
International Safety Management (ISM) Code Amendments

Notice to all Owners, Operators, Managers, Masters, Surveyors

This notice should be read with the ISM Code as amended on 01 July 2010

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

The Maritime Safety Committee of IMO adopted amendments to the ISM Code through Resolution MSC.273(85). These amendments entered into force on 1 July 2010.

1. Background

On 4 December 2008, IMO's Maritime Safety Committee adopted amendments to the ISM Code through Resolution MSC.273(85). The amendments entered into force on **1 July 2010**, and add clarity to the ISM Code. They should not result in substantive changes to the safety management systems of UK companies as they should comply with the clarified requirements already.

However, companies should take this opportunity to review their safety management systems against the amended text to confirm that they continue to comply with the requirements of the ISM Code both ashore and onboard their ships and make changes to their systems as appropriate.

2. Amendments contained in MSC.273(85):

MSC.273(85) amends the ISM Code as follows: (*amendments in bold italics*)

1.1 Definitions

1.1.10 Major non-conformity

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*** or the lack of effective and systematic implementation of a requirement of this Code.

The words **“and includes”** are replaced with **“or”**

*The definition of **Major Non-conformity** is now clear in that it means an "immediate threat to safety or the environment" OR a "failure to implement a requirement of the Code". This was always the intention of the code although it could have been interpreted (and probably was) to read as if both criteria needed to exist in order to raise a major non-conformity. The amendment should now clarify this misunderstanding.*

1.2 Safety Management Objectives

1.2.2 Safety management objectives of the Company should, inter alia:

~~establish safeguards against all identified risks; and assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards~~

Deleted **“establish safeguards against all identified risks and ”**

The need to carry out risk assessments as part of the safety management activities is now explicit, rather than implied. The original wording stopped short of requiring companies to carry out a formal risk assessment.

The "Code of Safe Working Practices for Merchant Seamen" gives guidance on carrying out risk assessments. Many risk assessment models are already available and companies are free to choose any model which suits them. Depending on the nature and complexity of the operations, companies may choose to adopt one or more models..

5 Master’s Responsibility and Authority

5.1 The Company should clearly define and document the master's responsibility with regard to

5.1.5 **periodically** reviewing the safety management system and reporting its deficiencies to the shorebased Management

The word **“periodically”** has been added.

The addition of the word "periodically" now clarifies that the "master’s review" is not an isolated activity, it is an ongoing dynamic process aimed at continually improving the effectiveness of the safety management system. The industry best practice is to have these reviews at least once per tour of duty of the Master, not more than an year apart.

7 Shipboard Operations

Title of the section “Development of plans for shipboard operations” is replaced with new title “Shipboard Operations”

~~“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 personnel, ship and protection of the environment. The various tasks should be defined and assigned to qualified personnel.”~~

Deleted **“for the preparation of”**

This amendment now clarifies that it is the company’s responsibility to produce operating procedures, not to merely have "procedures for their preparation". This also extends the scope of the procedures / plans / instructions to personnel and the environment in general.

8 Emergency Preparedness

New text: **“8.1 The Company should ~~establish procedures to identify potential emergency shipboard situations, and establish procedures to respond to them.~~”**

Deleted **“establish procedures to”**

The Company would now be required to identify potential emergency situations and then establish procedures to respond to such situations, not to merely have "procedures to identify these situations".

9 Reports & Analysis of Non-Conformities, Accidents & Hazardous Occurrences

“9.2 The Company should establish procedures for the implementation of corrective action, including measures intended to prevent recurrence.”

Added **“including measures intended to prevent recurrence”**

This mirrors the definition of corrective action in the ISO 9001 standard. This now clarifies that it is not only required to eliminate the detected non-conformity but also to eliminate the cause of the non-conformity to prevent recurrence of the problem. The action taken to avoid recurrence should address the root cause of the problem.

10 Maintenance of Ship & Equipment

10.3 amended to read **“~~The Company should establish procedures in its SMS to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The safety management system should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.~~”**

Delete words: **“establish procedures in its safety management system to”**

This again clarifies that having a procedure is not good enough; there is an onus to take action.

12 Company Verification, Review & Evaluation

Revised text: **“12.1 The Company should carry out internal safety audits *on board and ashore at intervals not exceeding twelve months. In exceptional circumstances, this interval may be exceeded by not more than three months.*”**

Added **“on board and ashore at intervals not exceeding twelve months. In exceptional circumstances, this interval may be exceeded by not more than three months”**.

This mandates internal audits of both the shore establishment and the ships at intervals not exceeding 12 months. It is important to note that it is not adequate to have audits in every calendar year, the intervals between consecutive audits should not exceed 12 months.

The interval should not be normally exceeded and the company should be in a position to explain the "exceptional circumstances" under which the audit could not be carried out.

New text: **12.2 The Company should periodically evaluate the effectiveness ~~efficiency of and when needed review of the safety management system in accordance with procedures established by the Company~~**

Deleted **“efficiency of and when needed review”**

This is an editorial amendment. However it is now clarified that management reviews are to be carried out periodically and not 'when needed'.

13 Certification & Periodical Verification

The following new paragraphs 13.12, 13.13 and 13.14 are added after the existing paragraph 13.11:

"13.12 When the renewal verification is completed after the expiry date of the existing Safety Management Certificate, the new Safety Management Certificate should be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing Safety Management Certificate.

13.13 If a renewal verification has been completed and a new Safety Management Certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or organization recognized by the Administration may endorse the existing certificate and such a certificate should be accepted as valid for a further period which should not exceed five months from the expiry date.

13.14 If a ship at the time when a Safety Management Certificate expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the Safety Management Certificate but this extension should be granted only for the purpose of allowing the ship to complete its 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. No Safety Management Certificate should be extended for a period of longer than three months, and the ship to which an extension is granted should not, on its 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 Safety Management Certificate. When the renewal verification is completed, the new Safety Management Certificate should be valid to a date not exceeding five years from the expiry date of the existing Safety Management Certificate before the extension was granted."

These amendments mirror the provisions of Regulation 14 of SOLAS which applies to the other SOLAS certificates.

14 Interim Certification

New text: "14.4.3 The Company has planned the ***internal*** audit of the ship within three months"

Additional word "***internal***" added

This amendment clarifies that the audit which must be planned within 3 months of the issuance of the Interim SMC is an internal audit.

The following new form has been added after the endorsement for intermediate and additional verifications to enable extension of the existing certificate on board.

Certificate No.

**ENDORSEMENT WHERE THE RENEWAL VERIFICATION
HAS BEEN COMPLETED AND PART B 13.13 OF
THE ISM CODE APPLIES**

The ship complies with the relevant provisions of part B of the ISM Code, and the Certificate should, in accordance with part B 13.13 of the ISM Code, be accepted as valid until

Signed
(Signature of authorized official)
Place
Date

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE
CERTIFICATE UNTIL REACHING THE PORT OF
VERIFICATION WHERE PART B 13.12 OF THE ISM CODE APPLIES
OR FOR A PERIOD OF GRACE WHERE PART B 13.14 OF
THE ISM CODE APPLIES**

This Certificate should, in accordance with part B 13.12 or part B 13.14 of the ISM Code, be accepted as valid until

Signed
(Signature of authorized official)
Place
Date

(Seal or stamp of the authority, as appropriate)

The following points are noteworthy regarding the amendments:

Some of the amendments are administrative

Most of the amendments clarify the intent of a section

The following have been made more explicit:

1.2.2 Assessment of all risks

9.2 Measures to prevent recurrence of a non-conformity

12.1 Internal audits intervals of 12 months

12.2 Company to review "effectiveness of SMS"

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