

Subject :

***Definition of Bulk Carrier in Chapter IX
of the SOLAS IX for ISM Code Certifications
(Part II)***

NKTECHNICAL INFORMATION

No. : 241

Date : 21 January 1998

To Ship Owners and Ship Management Companies concerned

Dear Sir(s)

We notified you of the Definition of Bulk Carrier in Chapter IX of the SOLAS for ISM Code Certifications by Technical Information No.231 dated 15 October, 1997.

The following Draft Conference Resolution [6], "Interpretation of the definition of "Bulk Carrier", as given in Chapter IX of the SOLAS 1974, as amended in 1994" was worked out by Working Party on 27 November 1997. This Draft Conference Resolution will be adopted by the SOLAS Conference on May 1998, while, Canada and United States have made reservation on this draft resolution.

- *ships constructed with single deck, top-side tanks and hopper side tanks in cargo spaces and intended primarily to carry dry cargo in bulk; or*
- *ore carriers**; or

** : means a sea going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the center holds only.*

- *combination carriers***

*** : as per SOLAS II-2/3.27*

("Combination carriers" is a tanker designed to carry oil or alternatively solid cargoes in bulk)

Although there is a discrepancy from the reservation made by United States, USCG has issued a circular in which the definition of Bulk Carrier for purpose of applicability of the ISM Code is interpreted as the same as those defined by the above Draft Conference Resolution.

If you need more information about these matters, please do not hesitate to contact us. (ClassNK Ship Management Assessing Division, Head Office, Tokyo, Tel: 81-3-5226-2034, Fax: 81-3-5226-2030)

Attached

1. USCG Circular "ISM Code pre-enforcement check during PSC boarding"
2. Draft Conference Resolution [6]

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* UNCLASSIFIED *

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SUBJ: ISM CODE PRE-ENFORCEMENT CHECK DURING PORT STATE CONTROL (PSC)
BOARDINGS

1. COMPLIANCE WITH THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE BECOMES MANDATORY FOR CERTAIN SHIPS ON JULY 1, 1998. SHIPS THAT MUST COMPLY AT THAT TIME INCLUDE:

- A. PASSENGER SHIPS, INCLUDING PASSENGER HIGH SPEED CRAFT.
- B. OIL TANKERS, CHEMICAL TANKERS, GAS CARRIERS, BULK CARRIERS AND CARGO HIGH SPEED CRAFT OF 500 GROSS TONS OR MORE.

C. NOTES:

1. ISM CODE REQUIREMENTS DO NOT APPLY TO GOVERNMENT OPERATED SHIPS USED FOR NON-COMMERCIAL PURPOSES.

2. THE DEFINITION OF BULK CARRIERS FOR PURPOSES OF APPLICABILITY OF THE ISM CODE IS INTERPRETED AS SHIPS CONSTRUCTED WITH SINGLE DECKS, TOP-SIDE AND HOPPER-SIDE TANKS IN CARGO SPACES AND INTENDED PRIMARILY TO CARRY DRY CARGO IN BULK; OR

3. ORE CARRIERS (SEA-GOING SINGLE DECK SHIPS HAVING TWO LONGITUDINAL BULKHEADS AND A DOUBLE BOTTOM THROUGHOUT THE CARGO REGION AND INTENDED FOR THE CARRIAGE OF ORE CARGOS); OR

4. COMBINATION CARRIERS (DEFINED IN SOLAS 74, II-2/3.27)

2. AS PART OF ITS ISM CODE COMPLIANCE POLICY, THE USCG WILL BE CONDUCTING A PRE-ENFORCEMENT CHECK FOR ISM CODE COMPLIANCE BEGINNING DECEMBER 15, 1997. THIS PROGRAM IS DESIGNED TO ACCOMPLISH THREE MAJOR GOALS:

A. GATHER ISM CODE COMPLIANCE INFORMATION TO ASSIST IN ENFORCEMENT OF ISM CODE REQUIREMENTS UPON THE ENTRY INTO FORCE.

B. PROVIDE USCG PERSONNEL THE OPPORTUNITY TO BECOME FAMILIAR WITH ENFORCING ISM CODE REQUIREMENTS.

C. NOTIFY THE MARITIME INDUSTRY OF THE USCG'S COMMITMENT TO ENFORCING THE ISM CODE UPON ITS ENTRY INTO FORCE AND OF THE USCG'S POLICY WITH REGARDS TO DEALING WITH NON-COMPLIANCE.

3. PRE-ENFORCEMENT CHECK. BEGINNING ON DECEMBER 15, 1997, USCG BOARDING TEAMS WILL BEGIN CHECKING FOR ISM CODE COMPLIANCE AS PART OF THEIR NORMAL PSC EXAMINATION ON THOSE SHIPS REQUIRED TO BE IN COMPLIANCE ON JULY 1, 1998.

A. SHIPS IN COMPLIANCE. IF A SHIP CLAIMS TO BE IN COMPLIANCE, THE BOARDING TEAM SHALL REVIEW THE SHIP'S ISM CODE CERTIFICATES, NOTING AND RECORDING THE FOLLOWING INFORMATION:

1. DOCUMENT OF COMPLIANCE (DOC):

* UNCLASSIFIED *

DRAFT CONFERENCE RESOLUTION [6](adopted on ~~27~~ November 1997)**INTERPRETATION OF THE DEFINITION OF "BULK CARRIER",
AS GIVEN IN CHAPTER IX OF SOLAS 1974, AS AMENDED IN 1994**

THE CONFERENCE,

HAVING ADOPTED amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, concerning the safety of bulk carriers,

NOTING that SOLAS chapter IX will enter into force on 1 July 1998,

NOTING ALSO that bulk carriers will have to comply with the requirements of SOLAS chapter IX by 1 July 1998,

NOTING FURTHER that the expected entry into force of the new SOLAS chapter XII on [1 July 1999] will make new requirements mandatory for bulk carriers,

RECOGNIZING that a number of SOLAS Contracting Governments have identified certain ambiguities in the definition of the term "bulk carrier", as given in SOLAS regulation IX/1.6, causing diverging interpretations of this term,

RECOGNIZING FURTHER the need to establish, for the purpose of the application of the new SOLAS chapter XII, guidance to Contracting Governments and to the industry as to which ships are subject to the new requirements,

BEING AWARE of the urgent need to establish, for the purpose of the application of SOLAS chapter IX on 1 July 1998, a clear guidance to Contracting Governments and to the industry as to which specific ships are subject to the requirements of the International Safety Management (ISM) Code,

DESIRING to ensure that all Contracting Governments should implement the ISM Code and the new SOLAS chapter XII in their capacity as flag State or as port State exercising control under the provisions of the Convention, in a consistent, systematic and harmonized manner, with a view of facilitating international seaborne trade,

CONSCIOUS of the fact that SOLAS chapter IX should be applied taking into account Conference resolution [9], as soon as possible,

1 URGES SOLAS Contracting Governments to interpret the definition of the term "bulk carrier", given in regulation IX/1.6, for the purpose of the application of SOLAS regulation IX/2.1.2 and chapter XII to mean:

ships constructed with single deck, top-side tanks and hopper side tanks in cargo spaces and intended primarily to carry dry cargo in bulk; or

- ore carriers , or
- combination carriers; **

2 INVITES the Maritime Safety Committee of the International Maritime Organization to consider, as soon as possible:

- (a) actions necessary to remove the ambiguity which exists in the definition of the term "bulk carrier" as given in SOLAS regulation IX/1.6; and
- (b) any other appropriate action which will facilitate the easy identification of the type of ship by SOLAS Contracting Governments when exercising their rights of control under the provisions of that Convention.

** As per SOLAS II-2/3.27.

"Ore carrier" means a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only.