



The ISM Code

6. Latest amendments & EU regulation

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Dublin / 2-4 October 2018

Latest amendments

Background

- At COSS 10, it was agreed to set up a technical working group in order to evaluate the effective implementation of the ISM Code Regulation (EC) 336/2006 and to consider improvements to be proposed to the ISM Code.
- It was however agreed that the ISM Code should be preserved as much as possible and not be changed into a prescriptive rule.

ISM code amendments (2014 Edition)

6.2.1 The Company should ensure that each ship is appropriately manned in order to encompass all aspects of maintaining safe and efficient operations on board.¹⁵

Principles of minimum safe manning (A.1047(27))

12.2 The Company should periodically verify whether those entities undertaking delegated ISM-related tasks are acting in conformity with the SMS.

ISM code amendments (2014 Edition)

The footnotes in the amended Code MSC.353(92) to these guidelines 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 applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and maritime industry organizations are taken into account.

Note: In all cases the latest version of the reference text of the footnotes should be considered

Amendments to guidelines (Incl. in 2014 edition)

- Res. A.1071(28)) Revised Guidelines on the implementation of the ISM Code by Administrations. (Revokes res. A.1022(26))
- MSC-MEPC.7/Circ.6 Guidance on the qualifications, training and experience necessary for undertaking the role of the Designated Person under the provisions of the ISM Code.
- MSC-MEPC.7/Circ.7 Guidance on near-miss reporting.
- MSC-MEPC.7/Circ.8 Revised guidelines for the operational implementation of the ISM Code by Companies.

Other guidelines (cont. 1/2)

- Resolution A.1047(27) - Principles of minimum safe manning.
- MSC/Circ.1059 - Procedures concerning Major non-conformities.
- MSC-MEPC.7/Circ.9 - Guidelines for the reactivation of the safety management Certificate following an operational interruption of the safety management system due to Lay-up over a certain period. (New guideline)
- Res. A.1072 (28) - Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies, adopted by the Organization. (Revokes res. A.852(10))

Other guidelines (cont. 2/2)

- FAL.2/Circ.127 - Revised list of certificates and documents required to be carried on board ships. (IMO books)
- Circular MSC.1/Circ.1371 - List of IMO safety-related requirements and recommendations applicable to all ships or to certain types of ships. (Min list)

IACS guidance on ISM

IACS publications on ISM (www.iacs.org.uk)

- Rec. 41 - Guidance for IACS Auditors to the ISM Code
- Rec. 74 - The “Guide to Managing Maintenance”
- Rec. 92 - Guidelines for ISM Code and ISPS Code aligned audits ..
- PR. 9 - Procedural Requirements for ISM Code Certification
- PR .17 - Reporting on deficiencies possibly affecting the implementation of the ISM Code on board during surveys

Work agreements with the RO

EU Regulations 336/2006



Herald of Free Enterprise (1987)



Scandinavian Star (1990)



Estonia (1994)

The "Human factor" is the most common reason for accidents with ships.

Note: However, without Human interaction ships would not function (until now).

History

- Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries).
- ISM Code mandatory at Community level with effect from 1 July 1996 for all ro-ro passenger ferries operating on a regular service to and from ports of the Member States, on both domestic and international voyages and regardless of their flag.
- Current Regulation (EC) No 336/2006 (15 February 2006) on the implementation of the ISM Code within the Community repealing Regulation (EC) No 3051/95.

EU Regulation 336/2006

Article 2 The ISM code in its up-to-date version

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

- (1) 'the ISM Code' means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organisation by Assembly Resolution A.741(18) of 4 November 1993, as amended by Maritime Safety Committee Resolution MSC.104(73) of 5 December 2000 and set out in Annex I to this Regulation, in its up-to-date version;

EU Regulation 336/2006

Article 3 Scope (different from ISM code Reg.2: Application)

- a) Cargo ships and passenger ships, flying the flag of Member State, engaged on international voyages;
- b) Cargo ship and passenger ships engaged exclusively on domestic voyages, regardless of their flag;
- c) Cargo ship and passenger ships operating to or from ports of the Member States, on a regular service, regardless of their flag;
- d) MoDU (+500ton) operating under the authority of a Member State.

Scope



Directive 98/18/EC

'Class A'	means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D.
'Class B'	means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast , where shipwrecked persons can land, corresponding to the medium tide height.
'Class C'	means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 2,5 metres significant wave height is smaller than 10 % over a one year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than 15 miles from a place of refuge, nor more than 5 miles from the line of coast , where shipwrecked persons can land, corresponding to the medium tide height.
'Class D'	means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 1,5 metres significant wave height is smaller than 10 % over a one year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than 6 miles from a place of refuge, nor more than 3 miles from the line of coast , where shipwrecked persons can land, corresponding to the medium tide height.

Outside the scope

Article 3.2 Outside the scope

- a) Ships of war and troopships and other ships owned or operated by a Member State and used only on government non-commercial service;
- b) Ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes;

Outside the scope

- c) Fishing vessels;
- d) Cargo ships and mobile offshore drilling units of less than 500 gross tonnage;
- e) Passenger ships, other than ro-ro passenger ferries, in sea areas of Class C and D as defined in Article 4 of Directive 98/18/EC.

Norway requires ISM on fishing vessels!!

ISM on domestic passenger vessels??

EU certificates

When ships operate only in a Member State, Member States shall either use the forms in Annex II, II Part B, Section 5, of EU 336/2006, indicating the applicable operational limitations

DOCUMENT OF COMPLIANCE

(Official seal)/(State)

Certificate No

Issued under the provisions [of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended and] (*) of Regulation (EC) No 336/2006 on the implementation of the ISM Code within the Community

Under the authority of the Government of

(Name of the State)

Note EU 336/2006: Extra Ship type on the DOC = Ro-Ro passenger ferries

Requirement Ireland

The following type of vessels engaged on domestic voyages **MUST** comply:

- Cargo vessels greater than 500 gross tonnage.
- Passenger vessels operating in Class A and B sea areas as defined in EU Directive 98/18/EC.
- Class IIA, III & Class VI Passenger vessels. **What is the difference?**
- Ro – Ro Passenger Ferries operating on domestic route in sea areas A, B, C or D as defined in 98/18/EU.

ISM Reporting to EMSA

Article 10 Reporting

- The EU Member States are required to report to the Commission on the implementation of the ISM Code under Article 10(1) of Regulation (EC) 336/2006.

Article 10(3) EMSA's task is to collect these reports and draw-up a consolidated report.

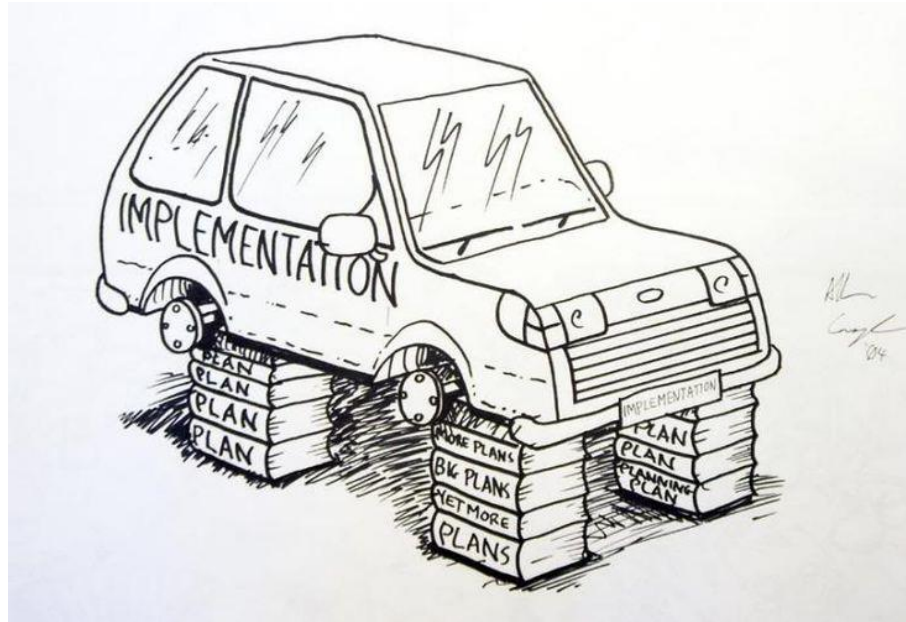
- Assess the effectiveness of the measures in place and evaluate the Member States proposals on the improvements of the ISM code and guidelines (ISM expert working).
- The report provides insight into the certification and verification carried out by and on behalf of the flag states (ROs and other administrations).

Some figures of the Consolidated Reports

- A total of 6511 ships are ISM certified and flying a Member State flag.
- A total of 1295 Document of Compliance (DOC) by the Member States.
- Member States have established about 120 work agreements with the (ROs) to perform ISM audits on their behalf.
- Bulgaria, France, Italy, Poland and Sweden do not delegate ISM verifications and certification to ROs.
- Estonia, Italy and Portugal allow the ROs to carry out audits in certain conditions/ issue certificates.

ISM Report consideration

The ISM code promotes a safety culture and may show that a management system is available, but there is no indication of the quality and content of the system and its effective implementation (minimum compliance).



It requires other tools to measure the quality the SMS (e.g.: Self assessment)!!

Questions? Discussion





Thank you for your attention!

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European Maritime Safety Agency