

Subject :

Corrective action required by PSC with regard to ISM-related non-conformity caused by poor maintenance of ship and its equipment

NKTECHNICAL INFORMATION

No. : 318

Date : 1 July 1999

To Ship Owners and Ship Management Companies concerned

Dear Sir(s)

Recently, the Society has received a considerable number of inquiries relating to ships which have been released by Port State Control (PSC) after proper rectification of PSC-related deficiencies but which still have ISM-related non-conformities remaining as pending items, particularly with regard to:

1. Why corrective actions are required despite the fact that deficiencies have been rectified; and
2. How corrective actions should be taken in order to remedy ISM-related non-conformities.

In response to these, we have prepared the following:

Before the entry into force of the ISM Code, vessels detained by PSC due to deficiencies in the ship and its equipment would be released once the deficiencies had been rectified to the satisfaction of PSC inspectors. However, since the ISM Code has come into force, in many cases of detentions not only have requirements for rectification of deficiencies been made but also an Action Code 18 (rectify non-conformity within three months) has been imposed. The latter is imposed when PSC officers consider that there are clear grounds for believing that the ISM-related aspects of the vessel's maintenance system, i.e. inspection, reporting, corrective actions and recording, is not functioning properly.

With regard to quality control, regardless of whether deficiencies are repaired, this alone does not mean that the corrective action has been completed. Such repairs are designated as 'dispositions', and are strictly distinguished from corrective actions. Any corrective action taken should include measures to eliminate the root cause of the actual or potential non-conformities, aimed at improving the SMS. This may be

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achieved by analysis and investigation into non-conformities that have arisen. As well as for the technical – 'hardware' – side, this also applies to the 'software' aspects of the SMS. For example, even if an entry was made into the logbook reporting drills that have been carried out, it would not be accepted as a corrective action for a non-conformity if the reports about the drills had not also been entered into the logbook. The corrective action should therefore include measures to eliminate the cause of the failure to enter the drill reports into the logbook.

With regard to corrective actions to remedy non-conformities caused by deficiencies in the ship and its equipment, there is no common solution to the problem because each company and ship has a different background with regard to where and under what circumstances the non-conformities have arisen. However, it may be necessary to at least review the maintenance system based on the results of analysis and investigation into the non-conformities which have become apparent. This should then result in the establishment of new procedures where necessary, as well as the review and revision of existing ones.

In addition to the above, documented evidence of the company's response actions, such as minutes of the Management review meeting into the PSC detention of the ship, should be provided on board, so that the master can clearly explain the details of the company's response to PSC officers the next time that the ship calls at a port in the Port State involved.

In summary, it is important to consider responses to PSC detentions both from the viewpoint of correcting actual technical deficiencies in order to secure release of the vessel, and also to address the root causes of ISM-related non-conformities, ensuring that all records of corrective action are properly kept.

If you need more information about these matters, please do not hesitate to contact us.
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Best regards.