Subject :

Guidelines on Tokyo MOU Port State Control Inspection on the ISM Code

NKTECHNICAL INFORMATION

No. : 271

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To Ship Owners and Ship Management Companies concerned

Dear Sir(s)

We notified you of the Guidelines for Port State Control Inspection on the ISM Code of the European Commission, USCG and Australian Maritime Safety Authority(AMSA) by Technical Information No.226 dated 1 October, 1997, No.239 dated 19 December, 1997 and No.242 dated 21 January, 1998 respectively.

At the Port State Control Committee of the Tokyo MOU on its Sixth Meeting held on from 2nd to 4th June 1998 at Seoul, Korea, the GUIDELINES ON PORT STATE CONTROL COMPLIANCE WITH THE ISM CODE has been adopted.

We enclose herewith the above Guidelines for your reference.

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. GUIDELINES ON PORT STATE CONTROL COMPLIANCE WITH THE ISM CODE

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GUIDELINES ON PORT STATE CONTROL

COMPLIANCE WITH THE ISM CODE

Purpose

To assist the Port State Control Officer (PSCO) to assess the suitability of a ship's Safety Management System when undertaking port State control inspections.

References

- SOLAS Chapter IX.
- Resolution A.741(18) - International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code).
- Resolution A.788(19) - Guidelines on implementation of the ISM Code by Administrations.
- ICS/ISF Guidelines on the application of the ISM Code.

Application

Inspections will not be carried out specifically to confirm compliance with the ISM Code. Compliance will be determined during normal port State control inspections.

All commercial ships, regardless of the date of construction, are to comply with the ISM Code from the following dates:

1 July 1998	Passenger ships.
1 July 1998	Oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and above.
1 July 2002	All ships and mobile offshore drilling units 500 gross tonnage and above.

Note:

For the purpose of application date of the ISM Code a bulk carrier is defined as:

1. *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*

2. *Ore carriers; or*

   "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.

3. *Combination carriers*

   "Combination carrier is a tanker designed to carry oil or alternatively solid cargoes in bulk."

1 Initial Inspection

1.1 During all routine PSC inspections, a check should be made that the ship has in place a safety management system in accordance with the ISM Code. The ship should hold a valid Safety Management Certificate (SMC) and have on board a copy of the company's Document of Compliance (DOC). The PSCO should check that the DOC is applicable to the type of ship being inspected and that the required audits and endorsements have been made to the certificates.

1.2 The PSCO should also check that all relevant ISM Code documentation is on board. In particular, the PSCO should make random checks/use professional judgement to ensure that relevant functional requirements of the company's safety management system are documented and that relevant ship's staff are aware of their responsibilities and duties, in accordance with the ship's documented procedures and instructions. A list of typical documentation is contained in Annex 2.

1.3 Where interim ISM Code certificates have been issued the PSCO should check that they have been issued in accordance with IMO Res A. 788(19), and that a safety management system is in place. A copy of the relevant provisions in the guidelines pertaining to the issue of interim ISM Code certificates is contained in Annex 1.

1.4 Where it is detected that

- the crew may not be aware of their responsibilities under the ISM Code,
- the ship's SMC, DOC or other statutory certificates are not in order,
- a major non-conformance is observed or
- the ship, its machinery and/or equipment are not in a satisfactory condition.

then a detailed PSC inspection should be carried out. This detailed inspection should include an assessment of the ship's safety management system (SMS) in accordance with Section 2 of these guidelines.

1.5 A combination of deficiencies of a less serious nature may also be an indication of a deficient safety management system. In such cases the PSCO should use professional judgement to decide if a more detailed inspection is warranted.

2 Detailed Inspection

2.1 During a detailed inspection the PSCO will perform a more comprehensive review of the ISM Code documentation and check to ensure that the documented procedures are in place and are being properly implemented. The PSCO should verify compliance with a sufficient number of the following items during the detailed inspection. This may be done by interviewing relevant ship's personnel, having the crew perform relevant tasks or drills and examination of the relevant documents:

.1 Is the company safety and environmental protection policy in place and are the crew familiar with it? (2.2 of ISM Code)

eg. - provision of safe practices in ship operations;

- safety assessment done and risks identified;

- safeguards against all identified risks;

- provision of a safe working environment;

- means for continuously improving crew's safety management skills and preparation for safety and pollution emergencies.

- compliance with mandatory rules and regulations.

- account taken of applicable codes, guidelines and standards.

.2 Who is responsible for the operation of the ship. (3.1)

.3 Are the crew aware of their responsibilities and functions and are these responsibilities and functions documented? (3.2)

- Documentation to define the responsibility, authority and interrelationship of personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

.4 Who is the designated person and how can this person be contacted? (4)

.5 Can the master provide documents detailing his responsibilities and explain responsibilities regarding: (5.1)

- implementing the safety and environmental protection policy.

- issuing orders and instructions.

- verifying that specified requirements are observed, and

- reviewing the SMS and reporting its deficiencies to the shore based management.

.6 Can the deck and engineer officers and relevant members of the crew provide documents detailing their functions and responsibilities?

.7 Can the master demonstrate and explain his overriding authority? (5.2)

- produce documentation describing the masters authority.

.8 Are new personnel or personnel transferred to new assignments made familiar with their functions and duties? Are instructions which are essential prior to sailing documented and in place? (6.3)

.9 Can operational deficiencies be linked to resources or personnel? (6.4, 6.5, 6.6 & 6.7)

.10 Are appropriate plans and instructions for key shipboard operations available on board? (7)

- the various tasks involved should be defined and assigned to qualified personnel.

- documented procedures should be available for the appropriate tasks listed in Annex 3.

.11 Is a list indicating telephone numbers and/or contact points of the responsible person to be reached during/outside office hours available. (8.1, 8.3)

.12 Are there procedures, programmes and drills on board to respond to potential emergency shipboard situations? (8.2)

- the type of emergency situations which should, where appropriate, be covered are listed in Annex 4.

.13 Are non-conformities, accidents and hazardous situations reported to the company? (9.1) Have timely corrective actions been implemented by the company? (9.2)

.14 Is there a planned maintenance system being implemented? (10.1 & 10.2)

.15 Are operational maintenance routines and inspections of all equipment and technical systems being followed? (10.3 & 10.4)

.16 Are procedures for maintaining the relevant documentation being followed? (11)

- look at documentation , note revision status and randomly check that all copies are being kept up-to-date.

.17 Are procedures in place for internal audits and have these been carried out? (12)

- sight reports of audits and check whether timely corrective action is being taken on deficiencies found .

.18 For a passenger ship, are documents detailing the responsibilities with respect to crowd control, passenger safety, evacuation, fire fighting and damage control on board. Check also for clear chain of command, authority and responsibility, and action in case of an incident.

.19 For a tanker and bulk carrier check documents detailing responsibilities with respect to the loading, safe carriage and discharge of the cargo. Check clear chain of command, authority and responsibility, for both normal and emergency operations and in case of incidents.

3 Actions taken as a result of PSC Inspections

3.1 General

Major deficiencies in a ship's structure, main and auxiliary machinery, safety equipment, and crew competence may indicate a serious failure or breakdown within the ship's Safety Management System.

Where there is objective evidence for believing that there is not an appropriate safety management system in operation ie. the master and crew are not familiar with essential shipboard procedures relating to the safety of the ship, serious deficiencies or major non-conformities are found on the ship or that the ship's certificates, including ISM Code certificates, are not in order, then the PSCO will hold the ship to be in breach of the international regulatory requirements. In such cases the PSCO is to notify the flag State, the organisation(s) which issued the ISM Code and other ship certificates and implement the following actions as appropriate.

3.2 Ships without ISM Code certification:

The absence of appropriate certification is prima facie evidence that a ship does not have in place the required Safety Management System. A ship without appropriate ISM Code certification is to be given a detailed inspection of its hull, machinery, equipment and Safety Management System.

Before allowing the ship to proceed to sea the PSCO will require:

(a) any serious deficiencies to be rectified;

(b) all major ISM Code non-conformities to be rectified; and

(c) confirmation from the flag State administration that the ship and its company have an appropriate Safety Management System in place or that the flag State clears the vessel to sail without the required ISM certification.

3.3 Ships with invalid certificates:

A ship with expired or otherwise invalid ISM certificates is to be given a detailed inspection of its hull, machinery, equipment and Safety Management System.

Before allowing the ship to proceed to sea the PSCO will require:

(a) any serious deficiencies to be rectified;

(b) all major ISM Code non-conformities to be rectified;

(c) the vessels Safety Management System to be audited and its certification revalidated; and

(d) confirmation from the flag State administration that the ship and its company have an appropriate Safety Management System in place.

3.4 Major non-conformity:

Where a major non-conformity is found during a port State control inspection the ship may be detained and given a detailed inspection of its hull, machinery, equipment and its Safety Management System.

Before allowing the ship to proceed to sea the PSCO will require:

(a) any serious deficiencies to be rectified;

(b) all major non-conformities to be rectified; and

(c) confirmation from the flag State administration that the ship and its company have an appropriate Safety Management System in place.

3.5 Whenever possible serious deficiencies and major non-conformities are to be rectified to the satisfaction of the organisation which issued the relevant certificate, and in all cases to the satisfaction of the PSCO.

4 Definition of Major non-conformity:

4.1 "Major non-conformity" means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the environment and requires immediate corrective action; in addition, the lack of effective and systematic implementation of a requirement of the ISM Code is also considered as a major non-conformity.

4.2 Examples of Possible Major non-conformities of ISM Code Requirements:

.1 lack of a safe working environment (1.2.2.1 of ISM Code)

.2 lack of safeguards against identified risks (1.2.2.2)

.3 lack of compliance with rules and regulations and account not being taken of applicable codes guidelines and recommendations by IMO, the administration, classification society and the maritime industry (1.2.3)

.4 lack of appropriate instructions and procedures (1.4.2) (1.4.5) (10.1)

.5 lack of adequate lines of communication (1.4.3) (6.7)

.6 contact person ashore cannot be identified or readily contacted(4)

.7 there is no statement on board emphasising the master's authority and/or the master is not aware of his/her overriding authority and responsibility with respect to safety and pollution prevention (5).

.8 the vessel is not manned with the required qualified, certified and medically fit seafarers (6).

.9 key shipboard operations not defined and assigned to appropriately qualified persons (7).

.10 lack of procedures to respond to emergency situations or programmes for drills and exercises (8).

.11 lack of suitable maintenance procedures and recording system (10).

.12 Documentation relevant to maintaining the safety management system is not on board or not being properly updated and controlled (11).

.13 risks not identified/assessed.

4.3 The PSCO will need to use professional judgement in determining the seriousness of a non-conformity (ie. minor or major). Account should be taken of the ship's documentation and interviews of the master and crew.

5 Subsequent Action to be taken against Ships detained for ISM violation

(i) Forward details of the ship and its deficiencies to all other Tokyo MOU States.

(ii) The ship may be subjected to a detailed ISM Code inspection when it visits other countries which are members of Tokyo MOU.

(iii) All other ships of that company (refer DOC) are to be given priority for PSC inspections.

6 APCIS Codes

The following deficiency codes should be used in relation with ISM non-conformities:

2500 ISM related deficiencies

code non-conformity	ISM related deficiency
2510	Safety and environmental policy
2515	Company responsibility and authority
2520	Designated person(s)
2525	Masters responsibility and authority
2530	Resources and personnel
2535	Development of plans for shipboard operations
2540	Emergency preparedness

2545	Reports and analysis of non-conformities, accidents and hazardous occurrences
2550	Maintenance of the ship and equipment
2555	Documentation
2560	Company verification, review and evaluation
2565	Certification, verification and control

The following codes for action taken should be used in relation with ISM non-conformities:

18 rectify non-conformity within 3 months

19 rectify major non-conformity before departure

ANNEX 1

Guidelines for Issue of Interim DOC and SMC

IMO Resolution A.788(19)

In cases of change of flag of Company, special transitional arrangements should be made in accordance with these Guidelines.

An interim DOC may be issued to facilitate initial implementation of the ISM Code and implementation where a Company is newly established or where new ship types are added to an existing DOC.

An Administration may issue an Interim DOC, valid for no more than twelve months, to a Company following a demonstration that the Company has an SMS that meets the objectives of paragraph 1.2.3 of the ISM Code. The Administration should require the Company to demonstrate plans to implement an SMS meeting the full requirements of the ISM Code within the period of validity of the Interim DOC.

An Interim SMC, valid for not more than six months, may be issued to new ships on delivery, and when a Company takes on the responsibility for the management of a ship which is new to the Company. In special cases the Administration may extend the validity of the Interim SMC for a further six months.

Before issuing an Interim SMC, the Administration should verify that:

.1 the DOC, or the Interim DOC, is relevant to that ship;

.2 the SMS provided by the Company for the ship includes key elements of the ISM Code and has been assessed during the audit for issuance of the DOC or demonstrated for issuance of the Interim DOC.

.3 the master and relevant senior officers are familiar with the SMS and the planned arrangements for its implementation;

.4 instructions which have been identified as essential to be provided prior to sailing have been given;

.5 plans for Company audit of the ship within three months exist; and

.6 the relevant information on the SMS is given in a working language or languages understood by the ship's personnel.

ANNEX 2

Safety Management System Documentation

Documentation will vary between companies due to the different ways in which a SMS can be developed and implemented, as well as the need for special systems to accommodate the various types of ships and different management and operational procedures and arrangements.

The following is a non-exhaustive list of the typical documentation which would be required under a Safety Management System. Such documentation could be maintained as a single manual, as separate manuals or as a combination of a number of documents into one or more manuals or in electronic form (eg computer, CD-ROM).

Safety Management Manual

Ship Safety Manual

Logbooks

Statutory and other Maritime Documents and Certificates

Navigational Procedures

Deck Operations

Engine Room Operations

Cargo Operations

Emergency Procedures

Pollution Prevention Precautions and Procedures

Communication Procedures

Ship and Machinery Maintenance Plans

List and Safety Equipment

Crew Training Plans

ANNEX 3

Plans for Shipboard Operations

The following typical tasks, as applicable to a particular ship, should be documented and be assigned to responsible qualified personnel.

When referring to this list the PSCO should treat the task headings as examples only. The PSCO should use professional judgement, experiences and common sense in determining whether a particular requirement is covered by one or a combination of two or more of the listed tasks or by some other plan or arrangement being implemented on the vessel.

General

shipboard organisation

functional responsibilities

reporting procedures

passenger control

communications between ship and company

inspections by master, chief engineer and senior officers

provision and maintenance of documents and records

medical arrangements

fitness for duty and avoidance of excessive fatigue

alcohol and other drug policies and procedures

operational and maintenance instructions for equipment

checklists for sea worthiness and cargo worthiness

The Ship in Port

accepting cargo and passengers

loading and discharging procedures

harbour watches and patrols

liaison with shore authorities

monitoring trim and stability

procedures when the ship is temporarily immobilised

accidental spillage of liquid cargoes and ship's bunkers

use of reception facilities for oil, noxious liquids and garbage

response to pollution incidents

Preparing for Sea

verification of passenger numbers

checking and recording draughts

checking stability condition

assessment of weather conditions

securing cargo, hatches and all openings in the hull

tests of engines, steering gear, navigation and communications equipment, generators, emergency lighting and anchoring equipment

harbour stations

documentation of sailing condition

verification of pollution prevention equipment and arrangements

verifying that up-to-date nautical charts and publication are carried as per SOLAS, Chapter 5, regulation 20.

The Ship and Sea

bridge and engine room watch-keeping arrangements

special requirements in bad weather and fog

radio communications, including use of VHF

manoeuvring data

emergency procedures

security patrols, fire patrols and other arrangements for surveillance

discharge into the sea of oily water from machinery space bilges, cargo residues from oil tankers, noxious liquid substances and garbage

Preparing for Arrival in Port

tests of engines, steering gear, navigation and communication equipment, generators and anchoring equipment

harbour stations

pilotage

port information and communications

assessment of weather conditions

sailing directions, tide tables and charts

ballast operations

helicopter operations

stability and watertight integrity

ANNEX 4

Emergency Preparedness

Potential typical emergency shipboard situations for which procedures should be available and/or drills and exercises should be held.

When referring to this list the PSCO should treat the items as examples only. The PSCO should use professional judgement, experiences and common sense in determining whether a particular requirement is covered by one or a combination of two or more of the listed items or by some other procedure or arrangement being implemented on the vessel.

fire and boat drills

use of emergency equipment

procedures to be followed in response to different types of accidents or hazardous occurrences

the availability of ship particulars, plans, stability information, and safety and environmental protection equipment carried on board

back up arrangements for the company's initial response in the event of a protracted emergency

actions taken to gain control of a situation

maintenance of communications between the ship and shore

operational tests and running of the life boat engines

loss of steering and use of emergency steering drills

emergency medical procedures/evacuations

confined space rescue

ship response procedures to a pollution incident

search and rescue

charging of fresh air breathing apparatus bottles

ship safety inspections

hazardous substances clean up

salvage procedures

engine room flooding

maintenance of fire fighting equipment, life saving appliance and personal protection equipment

contingency plans should be on board ship to describe how to deal with emergency situation related to damage, fire, pollution, personnel, security and cargo, and may include:

structural failure

main engine failure

steering gear failure

loss of electrical power

fire

collision

grounding/stranding

shifting of cargo and cargo jettisoning

flooding

entry into enclosed spaces

serious injury

abandoning ship

heavy weather damage

man overboard/search and rescue.

Emergency drills and exercises should be carried out regularly to test the effectiveness and clarity or the emergency plans and to develop the confidence and competence of the personnel who may be involved in actual emergencies. The drills should, as appropriate, mobilise the shore-based management emergency contingency plans under simulated conditions.

Records of these drills and exercises should be maintained and be available for verification purposes.

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