

Subject:

Amendments to the “ISM Code” and “Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations”

ClassNK

Technical Information

No. TEC-0458

Date 25 May 2002

To whom it may concern

It is well known that the ISM Code (International Safety Management Code) will apply to all vessels of 500 gross tonnage and upward, and to the companies which manage such vessels from 1 July 2002. Also the amendments to *SOLAS Chapter IX*, *ISM Code* and *Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations* (hereunder referred to as “Guidelines”) will enter into force on the same date.

In this regard, we would like to provide a summary of the amendments as follows:

1. Amendments to SOLAS Chapter IX

Amendments to SOLAS Chapter IX were adopted at the MSC (Maritime Safety Committee) 73 as Resolution MSC.99 (73) on 5 December 2000.

- (i) Regulation 3.1
The following text is added.
“For the purpose of this regulation, the requirements of the Code shall be treated as mandatory”
- (ii) Regulation 6.2
The following text is deleted.
“Subject to the provisions of paragraph 3 of this regulation”
- (iii) Regulation 6.3
Paragraph 6.3 is deleted.

2. Amendments to the ISM Code

Amendments to the ISM Code were adopted at the MSC (Maritime Safety Committee) 73 as Resolution MSC.104 (73) on 5 December 2000. The ISM Code as amended consists of Part A, “Implementation” and Part B, “Certification and Verification”. Part B includes the existing Guidelines adopted by Resolution A.788 (19) as mandatory requirements, with some additional text.

An outline of the amendments follows:

- (i) Part A, Section 1
Definitions stated in the existing Guidelines are included in this section. In addition, definitions of “Anniversary date” and “Convention” are newly specified.

(To be continued)

NOTES:

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- (ii) Part A, Section 7
The wording “including checklist as appropriate” is added.
- (iii) Part B, Section 13
A new section for “Certification and periodical verification” is added. Section 13.10 requires that when the renewal verification is completed within three months before the expiry date of the existing Document of Compliance (DOC) or Safety Management Certificate (SMC), the validity of the new DOC or SMC should be five years from the date of expiry of the existing DOC and SMC. However, on the other hand, Section 13.11 requires that when the renewal verification is completed more than three months before the expiry date of the existing Document of Compliance (DOC) or Safety Management Certificate (SMC), validity of the new DOC or SMC should be five years from the date of completion of the renewal verification.
- (iv) Part B, Section 14
A new section for “Interim certification” is added. Section 14.2.3 specifies that an Interim SMC may be issued when a ship changes flag.
- (v) Part B, Section 15
A new section for “Verification” is added. Section 15.1 specifies as mandatory that all verification should be carried out in accordance with the Guidelines which are referred to in Resolution A.788 (19) (A.913 (22) is considered as the correct reference).
- (vi) Part B, Section 16
A new section “Forms of certificates” is added. A Form of Extension of validity is added on the reverse side of Interim SMC.

3. Amendments to Guidelines

Amendments to the Guidelines have been adopted as Resolution A.913 (22). The “Definition”, “Issuance and validity of DOC and SMC”, and “Forms of DOC and SMC” sections are deleted from the guidelines, because such sections have been incorporated into the amended ISM Code.

For any questions about the above, please contact:

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Attachment:	IMO Resolution MSC.99 (73)	(Amended SOLAS Chapter IX)
	IMO Resolution MSC.104 (73)	(Amended ISM Code)
	IMO Resolution A.913 (22)	(Amended Guidelines)

ANNEX 7

**RESOLUTION MSC.99(73)
(adopted on 5 December 2000)**

**ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974, hereinafter referred to as "the Convention", concerning the procedures for amending the Annex to the Convention, other than the provisions of chapter I thereof,

HAVING CONSIDERED, at its seventy-third session, amendments to the Convention proposed and circulated in accordance with article VIII(b)(i) thereof,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the amendments shall be deemed to have been accepted on 1 January 2002, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 July 2002 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization, which are not Contracting Governments to the Convention.

expense. The contributing Government which avails itself of this right will continue to be responsible for its current contribution up to 1 September following the date of giving notice of intention to alter or discontinue its contribution. To take advantage of the said right it must give notice to the managing Government at least six months before the said 1 September.

5 Each contributing Government shall notify the Secretary-General of its undertaking pursuant to paragraph 2, who shall notify all Contracting Governments.

6 The Government of the United States of America shall furnish annually to each contributing Government a statement of the total cost incurred by the Governments of the United States of America and Canada of managing and operating the Ice Patrol for that year and of the average percentage share for the past three years of each contributing Government.

7 The managing government shall publish annual accounts including a statement of costs incurred by the governments providing the services for the past three years and the total gross tonnage using the service for the past three years. The accounts shall be publicly available. Within three months after having received the cost statement, contributing Governments may request more detailed information regarding the costs incurred in managing and operating the Ice Patrol.

8 These Rules shall be operative beginning with the ice season of 2002.”

CHAPTER IX

MANAGEMENT FOR THE SAFE OPERATION OF SHIPS

Regulation 1 - Definitions

8 In paragraph 8, the reference “X/1.2” is replaced by “X/1”.

Regulation 3 - Safety management requirements

9 At the end of existing paragraph 1, the following text is added:

"For the purpose of this regulation, the requirements of the Code shall be treated as mandatory."

Regulation 6 - Verification and control

10 In existing paragraph 6.2, the words "Subject to the provisions of paragraph 3 of this regulation" are deleted.

11 Existing paragraph 6.3 is deleted.

ANNEX 12

RESOLUTION MSC.104(73)
(adopted on 5 December 2000)**ADOPTION OF AMENDMENTS TO THE INTERNATIONAL
SAFETY MANAGEMENT (ISM) CODE**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO resolution A.741(18) by which the Assembly, at its eighteenth session adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code),

RECALLING FURTHER resolution A.788(19) by which the Assembly, at its nineteenth session, adopted the Guidelines on implementation of the International Safety Management (ISM) Code by Administrations (the Guidelines),

RECOGNIZING the need to incorporate in the ISM Code relevant provisions of the Guidelines relating to periods of validity of certificates, interim certificates and forms of certificates,

NOTING article VIII(b) and regulation IX/1.1 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the Convention") concerning the procedure for amending the ISM Code,

HAVING CONSIDERED, at its seventy-third session, amendments to the ISM Code proposed and circulated in accordance with article VIII(b)(i) of the Convention,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the ISM Code, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the amendments shall be deemed to have been accepted on 1 January 2002, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 July 2002 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization, which are not Contracting Governments to the Convention.

ANNEX

**AMENDMENTS TO THE
INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE**

- 1 A new heading "PART A - IMPLEMENTATION" is added before the heading "1 GENERAL".

1 GENERAL

1.1 Definitions

- 2 The following new sentence is inserted between "1.1 Definitions" and paragraph 1.1.1:

"The following definitions apply to parts A and B of this Code."

- 3 The following new definitions are added after paragraph 1.1.3:

"1.1.4 *Safety Management System* means a structured and documented system enabling Company personnel to implement effectively the Company safety and environmental protection policy.

1.1.5 *Document of Compliance* means a document issued to a Company which complies with the requirements of this Code.

1.1.6 *Safety Management Certificate* means a document issued to a ship which signifies that the Company and its shipboard management operate in accordance with the approved safety management system.

1.1.7 *Objective evidence* means quantitative or qualitative information, records or statements of fact pertaining to safety or to the existence and implementation of an safety management system element, which is based on observation, measurement or test and which can be verified.

1.1.8 *Observation* means a statement of fact made during a safety management audit and substantiated by objective evidence.

1.1.9 *Non-conformity* means an observed situation where objective evidence indicates the non-fulfilment of a specified requirement.

1.1.10 *Major non-conformity* means an identifiable deviation that poses a serious threat to the safety of personnel or the ship or a serious risk to the environment that requires immediate corrective action and includes the lack of effective and systematic implementation of a requirement of this Code.

1.1.11 *Anniversary date* means the day and month of each year that corresponds to the date of expiry of the relevant document or certificate.

1.1.12 *Convention* means the International Convention for the Safety of Life at Sea, 1974 as amended."

7 DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS

- 4 The text of existing chapter 7 is replaced by the following:

"The Company should establish procedures for the preparation of plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the ship and the prevention of pollution. The various tasks involved should be defined and assigned to qualified personnel."

13 CERTIFICATION, VERIFICATION AND CONTROL

- 5 The title and text of existing chapter 13 is replaced by the following:

"PART B - CERTIFICATION AND VERIFICATION

13 CERTIFICATION AND PERIODICAL VERIFICATION

13.1 The ship should be operated by a Company which has been issued with a Document of Compliance or with an Interim Document of Compliance in accordance with paragraph 14.1, relevant to that ship.

13.2 The Document of Compliance should be issued by the Administration, by an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government to the Convention to any Company complying with the requirements of this Code for a period specified by the Administration which should not exceed five years. Such a document should be accepted as evidence that the Company is capable of complying with the requirements of this Code.

13.3 The Document of Compliance is only valid for the ship types explicitly indicated in the document. Such indication should be based on the types of ships on which the initial verification was based. Other ship types should only be added after verification of the Company's capability to comply with the requirements of this Code applicable to such ship types. In this context, ship types are those referred to in regulation IX/1 of the Convention.

13.4 The validity of a Document of Compliance should be subject to annual verification by the Administration or by an organization recognized by the Administration or, at the request of the Administration by another Contracting Government within three months before or after the anniversary date.

13.5 The Document of Compliance should be withdrawn by the Administration or, at its request, by the Contracting Government which issued the document, when the annual verification required in paragraph 13.4 is not requested or if there is evidence of major non-conformities with this Code.

13.5.1 All associated Safety Management Certificates and/or Interim Safety Management Certificates should also be withdrawn if the Document of Compliance is withdrawn.

13.6 A copy of the Document of Compliance should be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Administration or by an organization recognized by the Administration or for the purposes of the control referred

to in regulation IX/6.2 of the Convention. The copy of the document is not required to be authenticated or certified.

13.7 The Safety Management Certificate should be issued to a ship for a period which should not exceed five years by the Administration or an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government. The Safety Management Certificate should be issued after verifying that the Company and its shipboard management operate in accordance with the approved safety management system. Such a certificate should be accepted as evidence that the ship is complying with the requirements of this Code.

13.8 The validity of the Safety Management Certificate should be subject to at least one intermediate verification by the Administration or an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government. If only one intermediate verification is to be carried out and the period of validity of the Safety Management Certificate is five years, it should take place between the second and third anniversary date of the Safety Management Certificate.

13.9 In addition to the requirements of paragraph 13.5.1, the Safety Management Certificate should be withdrawn by the Administration or, at the request of the Administration, by the Contracting Government which has issued it when the intermediate verification required in paragraph 13.8 is not requested or if there is evidence of major non-conformity with this Code.

13.10 Notwithstanding the requirements of paragraphs 13.2 and 13.7, when the renewal verification is completed within three months before the expiry date of the existing Document of Compliance or Safety Management Certificate, the new Document of Compliance or the new Safety Management Certificate should be valid from the date of completion of the renewal verification for a period not exceeding five years from the date of expiry of the existing Document of Compliance or Safety Management Certificate.

13.11 When the renewal verification is completed more than three months before the expiry date of the existing Document of Compliance or Safety Management Certificate, the new Document of Compliance or the new Safety Management Certificate should be valid from the date of completion of the renewal verification for a period not exceeding five years from the date of completion of the renewal verification.”

6 A new chapter 14 is added after chapter 13 as follows:

“14 INTERIM CERTIFICATION

14.1 An Interim Document of Compliance may be issued to facilitate initial implementation of this Code when:

- .1 a Company is newly established; or
- .2 new ship types are to be added to an existing Document of Compliance,

following verification that the Company has a safety management system that meets the objectives of paragraph 1.2.3 of this Code, provided the Company demonstrates plans to implement a safety management system meeting the full requirements of this Code within the period of validity of the Interim Document of Compliance. Such an Interim Document of

Compliance should be issued for a period not exceeding 12 months by the Administration or by an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government. A copy of the Interim Document of Compliance should be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Administration or by an organization recognized by the Administration or for the purposes of the control referred to in regulation IX/6.2 of the Convention. The copy of the document is not required to be authenticated or certified.

14.2 An Interim Safety Management Certificate may be issued:

- .1 to new ships on delivery;
- .2 when a Company takes on responsibility for the operation of a ship which is new to the Company; or
- .3 when a ship changes flag;

Such an Interim Safety Management Certificate should be issued for a period not exceeding 6 months by the Administration or an organization recognized by the Administration or, at the request of the Administration, by another Contracting Government.

14.3 An Administration or, at the request of the Administration, another Contracting Government may, in special cases, extend the validity of an Interim Safety Management Certificate for a further period which should not exceed 6 months from the date of expiry.

14.4 An Interim Safety Management Certificate may be issued following verification that:

- .1 the Document of Compliance, or the Interim Document of Compliance, is relevant to the ship concerned;
- .2 the safety management system provided by the Company for the ship concerned includes key elements of this Code and has been assessed during the audit for issuance of the Document of Compliance or demonstrated for issuance of the Interim Document of Compliance;
- .3 the Company has planned the audit of the ship within three months;
- .4 the master and officers are familiar with the safety management system and the planned arrangements for its implementation;
- .5 instructions, which have been identified as being essential, are provided prior to sailing; and
- .6 relevant information on the safety management system has been given in a working language or languages understood by the ship's personnel."

- 7 A new chapter 15 is added after new chapter 14 as follows:

“15 VERIFICATION

15.1 All verifications required by the provisions of this Code should be carried out in accordance with procedures acceptable to the Administration, taking into account the guidelines developed by the Organization*.”

- 8 A new chapter 16 is added after new chapter 15 as follows:

“16 FORMS OF CERTIFICATES

16.1 The Document of Compliance, the Safety Management Certificate, the Interim Document of Compliance and the Interim Safety Management Certificate should be drawn up in a form corresponding to the models given in the appendix to this Code. If the language used is neither English nor French, the text should include a translation into one of these languages.

16.2 In addition to the requirements of paragraph 13.3 the ship types indicated on the Document of Compliance and the Interim Document of Compliance may be endorsed to reflect any limitations in the operations of the ships described in the safety management system.”

* Refer to the Guidelines on implementation of the International Safety Management (ISM) Code by Administrations adopted by the Organization by resolution A.788(19).

9 The following appendix is added:

"APPENDIX

**Forms of the Document of Compliance, the Safety Management Certificate,
the Interim Document of Compliance and the Interim Safety Management Certificate**

DOCUMENT OF COMPLIANCE

(Official seal)

(State)

Certificate No.

Issued under the provisions of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of _____
(name of the State)

by _____
(person or organization authorized)

Name and address of the Company
.....
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the Company has been
audited and that it complies with the requirements of the International Management Code for
the Safe Operation of Ships and for Pollution Prevention (ISM Code) for the types of ships
listed below (delete as appropriate):

Passenger ship
Passenger high-speed craft
Cargo high-speed craft
Bulk carrier
Oil tanker
Chemical tanker
Gas carrier
Mobile offshore drilling unit
Other cargo ship

This Document of Compliance is valid until, subject to periodical verification.

Issued at
(place of issue of the document)

Date of issue

.....
(Signature of the duly authorized official issuing the document)

(Seal or stamp of issuing authority, as appropriate)

Certificate No.

ENDORSEMENT FOR ANNUAL VERIFICATION

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation IX/6.1 of the Convention and paragraph 13.4 of the ISM Code, the safety management system was found to comply with the requirements of the ISM Code.

1st ANNUAL VERIFICATION

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

2nd ANNUAL VERIFICATION

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

3rd ANNUAL VERIFICATION

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

4th ANNUAL VERIFICATION

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

SAFETY MANAGEMENT CERTIFICATE

(Official seal)

(State)

Certificate No.

Issued under the provisions of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of _____
(name of the State)

by _____
(person or organization authorized)

Name of ship:
Distinctive number or letters:
Port of registry:
Type of ship*
Gross tonnage:
IMO Number:
Name and address of Company:

(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the ship has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), following verification that the Document of Compliance for the Company is applicable to this type of ship.

This Safety Management Certificate is valid until, subject to periodical verification and the Document of Compliance remaining valid.

Issued at.....
(place of issue of the document)

Date of issue

.....
(Signature of the duly authorized official issuing the certificate)

(Seal or stamp of issuing authority, as appropriate)

* Insert the type of ship from among the following: passenger ship; passenger high-speed craft; cargo high-speed craft; bulk carrier; oil tanker; chemical tanker; gas carrier; mobile offshore drilling unit; other cargo ship.

Certificate No.

**ENDORSEMENT FOR INTERMEDIATE VERIFICATION AND
ADDITIONAL VERIFICATION (IF REQUIRED)**

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation IX/6.1 of the Convention and paragraph 13.8 of the ISM Code, the safety management system was found to comply with the requirements of the ISM Code.

INTERMEDIATE VERIFICATION
(to be completed between the **second** and
third anniversary date)

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

ADDITIONAL VERIFICATION*

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

ADDITIONAL VERIFICATION*

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

ADDITIONAL VERIFICATION*

Signed:.....
(Signature of authorized official)

Place:.....

Date:.....

* If applicable. Reference is made to paragraph 3.2.3 of the Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations (resolution A.788(19)).

INTERIM DOCUMENT OF COMPLIANCE

(Official seal)

(State)

Certificate No.

Issued under the provisions of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as
amended

Under the authority of the Government of _____
(name of the State)

by _____
(person or organization authorized)

Name and address of the Company
.....
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the Company has been
recognized as meeting the objectives of paragraph 1.2.3 of the International Management
Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), for the
type(s) of ships listed below (delete as appropriate):

Passenger ship
Passenger high-speed craft
Cargo high-speed craft
Bulk carrier
Oil tanker
Chemical tanker
Gas carrier
Mobile offshore drilling unit
Other cargo ship

This Interim Document of Compliance is valid until

Issued at
(place of issue of the document)

Date of issue

.....
(Signature of the duly authorized official issuing the document)

(Seal or stamp of issuing authority, as appropriate)

INTERIM SAFETY MANAGEMENT CERTIFICATE

(Official seal)

(State)

Certificate No.

Issued under the provisions of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974,
as amended

Under the authority of the Government of _____
(name of the State)
by _____
(person or organization authorized)

Name of ship:
Distinctive number or letters:
Port of registry:
Type of ship*:
Gross tonnage:
IMO Number:
Name and address of Company:
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the requirements of paragraph 14.4 of the ISM Code have been met and that the Document of Compliance / Interim Document of Compliance** of the Company is relevant to this ship.

This Interim Safety Management Certificate is valid until.....
subject to the Document of Compliance / Interim Document of Compliance** remaining valid.

Issued at
(place of issue of the document)

Date of issue

.....
(Signature of the duly authorized official issuing the certificate)

(Seal or stamp of issuing authority, as appropriate)

Certificate No.

The validity of this Interim Safety Management Certificate is extended to:

Date of extension:

.....
(Signature of the duly authorized official extending the validity)

(Seal or stamp of issuing authority, as appropriate)

VOID

* Insert the type of ship from among the following: passenger ship; passenger high-speed craft; cargo high-speed craft; bulk carrier; oil tanker; chemical tanker; gas carrier; mobile offshore drilling unit; other cargo ship.

** Delete as appropriate."



IMO

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ASSEMBLY
22nd session
Agenda item 9

A 22/Res.913
22 January 2002
Original: ENGLISH

Resolution A.913(22)

**Adopted on 29 November 2001
(Agenda item 9)**

**REVISED GUIDELINES ON IMPLEMENTATION OF THE INTERNATIONAL
SAFETY MANAGEMENT (ISM) CODE BY ADMINISTRATIONS**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.741(18), by which the Assembly adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code),

RECALLING FURTHER resolution A.788(19), by which the Assembly adopted Guidelines on implementation of the International Safety Management (ISM) Code by Administrations,

NOTING that the ISM Code became mandatory, under the provisions of chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended for companies operating certain types of ships, on 1 July 1998, and will become mandatory for companies operating other cargo ships and mobile offshore drilling units propelled by mechanical means of 500 gross tonnage and upwards on 1 July 2002,

NOTING ALSO that the Maritime Safety Committee at its seventy-third session, when adopting the amendments to the ISM Code by resolution MSC.104(73), agreed that the Guidelines on implementation of the ISM Code by Administrations should be revised to take account of those amendments,

RECOGNIZING that an Administration, in establishing that safety standards are being maintained, has a responsibility to ensure that Documents of Compliance and Safety Management Certificates have been issued in accordance with the Guidelines,

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

RECOGNIZING ALSO that there may be a need for Administrations to enter into agreements in respect of issuance of certificates by other Administrations in compliance with chapter IX of the 1974 SOLAS Convention and in accordance with resolution A.741(18),

RECOGNIZING FURTHER the need for uniform implementation of the ISM Code,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its seventy-fourth session and by the Marine Environment Protection Committee at its forty-sixth session,

1. ADOPTS the Revised Guidelines on implementation of the International Safety Management (ISM) Code by Administrations set out in the Annex to the present resolution;
2. URGES Governments, when implementing the ISM Code, to adhere to the Revised Guidelines;
3. REQUESTS Governments to inform the Organization of any difficulties they have experienced in using the annexed Revised Guidelines;
4. AUTHORIZES the Maritime Safety Committee and the Marine Environment Protection Committee to keep the annexed Guidelines under review and to amend them as necessary.
5. REVOKES resolution A.788(19) with effect as of 1 July 2002.

ANNEX

REVISED GUIDELINES ON IMPLEMENTATION OF THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE BY ADMINISTRATIONS

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INTRODUCTION

The ISM Code

The International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code) was adopted by the Organization by resolution A.741(18) and became mandatory by virtue of the entry into force on 1 July 1998 of SOLAS chapter IX on Management for the Safe Operation of Ships. The ISM Code provides an international standard for the safe management and operation of ships and for pollution prevention.

The Maritime Safety Committee, at its seventy-third session, adopted amendments to chapter IX of SOLAS by resolution MSC.99(73), and to sections 1, 7, 13, 14, 15 and 16 of the ISM Code by resolution MSC.104(73). As a result it is necessary to revise the previous version of the Guidelines contained in Assembly resolution A.788(19), which is being superseded by the present Guidelines.

The ISM Code requires that Companies establish safety objectives as described in section 1.2 of the ISM Code, and in addition that the Companies develop, implement and maintain a safety management system which includes functional requirements as listed in section 1.4 of the ISM Code.

The application of the ISM Code should *support and encourage* the development of a safety culture in shipping. Success factors for the development of a safety culture are, *inter alia*, commitment, values and beliefs.

Mandatory application of the ISM Code

The appropriate organization of management, ashore and on board, is needed to ensure adequate standards of safety and pollution prevention. A systematic approach to management by those responsible for management of ships is therefore required. The objectives of the mandatory application of the ISM Code are to ensure:

- .1 compliance with mandatory rules and regulations related to the safe operation of ships and protection of the environment; and
- .2 the effective implementation and enforcement thereof by Administrations.

Effective enforcement by Administrations must include verification that the safety management system complies with the requirements as stipulated in the ISM Code, as well as verification of compliance with mandatory rules and regulations.

The mandatory application of the ISM Code should ensure, support and encourage the taking into account of applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and maritime industry organizations.

Verification and certification responsibilities

The Administration is responsible for verifying compliance with the requirements of the ISM Code and for issuing Documents of Compliance to Companies and Safety Management Certificates to ships.

Resolutions A.739(18) - Guidelines for the authorization of organizations acting on behalf of the Administration and A.789(19) – Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration, which have been made mandatory by virtue of SOLAS regulation XI/1, and resolution A.847(20) – Guidelines to assist flag States in the implementation of IMO instruments, are applicable when Administrations authorize organizations to issue Documents of Compliance and Safety Management Certificates on their behalf.

1 SCOPE AND APPLICATION

1.1 Definitions

The terms used in these Revised Guidelines have the same meaning as those given in the ISM Code.

1.2 Scope and application

1.2.1 These Guidelines establish basic principles:

- .1 for verifying that the safety management system of a Company responsible for the operation of ships, or the safety management system for the ship or ships controlled by the company, complies with the ISM Code; and

- .2 for the issue and annual verification of the Document of Compliance and for the issue and intermediate verification of the Safety Management Certificate.

1.2.2 These Guidelines are applicable to Administrations with effect as of 1 July 2002.

2 VERIFYING COMPLIANCE WITH THE ISM CODE

2.1 General

2.1.1 To comply with the requirements of the ISM Code, Companies should develop, implement and maintain a safety management system to ensure that the safety and environmental protection policy of the Company is implemented. The Company policy should include the objectives defined by the ISM Code.¹

2.1.2 Administrations should verify compliance with the requirements of the ISM Code by determining:

- .1 the conformity of the Company's safety management system with the requirements of the ISM Code; and
- .2 that the safety management system ensures that the objectives defined in paragraph 1.2.3 of the ISM Code are met.

2.1.3 Determining the conformity or non-conformity of safety management system elements with the requirements specified by the ISM Code may demand that criteria for assessment be developed. Administrations are recommended to limit the development of criteria in the form of prescriptive management system solutions. Criteria for assessment in the form of prescriptive requirements may have the effect that safety management in shipping results in Companies implementing solutions prepared by others, and it may then be difficult for a Company to develop the solutions which best suit that particular Company, that particular operation or that specific ship.

2.1.4 Therefore, Administrations are recommended to ensure that these assessments are based on determining the effectiveness of the safety management system in meeting specified objectives, rather than conformity with detailed requirements in addition to those contained in the ISM Code, so as to reduce the need for developing criteria to facilitate assessment of the Companies' compliance with the Code.

2.2 The ability of the safety management system to meet general safety management objectives

2.2.1 The ISM Code identifies general safety management objectives. These objectives are:

- .1 to provide for safe practices in ship operation and a safe working environment;
- .2 to establish safeguards against all identified risks; and

¹ The ICS/ISF Guidelines on the application of the International Safety Management Code provide useful guidance on important individual elements of a safety management system and its development by Companies.

- .3 to continuously improve the safety-management skills of personnel ashore and aboard, including preparing for emergencies related both to safety and to environmental protection.

The verification should support and encourage Companies in achieving these objectives.

2.2.2 These objectives provide clear guidance to Companies for the development of safety management system elements in compliance with the ISM Code. Since, however, the ability of the safety management system to achieve these objectives cannot be determined beyond whether the safety management system complies with the requirements of the ISM Code, they should not form the basis for establishing detailed interpretations to be used for determining conformity or non-conformity with the requirements of the ISM Code.

2.3 The ability of the safety management system to meet specific requirements of safety and pollution prevention

2.3.1 The main criterion which should govern the development of interpretations needed for assessing compliance with the requirements of the ISM Code should be the ability of the safety management system to meet the specific requirements defined by the ISM Code in terms of specific standards of safety and pollution prevention.

The specific standards of safety and protection of the environment specified by the ISM Code are:

- .1 compliance with mandatory rules and regulations; and
- .2 that applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and other maritime industry organizations are taken into account.

2.3.2 All records having the potential to facilitate verification of compliance with the ISM Code should be open to scrutiny during an examination. For this purpose the Administration should ensure that the Company provide auditors with statutory and classification records relevant to the actions taken by the Company to ensure that compliance with mandatory rules and regulations is maintained. In this regard the records may be examined to substantiate their authenticity and veracity.

2.3.3 Some mandatory requirements may not be subject to statutory or classification surveys, such as:

- .1 maintaining the condition of ship and equipment between surveys; and
- .2 certain operational requirements.

Specific arrangements may be required to ensure compliance and to provide for the objective evidence needed for verification in these cases, such as:

- .1 documented procedures and instructions; and
- .2 documentation of the verification carried out by senior officers of day-to-day operation when relevant to ensure compliance.

2.3.4 The verification of compliance with mandatory rules and regulations, which is part of the ISM Code certification, neither duplicates nor substitutes surveys for other maritime certificates. The verification of compliance with the ISM Code does not relieve the Company, the master or any other entity or person involved in the management or operation of the ship of their responsibilities.

2.3.5 Administrations should ensure that the Company has:

- .1 taken into account the recommendations, as referred to in 1.2.3.2 of the ISM Code, when establishing the safety management system; and
- .2 developed procedures to ensure that these recommendations are implemented on shore and on board.

2.3.6 Within a safety management system, implementation of codes, guidelines and standards recommended by the Organization, Administrations, classification societies and other maritime industry organizations does not make these recommendations mandatory under the ISM Code. Nevertheless auditors should encourage companies to adopt these recommendations whenever applicable to the Company.

3 THE CERTIFICATION PROCESS

3.1 Certification activities

3.1.1 The certification process relevant to a Document of Compliance for a Company and a Safety Management Certificate to a ship will normally involve the following steps:

- .1 initial verification;
- .2 annual or intermediate verification;
- .3 renewal verification; and
- .4 additional verification.

These verifications are carried out at the request of the Company to the Administration, or to the organization recognized by the Administration to perform certification functions under the ISM Code, or at the request of the Administration by another Contracting Government to the Convention.

The verifications will include an audit of the safety management system.

3.2 Initial verification

3.2.1 The Company should apply for ISM Code certification to the Administration.

3.2.2 An assessment of the shore side management system undertaken by the Administration would necessitate assessment of the offices where such management is carried out and possibly of other locations, depending on the Company's organization and the functions of the various locations.

3.2.3 On satisfactory completion of the assessment of the shore side safety management system, arrangements/planning may commence for the assessment of the Company's ships.

3.2.4 On satisfactory completion of the assessment, a Document of Compliance will be issued to the Company, copies of which should be forwarded to each shore side premises and each ship in the Company's fleet. As each ship is assessed and issued with a Safety Management Certificate, a copy of it should also be forwarded to the Company's head office.

3.2.5 In cases where certificates are issued by a recognized organization, copies of all certificates should also be sent to the Administration.

3.2.6 The safety management audit for the Company and for a ship will involve the same basic steps. The purpose is to verify that a Company or a ship complies with the requirements of the ISM Code. The audits include:

- .1 the conformity of the Company's safety management system with the requirements of the ISM Code, including objective evidence demonstrating that the Company's safety management system has been in operation for at least three months and that a safety management system has been in operation on board at least one ship of each type operated by the Company for at least three months; and
- .2 that the safety management system ensures that the objectives defined in paragraph 1.2.3 of the ISM Code are met. This includes verification that the Document of Compliance for the Company responsible for the operation of the ship is applicable to that particular type of ship, and assessment of the shipboard safety management system to verify that it complies with the requirements of the ISM Code, and that it is implemented. Objective evidence demonstrating that the Company's safety management system has been functioning effectively for at least three months on board the ship should be available, including, *inter alia*, records from the internal audit performed by the Company.

3.3 Annual verification of Document of Compliance

3.3.1 Annual safety management audits are to be carried out to maintain the validity of the Document of Compliance, and should include examining and verifying the correctness of the statutory and classification records presented for at least one ship of each type to which the Document of Compliance applies. The purpose of these audits is to verify the effective functioning of the safety management system, and that any modifications made the Safety Management System comply with the requirements of the ISM Code.

3.3.2 Annual verification is to be carried out within three months before and after each anniversary date of the Document of Compliance. A schedule not exceeding three months is to be agreed for completion of the necessary corrective actions.

3.3.3 Where the Company has more than one shore side premises, each of which may not have been visited at the initial assessment, the annual assessments should endeavour to ensure that all sites are visited during the period of validity of the Document of Compliance.

3.4 Intermediate verification of Safety Management Certificates

3.4.1 Intermediate safety management audits should be carried out to maintain the validity of the Safety Management Certificate. The purpose of these audits is to verify the effective functioning of the safety management system and that any modifications made to the safety management system comply with the requirements of the ISM Code. In certain cases, particularly during the initial period of operation under the safety management system, the Administration may find it necessary to increase the frequency of the intermediate verification. Additionally, the nature of non-conformities may also provide a basis for increasing the frequency of intermediate verifications.

3.4.2 If only one intermediate verification is to be carried out, it should take place between the second and third anniversary date of the issue of the Safety Management Certificate.

3.5 Renewal verification

Renewal verifications are to be performed before the validity of the Document of Compliance or the Safety Management Certificate expires. The renewal verification will address all the elements of the safety management system and the activities to which the requirements of the ISM Code apply. Renewal verification may be carried out from six months before the date of expiry of the Document of Compliance or the Safety Management Certificate, and should be completed before their date of expiry.

3.6 Safety management audits

The procedure for safety management audits outlined in the following paragraphs includes all steps relevant for initial verification. Safety management audits for annual verification and renewal verification should be based on the same principles even if their scope may be different.

3.7 Application for audit

3.7.1 The Company should submit a request for audit to the Administration or to the organization recognized by the Administration for issuing a Document of Compliance or a Safety Management Certificate on behalf of the Administration.

3.7.2 The Administration or the recognized organization should then nominate the lead auditor and, if relevant, the audit team.

3.8 Preliminary review

As a basis for planning the audit, the auditor should review the safety management manual to determine the adequacy of the safety management system in meeting the requirements of the ISM Code. If this review reveals that the system is not adequate, the audit will have to be delayed until the Company undertakes corrective action.

3.9 Preparing the audit

3.9.1 The nominated lead auditor should liaise with the Company and produce an audit plan.

3.9.2 The auditor should provide the working documents which are to govern the execution of the audit to facilitate the assessments, investigations and examinations in accordance with the standard procedures, instructions and forms which have been established to ensure consistent auditing practices.

3.9.3 The audit team should be able to communicate effectively with auditees.

3.10 Executing the audit

3.10.1 The audit should start with an opening meeting in order to introduce the audit team to the Company's senior management, summarize the methods for conducting the audit, confirm that all agreed facilities are available, confirm time and date for a closing meeting and clarify possible unclear details relevant to the audit.

3.10.2 The audit team should assess the safety management system on the basis of the documentation presented by the Company and objective evidence as to its effective implementation.

3.10.3 Evidence should be collected through interviews and examination of documents. Observation of activities and conditions may also be included when necessary to determine the effectiveness of the safety management system in meeting the specific standards of safety and protection of the environment required by the ISM Code.

3.10.4 Audit observations should be documented. After activities have been audited, the audit team should review their observations to determine which are to be reported as non-conformities. Non-conformities should be reported in terms of the general and specific provisions of the ISM Code.

3.10.5 At the end of the audit, prior to preparing the audit report, the audit team should hold a meeting with the senior management of the Company and those responsible for the functions concerned. The purpose is to present the observations in such a way as to ensure that the results of the audit are clearly understood.

3.11 Audit report

3.11.1 The audit report should be prepared under the direction of the lead auditor, who is responsible for its accuracy and completeness.

3.11.2 The audit report should include the audit plan, identification of audit team members, dates and identification of the Company, observations on any non-conformities and observations on the effectiveness of the safety management system in meeting the specified objectives.

3.11.3 The Company should receive a copy of the audit report. The Company should be advised to provide a copy of the shipboard audit reports to the ship.

3.12 Corrective action follow-up

3.12.1 The Company is responsible for determining and initiating the corrective action needed to correct a non-conformity or to correct the cause of the non-conformity. Failure to correct non-conformities with specific requirements of the ISM Code may affect the validity of the Document of Compliance and related Safety Management Certificates.

3.12.2 Corrective actions and possible subsequent follow-up audits should be completed within the time period agreed. The Company should apply for the follow-up audits.

3.13 Company responsibilities pertaining to safety management audits

3.13.1 The verification of compliance with the requirements of the ISM Code does not relieve the Company, management, officers or seafarers of their obligations as to compliance with national and international legislation related to safety and protection of the environment.

3.13.2 The Company is responsible for:

- .1 informing relevant employees about the objectives and scope of the ISM Code certification;
- .2 appointing responsible members of staff to accompany members of the team performing the certification;
- .3 providing the resources needed by those performing the certification to ensure an effective and efficient verification process;
- .4 providing access and evidential material as requested by those performing the certification; and
- .5 co-operating with the verification team to permit the certification objectives to be achieved.

3.14 Responsibilities of the organization performing the ISM Code certification

The organization performing the ISM Code certification is responsible for ensuring that the certification process is performed according to the ISM Code and these Guidelines. This includes management control of all aspects of the certification according to the appendix to these Guidelines.

3.15 Responsibilities of the verification team

3.15.1 Whether the verifications involved with certification are performed by a team or not, one person should be in charge of the verification. The leader should be given the authority to make final decisions regarding the conduct of the verification and any observations. His responsibilities should include:

- .1 preparation of a plan for the verification; and
- .2 submission of the report of the verification.

3.15.2 Personnel participating in the verification are responsible for complying with the requirements governing the verification, ensuring confidentiality of documents pertaining to the certification and treating privileged information with discretion.

APPENDIX

STANDARDS ON ISM CODE CERTIFICATION ARRANGEMENTS**1 INTRODUCTION**

The audit team involved with ISM Code certification, and the organization under which it may be managed, should comply with the specific requirements stated in this Annex.

2 STANDARD OF MANAGEMENT

2.1 Organizations managing verification of compliance with the ISM Code should have, in their own organization, competence in relation to:

- .1 ensuring compliance with the rules and regulations, including certification of seafarers, for the ships operated by the Company;
- .2 approval, survey and certification activities;
- .3 the terms of reference that must be taken into account under the safety management system as required by the ISM Code; and
- .4 practical experience of ship operation.

2.2 The Convention requires that organizations recognized by Administrations for issuing a Document of Compliance and a Safety Management Certificate at their request should comply with resolutions A.739(18) - Guidelines for the authorization of organizations acting on behalf of the Administration and A.789(19) - Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration.

2.3 Any organization performing verification of compliance with the provisions of the ISM Code should ensure that there exists independence between the personnel providing consultancy services and those involved in the certification procedure.

3 STANDARDS OF COMPETENCE**3.1 ISM Code certification scheme management**

Management of ISM Code certification schemes should be carried out by those who have practical knowledge of ISM Code certification procedures and practices.

3.2 Basic competence for performing verification

3.2.1 Personnel who are to participate in the verification of compliance with the requirements of the ISM Code should have a minimum of formal education comprising the following:

- .1 qualifications from a tertiary institution recognized by the Administration or by the recognized organization within a relevant field of engineering or physical science (minimum two years programme), or
- .2 qualifications from a marine or nautical institution and relevant seagoing experience as a certified ship officer.

3.2.2 They should have undergone training to ensure adequate competence and skills for performing verification of compliance with the requirements of the ISM Code, particularly with regard to:

- .1 knowledge and understanding of the ISM Code;
- .2 mandatory rules and regulations;
- .3 the terms of reference which the ISM Code requires that Companies should take into account;
- .4 assessment techniques of examining, questioning, evaluating and reporting;
- .5 technical or operational aspects of safety management;
- .6 basic knowledge of shipping and shipboard operations; and
- .7 participation in at least one marine-related management system audit.

3.2.3 Such competence should be demonstrated through written or oral examinations, or other acceptable means.

3.3 Competence for initial verification and renewal verification

3.3.1 In order to assess fully whether the Company or the ship complies with the requirements of the ISM Code, in addition to the basic competence stated under 3.2 above, personnel who are to perform initial verifications or renewal verifications for a Document of Compliance or a Safety Management Certificate must possess the competence to:

- .1 determine whether the safety management system elements conform or do not conform with the requirements of the ISM Code;
- .2 determine the effectiveness of the Company's safety management system, or that of the ship, to ensure compliance with rules and regulations as evidenced by the statutory and classification survey records;
- .3 assess the effectiveness of the safety management system in ensuring compliance with other rules and regulations which are not covered by statutory and classification surveys and enabling verification of compliance with these rules and regulations; and
- .4 assess whether the safe practices recommended by the Organization, Administrations, classification societies and maritime industry organizations have been taken into account.

3.3.2 This competence can be accomplished by teams which together possess the total competence required.

3.3.3 Personnel who are to be in charge of initial verification or renewal verification of compliance with the requirements of the ISM Code should have at least five years experience in areas relevant to the technical or operational aspects of safety management, and should have participated in at least three initial verifications or renewal verifications. Participation in verification of compliance with other management standards may be considered as equivalent to participation in verification of compliance with the ISM Code.

3.4 Competence for annual, intermediate and interim verification

Personnel who are to perform annual, intermediate and interim verifications should satisfy basic requirements for personnel participating in verifications and should have participated in a minimum of two annual, renewal or initial verifications. They should have received special instructions needed to ensure that they possess the competence required to determine the effectiveness of the Company's safety management system.

4 QUALIFICATION ARRANGEMENTS

Organizations performing ISM Code certification should have implemented a documented system for qualification and continuous updating of the knowledge and competence of personnel who are to perform verification of compliance with the ISM Code. This system should comprise theoretical training courses covering all the competence requirements and the appropriate procedures connected to the certification process, as well as practical tutored training, and it should provide documented evidence of satisfactory completion of the training.

5 CERTIFICATION PROCEDURES AND INSTRUCTIONS

Organizations performing ISM Code certification should have implemented a documented system to ensure that the certification process is performed in accordance with this standard. This system should, *inter alia*, include procedures and instructions for the following:

- .1 contract agreements with Companies;
- .2 planning, scheduling and performing verification;
- .3 reporting results from verification;
- .4 issuance of Documents of Compliance, Safety Management Certificates and Interim Documents of Compliance and Safety Management Certificates; and
- .5 corrective action and follow-up of verifications, including actions to be taken in cases of major non-conformity.