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PORT STATE CONTROL-RELATED MATTERS

GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE

1 The Marine Environment Protection Committee, at seventieth session (24 to 28 October 2016), and the Maritime Safety Committee, at its ninety-seventh session (21 to 25 November 2016), approved the *Guidelines for port State control officers on the International Safety Management (ISM) Code* after consideration of the recommendations made by the Sub-Committee on Implementation of IMO Instruments and the Sub-Committee on Human Element, Training and Watchkeeping, at their respective second session.

2 Member States and regional port State control regimes are invited to apply the *Guidelines for port State control officers on the ISM Code*, as appropriate, and to bring them to the attention of officials exercising port State actions, and other parties, as appropriate.

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ANNEX

GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE

1 GENERAL

1.1 The International Safety Management Code (ISM Code) was adopted by the Assembly at its eighteenth session by resolution A.741(18) and was amended by resolutions MSC.104(73) and MSC.273(85). The ISM Code has been made mandatory through SOLAS regulation IX/3.

1.2 The Administration is responsible for verifying compliance with the requirements of the ISM Code and issuing Documents of Compliance to Companies and Safety Management Certificates to ships. This verification is carried out by the Administration or a recognized organization (RO).

1.3 Port State control officers (PSCOs) do not perform safety management audits. PSCOs conduct inspections of ship, which are a sampling process and give a snapshot of the vessel on a particular day.

2 GOALS AND PURPOSE

2.1 The guidelines provide guidance to PSCOs for the harmonized application of related technical or operational deficiencies found in relation to the ISM Code during a PSC inspection.

3 APPLICATION

3.1 The ISM Code applies to the following types of ships engaged on international voyages:

.1 all passenger ships including passenger high-speed craft;

.2 oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and above; and

.3 other cargo ships and self-propelled Mobile offshore drilling units (MODUs) of 500 gross tonnage and above.

3.2 For establishing the applicability of SOLAS chapter IX and the ISM Code; "gross tonnage" means the gross tonnage of the ship as determined under the provisions of the International Convention on the Tonnage Measurement of Ships, 1969 and as stated on the International Tonnage Certificate of the ship.

3.3 The ISM Code does not apply to government-operated ships used for non-commercial purposes.

4 RELEVANT DOCUMENTATION

4.1 Applicable documentation for these guidelines is as follows:

.1 SOLAS;

.2 ISM Code;

.3 Copy of the Interim DOC, or copy of the DOC;

.4 Interim SMC, or SMC; and

.5 MSC/Circ.1059-MEPC/Circ.401, as may be amended.

5 DEFINITIONS AND ABBREVIATIONS

SOLAS	International Convention for the Safety of Life at Sea, 1974, as amended
ISM Code	International Safety Management Code: *"The International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the Organization by resolution A.741(18), as may be amended by the Organization."*
Procedures for port State control	Procedures for port State control, 2011, as adopted by resolution A. 1052(27), as may be amended

Company	*"The owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all duties and responsibility imposed by the Code."*
Administration	*"The Government of the State whose flag the ship is entitled to fly."*
DOC	*Document of Compliance:*
	"A document issued to a Company which complies with the requirements of the ISM Code."
SMC	Safety Management Certificate:
	"A document issued to a ship which signifies that the Company and its shipboard management operate in accordance with the approved safety management system."
SMS	Safety Management System:
	"A structured and documented system enabling Company personnel to implement effectively the Company safety and environmental protection policy."
Objective evidence	*"Quantitative or qualitative information, records or statements of fact pertaining to safety or to the existence and implementation of a safety management system element, which is based on observation, measurement or test and which can be verified."*
Valid certificate	*"A certificate that has been issued directly by a Party to a relevant Convention or on its behalf by a recognized organization and contains: accurate and effective dates; meets the provisions of the relevant Convention; and, with which the particulars of the ship, her crew and her equipment correspond."*
PSC	Port State control
PSCO	Port State control officer
RO	Recognized organization
	"An organization recognized by the Administration."
MODU	Mobile offshore drilling unit

6 INSPECTION OF SHIP

6.1 Initial inspection

6.1.1 Initial inspection should be carried out in accordance with the *Procedures for port State control*.

6.1.2 During the initial PSC inspection, the PSCO should verify that the ship carries the ISM certificates according to SOLAS chapter IX and the ISM Code by examining the copy of the DOC and the SMC, for which the following points are to be considered:

.1 a copy of the DOC should be on board. However, according to SOLAS, the copy of the DOC is not required to be authenticated or certified. The copy of the DOC should have the required endorsements;

.2 the SMC is not valid unless the operating company holds a valid DOC for that ship type. The ship type in the SMC should be included in the DOC and the company's particulars should be the same on both the DOC and the SMC. The SMC should have the required endorsements;

.3 the validity of an Interim DOC should not exceed a period of 12 months. The validity of an Interim SMC should not exceed a period of six months. In special cases, the Administration, or at the request of the Administration another Government, may extend the validity of the Interim SMC for a period, which should not exceed six months from the date of expiry;

.4 ROs may issue a short-term DOC or SMC not exceeding five months, whilst the full term certificate is being prepared in accordance with their internal procedures. If a renewal verification has been completed and a new SMC cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or RO may endorse the existing certificate. Such a certificate should be accepted as valid for a further period which should not exceed five months from the expiry date;

.5 if a ship at the time when an SMC expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the SMC but this extension should be granted only for the purpose of allowing the ship to complete her voyage to the port in which it is to be verified, and then only in cases where it appears proper and reasonable to do so;

.6 no SMC should be extended for a period of longer than three months, and the ship to when an extension is granted should not, on her arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new SMC. When the renewal verification is completed, the new SMC should be valid to a date not exceeding five years from the expiry date of the existing SMC before the extension was granted; and

.7 if no technical or operational related deficiencies are found during an initial inspection carried out in accordance with the Procedures for port State control and guidelines, there is no need to consider the ISM aspect.

6.2 Clear grounds

6.2.1 Since the PSCO is not carrying out a safety management audit of the SMS during a PSC inspection, the term clear grounds is not applicable in this context.

6.2.2 Clear grounds and the subsequent more detailed inspection only exist for technical or operational-related deficiencies.

6.3 More detailed inspection

6.3.1 If a more detailed inspection for technical or operational-related deficiencies is carried out, this should be done in accordance with the Procedures for port State control. Any technical and/or operational-related deficiencies found during this inspection should be, individually or collectively considered by the PSCO, using their professional judgement, to indicate that either:

.1 these do not show a failure, or lack of effectiveness, of the implementation of the ISM Code; or

.2 there is a failure, or lack of effectiveness, of the implementation of the ISM Code; or

.3 there is a serious failure, or lack of effectiveness, of the implementation of the ISM Code.

6.3.2 If an outstanding ISM related deficiency from a previous PSC inspection exists and the current PSC inspection is more than three months later:

.1 the PSCO will verify that an internal safety audit has been performed. The content of the internal safety audit report should not be evaluated; and

.2 having reference to the previous PSC inspection report, the PSCO will examine the technical and/or operational areas in which deficiencies designated with "ISM" are noted.

7 FOLLOW-UP ACTION

7.1 Technical, operational and ISM-related deficiencies

7.1.1 The principles outlined in the Procedures for port State control with regard to reporting and rectification of technical or operational-related deficiencies, and detention and release of the ship is applicable.

7.1.2 If there are technical or operational-related deficiencies reported which:

.1 do not show a failure, or lack of effectiveness, of the implementation of the ISM Code. No ISM-related deficiency should be reported in the PSC inspection report;

.2 individually or collectively do not warrant the detention of the ship but indicate a failure, or lack of effectiveness, of the implementation of the ISM Code; report an ISM-related deficiency in the PSC inspection report with the requirement of an internal safety audit and corrective action within three months; and

.3 individually or collectively lead to detention of the ship and indicate a serious failure, or lack of effectiveness, of the implementation of the ISM Code; report an ISM-related deficiency in the PSC inspection report with the requirement that a safety management audit has to be carried out by the Administration or the RO before the ship may be released from her detention.

Note: Where the PSCO considers one or more technical and/or operational deficiency(s) is ISM-related this should be recorded as only one ISM deficiency.

7.1.3 If an outstanding ISM-related deficiency (to be rectified within three months) from a previous PSC inspection exists and no objective evidence can be provided by the master of the ship, during the current PSC inspection more than three months later, that an internal safety audit has been performed, any further action will be taken based on the professional judgement of the PSCO and may warrant the detention of the ship.

7.2 Deficiencies not warranting detention

7.2.1 Minor typing errors in the DOC or the SMC should be reported in the PSC inspection report as a technical deficiency with the certificates and not an ISM-related deficiency.

7.2.2 If technical and/or operational-related deficiencies are found and reported during the PSC inspection, which do not warrant detention but in the professional judgement of the PSCO provide objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code; this should be reported additionally in the PSC inspection report as an ISM-related deficiency.

7.3 Deficiencies warranting detention

7.3.1 The following are deficiencies which may warrant detention:

.1 deficiencies of technical and/or operational nature which individually or collectively provide objective evidence of a serious failure, or lack of effectiveness, of the implementation of the ISM Code;

.2 there is no SMC, interim SMC and/or copy of the DOC or interim DOC on board the ship;

.3 there is no valid SMC or interim SMC on board;

.4 the SMC intermediate verification is overdue;

.5 the SMC is expired and there is no objective evidence of an extension issued by the Administration; or where the SMC has been withdrawn by the Administration;

.6 the DOC or interim DOC is expired or withdrawn;

.7 the ship type as indicated on the SMC or interim SMC is not listed on the DOC or interim DOC;

.8 evidence of the DOC annual verification is not available on board;

.9 the certificate number on the copy of the DOC and the endorsement pages are not the same; and

.10 the Company name, the Company address or the issuing Government authority on the DOC or interim DOC is not the same as on the SMC or interim SMC.

8 REPORTING

8.1 Technical and operational-related deficiencies

8.1.1 All technical and/or operational-related deficiencies should be recorded as an individual deficiency in the PSC inspection report according to the Procedures for port State control.

8.1.2 Technical-related deficiency with the defective item DOC/SMC or interim DOC/SMC should be recorded in the PSC inspection report as a certificate deficiency.

8.2 ISM-related deficiency

8.2.1 Where the PSCO has considered the technical and/or operational-related deficiencies found and concluded these provide objective evidence of a (serious) failure, or lack of effectiveness of the implementation of the ISM Code, an ISM-related deficiency should be reported in the PSC inspection report.