptional circumstances (for maximum three months) a sufficient explanation for

the delay shall be documented.

Furthermore the Company has to verify periodically that third parties that have been delegated tasks within the safety management system are acting in conformity with the safety management system.

Contact:

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You can find this circular on our homepage:

<http://www.deutsche-flagge.de/en/safety-and-security/ism/infos>

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- ¹ ISM-Circular 08/2006 - Shipboard occupational health and safety programme (SOHSP)
 - ² ISM-Circular 03/2010 - Occupational Health and Safety Management / Risk Assessment
 - ³ ISM-Circular 05/2010 - Recommendations for Self Elevating Units in Offshore-operations
 - ⁴ ISM-Circular 06/2007 - Guidelines for implementation of ISM-Code and qualification of designated person
 - ⁵ ISM-Circular 06/2006 - GMDSS operators
 - ⁶ ISM-Circular 05/2007 - Guidelines on safety during abandon ship drills
 - ⁷ ISM-Circular 05/2009 - Registration of passengers on board passenger ships
 - ⁸ ISM-Circular 07/2010 - Prevention of pollution during transfer of oil cargo between oil tankers at sea
 - ⁹ ISM-Circular 02/2011 - Procedures for training, including instructions related to disabled persons and persons with reduced mobility
 - ¹⁰ ISM-Circular 07/2014 - Recovery of persons from the water
 - ¹¹ ISM-Circular 01/2013 - Emergency planning on ships operating in offshore wind farms
 - ¹² ISM-Circular 08/2014 - Entering enclosed spaces
 - ¹³ ISM-Circular 06/2009 - Emergency towing procedures on ships according to SOLAS Reg. II-1/3-4
 - ¹⁴ ISM-Circular 01/2009 - Reporting near miss
 - ¹⁵ ISM-Circular 01/2012 - Reports and analyses of non-conformities, accidents and hazardous occurrences
 - ¹⁶ ISM-Circular 02/2010 - Means of embarkation and disembarkation
 - ¹⁷ ISM-Circular 03/2012 - Maintenance according to ISM-Code 10.1
 - ¹⁸ ISM-Circular 01/2008 - Critical Equipment
 - ¹⁹ ISM-Circular 01/2011 - Internal safety audits in accordance with the ISM-Code and interpretation of these requirements