



SHIP-SAFETY-DIVISION International Safety Management (ISM)

ISM-Circular 03-2007

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To: All shipowners, shipmanagers and designated persons of German ships and all authorized classification societies

Sub.: International Safety Management Code (ISM-Code)
Flag State Requirements

This circular provides guidelines to owners and managers of German ships concerning national requirements for the implementation of the ISM-Code. These guidelines are supplementary to the provisions of the ISM-Code (Part A/Part B) as well as IMO Resolution A.913(22) and shall be considered in the Safety Management System (SMS) of the Company. The guidelines have to be observed by Recognized Organizations (RO)/Auditors performing Safety Management Audits on behalf of the Federal Republic of Germany.

This circular supersedes ISM-Circular No. 1 of 2006 “Flag State Requirements”, dated 10.04.2006

1. General

1.1 Responsibilities

1.1.1 The See-Berufsgenossenschaft (See-BG)/Ship-Safety-Division is responsible for the effective enforcement of the provisions of the ISM-Code and for the issue of Certificates as Documents of Compliance (DOC) and Safety Management Certificates (SMC).

1.1.2 The Company may assign a recognized organization (RO) that has a written agreement with the See-BG to conduct safety management audits of the company and its ships.

1.1.3 The auditor of the RO may issue an Interim/Short Term DOC or SMC for a period not exceeding 5 months provided that the audit has been successfully completed.

1.1.4 The RO may prescribe and conduct additional ISM audits if objective evidence that justifies such additional verifications is found during office or shipboard audits. The RO has to inform the See-BG/Ship-Safety-Division in writing and in advance about the reasons and the scope of such additional audits.

- 1.1.5 The See-BG/Ship-Safety-Division retains the right to conduct audits and/or 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.913 (22).
 - 1.2.2 The RO has to inform the See-BG/Ship-Safety-Division in writing and well in advance about planned Safety Management Audits.
 - 1.2.3 As a basis for the audit, the auditor shall review the Safety Management Manual to determine the adequacy of the safety management system in meeting the requirements of the ISM-Code. No further auditing shall be conducted if the review reveals that the system is not adequate to meet the requirements of the ISM-Code until the Company undertakes 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:
 - relevant additional instructions by the See-BG/Ship-Safety-Division;
 - Port State Control Reports;
 - Results of Statutory 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.
 - 1.2.7 Auditors should encourage companies to consider and to adopt recommendations made by the IMO, Administration, classification societies and other maritime industry organizations whenever applicable to the Company.
- 1.3 Audit Documentation
 - 1.3.1 In order to ensure issuance of relevant certificates and to allow verification of the effectiveness of the Safety Management System, the RO has to submit the following audit documentation to the See-BG/Ship-Safety-Division:
 - Audit Report including a comprehensive summary of the audit and observations on the effectiveness of the Safety Management System in meeting the specified objectives
 - Audit Plan stating the actual audit times
 - Copy of the Interim/Short Term DOC or Interim/Short Term SMC (if applicable)
 - Non-conformity note(s) including corrective actions accepted by the auditor
- 1.4 Non-Conformity
 - 1.4.1 The Company is responsible for determining and initiating the corrective action needed to correct a non-conformity or to correct the cause of the non-conformity. Failure to correct non-conformities may affect the validity of certificates.

1.4.2 Corrective action for non-conformities shall be completed within the agreed time period, which shall not exceed three 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 their corrective action have to be reported in writing to the See-BG/Ship-Safety-Division (ism@see-bg.de) immediately after completion of the audit.

1.5.2 The procedures of MSC/Circ.1059 shall be taken into account if major non-conformities in a Safety Management System have been observed.

1.6 Human Element

1.6.1 The achievement of the objectives of the ISM-Code depends closely on the Human Element e.g. the crew who operates the company's system. Therefore the knowledge and experience of the officers and crew, their familiarity with the Safety Management System and company's procedures, their training and records shall be checked by observation and interview. The auditor should verify as many shipboard procedures as practicable, e.g.:

- instructions for newly employed seafarer
- emergency preparedness
- voyage planning
- watch keeping
- onboard training
- bunkering
- navigation
- deck and machinery maintenance

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

1.7 Passenger Ships, Ro-Ro Passenger Ships and High Speed Crafts

1.7.1 Verifications for Passenger Ships, Ro-Ro Passenger Ships and High Speed Crafts as well as for their operating companies are to be carried out in consultation with the See-BG/Ship-Safety-Division.

2. National Legislation

2.1 The company's SMS shall ensure compliance with 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);
- Accident Prevention Regulations (UVV-See)
- Seaman's Act

2.2 The provisions as laid down in SchSG § 3 and SchSV § 2 should be incorporated into the company's SMS.

3. Company Responsibilities

- 3.1 The owner of each vessel must provide the See-BG/Ship-Safety-Division with details of the Company responsible for the operation of the vessel.
- 3.2 The Company has to ensure, that
- official publications and documents are available in compliance with SchSV 98 § 13.1.2;
 - the content of log books are verified at least once every 12 months in compliance with SchSV 98 An.1 B.II.5;
 - the log books are kept for at least 3 years in accordance with SchSV 98 An.1 B.II.6;
 - Safety Warden and Experts for Occupational Safety are appointed in accordance with UVV-See § 12 and § 59

4. Designated Person(s)

- 4.1 The Company must provide the See-BG/Ship-Safety-Division with informations about the Designated Person(s) to ensure direct and immediate contact at all times.

5. Master's Responsibility and Authority

- 5.1 The Company has to ensure that the Master is fully conversant with the responsibilities stipulated in national legislations, e.g.
- SchSG;
 - SchSV 98 § 13.2 (Behaviour Obligations);
 - GGV-See § 9.7 (if applicable)
 - Seaman's Act
- 5.2 Furthermore the Master has to ensure that
- Watch Officers and Chief Engineer are familiar with their duties as laid down in SchSV 98 § 13.3 and § 13.4;
 - entries in log books are in compliance with SchSV An.1 B.II

6. Resources and Personal

- 6.1 The Company has to ensure that:
- each seafarer assigned to any of its ships is qualified and certified in accordance with the company's SMS, STCW and other national requirements;
 - its ships are manned in accordance with the Safe Manning Certificate;
 - documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

- 6.2 STCW A-I/14 (Responsibilities of Companies) requires the Company to provide written instructions to the Master, setting forth the policies and procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable 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, and
 - ship specific watch keeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly.
- 6.3 A knowledgeable crewmember shall be designated to ensure that essential information is provided to newly joined seafarers in a language they understand.

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 and instructions are laid down for carrying out these operations safely.
- 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 plans for shipboard operations shall include, but are not limited to:
- Procedures for performing safety drills based on the guidelines set out in MSC.1/Circ. 1206;
 - Procedures for Entering Confined Spaces, which should incorporate the provisions of UVV-See § 77

8. Emergency Preparedness

- 8.1 The emergency response planning should include, but are not limited to, the following groups of emergency situations:
- Fire;
 - Damage to the ship;
 - Pollution;
 - Unlawful acts threatening the safety of the ship and the security of its passengers and crew;
 - Personnel accidents;
 - Cargo related accidents (if applicable) and
 - Emergency assistance to other ships
- 8.2 The IMO has prepared "Guidelines for an Integrated System of Contingency Planning for Shipboard Emergencies" set out in MSC/Circ. 760. This circular is not intended to enforce a new system or replace existing systems, which are approved, however the Guidelines may be of assistance to develop an integrated system of emergency response planning.
- 8.3 The SMS shall ensure that Contingency Plans will be continuously reviewed and updated if necessary.

8.4 Training manuals in compliance with SOLAS Reg. II-2/15 and III/35 shall be available on board and they have to reflect the shipboard operational conditions.

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

9.1 It is to ensure that in 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 See-Berufsgenossenschaft will be informed immediately which is required by SchSV 98 §13 and UVV-See § 46.

9.2 The Company has to inform the See-BG/Ship-Safety-Division (ism@see-bg.de) immediately about detentions by port states.

9.3 The SMS shall include procedures making sure that reports are prepared and forwarded to the Company on all non-conformities, accidents and hazardous situations (e.g. Near-Misses). The reports shall be investigated, evaluated and analysed with the aim to:
- identify root causes;
- determine and implement appropriate corrective action;
- amend and adapt existing procedures;
- develop new procedures.

10. Maintenance of the Ship and Equipment

10.1 The maintenance system established by the Company shall ensure that maintenance, surveys, inspections and repairs are carried out in a planned and structured manner, taking into account national and international legislation, class society requirements and requirements developed by the Company.

10.2 An 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.

10.3 On-board maintenance of life-saving appliances shall be carried out in compliance with SOLAS Reg. III/20. The See-BG recommends the application of the maintenance guidelines set out in Annex 1 of MSC.1/Circ.1206.

10.4 Critical Equipment shall be identified in accordance with ISM-Code paragraph 10.3 and procedures shall be in place to ensure reliability of this equipment.

11. Company Verification, Review and Evaluation

11.1 The Company shall conduct internal company and shipboard audits at least annually.

Ship-Safety-Division