T4/8.03

MSC/Circ.890
MEPC/Circ.354
18 December 1998

INTERIM GUIDELINES FOR PORT STATE CONTROL
RELATED TO THE ISM CODE

1   The Maritime Safety Committee, at its seventieth session and the Marine Environment Protection Committee, at its forty-second session, approved Interim guidelines for port State control (PSC) related to the ISM Code, developed by the FSI Sub-Committee at its sixth session, as set out at annex. These interim guidelines will be considered further at FSI 7 with a view to producing draft amendments to resolution A.787(19).

2   When exercising port State control related to the ISM Code in accordance with regulation 6.2 of chapter IX of SOLAS 74, as amended, port States are urged to apply the interim guidelines.

3   Port States should recognize that port State control related to the ISM Code should be an inspection and not an audit.   The ISM Code has been developed to promote a safety culture and is not intended to penalise those ships/operators whose Safety Management Systems embrace the principles and requirements of the ISM Code.

4   Port States are urged to ensure that their PSC officers (PSCOs) have the requisite training and appropriate knowledge of the provisions of the ISM Code when applying the interim guidelines.

***

ANNEX

**INTERIM GUIDELINES FOR PORT STATE CONTROL
RELATED TO THE ISM CODE**

1   In pursuance of the control procedures under chapter IX of SOLAS 74 on the ISM Code, the PSCO should utilize the following guidelines.

2   To the extent applicable, the PSCO should examine the copy of the Document of Compliance (DOC), issued to the Company, and the Safety Management Certificate (SMC), issued to the ship. An SMC is not valid unless the Company holds a valid DOC for that ship type. The PSCO should in particular verify that the type of ship is included in the DOC and that the Company's particulars are the same on both the DOC and the SMC.

3   If a vessel has been issued with Interim Certificates (DOC and/or SMC), the PSCO should check whether they have been issued in accordance with the provisions of paragraphs 3.3.2 and 3.3.4 of resolution A.788(19).

4   A more detailed inspection of the Safety Management System (SMS) should be carried out if clear grounds are established. Clear grounds may include absent or inaccurate ISM Code certification or detainable or many non-detainable deficiencies in other areas.

5   When carrying out a more detailed inspection, the PSCO may utilize, but not be limited to, the following questions to ascertain the extent of compliance with the ISM Code (references to the relevant paragraphs of the ISM Code are given in *italic* print in brackets).

.1   Is there a Company safety and environmental protection policy and is the appropriate ship's personnel familiar with it? (*2.2*)

.2   Is safety management documentation (e.g. manual) readily available on board? (*1.4*)

.3   Is relevant documentation on the SMS in a working language or language understood by the ship's personnel? (*6.6*)

.4   Can senior ship officers identify the Company responsible for the operation of the ship and does this correspond with the entity specified on the ISM Code certificates? (*3*)

.5   Can senior ship officers identify the "designated person"? (*4*)

.6   Are procedures in place for establishing and maintaining contact with shore management in an emergency? (*8.3*)

.7   Are programmes for drills and exercises to prepare for emergency actions available on board? (*8.2*)

.8   How have new crew members been made familiar with their duties if they have recently joined the ship and are instructions which are essential prior to sailing available? (*6.3*)

.9   Can the master provide documented proof of his responsibilities and authority, which must include his overriding authority? (*5*)

.10   Have non-conformities been reported to the Company and has corrective action been taken by the Company? PSCOs should not normally scrutinise the contents of any Non Conformity Note (NCN) resulting from internal audits. *(9.1, 9.2)*

.11   Does the ship have a maintenance routine and are records available? (*10.2*)

6   Deficiencies in the Safety Management System should be recorded in the PSCO's inspection report. The port State authority should, if necessary, inform the flag State of deficiencies found in the SMS. Those deficiencies identified in the SMS, which are defined as major non-conformities in resolution A.788(19), have to be rectified before sailing. The procedures set out in chapter 4 of resolution A.787(19) are applicable.

_____