



**DNV·GL**

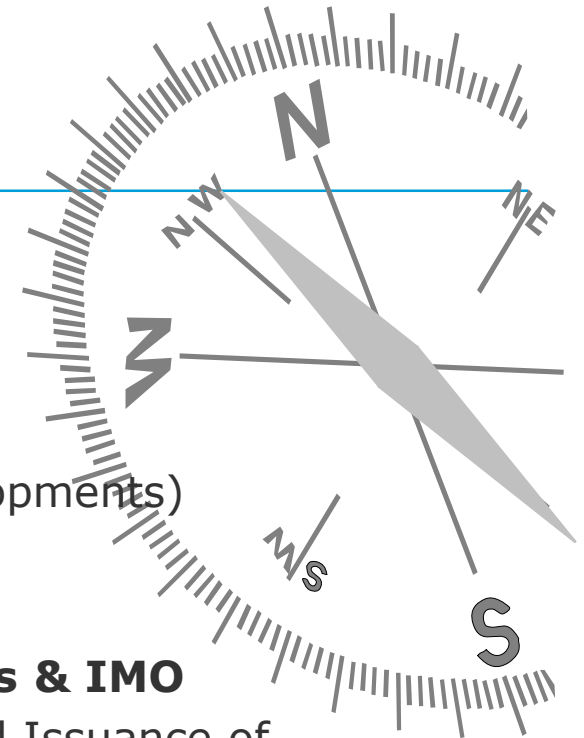


# ISM Code & Auditing Techniques EMSA Training – Module 5

# Navigator

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- Module 1 – Evolution of Management Systems and the ISM Code
- Module 2 – ISM Code Requirements (incl. latest developments)
- Module 3 – Stakeholders in Shipboard Operations
- Module 4 – Knowledge of Shipboard Operations
- ➔ **Module 5 – The ISM Code and the EC Regulations & IMO**
- Module 6 – Types and Scopes of Flag State Audits and Issuance of Certificates
- Module 7 – The Auditor
- Module 8 – Audit Planning and Organization
- Module 9 – Audit Conduction
- Module 10 – Audit Reporting & Follow-up
- Module 11 – Role Play



## EC Regulation & Directives 1/16

### EC Regulation 336 2006

This EC regulation made mandatory for all EC members the following:



The ISM code shall apply to the following types of ships and to companies operating them:

- (a) Cargo ships and passenger ships, flying the flag of a Member State, engaged on international voyages;
- (b) Cargo ships and passenger ships engaged exclusively on domestic voyages, regardless of their flag;
- (c) Cargo ships and passenger ships operating to or from ports of the Member States, on a regular shipping service, regardless of their flag;
- (d) Mobile offshore drilling units operating under the authority of a Member State.

*Note: this EC Regulation is paralleled by IMO Res.A.1118(30) for non-EU flagged vessels*

## EC Regulation & Directives 2/16

**EC Regulation 336 /2006** makes reference to the original passenger Directive 98/18/EC which in turn has been amended by Directives 2009/45/EC and EU/2017/2108. The categorization of “Classes” in Directive 98/18/EC are replaced by “Sea Areas” in Directive EU/2017/2108.



The ISM code shall not apply to the following types of ships or to the companies operating them:

- (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;
- (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 2009/45/EC

## EC Regulation & Directives 3/16

**EU Directive 2017/2108**, Classes of passenger ships, amending Directive 2009/45/EC. Passenger ships are divided into the following classes according to the sea area in which they operate:



- **Class A'** means a passenger ship engaged on domestic voyages in areas A, B, C & D .

**Area A** means a sea area outside of areas B, C and D.

- **'Class B'** means a passenger ship engaged on domestic voyages in in areas B, C & D .

**Area B** means a sea area whose geographical coordinates are at no point more than 20 miles from the line of coast, corresponding to the medium tide height, but which is outside of areas C & D

## EC Regulation & Directives 4/16

**EU Directive 2017/2108**, classes of passenger ships, amending Directive 2009/45/EC (cont)



**'Class C'**: means a passenger ship engaged on domestic voyages in areas C & D.

**Area C** means a sea area whose geographical coordinates are at any point no more than 5 miles from the line of coast corresponding to the medium height but outside of area D.

Additionally the probability of the significant wave height exceeding 2,5 metres shall be smaller than 10 % for a period of one year for all-year-round operation, or for a specific period for seasonal operation such as summer period operation

## EC Regulation & Directives 5/16

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**EU Directive 2017/2108**, classes of passenger ships, amending Directive 2009/45/EC (cont)



**“Class D”** means a passenger ship engaged on domestic voyages in areas D.

**Area D** means a sea area whose geographical coordinates are at any point not more than 3 miles from the line of coast corresponding to the medium height.

Additionally the probability of the significant wave height exceeding 1,5 metres shall be smaller than 10 % for a period of one year for all-year-round operation, or for a specific period for seasonal operation such as summer period operation

## EC Regulations 6/16

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### EC Directive 336 2006 Auditor qualification: "Section 4 of Annex II of the Directive"



Auditors or the audit team managing verification of compliance with the ISM Code shall have competence in relation to:

1. ensuring compliance with the rules and regulations including certification of seafarers, for each type of ship operated by the company;
2. approval, survey and certification activities relevant for the maritime certificates;
3. the terms of reference that must be taken into account under the safety management system as required by the ISM Code; and
4. practical experience of ship operation.



## EC Regulations 7/16

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### **EC Directive 336 2006 Auditor qualification: “Section 4 of Annex II of the Directive”**

Personnel (Auditor) who are to participate in the verification of compliance with the requirements of the ISM Code shall fulfil the minimum criteria for inspectors as laid down in *Section 2 of Annex XI to Directive 2009-16 (see next slide)*



## EC Regulations 8/16

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### ***Directive 2009/16/EC ANNEX XI*** **MINIMUM CRITERIA FOR INSPECTORS**

**1)** Inspectors must have appropriate theoretical knowledge and practical experience of ships and their operation. They must be competent in the enforcement of the requirements of Conventions and of the relevant port State control procedures. This knowledge and competence in enforcing international and Community requirements must be acquired through documented training programmes.



## EC Regulations 9/16

### **Directive 2009/16/EC ANNEX XI MINIMUM CRITERIA FOR INSPECTORS**



**2)** Inspectors must, as a minimum, have ***either***:

- (a) appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer holding or having held a valid STCW II/2 or III/2 certificate of competency not limited as regards the operating area or propulsion power or tonnage; ***or***
- (b) passed an examination recognised by the competent Authority as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years; ***or***
- (c) a relevant university degree or equivalent and have properly trained and qualified as ship safety inspectors.

## EC Regulations 10/16

### **Directive 2009/16/EC ANNEX XI MINIMUM CRITERIA FOR INSPECTORS**



- 3) The inspector must have completed a minimum of one year's service as a flag-State inspector either dealing with surveys and certification in accordance with the Conventions or involved in the monitoring of the activities of recognised organisations to which statutory tasks have been delegated, **or** gained an equivalent level of competence by following a minimum of one year's field training participating in Port State Control inspections under the guidance of experienced Port State Control Officers
- 4) The inspectors mentioned under 2(a) must have gained a maritime experience of at least 5 years, including periods served at sea as officers in the deck- or engine-department respectively, or as a flag State inspector or as an assistant port State control inspector. Such experience shall include a period of at least two years at sea as a deck or engine officer.

## EC Regulations 11/16

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### ***Directive 2009/16/EC ANNEX XI*** **MINIMUM CRITERIA FOR INSPECTORS**



- 5) The inspectors must have the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.
  
- 6) Inspectors not fulfilling the above criteria are also accepted if they are employed by the competent authority of a Member State for port State control at the date of adoption of this Directive.

## EC Regulations 12/16

### **Directive 2009/16/EC ANNEX XI MINIMUM CRITERIA FOR INSPECTORS**



7) Where in a Member State inspections are performed by port State control inspectors; those inspectors shall have appropriate qualifications, which shall include sufficient theoretical and practical experience in maritime security.

This shall normally include:

- (a) a good understanding of maritime security and how it is applied to the operations being examined;
- (b) a good working knowledge of security technologies and techniques;
- (c) a knowledge of inspection principles, procedures and techniques;
- (d) a working knowledge of the operations being examined.

## EC Regulations 13/16

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### **EC Directive 336 2006 Auditor qualification: “Section 4 of Annex II of the Directive”**

They shall have undergone training to ensure adequate competence and skills for performing verification of compliance with the requirements of the ISM Code, particularly with regard to:

- (a) knowledge and understanding of the ISM Code;
- (b) mandatory rules and regulations;
- (c) the terms of reference which the ISM Code requires that companies should take into account;
- (d) assessment techniques of examining, questioning, evaluating and reporting;
- (e) technical or operational aspects of safety management;
- (f) basic knowledge of shipping and shipboard operations; and
- (g) participation in at least one marine related management system audit.

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## EC Regulations 14/16

### EC Directive 336 2006 Auditor qualification:

“Section 4 of Annex II of the Directive”

#### ***Competence for initial verification and renewal verification***

In order to assess fully whether the company or each type of ship complies with the requirements of the ISM Code, who are to perform initial verifications or renewal verifications for a document of compliance and a safety management certificate, must possess the competence to:

- (a) determine whether or not the elements of the safety management system (SMS) conform with the ISM Code;
- (b) determine the effectiveness of the company's SMS, or that of each type of ship, to ensure compliance with rules and regulations as evidenced by the statutory and classification survey records;
- (c) assess the effectiveness of the SMS in ensuring compliance with other rules and regulations which are not covered by statutory and classification surveys and enabling verification of compliance with these rules and regulations; and
- (d) assess whether the safe practices recommended by the IMO, administrations, classification societies and maritime industry organisations have been taken into account.

This competence can be accomplished by teams, which together possess the total competence required.

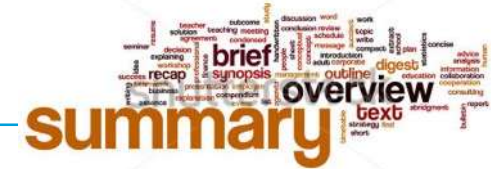
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# To be an ISM auditor for an EU Member state administration,

you must be **qualified as PSC officer or Flag State inspector**, then get the knowledge of the ISM code itself, **to participate in a special training** addressing the main topics as described in previous slide.

Additional competences are required for auditor authorised to perform initial and renewal audits.

(but could be reconsidered shortly as IMO adopted a revised resolution to proceed for all periodical audit with full scope)

## IMO Resolution 1118 (30)

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***The main changes brought to this new resolution which revoked the previous 1071(28) consist in:***

- All verifications for company and ship, except the pre-audit, shall have a full scope;
- Consequently only one level of auditor competency shall exist;
- Auditor shall have participated in four audits under the supervision of suitably qualified and experienced auditors in accordance with following criteria:
  - at least one of the ISM audits must be a company audit
  - At least one of the ISM audits must be a shipboard audit and
  - The training audits may be initial, renewal, annual or intermediate audits. Additional audits may be used, but only where they are fully scoped audits covering all elements of the ISM Code and all aspects of the management system.

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## IMO Resolution 1118 (30)



### **Certification & Verification Process (§ 4):**

- 4.1 Certification and verification activities
- 4.2 Interim verification
- 4.3 Initial verification
- 4.4 Annual verification of Document of Compliance
- 4.5 Intermediate verification of Safety Management Certificates
- 4.6 Renewal verification
- 4.7 Additional verification
- 4.8 Safety management audits
- 4.9 Application for audit
- 4.10 Preliminary review (Document review)
- 4.11 Preparing the audit
- 4.12 Executing the audit
- 4.13 Audit report
- 4.14 Corrective action follow-up
- 4.15 Company responsibilities pertaining to safety management audits
- 4.16 Responsibilities of the organization performing the ISM Code certification
- 4.17 Responsibilities of the verification team

## Closing – Module 5

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**Do you have any further questions?**

