

ANNEX 8

**RESOLUTION MSC.273(85)
(adopted on 4 December 2008)**

**ADOPTION OF AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE
FOR THE SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION
(INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING resolution A.741(18), by which the Assembly adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code) (hereinafter referred to as “the ISM Code”), which has become mandatory under chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as “the Convention”),

NOTING ALSO article VIII(b) and regulation IX/1.1 of the Convention concerning the procedure for amending the ISM Code,

HAVING CONSIDERED, at its eighty-fifth session, amendments to the ISM Code proposed and circulated in accordance with article VIII(b)(i) of the Convention,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the ISM Code, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the amendments shall be deemed to have been accepted on 1 January 2010 unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world’s merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 July 2010 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization, which are not Contracting Governments to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE FOR THE SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION (INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)

1 GENERAL

Section 1.1 Definitions

- 1 In paragraph 1.1.10, the words “and includes” are replaced by the word “or”.

Section 1.2 Objectives

- 2 The existing subparagraph .2 of paragraph 1.2.2 is replaced by the following:
- “2 assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards; and”.

5 MASTER’S RESPONSIBILITY AND AUTHORITY

- 3 The word “periodically” is added at the beginning of paragraph 5.1.5.

7 DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS

- 4 The existing section 7 is replaced by the following:

“7 SHIPBOARD OPERATIONS

The Company should establish procedures, plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the personnel, ship and protection of the environment. The various tasks should be defined and assigned to qualified personnel.”

8 EMERGENCY PREPAREDNESS

- 5 The existing paragraph 8.1 is replaced by the following:

“8.1 The Company should identify potential emergency shipboard situations, and establish procedures to respond to them.”

9 REPORTS AND ANALYSIS OF NON-CONFORMITIES, ACCIDENTS AND HAZARDOUS OCCURRENCES

- 6 The existing paragraph 9.2 is replaced by the following:

“9.2 The Company should establish procedures for the implementation of corrective action, including measures intended to prevent recurrence.”

10 MAINTENANCE OF THE SHIP AND EQUIPMENT

7 In paragraph 10.3, the words “establish procedures in its safety management system to” are deleted.

12 COMPANY VERIFICATION, REVIEW AND EVALUATION

8 Paragraph 12.1 is replaced by the following:

“12.1 The Company should carry out internal safety audits on board and ashore at intervals not exceeding twelve months to verify whether safety and pollution-prevention activities comply with the safety management system. In exceptional circumstances, this interval may be exceeded by not more than three months.”

9 In paragraph 12.2, the words “efficiency of and, when needed, review” are replaced by the words “effectiveness of”.

13 CERTIFICATION AND PERIODICAL VERIFICATION

10 The following new paragraphs 13.12, 13.13 and 13.14 are added after the existing paragraph 13.11:

“13.12 When the renewal verification is completed after the expiry date of the existing Safety Management Certificate, the new Safety Management Certificate should be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing Safety Management Certificate.

13.13 If a renewal verification has been completed and a new Safety Management Certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or organization recognized by the Administration may endorse the existing certificate and such a certificate should be accepted as valid for a further period which should not exceed five months from the expiry date.

13.14 If a ship at the time when a Safety Management Certificate expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the Safety Management Certificate 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 Safety Management Certificate should be extended for a period of longer than three 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 Safety Management Certificate. When the renewal verification is completed, the new Safety Management Certificate should be valid to a date not exceeding five years from the expiry date of the existing Safety Management Certificate before the extension was granted.”

14 INTERIM CERTIFICATION

11 In paragraph 14.4.3, the word “internal” is inserted after the words “planned the”.

Appendix

Forms of the Document of Compliance, the Safety Management Certificate, the Interim Document of Compliance and the Interim Safety Management Certificate

SAFETY MANAGEMENT CERTIFICATE

12 The following new form is added after existing form of “ENDORSEMENT FOR INTERMEDIATE VERIFICATION AND ADDITIONAL VERIFICATION (IF REQUIRED)”:

“Certificate No.

ENDORSEMENT WHERE THE RENEWAL VERIFICATION HAS BEEN COMPLETED AND PART B 13.13 OF THE ISM CODE APPLIES

The ship complies with the relevant provisions of part B of the ISM Code, and the Certificate should, in accordance with part B 13.13 of the ISM Code, be accepted as valid until

Signed
(Signature of authorized official)
Place
Date

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF VERIFICATION WHERE PART B 13.12 OF THE ISM CODE APPLIES OR FOR A PERIOD OF GRACE WHERE PART B 13.14 OF THE ISM CODE APPLIES

This Certificate should, in accordance with part B 13.12 or part B 13.14 of the ISM Code, be accepted as valid until

Signed
(Signature of authorized official)
Place
Date

(Seal or stamp of the authority, as appropriate)”
