

M.S. Notice 28 of 2003

No. ENG/ISM/59(4)/97

Dated: October 8, 2003

Sub: Instruction to Ship Owners/Companies and Auditors on the Certification of Safety Management System to the ISM Code

This Notice supersedes the earlier issued M.S. Notice No. 9 of 2003 dated 23/4/2003 on the same subject.

The entry into force of Chapter IX of SOLAS made the ISM Code mandatory as from 1st July 1998 for the Phase-I vessels and from 1st July, 2002 for the phase II vessels, i.e., Other Cargo Ships and Mobile Offshore Drilling Units (MODU's) of 500 Gross Tonnage and upwards.

Following procedure to be adopted by all concerned for the ISM Code implementation and certification:
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1.0 Ship Owner / Manager's Responsibility: -

1.1 The enclosed form DGS/ISM-01 (joint declaration from the Owners and the Company) and DGS/ISM-02 to be submitted in original duly certified by the concerned Registrar of Ships.

In case the company is already in possession of a DoC issued by the D.G.Shipping for the type of vessel in question, then they need to submit the form DGS/ISM-01 in original on receipt of this Notice. In case of changes of the Management of vessel, each party (i.e., the owner and the company) is obliged to promptly advise the ISM Cell on the changes by completing the appropriate form.

A Management company wishes to be assessed and certified before entering in to an agreement with the Owner of an Indian Flag Ship, for the Management of such a ship, should fill form DGS/ISM-02 without mentioning the name of the vessel.

1.2 After complying with above stated declaration, company shall submit to the D.G.Shipping their Safety Management System (SMS) Manual addressing all clauses of the ISM Code for verification. On satisfactory completion of the verification of the company's SMS Manual, the request for Audit of their office(s) towards DoC to be made. On obtaining DoC, the company shall present their vessels for Audit towards SMC. At present the recognised Organisation for carrying out SMC Audit of the Ships on behalf of D.G.Shipping is The Indian Register of Shipping (IRS), Mumbai. For those shipping companies, operating more than 10 ships, the D.G.Shipping may pick up one vessel of each ship type and carryout the Audit towards interim / initial SMC as a Sample ship Audit. The D.G.Shipping at its discretion may carryout Sample ship SMC Audit for those companies operating less than 10 ships. Nevertheless, the ship owners / companies are requested to mark copy of their SMC Audit request to Indian Register of shipping (IRS), Mumbai and also to the D.G.Shipping and concerned MMD's.

1.3 The owner / company must apply for the Audit giving sufficient time (minimum 30 days notice) for DoC / SMC Audit of company / ship. Application for the Audit request to be accompanied with the Audit fees (Audit request form DGS/ISM - 03). The ship owner shall remain accountable and responsible for the settlement of all fees, dues or other charges due to the D.G.Shipping by the company or of any other cost which the D.G.Shipping may incur in connection with any matter attributed, associated, related or resulting from the work of the company.

1.4 The owner / company must not pay any Audit fees concerning the ISM certification to any party other than its authorised Classification Society, i.e., Indian Register of Shipping, Mumbai for the SMC Audits and to the D.G.Shipping for DoC / SMC Audits as required. In case of any overtime fees are involved then same to be paid by the company to the Principal Officer of the concerned MMD or to the D.G.Shipping as applicable separately as per **Annex-I**.

1.5 The owner and the company have the right and obligation to refer any issues, which arise at any stage during the Audit, Verification and Certification process and at any stage thereafter to the Chief Surveyor with the Govt. of India, D.G.Shipping for consideration and advice. Also incase the owner / company have a different opinion or view from the views of the Auditor, the matter should be immediately referred to the Chief Surveyor with the Govt. of India, D.G.Shipping for consideration and instructions to the Auditor or to the company, as the case may be.

1.6 The owner / company must not establish any contact with any Auditor or request any particular Auditor for the purpose of Auditing of their Safety Management System prior receiving Auditor nomination from the Directorate.

1.7 The owner / company must ensure that their authorised representatives are associated with ISM related jobs. No Agents to be empowered to liase with the Directorate. For those owners / company not having office in Mumbai are required to liase with the Directorate by post, Fax, etc. and in exceptional cases the Directorate at its discretion may accept the authorised company's agent.

2.0 Auditors Responsibility: -

2.1 Authorised Auditor shall carryout the assessment, auditing, verification and certification of the shore based part or the ship based part of the SMS on behalf of the D.G.Shipping only upon receipt of the nomination from the ISM Cell of the Directorate.

2.2 Auditor after completion of Audit must write a clear recommendation indicating the validity period of the certificate and shall handover the original assessment report to the company / vessel. Auditor must ensure that on completion of Audit, report is compiled and sent to the ISM Cell of the Directorate immediately. The report must include at least the copies of the followings: -

- i) Assessment Summary Report
- ii) Assessment Report
- iii) Audit Schedule, Auditors Log (original log to be maintained by the Auditor)
- v) NC Reports indicating ISM Code Sub-Clause number.
- vi) Certificate of Registry / Class Certificate / Crew List / Ships particulars in case of SMC Audit.
- vii) Document Review.

2.3 Only D.G.Shipping nominated Auditor shall conduct the ISM (DoC / SMC) Audit. In case of absence of any of the nominated Auditors on the date of Audit, the Team Leader may start the Audit on obtaining approval from ISM Cell of the Directorate (either on fax / telephone / e-mail, etc). In the case of absence of Team Leader, the Audit Team Members must obtain prior approval from the Chief Surveyor with the Govt. of India and only after getting such approval the Audit should commence.

2.4 Auditors carrying out Interim DoC and Interim SMC Audit to comply with the following requirements

For interim DoC Audit the verification is to be made to see that the company has plans to implement the safety management system meeting the full requirements of the ISM Code within the period of validity of interim DoC.

For interim SMC Audit the verification is to be made for the followings

- i) The DoC, or the interim DoC , is relevant to the ship concerned

ii) The safety management system provided by the company for the ship concerned includes key elements of the ISM Code and has been assessed during the audit for issuance of the Document of Compliance or demonstrated for issuance of the interim DoC

iii) The company has planned the audit of the ship within three months

iv) The master and officers are familiar with the safety management system and the planned arrangements for its implementation

v) Instructions, which have been identified as being essential, are provided prior to sailing; and

vi) Relevant information on the safety management system has been given in a working language or languages understood by the ship's personnel. The deficiencies noticed with the SMS during such Audit must be brought out as non-conformity, if applicable.

2.5 Auditor(s) must not change the Audit dates without the consent of the ISM Cell of the Directorate.

2.6 Auditor(s) must not refuse to carryout the Audit once their name(s) are nominated. The Auditor(s) change may be considered at the Directorate only in exceptional cases provided the Auditor(s) submit the written request for the change immediately after receiving the nomination.

2.7 After receipt of the auditor nomination if the Team Leader notices that he has already done the immediate preceding Audit of the company / ship as a Team Leader or have an opinion for the change in the composition of the Audit Team for an effective Auditing, he must inform the Directorate forthwith for a change and if practicable the ISM cell shall nominate an alternate / change the Team composition.

3.0 Conclusion: -

3.1 The above instructions and the enclosed applications form to be complied by all concerned with immediate effect till such time they are amended by D.G.Shipping.

3.2 For any clarifications, the owners / companies may contact ISM Cell of the Directorate between 1500 to 1630 hrs on working days. The details of the contact persons of the Directorate for the purpose of day-to-day functioning of ISM cell are as detailed below.

Dr. P.Misra, Dy. Chief Surveyor with the Govt. of India

Tel. No. 022-22633065(O), 27580132◆

S.Barik, Engineer & Ship Surveyor,

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Sd/-

(Dr.P. Misra)

Dy. Chief Surveyor with Govt. of India