



# Dienststelle Schiffssicherheit BG Verkehr

ISM-Circular Nr.: 04/2010

**Subject:** Flag state requirements for implementation of the ISM Code

**Rule reference:** ISM Code, IMO Resolution A.1022(26)

**Remark:** This circular has to be carried on board of ships.

**Date:** 13.07.2010

**Explanatory note:** ---

This circular provides guidelines to owners and managers of German flagged ships concerning national requirements for the implementation of the ISM-Code. These guidelines are supplementary to the provisions of the ISM-Code as well as IMO Resolution A.1022(26). They shall be considered in the Safety Management System (SMS) of the Company and have to be observed by Auditors performing Safety Management Audits.

This circular supersedes ISM-Circular No. 3/2007 "Flag State Requirements", dated 09.03.2007.

## **1. General**

### **1.1 Responsibilities of the Administration and Recognized Organizations (RO)**

1.1.1 The Dienststelle Schiffssicherheit, BG-Verkehr, (following Dienststelle Schiffssicherheit) is responsible for the monitoring, verification and enforcement of the provisions of the ISM-Code. It issues the Documents of Compliance (DOC) and Safety Management Certificates (SMC).

1.1.2 The Company may assign the Dienststelle Schiffssicherheit or a recognized organization (RO) that has a written agreement with the BG Verkehr to

conduct safety management audits of the company (Company Audits) and its ships (Shipboard Audits).

1.1.3 The auditor may issue after successful completion of the:

- Pre Audit: an Interim DOC or Interim SMC;
- Initial- or Renewal-Office: Audit a Short Term DOC for a period not exceeding 5 months;
- Initial Shipboard Audit: a Short Term SMC for a period not exceeding 5 months.

After the completion of the renewal shipboard audit the existing SMC may be endorsed in accordance with 13.13 ISM Code. If the existing SMC is issued before 1<sup>st</sup> July 2010 the auditor may issue a Short Term SMC for a period not exceeding 5 months.

1.1.4 If, at the time of the Company Audit, a Company has not operated a German flagged ship for more than one (1) year, the audit principally may not be carried out for the German flag.

1.1.5 If, at the time of the Company Audit, one particular type of ship contained in the DOC has not been operated by the Company for more than one (1) year, this type of ship principally has to be withdrawn from the DOC.

1.1.6 If objective evidence found during an office or a shipboard audit justifies additional verifications, the RO may prescribe and conduct such additional ISM audits. The RO has to inform the Dienststelle Schiffssicherheit in writing and before conducting the audit about the reasons and the scope of such additional verification.

1.1.7 The Dienststelle Schiffssicherheit reserves its right to take part in audits or perform additional audits and/or flag state inspections in order to verify the effectiveness of the SMS and to ensure proper implementation of the provisions of the ISM-Code.

## 1.2 Planning, preparing and executing the audit

1.2.1 All verifications required by the provisions of the ISM-Code shall be carried out based on the guidelines of IMO-Resolution A.1022(26).

1.2.2 The RO has to inform the Dienststelle Schiffssicherheit in writing and well in advance about planned Safety Management Audits.

1.2.3 A basis for the audit is the review of the Safety Management Manual by the auditor. This review determines the adequacy of the safety management system in meeting the requirements of the ISM-Code. If the review reveals that the system is not adequate to meet the requirements of the ISM-Code further auditing shall be postponed until the Company has undertaken corrective action to the satisfaction of the auditor.

1.2.4 An audit plan shall be prepared by the lead auditor in consultation with the Company.

1.2.5 When preparing and executing an audit, the auditor shall consider at least the following documents and reports:

- previous audit reports
- additional instructions by the Dienststelle Schiffssicherheit (if applicable)
- Port State Control Reports;
- results of relevant surveys;
- other relevant reports, e.g. EU 1999/35 surveys for Ro-Ro Pax

1.2.6 The audit shall start with an opening meeting and finish with a closing meeting.

### 1.3 Audit Documentation

In order to ensure issuance of relevant certificates and to allow verification of the effectiveness of the Safety Management System, the following audit documentation has to be submitted to the Dienststelle Schiffssicherheit within one (1) month after completion of the audit:

- Audit Report including a comprehensive summary of the audit and observations on the effectiveness of the Safety Management System in meeting the specified objectives;
- For Shipboard audits: Evaluation of the emergency exercise;
- Audit Plan stating the actual audit times;
- Copies of certificates issued;
- Non-conformity note(s) including corrective actions accepted by the auditor.

### 1.4 Non-Conformity

1.4.1 If a Non-Conformity is raised the Company is responsible for determining the causes (including root causes) and initiating the necessary corrective and preventive actions. Failure to correct non-conformities may affect the validity of certificates.

1.4.2 The corrective and preventive actions for non-conformities shall be completed within the agreed time period. This period shall not exceed three (3) months from the date of issuance of a non-conformity note.

### 1.5 Major Non-Conformity

1.5.1 Any major non-conformity found by the auditor in the course of an audit and the Company's corrective and preventive action(s) have to be reported in writing and immediately after completion of the audit to the Dienststelle Schiffssicherheit ([ism@bg-verkehr.de](mailto:ism@bg-verkehr.de)).

1.5.2 If major non-conformities have been raised, the procedures of MSC/Circ.1059 PROCEDURES CONCERNING OBSERVED ISM CODE MAJOR NON-CONFORMITIES shall be taken into account by the auditor.

1.5.3 An additional audit has to be carried out within a period not exceeding three (3) months after detecting the Major Non-Conformity to evaluate the effectiveness of the established corrective and preventive actions.

## 1.6 Human Element

During the audit the familiarity and experience of the personnel on shore and on board with the Safety Management System and the used procedures shall be checked by observations and interviews. The auditor should verify especially:

- How far the Safety and Environmental Protection Policy is implemented within the Company ;
- How far the personnel is familiar with assigned tasks and the resulting responsibilities and authorities
- How the necessary qualification and training of the personnel is ensured

In the course of a shipboard verification an emergency exercise shall be carried out in the presence of the auditor. An evaluation of this exercise shall be included in the summary assessment of the audit.

## **2. Ship Safety and Environmental Protection Policy**

- 2.1 The Policy of the Company should explicitly describe how the Safety Management objectives of the ISM Code will be achieved.
- 2.2 The company's SMS shall ensure compliance with the international and also the national legislation, e.g.
  - Ship Safety Law (SchSG);
  - Ordinance for the Safety of Seagoing Ships 98 (SchSV 98);
  - Ordinance on the Transport of Dangerous Goods on Seagoing Vessels (GGV-See);
  - National occupational safety regulations
  - Seaman's Act
- 2.3 The provisions laid down in § 3 SchSG and § 2 SchSV 98 as well as recommendations of the Administration, the IMO, the recognized organizations and other organizations should be incorporated into the company's SMS and should be implemented.
- 2.4 The ISM Circulars of Dienststelle Schiffssicherheit have to be considered by the Company and should be forwarded to the master if the carriage on board is required.

## **3. Company's Responsibility**

- 3.1 The owner of each vessel must provide the Dienststelle Schiffssicherheit with details of the Company responsible for the operation of the vessel.
- 3.2 The Company has to ensure, that
  - all official publications and documents are available in compliance with § 13.1.2 SchSV 98;

- the contents of log books are verified at least once every 12 months in compliance with Annex 1 B.II.5 SchSV 98;
- the log books are kept for at least 3 years in accordance with Annex 1 B.II.6 SchSV 98;
- Safety Wardens and Experts for Occupational Safety are appointed

3.3 The Company has to establish procedures to ensure that all risks for the operated ships, the personnel and the environment are identified, assessed and appropriate safeguards are established. <sup>1,2</sup>

#### **4. Designated Person(s)**

4.1 The Company must provide information about the Designated Person(s) to the Dienststelle Schiffssicherheit to ensure direct and immediate contact.

4.2 The Company has to ensure that the Designated Person has the required qualification and education. <sup>3</sup>

#### **5. Master's Responsibility and Authority**

5.1 The Company has to ensure that the Master is fully conversant with his additional responsibilities stipulated in national legislations, e.g.

- SchSG;
- § 13.2 SchSV 98 (Behaviour Obligations);
- § 9.7 GGV-See (if applicable);
- Seaman's Act.

5.2 Furthermore the Master has to ensure that

- Watch Officers and Chief Engineers are familiar with their duties as laid down in § 13.3 and § 13.4 SchSV 98;
- entries in log books are in compliance with Annex 1 B.II SchSV 98.

#### **6. Resources and Personnel**

6.1 The Company has to ensure that:

- every seafarer on its ships is qualified and certified in accordance with the company's SMS, STCW and other national and international requirements;
- its ships are manned in accordance with the Safe Manning Certificate;
- relevant information including data on their experience, training, medical fitness and competency in assigned duties of all seafarers employed on its ships are maintained and readily accessible.

6.2 The Company has to provide written instructions to the Master, setting forth the procedures to be followed to ensure that all new seafarers or seafarers who are transferred to new duties on board the ship are given a reasonable

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<sup>1</sup> ISM Circular 08/2006 – Shipboard occupational health and safety programme (SOHSP)

<sup>2</sup> ISM Circular 03/2010 – Occupational Health and Safety Management / Risk Assessment

<sup>3</sup> ISM Circular 06/2007 – Guidelines for implementation of ISM Code and qualification of designated person

opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties. This shipboard familiarisation should include sufficient time to become acquainted with:

- ship specific equipment the seafarer will be using or operating;
- ship specific procedures and instructions for watch keeping, safety, environmental protection and emergency procedures.<sup>4</sup>
- personal protective equipment to provide protection against fatal hazards or permanent damage to health

Instructions relevant to Safety have to be pointed out and given before leaving port.

One crewmember shall be designated to ensure that essential information is provided to newly assigned seafarers.

- 6.3 Furthermore the seafarers on board have to be instructed about occupational safety and health at work, particularly on the hazards the seafarers are exposed to in connection with their work activities and the measures used to prevent such hazards. The instruction shall be repeated as required.

## **7. Plans for Shipboard Operations**

- 7.1 The Company shall identify key shipboard operations concerning the safety of the ship and the prevention of pollution and ensure that procedures, instructions and authorities are laid down for carrying out these operations safely.<sup>5, 6</sup>
- 7.2 The ship's operation plans shall consider and incorporate requirements for the management of occupational safety and health on board ships.
- 7.3 The responsibilities have to be clearly defined and delegated to those who are qualified to perform these duties.

## **8. Emergency Preparedness**

- 8.1 The emergency response planning should – as a minimum - include the following groups of emergency situations:
- Fire;
  - Abandon ship;
  - Damage to the ship;
  - Pollution;
  - Terrorism/Piracy;
  - Personnel accidents;

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<sup>4</sup> ISM Circular 06/2006 – GMDSS operators

<sup>5</sup> ISM Circular 05/2007 – Guidelines on safety during abandon ship drills

<sup>6</sup> ISM Circular 05/2009 – Registration of passengers on board passenger ships

- Cargo related accidents (if applicable);
- Emergency assistance to other ships; and
- Emergency towing procedures.<sup>7</sup>

For developing emergency plans interactions with third parties/contractors during certain situations like e.g. loading operations should be taken into account.

- 8.2 The IMO prepared “Guidelines for the structure of an Integrated System of Contingency Planning for Shipboard Emergencies” set out in Res.A.852(20). This circular is not intended to enforce a new system or replace existing approved systems, however, the Guidelines may assist in developing an integrated system of emergency response planning.
- 8.3 The SMS shall ensure that Emergency Plans will be continuously reviewed and updated if necessary.
- 8.4 Training manuals shall be available on board in compliance with SOLAS Reg. II-2/15 and III/35 and they have to reflect the shipboard operational conditions.

## **9. Reports of Non-Conformities, Accidents and Hazardous Occurrences**

- 9.1 The Company has to ensure that in the case of certain accidents and incidents causing damage or dangers to ship, crew and equipment:
- the Federal Bureau of Maritime Casualty Investigation (BSU) will be notified in accordance with § 7 of the Regulation on Securing Shipping;
  - the Dienststelle Schiffssicherheit will be informed immediately which is required by §13 SchSV 98 (During office-hours: [ism@bg-verkehr.de](mailto:ism@bg-verkehr.de), after office-hours: [psc@bg-verkehr.de](mailto:psc@bg-verkehr.de) ).
- 9.2 The Company has to inform the Dienststelle Schiffssicherheit ([ism@bg-verkehr.de](mailto:ism@bg-verkehr.de)) about detentions by port state controls immediately.
- 9.3 The SMS shall include procedures ensuring that reports are prepared and forwarded to the Company on all non-conformities, accidents, hazardous occurrences (e.g. Near-Misses) and Port State Control deficiencies. The reports shall be investigated, evaluated and analysed with the aim to:
- identify causes;
  - determine and implement appropriate corrective and preventive action;
  - adapt existing procedures or develop new procedures.<sup>8</sup>

## **10. Maintenance of the Ship and Equipment**

- 10.1 The Company’s maintenance system shall ensure that maintenance, surveys, inspections and repairs are carried out in a planned and structured manner,

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<sup>7</sup> ISM Circular 06/2009 – Emergency towing procedures on ships according to SOLAS Reg.II-1/3-4

<sup>8</sup> ISM Circular 01/2009 – Reporting Near Misses

taking into account national and international legislations, class society requirements and requirements developed by the Company. <sup>9</sup>

- 10.2 A maintenance plan in compliance with SOLAS Reg. II-2/14.2.2 shall be available on board. The plan has to incorporate the guidelines of MSC/Circ.850 "Guidelines on maintenance and inspection of fire protection systems and appliances". <sup>10</sup>
- 10.3 On-board maintenance of life-saving appliances shall be carried out in compliance with SOLAS Reg. III/20 and the guidelines set out in Annex 1 of MSC.1/Circ.1206 (as amended). <sup>11</sup>
- 10.4 Critical Equipment shall be identified in accordance with ISM-Code paragraph 10.3.<sup>12</sup> The list of Critical Equipment has to be reviewed periodically and, if necessary, has to be adapted to operating conditions. For the identification of Critical Equipment a closer look should be taken to activities on board the ship which are vital to safety and to the protection of the environment. Results of risk assessments and analyses of accidents, hazardous occurrences and near-misses can also be indications for Critical Equipment. When critical equipment has been identified, it is essential to establish safeguards to ensure functional reliability or the use of back-up arrangements in case of sudden operational failure. These specific measures must include the regular testing of stand-by equipment or technical systems that are not in continuous use.
- Other safeguards may be:
- regular testing of alarm functions
  - preventive maintenance of critical components
  - alternate running of stand-by arrangements
  - lubricating and fuel oil analysis
  - cleaning of filters
  - inspections/surveys at appropriate intervals
  - additional shipboard procedures to ensure redundancy during critical operations

## **11. Documentation**

The Company has to ensure that personnel involved ashore and on board has access to all relevant and actualised data of the SMS at all times.

## **12. Verification of the SMS by the Company**

The Company shall conduct internal audits ashore and on board in intervals of not more than 12 months. As soon as it is foreseeable that this interval will be exceeded because of exceptional circumstances (longest for three months) a sufficient explanation for the extending has to be documented.

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<sup>9</sup> ISM Circular 02/2010 – Means of Embarkation and Disembarkation

<sup>10</sup> ISM Circular 02/2006 – Maintenance ISM Code 10.1

<sup>11</sup> ISM Circular 02/2007 - Maintenance of lifeboats, launching appliances and on-load release gear

<sup>12</sup> ISM Circular 01/2008 – Critical Equipment



Copies of the ISM Circular and the IMO Resolution A.1022(26) can be found at our website <http://www.bg-verkehr.de/service/downloads/dienststelle-schiffssicherheit/ism-international-safety-management>

**Action required:**

The amended flag state requirements have to be considered and appropriate implemented by Companies and recognised organisations (RO).

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