



Risk Assessment Solutions

## **“Prevent, Don’t Cure”**

### **Circular 02/11/2014**

#### ***Subject: Amendments to the ISM Code - Important Issue!***

In connection to our **“Don’t Cure, Prevent”** policy, and further to our Circular **02/08/14** issued on **August 2014**, we would like to inform our clients that **on 1<sup>st</sup> January 2015**, amendments to the International Safety Management (ISM) Code will enter into force, introducing new requirements for manning and company verification, and new references to related IMO guidance, as listed below:

**a. Changes to manning requirements:** *(Paragraph 6 “Resources and Personnel” §6.2 Amended)*

New paragraph 6.2 now states that:

“The company should ensure that each ship is:

1. Manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements; and
2. Appropriately manned in order to encompass all aspects of maintaining safe operations on board.”

**“Prevention at Sea”** comments: The aforementioned amendment highlights that manning levels on board shall be sufficient taking into account the ship’s operating conditions. The IMO Resolution A.1047 (27), see attached, provides updated **guidelines** for the application of principles of minimum safe manning. Hence, compliance with minimum safe manning may not be sufficient when taking into account the operational requirements of the ship. Furthermore, the MLC 2006 regulation 2.7 states that ships should have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently, and with due regard to security under all conditions. Therefore, the Companies will be requested to evidence that the ship’s trading commitments, size & type, navigation, cargo operations, avoidance of damage to the marine environment and to property, welfare and health of seafarers, prevention of fatigue etc have been considered/assessed when configuring the crew synthesis.

**b. New company verification requirement:** *(Paragraph 12 “Company verification, Review and Evaluation”; new paragraph 12.2 is inserted after existing paragraph 12.1 and the existing paragraphs 12.2 to 12.6 are renumbered as 12.3 to 12.7.)*

New paragraph 12.2 now states that:

“The company should periodically verify whether all those undertaking delegated ISM-related tasks are acting in conformity with the Company’s responsibilities under the Code.”



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**“Prevention at Sea”** comments: The aforementioned amendment clarifies the Company is responsible for ensuring that ISM related tasks that are delegated out to another entity (subcontractor) or internally within the Company are acting in conformity with the Company’s policy and meet the requirements of the ISM Code. The subject amendment reinforces the requirement for Companies to periodically verify that all personnel or subcontractors carrying out ISM related tasks are doing so in accordance with the requirements of the ISM Code.

**c. New footnotes:** *Footnotes and paragraph for foreword of the publication of the Code are amended*

New footnotes detail relevant to IMO circulars, guidelines and recommendations are added.

The following new paragraph is added to the foreword of the publication of the Code:

**"The footnotes given in this Code 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 relevant guidelines, recommendations, etc. should be taken into account. In all cases the reader must make use of the latest versions of the referenced texts of the document specified in a footnote, bearing in mind that such texts may have been revised or superseded by updated material."

**“Prevention at Sea”** comments: The aforementioned paragraph clarifies that Companies ensure ongoing compliance with the code, review all the existing/future guidelines and recommendations for relevance, take into account the amendments and the relevant guidelines and recommendations or adopt same within their SMS.

*Our Maritime Team is in position to review the Company’s SMS and propose effective and efficient solutions for smooth compliance with the forthcoming ISM amendments.*

We remain at your disposal for more details,

**Prevention at Sea**