



MARITIME SAFETY COMMITTEE
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Agenda item 15

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ROLE OF THE HUMAN ELEMENT

Amendments to the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22))

Submitted by Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom and the European Commission

SUMMARY

<i>Executive summary:</i>	To improve the effectiveness of implementation of the International Safety Management (ISM) Code this document proposes specific amendments to the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22))
<i>Strategic direction:</i>	12.2
<i>High-level action:</i>	12.2.1
<i>Planned output:</i>	12.2.1.2
<i>Action to be taken:</i>	Paragraph 11
<i>Related documents:</i>	MSC 83/16, MSC 83/28; MEPC 56/17/1 and resolution A.913(22)

Introduction

1 At MSC 82, the Committee agreed following a recommendation from the Joint MSC/MEPC Human Element Working Group, that the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)) should be revised to make the guidelines more effective and user-friendly.

2 At MSC 83, the Committee confirmed that this revision work should be undertaken by the Joint MSC/MEPC Human Element Working Group at MSC 84, and so invited Member Governments, intergovernmental, and non-governmental organizations to submit proposals for discussion at the joint working group (MSC 83/28, paragraphs 15.4 to 15.6).

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3 The above mentioned co-sponsors considered issues relating to the audit and enforcement of the ISM Code by Administrations and so propose specific amendments to be made to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations.

Issues

4 Two issues have been identified that influence the effectiveness of implementation of the International Safety Management Code, namely:

- .1 the scope of the Interim Document of Compliance audit, and
- .2 the scope of the Safety Management Certificate audit following a ship detention.

Scope of Interim Document of Compliance audit

5 The Revised Guidelines provide guidance to Administrations on verifying compliance with the ISM Code. It is recognized that the audit undertaken by Administrations, or by an organization recognized by the Administration, or at the request of the Administration by another Contracting Government, is based upon a sampling strategy of the Safety Management System, be it either on board or ashore.

6 The United Kingdom's Marine Accident Investigation Branch (MAIB) report into the grounding of the "Harvest Caroline" in October 2006 identifies that the audit should take into account factors including:

- recent changes in ship ownership, flag State and classification society;
- maritime experience of the Company;
- knowledge of the Company in operating the ship type; and
- company familiarity with the implementation of safety management systems.

7 Further, at its eighty-third session, the Maritime Safety Committee (MSC 83/28, paragraph 16.7) approved MSC-MEPC.7/Circ.6 on Guidance on the qualifications, training and experience necessary for undertaking the role of the Designated Person under the provisions of the International Safety Management (ISM) Code and so the interim Document of Compliance should additionally take into account the qualifications, training and experience of the Company's Designated Person.

8 It is proposed that the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22)) be amended to include a requirement for Administrations to consider and seek additional assurance on the risk factors identified above in paragraphs 6 and 7 when undertaking the interim Document of Compliance audit. Draft text for the proposed amendment is provided in the Annex.

Scope of Safety Management Certificate audit following a ship detention

9 Document MEPC 56/17/1 noted that an increasing number of Port State Control inspections are recording deficiencies under ISM Code-related codes. It is evident that these deficiencies are a consequence of ineffective implementation of the ISM Code on board a ship. The identification of multiple deficiencies during a Port State Control inspection alludes to a systemic failure of the Safety Management System with the result that the ship is detained.

10 It is proposed that the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22)) is amended to include a specific requirement that, following a Port State Control detention under the ISM Code, a ship should undergo an intermediate audit of the on-board Safety Management System to assure conformity with all the requirements of the ISM Code. Draft text for the proposed amendment is provided in the Annex.

Action requested of the Committee

11 The Committee is invited to consider the proposed draft amendments to the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22)), as set out in the annex, and take action as appropriate.

ANNEX

**PROPOSED DRAFT AMENDMENTS TO THE REVISED GUIDELINES ON
IMPLEMENTATION OF THE ISM CODE BY ADMINISTRATIONS
(RESOLUTION A.913(22)) ARE PROVIDED BELOW**

Scope of the Interim Document of Compliance audit

Under clause 2, Verifying Compliance with the ISM Code, add the following sub-clause:

2.1.5 For the interim Document of Compliance audit undertaken by Administrations or by an organization recognized by the Administration or at the request of the Administration by another Contracting Government, it is necessary to ensure that a Company operating a ship has the required experience and understanding to effectively implement a Safety Management System as required under the ISM Code. Where there is limited objective evidence, the Administration should consider and seek additional assurance to take into account factors including:

A) Concerning the ship:

- (1) recent changes in ownership, flag State and classification society;

B) Concerning the company:

- (2) maritime experience of the Company;
- (3) knowledge of the Company in operating the ship type;
- (4) Company familiarity with the implementation of safety management systems;
- (5) qualifications, training and experience of the Designated Person;
- (6) whether the company operates at least one ship in each ship category to which the company's document of compliance applies"; and
- (7) engagement or contracting of third party expertise as appropriate.

The administration should endeavour to assess the above-mentioned factors by means of quantitative indicators.

In assessing these factors, the administration should take account of the particular circumstances of the ship or the company. In particular, for a new company with no operational experience, the administration should take into consideration the experience and knowledge of its senior management and other relevant staff. Absence of maritime experience should not be, in itself, grounds for refusal to issue an interim Document of Compliance.

Scope of audit of Safety Management Certificate following a ship detention

A new sub-clause 3.16.1 to be added:

3.16.1 Where a ship is detained by Port State Control under the ISM Code as a result of major non-conformity, the procedure under MSC/Circular 1059 of 16 December 2002 shall apply. In all other cases, when the detention is considered to be the direct result of a deficiency in the safety management system on board, the administration shall carry out an additional audit before the ship leaves the port of detention.