

PORT STATE CONTROL COMMITTEE INSTRUCTION 52/2019/09

GUIDELINES FOR THE PORT STATE CONTROL OFFICER ON THE ISM CODE

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1. INTRODUCTION

1.1. General

The ISM Code has been made a mandatory instrument according to SOLAS 74, as amended, Chapter IX, Regulation 3.

The Administration is responsible for verifying compliance with the requirements of the ISM Code and issuing Documents of Compliance to Companies and Safety Management Certificates to ships. This verification is carried out by the Administration or the RO.

The PSCO conducts an inspection of the ship, which is a sampling process and gives a snapshot of the vessel on a particular day.

1.2. Goals and Purpose

This instruction is to provide guidance for the harmonized reporting and follow up of ISM deficiencies in the scope of a PSC inspection.

The following points should be observed;

ISM auditing is the responsibility of the flag State and the Company and does not fall under the scope of port State control.

The SMS documentation may be in a language not understood by the PSCO. It is not a harmonised procedure if the PSCO looks at the SMS documentation on ONLY those ships where they can understand the language.

1.3. Application

The ISM Code applies to the following types of ships engaged on international voyages:

- all passenger vessels including passenger high speed craft; and
- oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed craft of 500 gross tonnage and upwards; and
- other cargo ships and self propelled MODUs of 500 gross tonnage and upwards.

For establishing the applicability of SOLAS Chapter IX and the ISM Code; “Gross Tonnage” means the gross tonnage of the ship as determined under the provisions of the International Convention on the Tonnage Measurement of Ships, 1969 and is stated on the International Tonnage Certificate (1969) of the ship.

The ISM Code does not apply to government-operated ships used for non-commercial purposes.

1.4. Relevant Documentation

- SOLAS
- ISM Code
- Copy of the Interim DOC, or Copy of the DOC
- Interim SMC, or SMC

1.5. Definitions and Abbreviations

The PSCC Instruction containing “Definitions and Abbreviations” serves as general document and is to be used in conjunction with this Paris MoU document.

2. INSPECTION OF SHIP

2.1. Pre-Boarding Preparation

The PSCO should consult the PMoU database to gain an overview of the previous inspection history of the ship including any outstanding deficiencies and the performance of the Company.

The EQUASIS database may also be consulted for more information on the performance history.

2.2. Initial Inspection

2.2.1. The pre-boarding preparation, composition of the inspection team, the approach to the vessel, the boarding of the vessel and the initial inspection should be carried out in accordance with the PMoU procedures.

2.2.2. During the initial PSC inspection, the PSCO should verify that the ship carries the ISM certificates according to SOLAS Chapter IX and the ISM Code by examining the copy of the DOC and the SMC, for which the following points are to be considered:

- 1) A copy of the DOC should be on board. However, according to SOLAS, the copy of the DOC is not required to be authenticated or certified.

The copy of the DOC should have the required endorsements.

- 2) The SMC is not valid unless the operating Company holds a valid DOC for that ship type. The ship type in the SMC should be included in the DOC and the Company's particulars should be the same on both the DOC and the SMC.

The SMC should have the required endorsements.

- 3) The validity of an Interim DOC should not exceed a period of 12 months.

The validity of an Interim SMC should not exceed a period of 6 months.

In special cases, the Administration, or at the request of the Administration another Government, may extend the validity of the Interim SMC for a period, which should not exceed 6 months from the date of expiry.

- 4) ROs may issue a short term DOC or SMC not exceeding 5 months, whilst the full term certificate is being prepared in accordance with their internal procedures.

- 5) If a renewal verification has been completed and a new SMC cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or RO may endorse the existing certificate. Such a certificate should be accepted as valid for a further period which should not exceed 5 months from the expiry date.

- 6) If a ship at the time when a SMC expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the SMC but this extension should be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified, and then only in cases where it appears proper and reasonable to do so.

No SMC should be extended for a period of longer than 3 months, and the ship to which an extension is granted should not, on its arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new SMC. When the renewal verification is completed, the new SMC should be valid to a date not exceeding 5 years from the expiry date of the existing SMC before the extension was granted.

2.2.3. If no technical or operational related deficiencies are found during an initial inspection carried out in accordance with the PMoU procedures and guidelines, there is no need to consider the ISM aspect.

2.3. Clear Grounds

Clear grounds and the subsequent more detailed inspection only exists for technical or operational related deficiencies.

Since the PSCO is not carrying out a safety management audit of the SMS during a PSC inspection, the term clear grounds is not applicable in the context of the ISM Code.

2.4. More Detailed Inspection

2.4.1. If a more detailed inspection is carried out, this should be done in accordance with the PMoU procedures. Any technical and/or operational related deficiencies found during this inspection should be, individually or collectively considered by the PSCO, using their professional judgement, to indicate that either:

- a. these do not indicate a failure, or lack of effectiveness, of the implementation of the ISM Code;
or
- b. there is a failure, or lack of effectiveness, of the implementation of the ISM Code;

For any follow-up actions, see paragraph 3 of this Guideline.

2.4.2. If an outstanding ISM deficiency with code 15150, defective item ISM and action taken code 21 from a previous PSC inspection exists and the current PSC inspection is more than 3 months later, the PSCO will verify during the present PSC inspection the effectiveness of any corrective action taken by the Company by examining the areas of the technical and/or operational related deficiencies (marked "ISM") of the previous PSC inspection report which led to the issuance of the ISM deficiency.

For the follow-up action, see paragraph 3 of this Guideline.

2.5. Expanded Inspection

If an expanded inspection is carried out, this should be done in accordance with the PMoU procedures and guidelines. Any technical and/or operational related deficiencies found during this inspection should be considered by the PSCO in accordance with paragraph 2.4.1 above.

3. FOLLOW-UP ACTION

3.1. Technical, Operational and ISM Deficiencies

3.1.1. The principles outlined in the PMoU with regard to reporting and rectification of technical or operational deficiencies, and detention and release of the ship is applicable.

3.1.2. If there are technical or operational related deficiencies reported:

- a. Which, whether detainable or non-detainable do not indicate a failure, or lack of effectiveness, of the implementation of the ISM Code. These deficiencies will not be marked as ISM-related and thus also no ISM deficiency code 15150 should be reported in the PSC inspection report.
- b. of which at least one non-detainable deficiency was marked as ISM related and thus indicates a failure, or lack of effectiveness, of the implementation of the ISM Code;

Report an ISM related deficiency (15150) in the PSC inspection report with the requirement of corrective action within 3 months (action taken code 21).

- c. Which individually do not lead to detention but collectively (due to the combination of deficiencies of a less serious nature as described under Section 3.4 of the PMoU Memorandum

and under the Guidance on action taken codes) warrant the detention of the ship, all of the deficiencies should be marked as ISM related. Additionally, the PSCO shall report an ISM deficiency (code 15150) marked as "ground for detention" in the PSC inspection report with the requirement that a safety management audit has to be carried by the Administration or the RO before the ship may be released from detention (action taken code 19).

- d. of which at least one detainable deficiency was marked as ISM related and thus indicates a serious failure, or lack of effectiveness, of the implementation of the ISM Code;

Report an ISM deficiency (code 15150) marked as "ground for detention" in the PSC inspection report with the requirement that a safety management audit has to be carried by the Administration or the RO before the ship may be released from detention (action taken code 19).

Note: In case described in the paragraphs 3.1.2.b, c and d above, ONLY one ISM deficiency shall be reported.

- 3.1.3. The follow-up by the Company of the required corrective action taken on the ISM system (action taken code 21) or safety management audit (action taken code 19) should not be limited to only the rectification of the technical and/or operational deficiencies found.

The Company should investigate and analyse the outcome of the safety management audit, if applicable. Furthermore, the Company should ensure that according to their established procedures corrective action is taken, including the implementation of measures intended to prevent recurrence, for at least every technical and/or operation deficiency marked (ISM) in the PSC inspection report.

The PSCO will verify the effectiveness of any corrective action by examining the areas of the technical and/or operational deficiencies of the (previous) PSC inspection report which led to the issuance of the ISM deficiency.

After a satisfactory examination, the sequence of action taken codes issued should be:

Action taken code 19 → 21 → 10, or 21 → 10 (dependent on which action taken code was initially issued).

Examination of the areas in relation to an action taken code 21 found not satisfactory action taken code 21 will be raised to 19.

In this case the PSCO should apply the following procedure:

- 1) Record one or more technical/operational deficiencies, detainable or not, in the same area(s) which led to the issuance of the ISM deficiency¹;
- 2) Mark the deficiency(ies) "ISM related" and add in the additional comments the following text: "*This deficiency shows a non-effective implementation of the ISM code in the areas where ISM related deficiency(ies) were found during the PSC inspection on_____*";
- 3) Record a new ISM deficiency code 15150 as "ground for detention" with action taken code 19;
- 4) Close the outstanding 15150 deficiency from the previous inspection when the ship is re-inspected for the release from the detention.

3.2. Deficiencies Not Warranting Detention

- ¹ According PSCC Instruction any recorded ISM related deficiency (15150) should be linked to an operational/technical deficiency "ISM related".

- 3.2.1. Minor typing errors in the DOC or the SMC should be reported in the PSC inspection report as a technical deficiency under respectively code 01106 with defective item DOC, or code 01107 with defective item SMC.
- 3.2.2. If technical and/or operational deficiencies are found and reported during the PSC inspection, which do not warrant detention but in the professional judgement of the PSCO provide objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code; report additionally in the PSC inspection report an ISM deficiency with code 15150 and action taken code 21.

3.3. Deficiencies Warranting Detention

- 3.3.1. Technical and/or operational deficiencies which individually or collectively provide objective evidence of a serious failure, or lack of effectiveness, of the implementation of the ISM Code.

- 1) There is no SMC and/or copy of the DOC on board of the ship.
- 2) There is no valid SMC on board;

The SMC should be issued to a ship for a period which should not exceed 5 years. The validity of the SMC should be subject to at least one intermediate verification. If only one intermediate verification is to be carried out and the period of validity of the SMC is 5 years, it should take place between the second and third anniversary dates (counted back from the expiry date) of the SMC.

- 3) The SMC intermediate verification is overdue.
- 4) The SMC is expired and there is no objective evidence of an extension issued by the Administration;

Where the SMC has been withdrawn by the Administration:

- the port State should ensure that the ship does not operate (such steps may include detention or other action) until the SMC is reissued.
- as a result of detainable deficiency(s), an Interim SMC should not be issued. The new SMC should have the same expiry date, as the withdrawn SMC.

- 5) The DOC is expired or withdrawn;

The port State should ensure that the ship does not operate (such steps may include detention or other action) until the DOC has been re-issued.

- 6) The ship type as indicated on the SMC not listed on the DOC.
- 7) Evidence of the DOC annual verification is not available on board;

Upon request of the port State, the Administration should provide relevant information available to the Administration concerning the current validity of the DOC presented by the ship.

- 8) The copy of the DOC certificate number on the DOC and the endorsement pages are not the same.
- 9) The Company name, the Company address or the issuing Government authority on the DOC is not the same as on the SMC.

4. REPORTING

- 4.1. Technical and Operational Related Deficiencies

- 4.1.1. All technical and/or operational deficiencies shall be recorded as an individual deficiency in the PSC inspection report according to the PMoU procedures.
- 4.1.2. A technical deficiency with the defective item DOC should be recorded in the PSC inspection report under code 01106 and for the defective item SMC under code 01107.

4.2. ISM Deficiency

- 4.2.1. Where the PSCO has considered the technical and/or operational deficiencies found, and concluded these provide objective evidence of a (serious) failure, or lack of effectiveness, of the implementation of the ISM Code, an ISM deficiency should be reported in the PSC inspection report. The Convention reference is SOLAS Chapter IX, Regulation 3 There is no need to link the ISM deficiency further to a relevant paragraph of the ISM Code.

The technical and/or operational deficiencies, which are ISM related, should be indicated in the PSC inspection report by ticking the “**ISM related**” box behind the additional comment of the particular technical and/or operational deficiencies.

Although ISM deficiency code 15150 can only be raised once during an inspection, a ship can have multiple ISM deficiencies code 15150 raised during different inspections.

If an ISM deficiency code 15150 is raised during the current inspection, any other ISM deficiency code 15150 should remain as outstanding if the due date for rectification has not been passed.

More than one ISM deficiency code 15150 can be closed by one re-inspection only if upon re-inspection after 3 months the PSCO is satisfied with the effective implementation of the ISM Code in the areas where all previous deficiencies, marked ISM related, were found.

- 4.2.2. An ISM deficiency in the PSC inspection report should be reported as follows:

Code : 15150

Defective item : ISM

Nature of defect : Not as required

Convention reference : SOLAS Chapter IX Regulation 3

Action taken : 21 or 19*

21 - Corrective action taken on the ISM system by the Company is required within 3 months.

19 - Safety management audit by the Administration is required before departure of the ship.

Additional comments : Standard text in relation to the action taken code;

(21) - Corrective action taken on the ISM system by the Company is required within 3 months. Deficiency(s) marked ISM is (are) objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code. The ship will be eligible for reinspection after 3 months from the final date of the report.

(19) - Safety management audit by the Administration is required before departure of the ship. Deficiency(s) marked ISM is (are) objective evidence of a serious failure, or lack of effectiveness, of implementation of the ISM Code.

Upon re-inspection after 3 months the PSCO should be satisfied with the effective implementation of the ISM Code in the areas where all previous deficiencies, marked ISM related, were found.

- 4.2.3. Where due to the reported ISM deficiency with action taken code 19, the safety management audit by the Administration or the RO has been carried out, the action taken code 19 should be followed by 21

and in relation to that the standard text in the additional comments in accordance with paragraph 4.2.2 above.

The marker “Ground for detention” should remain in the final report and not be removed in the database.

4.3. Example PSC Inspection Report

If for instance,

- the PSCO establishes the following technical deficiency,
 - and,
 - considers, using their professional judgement, that this technical deficiency indicates a failure, or lack of effectiveness, of the implementation of the ISM Code,
 - the PSCO should,
 - report the technical deficiency in the PSC inspection report by ticking the “**ISM related**” box
- Furthermore, the PSCO should report an ISM deficiency in the PSC inspection report with code 15150, action taken code 21 and in relation to that the standard text in the additional comments section in accordance with paragraph 4.2.2 above.

code	Defective item	Nature of defect	Convention reference	Action taken	Additional comments	ISM Related
15150	ISM	Not as required	SOLAS Chapter IX Regulation 3	21	Corrective action on the ISM system taken by the Company is required within 3 months. Deficiency(s) marked ISM is (are) objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code. The ship will be eligible for re-inspection after 3 months from the final date of the report.	<input type="checkbox"/>

However, if,

- the PSCO considers, using their professional judgement, that this technical deficiency indicates a serious failure, or lack of effectiveness, of the implementation of the ISM Code,
- the PSCO should,
- report the technical deficiency in the PSC inspection report by ticking the “**ISM related**” box

Furthermore, the PSCO should report an ISM deficiency in the PSC inspection report with code 15150, action taken code 19 and in relation to that the standard text in the additional comments section in accordance with paragraph 4.2.2 above.

code	Defective item	Nature of defect	Convention reference	Action taken	Additional comments	ISM Related
15150	ISM	Not as required	SOLAS Chapter IX Regulation 3	19	Safety management audit by the Administration is required before departure of the ship. Deficiency(s) marked ISM is (are) objective evidence of a serious failure, or lack of effectiveness, of the implementation of the ISM Code.	<input type="checkbox"/>

When after re-inspection the PSCO decides that the technical deficiency and the ISM deficiency (in this example) have been satisfactorily dealt with,

- the technical deficiency action taken code should be 10 (deficiency rectified), and,
- the ISM deficiency should be followed by an action taken code 21 and in relation to that the standard text in the additional comments in accordance with paragraph 4.2.2 above.

The ship may be released from detention.

code	Defective item	Nature of defect	Convention reference	Action taken	Additional comments	ISM Related
15150	ISM	Not as required	SOLAS Chapter IX Regulation 3	21	Corrective action on the ISM system taken by the Company is required within 3 months. Deficiency(s) marked ISM is (are) objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code. The ship will be eligible for re-inspection after 3 months from the final date of the report.	<input type="checkbox"/>

In THETIS action taken code 17 (rectify before departure) in combination with “detainable: YES” has to substitute code 19.

ANNEX: FLOWCHART

ISM INSTRUCTION ANNEX 1

Execution of an Initial, More Detailed and/or Expanded Inspection
Outstanding ISM deficiencies of former PSC inspections should be checked and verified for rectification.

PSCO is finalizing the inspection by filling the PSC inspection

Report detainable and/or non-detainable technical/operational related deficiency(s) found.

Professional Judgement:
Determine if the (detainable) deficiency(s) is (are) caused by a failure, or lack of effectiveness of the implementation of the ISM Code.
AND
Indicate on Form B which technical/operational related deficiency(s) is (are) ISM related by ticking the "ISM Related" box behind the additional comment.
AND
Report only one of the next two possible ISM deficiencies:

ISM related deficiency:
GC: 15150 / DI: ISM / NoD: Not as required / AT: 21 / AC: Corrective action on the ISM system taken by the Company is required within 3 months. Deficiency(s) marked ISM is (are) objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code.

ISM related deficiency:
GC: 15150 / DI: ISM / NoD: Not as required / AT: 19 / AC: Safety management audit by the Administration is required before departure of the ship. Deficiency(s) marked ISM is (are) objective evidence of a serious failure, or lack of effectiveness, of the implementation of the ISM Code.

Verify after 3 months that corrective action on the ISM system taken by the Company has been completed. Check the effectiveness of corrective action by examining areas of technical/operational deficiencies marked ISM in previous PSC inspection report.

Verify during re-inspection that safety management audit has been performed. The content of the safety management audit report should not be evaluated.

If satisfactory, report the ISM deficiency as rectified.

If satisfactory, the AT 19 should be followed by AT 21 with the related AC (see next block). Ship may be released from her detention.

If the effectiveness of corrective action taken by the Company of the examined technical/operational deficiencies marked ISM was not satisfactory

GC = Group Code
DI = Defective Item
NoD = Nature of Defect
AT = Action Taken Code
AC = Additional Comment

Mark the deficiency(ies) "ISM related" and add in the additional comments the following text: "This deficiency shows a non-effective implementation of the ISM code in the areas where ISM related deficiency(ies) were found during the PSC inspection on_____";