

**REGULATION ON IMPLEMENTATION OF INTERNATIONAL SAFETY
MANAGEMENT CODE FOR TURKISH FLAGGED VESSELS AND THEIR MANAGEMENT
COMPANIES**

**PART ONE
Objective, Scope, Basis and Definitions**

Objective

ARTICLE 1 - (1) Objective of this Regulation is to specify the procedures and principles in connection with ensuring the compliance of Turkish flagged ships and vessels and their Management Companies thereof to International Safety Management Code, prevention of pollution originating from ships and vessels, establishment of Company and ship based Safety Management System by management companies, controls thereof by the Administration with the purpose of safe operation and management of ships.

Scope

ARTICLE 2 (1) -This applies to operations and procedures related with

- a) All passenger ships including Turkish flagged high-speed passenger ships navigating on international waters,
 - b) Turkish flagged oil tankers, chemical tankers, gas tankers, bulk carriers and all other cargo carriers including high-speed cargo carriers equal to and above five hundred gross ton, navigating on international waters
 - c) Turkish flagged marine vessels which are movable offshore drilling units equal to and above five hundred gross ton navigating on international waters,
 - d) Passenger ships with line permit navigating on domestic waters,
 - e) (Annex-RG-12/6/2013-28675)⁽¹⁾ Oil tankers, chemical tankers and gas tankers navigating on domestic waters,
- (1) Management Companies of the aforementioned vessels, designated persons, authorized bodies and other agencies and bodies which are authorized and assigned tasks and responsibilities.
- (2) It does not apply to operations and procedures related with vessels of Turkish Armed Forces, state vessels which are not used for commercial purposes and fishing vessels.

Basis

ARTICLE 3 - (1) This Regulation has been prepared;

- a) based on sub-paragraph (c) in paragraph one under Article 2 of the Legislative Decree No. 491 of 10/8/1993 on Organization and Responsibilities of the Undersecretariat of Maritime Affairs,
- b) in parallel with Part 9 in International Convention of 1974 on Safety of Life at Sea and International Safety Management Code which entered into force on 1/7/1998.

Definitions

ARTICLE 4-(1) The following terms used in this regulation shall have the following meanings;

- a) Regional Directorate; implies Regional Directorates reporting to the Undersecretariat of Maritime Affairs,
- b) Major Non-Conformity- MNC; implies an identifiable omission creating a serious level of danger with respect to crew members, vessel safety or the environment, requiring measures to be taken immediately or default in effective and systematic implementation of an obligation specified in mandatory rules, regulations or SMS handbook,
- c) Inspection officer: implies a person who is designated by Administration for inspecting Turkish flagged vessels and their management companies thereof and preparing documents based on such inspection results, and reports only to Administration,
- d) Document of Compliance: implies the document of compliance showing that Safety Management System established by Management companies meets the requirements of the Code,
- e) Document: implies instructions, handbooks, manuals, reports and other documents related with SMS,
- f) DPA- Designated Person Ashore: implies a person who is responsible for monitoring the safety of each vessel and providing sufficient onshore resources for operations of the vessels, designated by management companies and fully authorized for implementation of SMS having the capability to contact directly with all management levels of the Management company including top executives with the purpose of establishing a connection with the vessel and their companies,
- g) Safety Management Handbook implies the documents used for explaining and implementing the SMS,
- h) Safety Management Inspection: implies the independent and systematic inspection performed with the purpose of determining the compliance of operations specified in safety management system and consequences of such operations with the regulations, effective implementation of the aforementioned regulations and achievement of the goals.
- i) SMS-Safety Management System: Safety Management System is a system designed and certified with the purpose of ensuring effective implementation of safety and environment protection policies of the management company by personnel.
- j) Gross Ton (GT): means gross tonnage of the vessel shown in its documents issued in accordance with the International Tonnage Convention of 1969,
- k) Observation: implies an observation made during safety management system inspection which is proven with objective evidences and have a risk of negative consequences in the future,
- l) Administration: implies Prime Ministry, Undersecretariat of Maritime Affairs,
- m) Management Company/Company: implies a real or legal entity that accepted management responsibilities of a vessel and agreed to undertake all tasks and responsibilities arising from the Code.
- n) Code (International Safety Management Code): implies the International Management Code on safety management of vessels and prevention of the environmental pollution enacted by International Maritime Organization (IMO) with resolution no. A.741(18).
- o) Port Authority: implies Port Authorities reporting to Regional Directorates of the Undersecretariat of Maritime Affairs,
- p) Objective evidence:: implies information, records or findings related with the implemented safety management system which are based on verifiable observations, measurements and tests.

- r) Organization (International Maritime Organization-IMO): implies International Maritime Organization,
- s) SMC- Safety Management Certificate: implies the Safety Management Certificate showing that Safety Management System implemented in the vessel meets the requirements of the Code,
- t) Convention (International Convention for the Safety of Life at Sea- SOLAS-74): implies the International Convention for Safety of Life at Sea,
- u) International voyage: implies the voyage from a Turkish port to a foreign port or from a foreign port to a Turkish port or between two foreign ports,
- v) Non-Conformity-NC: implies objectively determined default in fulfilling an obligation specified in mandatory rules, regulations or SMS handbook in full.
- y) Authorized Organization: implies the authorized organization for carrying out inspections and issuing certificates in the name of the Administration, in subjects determined by the Administration within the scope of the national and international rules and liabilities in accordance with the provisions of the Regulation on Selection and Authorization of the Bodies to Act in the Name of the Flag State aboard Turkish Flagged Vessels published in Official Journal No. 25246 of 1/10/2003.
- z) Anniversary date: implies the date calculated as day-month and corresponding to each year determined retroactively starting from the expiry date of DoC and SMC.

PART TWO

Implementation, Powers, Duties and Responsibilities of the Management Company

Objectives of SMS

ARTICLE 5- (1) Objectives if the SMS is to establish safety at sea and ensure prevention of particularly injuries and loss of life and any damages that maybe given to the environment, marine environment and properties.

(2) Goals of a Management Company with respect to SMS are as follows:

- a) To establish safe working environments and practices with respect to Vessel Management,
 - b) To assess all risks against its vessel/ vessels, crew members and the environment and to take counter-measures,
 - c) To improve safe management skills of the crew members and operations personnel including being prepared to emergency situations with respect to safety and protection of the environment,
- 3) SMS should be in conformity with national and international regulations.

Conditions on SMS

ARTICLE 6- (1) Each management company establishes, implements and maintains an SMS in compliance with the following conditions:

- a) A safety and environmental protection policy,
- b) Procedures and principles aimed at operating vessels safely and protecting the environment provided that they are in conformity with the relevant international and national regulations.
- c) Defined authorization levels and communication hierarchy between the management company and crew members,
- ç) Procedures on reporting accidents and notifying non-compliances with respect to the provisions of the Code,
- d) Procedures on preparing for and responding to emergencies,
- e) Procedures on internal inspections and revision of the management practices.

Safety and environmental protection policy

ARTICLE 7- (1) Management company establishes a safety and environmental protection policy describing implementation of the objectives provided in Article 5.

(2) Management ensures that the aforementioned policy is implemented and maintained in all departments and level of the organization both as a vessel based and company based policy.

Authority, responsibilities and designation of a DPA

ARTICLE 8 (1) Management company selects and designates a person or persons with qualifications and competencies established by the Administration with the purpose of ensuring safe operation of its each vessel. Some of the responsibilities and powers of the aforementioned person or persons are monitoring the safety and pollution during vessel operations and providing company based support for sufficient resources. Procedures and principles concerning the qualifications and designation of DPA are specified by Administration.

Authority and responsibilities of the Management Company

ARTICLE 9- (1) If Management company of a vessel is a person other than the vessel owner, vessel owner is obliged to inform identification details of the new management company in case that person or Management company is changed.,

(2) Management company specifies the responsibilities, powers of all staff members managing, implementing and validating operations with respect to the safety and environmental protection and the hierarchy between them in writing.

(3) Management company is responsible for providing sufficient resources and support in order to ensure that the person or persons designated as DPA perform their duties.

Authority and responsibilities of the Shipmaster

ARTICLE 10- (1) Management company specifies the responsibilities of the master with respect to SMS implemented in the vessel explicitly and in writing;

- (a) To implement safety and environmental protection policy of the Management company and to improve the knowledge and experiences of the crew members through regular trainings,
- b) To encourage and motivate the crew members with respect to the compliance with this policy,
- c) To ensure that orders and instructions are

compatible, clear and simple,

- d) To inspect compliance with the specified conditions,
- e) To review SMS periodically and notify deficiencies to company`s management.

(2) Management company informs that the shipmaster is fully authorized and responsible in SMS with respect to taking priority decisions on establishing the safety and preventing the pollution and requesting help of the Management company when required.

Personnel

ARTICLE 11- (1) Management company designates a qualified shipmaster for managing and navigating the vessel who is also fully informed about the SMS and provides the required support for the performance of shipmaster`s duties safely.

2) Management company:

a) ensures that crew members of each vessel are qualified, certified and healthy seaman in compliance with national and international standards.

b) ensures that new crew members and new staff members assigned to positions related with safety and environmental protection are introduced with their duties and provided with adequate information and specifies the instructions that should be given before vessels leaves and communicates them in writing.

c) provides information to all responsible staff members on the relevant legislation,

d) determines all kinds of training activities required for supporting the SMS and ensures that all of the relevant staff members are provided such trainings,

e) specifies the methods of providing information on SMS to crew members and ensures that they are in the language used on board or in an understandable language.

f) ensures that crew members communicate effectively while performing their duties related with SMS.

Vessel operational plans

ARTICLE 12- (1) Management company establishes procedures and principles and makes plans in connection with the important vessel operations aimed at safety of the crew members and vessel and environmental protection and if applicable, prepares control lists. Duties are described and provided to the qualified personnel as far as possible.

Being prepared for emergencies

ARTICLE 13- (1) Management company identifies possible emergencies that may occur on board and establishes procedures aimed at responding thereof.

(2) Management company prepares programs for drilling, practice and training in connection with the emergency response.

(3) SMS includes measures enabling Management company organization to respond dangers, accidents and emergencies concerning vessels at any time.

Procedures on reports, analysis and corrective actions

ARTICLE 14- (1) SMS specified procedures ensuring that non-compliances, accidents and dangerous situations are informed to the Management company, investigated and analysed with the purpose of improving the actions for safety and pollution prevention.

(2) Companies establishes procedures for implementation of corrective actions including measures taken with the purpose of preventing reoccurrence of non-compliances, accidents and dangerous situations.

Service and maintenance of the vessel and equipment

ARTICLE 15- (1) Companies establishes methods for service and maintenance of the vessel and equipment in accordance with the provisions of the relevant legislation and all kinds of additional conditions set forth by the Management. In meeting the aforementioned requirements, management company ensures that:

- a) inspections are carried out with appropriate intervals,
- b) all kinds of non-compliances are reported by stating the known possible cause,
- c) appropriate corrective actions are taken,
- d) logs are created for the aforementioned actions,

(2) Company identifies the equipment and technical systems that may lead to dangerous situation in case of an unexpected failure. Special measures aimed at supporting reliability of the aforementioned equipment and systems are included in SMS. Some of the aforementioned measures are stand-by equipment that are not used permanently or testing technical systems on regular basis.

(3) Inspections provided in paragraph one and measures provided in paragraph two are a part of service/maintenance activities carried out during normal operations of the vessel.

Documentation

ARTICLE 16- (1) Management establishes methods for checking all documents and data related with SMS and ensures implementation thereof.

2) Management ensures that;

- a) valid documents are available in the all of the relevant locations,
- b) any changes made in the documents are reviewed and approved by the authorized personnel,
- c) unused, expired documents are cancelled without any delay.

(3) Document are kept by the Management company as appropriate and all documents related with the vessel are kept on-board.

Internal inspections

ARTICLE 17-(1) Management company carries out internal inspections in order to confirm that safety and pollution prevention actions are in compliance with SMS.

(2) Internal inspections are carried out on board and in the company with intervals not less than twelve months. This interval may be exceeded for a period of maximum three months in exceptional cases.

(3) Management company is obliged to assess the effectiveness of SMS periodically in accordance with its own procedures.

- (4) Internal inspections and corrective actions are implemented in accordance with the documented procedures.
- (5) Staff members carrying out internal inspections are obliged to be independent from the inspected unit based on the scale of the organization and to the extent allowed by its characteristics.
- (6) Results of inspections and reviews/ assessments are submitted to the attention of all responsible staff members in the relevant department.
- (7) Responsible management personnel of the relevant departments in the organization initiate timely corrective actions with respect to the identified deficiencies.

PART THREE

Certification, Validation and Standards

Certification Process

ARTICLE 18- (1) Certification process for issuing a DoC for a management company and a SMC for a vessel is conducted through the following stages:

- a) Initial inspection,
- b) Annual or interim inspection,
- c) Renewal inspection,
- d) Additional inspection.

(2) The aforementioned inspections are carried out upon application submitted by company to the Administration or authorized organization operating in the name of the Administration.

(3) Inspections also involve a safety management inspection.

(4) Administration or the organization authorized by Administration designates an inspector or if required, an inspection team with the purpose of carrying out inspections.

(5) Designated inspector collaborates with the management company and prepares an inspection plan.

(6) An inspection report is prepared under the supervision of the inspector who is responsible for the accuracy and completeness.

(7) Inspection report provides information on inspection plan, names of the members of the inspection team, dates and the name of the management company, records of all kinds of findings and non-compliances and effectiveness with respect to meeting the objectives of the safety management system.

Documents issued within the scope of the Code

ARTICLE 19-(1) The following documents are issued by Administration or the authorized organization within the scope of the Code:

- a) Interim Document of Compliance (Interim DoC),
- b) Document of Compliance (DoC),
- c) Interim Safety Management Certificate (Interim SMC),
- d) Safety Management Certificate (SMC),

Management Company Documents

ARTICLE 20-(1) DoC is issued by Administration or the authorized organization for a management company meeting the requirements of the Code for a period of maximum five years. This document is considered as an evidence for the capability of an management company in meeting the requirements of the Code.

a) A vessel is operated by an management company who is the holder of a DoC or Interim DoC issued for that vessel in accordance with article 14.1 of the Code.

b) DoC is valid only for vessel types explicitly stated on the document. Other vessel types are included in the DoC upon validating that the relevant management companies complies with the requirements of the Code which apply to such vessel types.

c) Validity of DoC is dependent on the fact that annual inspection that shall be carried out by Administration or an authorized organization within a period of three months before or after the anniversary date results with compliance to the criteria specified by Administration. Annual inspections is recorded on the certificate and approved by inspector who carried out the inspection or the authorized organization.

d) In case renewal inspection is completed before the expiry of three-month period before the expiry date of the current DoC, new DoC to be issued is valid starting from the completion date of the renewal inspection until a date which does not exceed the expiry date of the current DoC more than five years. In case renewal inspection is completed before the expiry of three-month period before the expiry date of the current DoC, validity date of the new DoC to be issued is maximum five years starting from the date renewal inspection is completed.

(2) Interim DoC is issued by Administration or marine authorities of other states that are party to the convention upon request of Administration or the authorized organization with the purpose of facilitating the implementation of the Code for a period of maximum twelve months provided that one of the following situations occur:

- a) In case SMS is initiated recently or Management company starts its business activities recently,
- b) In case management company starts operating a new vessel type in addition to other vessels operated,
- c) In case interim DoC is considered necessary by Administration in order to implement annexes or amendments made to the provisions of the Code.

(3) A true copy of the documents listed in this article are made available aboard vessels subject to SMS.,

(4) Management of foreign flagged vessel/ vessels is subject to the provisions of the Code as if it is a new organization when it adds a Turkish flagged vessel into its fleet.

Safety management certificate

ARTICLE 21-(1) SMC (Safety Management Certificate) is issued for the vessel by Administration or marine authorities of other states party to the Convention upon request of Administration or the authorized organization. SMC is issued upon validating that Management company and the vessel are managed in accordance with SMS. This document is considered as an evidence for the capability meeting the requirements of the Code.

- a) Validity of SMC is dependent on the fact that results of an interim inspection carried out by administration or

authorized organization are in compliance with the criteria to be specified by Administration. If an interim inspection shall be carried out for once, it is carried out between the second and third anniversaries of SMS.

b) In case renewal inspection is completed before the expiry of three-month period before the expiry date of the current SMC, new SMC to be issued is valid starting from the completion date of the renewal inspection until a date which does not exceed the expiry date of the current SMC more than five years. c) In case renewal inspection is completed in a period longer than three months following the expiry date of the current SMC, validity date of the new SMC to be issued is maximum five years starting from the date renewal inspection is completed.

d) In case renewal inspection is completed following the expiry date of the current SMC, the new SMC is valid for a period of maximum five years following the expiry date of the current SMC starting from the date renewal inspection is completed.

e) If renewal inspection is completed and the new SMC is not issued or delivered to the vessel before the expiry date of the current SMC, administration or authorized organization that received the approval of Administration may approve the current SMC. Such a SMC is valid for a period of maximum five months following the expiry date of the current SMC.

f) If a vessel is not at a port where SMC inspection can be carried out at the expiry date of SMC, validity date of the current SMC may be extended by administration only with the purpose of allowing the vessel complete its voyage to the next port where inspection can be carried out and under conditions such an extension is acceptable and reasonable. In case such a SMC is not extended within a period of three months following the expiry date of the current SMC and a vessel with that SMC cannot leave the port where SMC inspection shall be carried out without completion of the renewal inspection. Validity period of the new SMC issued following the completion of the renewal inspection is maximum five years following the expiry date before the issuance of the extension for the current SMC,

a) None of the vessels operated by a Management company having an interim DoC are issued a SMC with full validity.

Interim safety management certificate

ARTICLE 22- (1) Interim SMC (Interim Safety Management Certificate) is issued provided that an inspection carried out in the vessel of Management company that is holder of either an interim DoC or one of the DoC documents for that vessel type results positively.

a) An Interim SMC is issued upon occurrence of one of the following conditions:

- 1) Taking delivery of a newly-built vessel,
- 2) In case Management company undertakes the responsibility of a new vessel with the purpose of operating,
- 3) In case vessel type is changed,
- 4) In case a foreign-flagged vessel is registered as a Turkish flagged vessel,
- 5) In case vessel becomes subject to this Regulation by reasons of modification, change of voyage zone.
- 6) In case Management company is changed,

b) The following conditions should be met for issuing an interim SMC:

- 1) Management company should have a DoC or an Interim DoC,
- 2) SMS established by Management company for the vessel should include main elements specified in the Code and the same should be confirmed during the inspection carried out for issuing DoC or Interim DoC,
- 3) Management company should plan an internal inspection for the vessel for the coming three-month period.
- 4) Master and officers of the relevant vessel should have knowledge about the safety management system,
- 5) Instructions which are required to be made available prior to voyage should be established and vessel crew should be trained in this subject,
- 6) SMS should be prepared in Turkish or in a language understandable by the crew members.

c) Interim SMC is issued by Administration of marine authorities of other states party to the convention upon request of administration or the authorized organization for a period of maximum six months.

Extension of validity period of the documents

ARTICLE 23- (1) Validity periods of documents are not extended except for Interim SMC. Validity period of Interim SMC is extended by Administration or the authorized organization upon taking approval of Administration for a period of maximum six months.

Cancellation and reissuance of DoC documents

ARTICLE 24- (1) Cancellation of DoC requires cancellation of SMC and interim SMC documents of all vessels operated by a management company. If there is a vessel or vessels in the fleet of a management with SMC issued by another authorized organization, the relevant authorized organization is informed and SMCs are cancelled.

2) DoC is cancelled by Administration or the authorized organization upon taking approval of Administration in case one of the following situations occur:

- a) In case Management company does not undergo annual inspection on time,
- b) In case of major non-compliances.

3) A new initial inspection is carried out for the management company with cancelled DoC by Administration of the authorized organization upon taking approval of Administration and a DoC is issued for a period of maximum five year upon approval of the compliance. A corrective action plan is prepared with the purpose of correcting non-compliances which required the cancellation of the documents and non-compliances identified during the initial inspection and a certain period of time is given for the correction of non-compliances. An additional inspection is carried out upon expiry of the period stated in the corrective actions plan.

Cancellation and reissuance of SMC

ARTICLE 25- (1) SMC documents are cancelled by Administration or the authorized organization upon taking approval of the Administration in case one of the following situations occur:

- a) In case management company does not have the interim inspection carried out for the vessel,
- b) In case of major non-compliances,
- c) In case conditions provided in paragraph one of Article 24 do not occur,
- d) In case official certificates of the vessel are not available or they

are invalid.

(2) Interim SMC is cancelled when DoC or interim DoC is not available.

3) A new initial inspection is carried out for the vessel with by Administration or the authorized organization upon taking approval of Administration with the purpose of reissuing the cancelled SMC and SMC is issued for a period of maximum five year upon approval of the compliance.

Inspections

ARTICLE 26- (1) All inspections required as per the provisions of the Code are carried out in accordance with the procedures and principles acceptable by Administration provided that Explanations on Implementation of the Code accepted by the Organization with resolution no. A.913(12) are taken into consideration.

(2) An additional inspection is carried out in case it is deemed necessary by Administration or the authorized organization, procedures and principles of additional inspections are specified by Administration.

PART FOUR

Miscellaneous and Final Provisions

Responsibilities, rules and administrative sanctions

ARTICLE 27-(1) (Amended together with its headline: RG-30/10/2013-2880)

(1) Administration is responsible for implementing the provisions of the Code, Administration is entitled to transfer its power to inspect compliance with the Code and issuance of Code documents to an authorized organization. In any case, Administration carries out inspections on its own motion or in collaboration with authorized bodies in order to determine duly implementation of the provisions of the Code.

(2) In case inspections reveal that trainings, drilling and emergency coordination or preparations required by the legislation are not carried out as required, schedules, plans, papers and journals are not available, the data is not entered and logs are not filled or they are falsified, master of a Turkish flagged vessel is imposed a penal sanction in an amount of 1.000 TL, and the representative of the company which had responsibility or omission in the aforementioned non-compliances is imposed a penal sanction of 5000 TL. Vessel is not permitted to navigate until the correction of the identified deficiencies.

(3) Companies operating vessels navigating on international waters and inspected by or in the name of Administration as per regulations comply with the approved conditions within the validity period of the documents. In case any non-compliance affecting the validity of the document is identified, company official reports the same to the Administration and, if any, organization that issued the document; in case it is not reported or a non-reported non-compliance is determined in the company, the company is imposed a penal sanction from 5000 TL to 50000 TL and the relevant documents of the company are suspended. Company is not permitted to operate any vessels until correction of the non-compliance.

(4) Administrative sanction decisions specified in this Regulation are rendered by General Directorates in central organization of the Administration and by Port Authorities in provincial organization.

(5) New inspections are not carried out, new documents are not issued and temporary injunction decisions are not revoked until Administrative penal sanctions specified in this Regulation are collected.

(6) Principles specified in Misdemeanour Law No. 5326 apply to other matters concerning the implementation of administrative sanctions.

Effective Date

ARTICLE 28- (1) Enforcement dates of this Regulation are as follows:

a) Paragraph two in Article 17 and sub-paragraph (c), (d) and (e) in paragraph one of Article 21 enter into force on 1/7/2010,

b) The remaining articles enter into force on the publication date.

Enforcement

ARTICLE 29- (1) Provisions of this Regulation are enforced by the Minister the Undersecretariat of Maritime Affairs report to.

Details of the Official Journal where this Regulation was announced:	
Date	Number
27/10/2009	27389
Details of the Official Journals where Amended Regulations were	
Date	Number
1. 30/10/2013	28806
2.	
3.	