

Ref. T2/4.14

TIMELY AND EFFECTIVE IMPLEMENTATION OF THE ISM CODE

Background

1 The Maritime Safety Committee, at its sixty-sixth session (28 May to 6 June 1996), and the Marine Environment Protection Committee, at its thirty-eighth session (1 to 10 July 1996), recalled developments within the Organization concerning the adoption and implementation of the ISM Code, namely that:

- .1 The Assembly, at its eighteenth session in November 1993, unanimously adopted, at the recommendation of the MSC and MEPC, resolution A.741(18) on the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code);
- .2 The 1994 SOLAS Conference, in May 1994, adopted a new Chapter IX on Management for the Safe Operation of Ships, by virtue of which the ISM Code is due to become mandatory on 1 July 1998 (the date on which the new chapter will apply to passenger ships, including passenger high-speed craft, oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and upwards, regardless of their date of construction);
- .3 The 1994 SOLAS Conference recognized that the implementation of the requirements of Chapter IX would place a significant burden on Administrations, organizations acting on their behalf, shipowners and operators and took note that experience had shown that it might require as much as two years preparation by shipowners and operators to establish a safety management system that would meet the standard required by the ISM Code;
- .4 It also noted that, even allowing for a necessary period of preparation, a large number of applications for certification under the ISM Code might be submitted close to the application dates specified in SOLAS regulation IX/2;
- .5 It therefore resolved (Resolution 2 - Implementation of Chapter IX of the 1974 SOLAS Convention on Management for the Safe Operation of Ships) to "Recommend that all Administrations concerned designate dates in advance of the application dates specified in regulation 2 of Chapter IX by which requests for certification should be submitted for each ship type, in order to allow Administrations or organizations recognized by them time to complete their certification schedule, and shipping companies to rectify any non-compliance"; and
- .6 The Assembly, at its nineteenth session in November 1995, unanimously adopted, at the recommendation of the MSC and MEPC, resolution A.788(19) on Guidelines on

Implementation of the International Safety Management (ISM) Code by Administrations, in operative paragraph 3 of which it:

"Urges Governments to request the companies concerned to apply for certification under the ISM Code as soon as possible but not later than twelve months prior to the ISM Code becoming mandatory for ships belonging thereto."

2 The Maritime Safety Committee and the Marine Environment Protection Committee attach great importance to the timely and effective implementation of the ISM Code, being firmly convinced of the beneficial impact it will have on enhanced maritime safety and environmental protection.

Action to be taken

3 The Committees, noting with concern the information that only a small percentage of shipping companies and ships have either applied or obtained the certification required by the ISM Code, although the need for their doing so has been emphasized in the aforementioned SOLAS Conference and Assembly resolutions, that some Administrations have apparently not yet enacted the required domestic regulations, and that the initial implementation date for the Code is now not too far away, decided to invite:

.1 Flag State Administrations

- .1.1 to prepare the necessary legislation giving effect to SOLAS chapter IX as a matter of urgency;
- .1.2 to set a firm date in advance of the application dates specified in regulation 2 of SOLAS chapter IX by which requests for certification should be submitted for each ship type in compliance with resolution A.788(19);
- .1.3 to inform companies operating ships under their flag of the intent, content and consequences of the pending legislation and instruct such companies to prepare for the entry into force of SOLAS chapter IX sufficiently in advance to avoid delays in auditing and certification;
- .1.4 to decide and inform on the possible delegation of work to recognized organizations and to instruct organizations recognized by them on the national requirements with respect to audits and certification; and
- .1.5 to enter into a positive dialogue with other involved administrations in order to facilitate the auditing and certification process and to avoid unnecessary duplication of work;

.2 Shipping companies

pending the entry into force of national legislation and, as soon as possible, to take, in close co-operation with the certifying body involved, all necessary measures required by the ISM Code to obtain the Document of Compliance and to have their ships issued with Safety Management Certificates, as appropriate;

.3 Recognized Organizations

to co-operate with flag States in the work preparatory to issuing Documents of Compliance and Safety Management Certificates; and

.4 Port State Administrations

in co-operation with other port States and flag States to develop and communicate, as soon as possible, operational measures which will be put in place when chapter IX of SOLAS will enter into force, in order to ascertain that ships entering their ports have been issued with the appropriate certification.

Incentives

4 In view of the beneficial impact of the timely and effective implementation of the ISM Code the Committees invited all relevant parties to consider taking any appropriate measures to ensure that shipping companies will be in a position to implement the ISM Code within the specified deadlines.
