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**PROCEDURES CONCERNING OBSERVED ISM CODE
MAJOR NON-CONFORMITIES**

1 The Maritime Safety Committee, at its seventy-sixth session (2 to 13 December 2002), and the Marine Environment Protection Committee, at its forty-eighth session (7 to 11 October 2002), having recognized the need for the aforementioned procedures, approved the Procedures concerning observed ISM Code major non-conformities, set out in the annex, with a view to assisting flag States and port States when major non-conformities in a ship's or a company's safety management system have been observed.

2 Member Governments are invited to apply the annexed Procedures and bring them to the attention of the parties concerned.

ANNEX

PROCEDURES CONCERNING OBSERVED ISM CODE MAJOR NON-CONFORMITIES

1 Administrations and recognized organizations acting on their behalf should ensure that they are fully cognizant of uncorrected major non-conformity raised at ISM Code audits. A major non-conformity found may be downgraded to a non-conformity if the Administration or recognized organization is satisfied that effective corrective action is being taken. A major non-conformity raised on a ship should be downgraded before the ship sails. A schedule not exceeding three months should be agreed for completion of the necessary corrective actions. Where the Administration allows a major non-conformity to be downgraded, at least one additional audit should be carried out within the time frame indicated in the agreed corrective action plan to verify that effective actions are taken.

2 Upon request of the port State, the Administration should provide relevant information available to the Administration concerning the current validity of the Document of Compliance presented by the ship.

3 In the event more than one Administration and/or recognized organization is involved in the ISM certification process, any major non-conformity that leads to withdrawal of a Document of Compliance or Safety Management Certificate, or that has been allowed to be downgraded and that corrective actions have been satisfactorily completed, the involved Administration and/or recognized organization should report the action taken to the other Administration and/or recognized organization.

4 A company whose Document of Compliance has been withdrawn should not be issued with an Interim Document of Compliance. Furthermore, a new Document of Compliance should not be issued unless an initial verification or an additional verification to the extent and scope of an initial verification has been carried out. The new Document of Compliance should have an expiry date, the same as the withdrawn document.

5 Where the associated Safety Management Certificates are withdrawn as a result of the withdrawal of Document of Compliance caused by a major non-conformity, new Safety Management Certificates should not be issued unless the Document of Compliance has been reinstated and a verification to the scope of an initial verification has been carried out on board the ships on a representative sample basis. At least one ship of each type operated by the company should be verified.

6 For a ship where the Safety Management Certificate appears valid, but the Company's Document of Compliance has been withdrawn, the Administration or a port State ascertaining the withdrawal should ensure that the ship does not operate until the Document of Compliance is reissued. Such steps may include detention, revocation of operating permits or other action necessary to ensure compliance with the ISM Code.

7 For a ship where the Safety Management Certificate has been withdrawn, the Administration or port State ascertaining the withdrawal should ensure that the ship does not operate until the Safety Management Certificate is reissued. Such steps may include detention, revocation of operating permits or other action necessary to ensure compliance with the ISM Code.

8 For a ship whose Safety Management Certificate has been withdrawn as a result of major non-conformity, an Interim Safety Management Certificate should not be issued. Furthermore, a new Safety Management Certificate should not be issued unless an initial verification or an additional verification to the extent and scope of an initial verification has been carried out on board the ship. In addition, depending on the nature of the major non-conformity raised against the Safety Management System implemented on board the ship, the validity of the Document of Compliance may also need to be verified by an audit, equivalent in scope to an annual audit, prior to the issue of the Safety Management Certificate. The new Safety Management Certificate should have an expiry date, the same as the withdrawn certificate.
