



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° ISM 012

CHANGES TO THE ISM CODE

I

IMO RESOLUTION MSC. 353(92)

TO: **SHIPOWNERS, SHIPS' OPERATORS AND MANAGERS, MASTERS, FLAG STATE SURVEYORS AND RECOGNIZED ORGANIZATIONS**

APPLICABLE TO: All ships to which the ISM Code applies

EFFECTIVE AS FROM: Date of this Circular

3rd September 2014

Amendments to the International Safety Management (ISM) Code will be effective on 1st January 2015. New requirements for manning, company's verification and new references related to IMO guidance will be introduced as follows:

Resources and Personnel

Amended paragraph 6.2 now states that:

"The Company should ensure that each ship is:

- 1. manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements; and*
- 2. appropriately manned in order to encompass all aspects of maintaining safe operations on board."*

Given the above compliance with minimum safe manning may not be sufficient when taking into account the operational requirements of the ship e.g. deep sea and restricted navigation, cargo loading and discharging, tank cleaning, etc. It complements Regulation 2.7 of the Maritime Labour Convention, 2006, which also requires that all operational aspects are taken into account when reviewing manning levels.

The companies are required to ensure that the ship is appropriately manned in all situations of the ship's operation [refer to the Principles of minimum safe manning, Resolution A.1047 (27)].

Company's Verification, Review and Evaluation

New paragraph 12.2 states that:

"The company should periodically verify whether all those undertaking delegated ISM-related task are acting in conformity with the Company's responsibilities under the Code."

This highlights the requirement for companies to verify that all personnel carrying out ISM-related tasks are doing so in accordance with the requirements of the Code. Companies are reminded that this applies equally to their own staff and sub-contractors.

If the company decides to delegate a particular task e.g. manning, to another entity, the company is still responsible to ensure that this task is being carried out in compliance with the Code, by carrying out periodical verifications.

Footnotes

The following new paragraph is added to the "Foreword" of the Code:

"The footnotes given in this Code are inserted for reference and guidance purposes and do not constitute requirements under the Code. However, in accordance with paragraph 1.2.3.2, all relevant guidelines, recommendations, etc. should be taken into account. In all cases the reader must make use of the latest versions of the referenced texts of the document specified in a footnote, bearing in mind that such texts may have been revised or superseded by updated material."

New footnotes details relevant IMO Circulars, guidelines and recommendations should be reviewed. These footnotes are not requirements but they should be **taken into account** when developing and reviewing a Safety Management System (SMS).

It is the company's responsibility to ensure that all existing and future guidelines and recommendations are reviewed for relevance and taken into account or adopted within the SMS.

Companies should review their SMS to ensure ongoing compliance with the Code, taking into account the amendments detailed above and the relevant guidelines and recommendations.

Annex to this Circular: IMO Resolution MCS.353 (92)

ANNEX 5

**RESOLUTION MSC.353(92)
(Adopted on 21 June 2013)**

**AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE FOR THE
SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION
(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,

NOTING 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)* (hereinafter referred to as "the ISM Code"), which has become mandatory under chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the Convention"),

NOTING ALSO article VIII(b) and regulation IX/1.1 of the Convention concerning the procedure for amending the ISM Code,

HAVING CONSIDERED, at its ninety-second 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 July 2014 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 per cent 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 January 2015 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. ALSO 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.

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ANNEX

**AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE
FOR THE SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION
(INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)**

PART A – IMPLEMENTATION

6 RESOURCES AND PERSONNEL

1 The existing text of paragraph 6.2 is replaced with the following:

"6.2 The Company should ensure that each ship is:

- .1 manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements; and
- .2 appropriately manned in order to encompass all aspects of maintaining safe operations on board.

* Refer to the *Principles of minimum safe manning*, adopted by the Organization by resolution A.1047(27)."

12 COMPANY VERIFICATION, REVIEW AND EVALUATION

2 The following new paragraph 12.2 is inserted after existing paragraph 12.1 and the existing paragraphs 12.2 to 12.6 are renumbered as 12.3 to 12.7:

"12.2 The Company should periodically verify whether all those undertaking delegated ISM-related tasks are acting in conformity with the Company's responsibilities under the Code."

Footnotes and paragraph for foreword of the publication of the Code

1 In paragraph 1.1.10, the following footnote is added after the words "Major non-conformity":

"Refer to the *Procedures concerning observed ISM Code major non-conformities* (MSC/Circ.1059-MEPC/Circ.401)."

2 In paragraph 1.2.3.2, the following footnote is added after the word "account":

"Refer to the *List of codes, recommendations, guidelines and other safety and security-related non-mandatory instruments* (MSC.1/Circ.1371)."

3 The following footnote is added at the end of the title of section 3:

"Refer to the *Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies* (MSC-MEPC.7/Circ.5)."

4 The following footnote is added at the end of the title of section 4:

"Refer to the *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* (MSC-MEPC.7/Circ.6)."

