



Circular 2005/003

ISM – Flagstate procedures

Date: 19-03-2019

To whom it may concern,

This circular is required as a result of the signing of the working agreement, between the Directorate General of Maritime Transport and the recognized classification societies on 27 May 2006 and coming into force on 27 August 2006. This working agreement is in accordance with EU Regulation 391/2009 and EU Directive 2009/15.

In accordance with SOLAS, Chapter IX regarding “Management for the safe operation of ships” the application of an ISM-system is mandatory for any seagoing vessel of 500 gross tonnage and upwards since 1 July 2002.

The purpose of this circular is to provide some clarification on the involvement of the Belgian Maritime Inspectorate (BMI), acting as the Administration¹, and the recognized organisations, in regard of the ISM-Code, amended by Res. MSC.104 (73) and Res. MSC. 273(85).

On implementing the ISM-Code, the Belgian Maritime Inspectorate has adopted the Resolution A.1118(30) Revised guidelines on the implementation of the ISM Code by Administrations.

The recognized organisations presently authorised to perform ISM-verifications on behalf of Belgium, as specified in the working agreement, are the following classification societies:

- American Bureau of Shipping (ABS)
- Bureau Veritas Marine & Offshore SAS (BV)
- DNV GL AS
- Lloyd’s Register Group Ltd (LR)
- Nippon Kaiji Kyokai General Incorporated Foundation (Class NKK)
- Russian Maritime Register of Shipping (RS)
- RINA Services S.p.A.

¹ “Administration” as defined in Art 1.1.3 of the ISM Code

DOCUMENT OF COMPLIANCE

Any Company², who wishes to operate ships under Belgian flag, should apply for ISM Code certification to the Belgian Maritime Inspectorate.

An assessment of the Company's management system is required to be carried out at the offices where such management is carried out and at other locations (ex: branch offices), depending on the Company's organisation and the functions of the various locations. The mentioned assessment will be carried out by a delegated official of the Belgian Maritime inspectorate.

The delegated official of the Belgian Maritime Inspectorate may abort the assessment if the Company's structure or management system does not comply with the Belgian requirements. The Belgian requirements may be additional to the requirements mentioned in the ISM-code.

Only on satisfactory completion of the assessment and upon the satisfaction of the BMI-auditor, a Document of Compliance or an Interim Document of Compliance in accordance with paragraph 14.1 of the ISM-Code will be issued by a delegated official of the Belgian Maritime Inspectorate.

The validity of a Document of Compliance will be subject to annual verification. The annual verification will be carried out by a delegated official of the Belgian Maritime inspectorate.

The delegated official of the Belgian Maritime Inspectorate may request an additional DOC-audit to be carried out, if there is evidence of mayor non-conformities or when an assessment of the ISM-system is required as a result of an incident. In such case the delegated official of the Belgian Maritime inspectorate may request the additional audit to be carried out by another classification society, which has not carried out any ISM-DOC-verification for the concerned Company.

When deemed necessary delegation to the Recognised Organisation may be granted on a case by case basis.

Only a delegated official of the Belgian Maritime Inspectorate is authorised to withdraw the Document of Compliance when the annual verification is not requested or if there is evidence of major non-conformities with the ISM-code.

SAFETY MANAGEMENT CERTIFICATE (SMC)

The recognized classification societies are authorised to carry out the ISM verifications related to the Safety Management Certificate, on behalf of Belgium, in accordance with the working agreement, Table IV, section 1.27 and 1.28. This includes the required endorsements of the certificates.

When at the time of completing an initial or renewal verification, a SMC, issued by BMI, is not available, the recognized classification society may issue a "short term" SMC with a maximum validity of 5 months. The "short term" SMC must be replaced, as soon as possible, by a "full term" SMC, issued by BMI.

An Interim Safety Management Certificate can be issued with a maximum validity of 5 months. Based on exceptional circumstances, an extension of one month may be granted.

² "Company" as defined in Art.1.1.2 of the ISM Code

Following the satisfactory completion of the initial Safety Management audit of the ship, BMI will issue the full term Safety Management Certificate, based on the audit-report (mentioned below). A full term Safety Management Certificate has a maximum validity of 5 years.

In principle only one intermediate verification is to be carried out, it should be take place between the second and third anniversary date of the issue of SMC. However BMI reserves the right, in specific cases, to increase the frequency of the intermediate verifications.

BMI should always be informed of any planned SMC-audit at least 14 days in advance. This can be done through the BMI specific email address: Ship.BelFlag@mobilit.fgov.be. BMI reserves the right to carry out any given audit by itself, with or without the assistance of a recognized classification society, or to only witness any given audit which is leaded by a recognized classification society.

Upon completion of any verification, a report should be forwarded, without delay, to BMI. Any report should always be send through, and validated by, the local chief representative of the classification society in Belgium. The report should include at least the following information:

- Place and date of the verification,
- Identification of the audit team,
- Type of verification (interim/initial/intermediate/renewal/additional),
- Audit plan (interviews with the different departments and key-personnel),
- Registered non-conformities and observations,
- Required actions and/or follow up audits,
- Copy of the "short term" SMC (if applicable).

When non-conformities have been registered, the RO, should inform BMI regarding the corrective actions to be taken, the follow up audits and the final clearance of the non-conformities.

In case of registering any mayor non-conformities with the ISM-Code, the recognized classification societies are authorised by BMI to withdraw the SMC. In such case, BMI should be immediately contacted through the flagstate contact procedure (BMI Circular 2008/02).