

Commonwealth of Dominica**Office of the Maritime Administrator**

SUBJECT: International Safety Management (ISM) Code implementation and flag State inspections relating to PSC detentions

- References:**
- (a) **Commonwealth of Dominica International Maritime Act 2000 (the CD Act)**
 - (b) **Commonwealth of Dominica International Maritime Regulations 2002 (the CD Regulations)**
 - (c) **International Safety Management Code [IMO Resolution A.741(18)]**
 - (d) **ISM Code 2000 Amendments [IMO Resolution MSC.104(73)]**
 - (e) **SOLAS 74 Chapter IX, Management for the Safe Operation of Ships**
 - (f) **Revised IMO Guidelines on the Implementation of the ISM Code by Administrations [IMO Resolution A.913(22)]**
 - (g) **Agreement and Guidelines Governing the Delegation of ISM Code Verification and Certification, July 1, 1996**
 - (h) **IMO Assembly Resolution A.443(XI)**
 - (i) **IMO MSC/Circ.443**
 - (j) **IMO Assembly Resolution A.787(19), as amended by res. A.882(21)**
 - (k) **Commonwealth of Dominica Marine Safety Circular CD-MSC 45-01**

PURPOSE:

This Circular advises and provides guidelines to owners, operators, and masters of Commonwealth of Dominica flag vessels concerning the Administration's requirements for compliance with the International Safety Management (ISM) Code. These guidelines provide the Commonwealth of Dominica National Requirements for Companies and vessels applying for ISM Code certification. They also contain the Administration's policies and interpretations regarding application and implementation of the ISM Code, as well as this Administration's requirements regarding actions after a Port State Control (PSC) detention of a Dominica vessel has been reported.

The National Requirements are not intended to be all-inclusive or to prohibit a Company from incorporating or requiring items in its Safety Management System beyond those contained in these guidelines. Questions regarding the ISM Code should be referred to the Office of the

Deputy Maritime Administrator, Maritime Affairs, Commonwealth of Dominica Maritime Registry, Inc., 32 Washington Street, Fairhaven, Massachusetts 02719 USA; telephone: (508) 992-7170, fax: (508) 992-7120, e-mail: registration@dominica-registry.com

APPLICABILITY:

This Circular is applicable to all Commonwealth of Dominica passenger vessels (including high speed craft), cargo vessels of 500 gross tons and over (including cargo high speed craft), and self-propelled MODUs of 500 gross tons and over.

REQUIREMENTS:

1.0 Definitions

Anniversary date – the day and the month of each year that corresponds to the date of expiry of the relevant document or certificate.

Company – the Owner of the vessel or any other organization or person such as the Manager, or the Bareboat Charterer, who has assumed the responsibility for operation of the vessel from the Vessel owner and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISM Code.

Document of Compliance (DOC) – a document issued to a Company which complies with the requirements of the ISM Code.

International Safety Management (ISM) Code – the International Management Code for the Safe Operation of Vessels and for Pollution Prevention as adopted by the Organization by resolution A.741 (18), as may be amended by the Organization.

Major non-conformity – an identifiable deviation, which poses a serious threat to personnel or vessel safety or serious risk to the environment and requires immediate corrective action. In addition, major non-conformity includes lack of effective and systematic implementation of a requirement of the ISM Code.

Non-conformities are those deviations from the requirements of the ISM Code, the Maritime Administrator and/or the documented SMS of a Company that pose a low level of risk to the vessel's safety and security, protection of the environment or integrity of the SMS. Non-conformities shall include observed situations where objective evidence indicates a minor non-fulfillment of a specified requirement that has been determined by the RO not to affect the ability of the management of the Company nor any of its vessels from achieving the objectives of the ISM Code.

Objective evidence – quantitative or qualitative information, records or statements of facts pertaining to safety or to the existence and implementation of a Safety Management System element, which is based on observation, measurement or test and which can be verified.

Observation – a statement of fact made during a Safety Management Audit and substantiated by objective evidence.

Safety Management Audit – a systematic and independent examination to determine whether the Safety Management System (SMS) activities and related results comply with planned

arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.

Safety Management Certificate (SMC) – a document issued to a vessel, which signifies that the Company and its shipboard management operate in accordance with the approved Safety Management System.

Safety Management System (SMS) – a structured and documented system enabling Company personnel to effectively implement the Company Safety and Environmental Protection Policy.

2.0 Mandatory Compliance

The requirements of the ISM Code are mandatory under SOLAS Chapter IX.

2.1 Exceptions

2.1.1 SOLAS Chapter IX does not apply to:

- .1 government-operated vessels used for non-commercial purposes;
- .2 mobile offshore drilling units not propelled by mechanical means.

2.1.2 Dynamically Positioned (DP) Units

- .1 A unit that is constructed and classed as a Self-Propelled MODU will be considered as a Non-Self-Propelled MODU for purpose of the ISM Code if the propulsion machinery is only utilized to maintain unit position, for short field moves, or to provide assistance while being towed to or from a site.
- .2 A *short field move* is the on location repositioning of a unit, up to 20 miles in distance or 8 hours in duration, under the cognizance of an STCW Convention licensed Master or Mate.
- .3 In order to receive this Non-Self-Propelled status, the unit operator must make written application to the Maritime Administrator and confirm that the propulsion machinery will only be used in the modes noted above.

2.2 Compliance Monitoring

Compliance with the Code will be closely monitored and enforced by the Administration. Vessels operated by Companies that fail to comply with the ISM Code will be considered in violation of SOLAS Convention and may be prevented from trading, as well as subjected to other disciplinary action, in accordance with regulation 18 of the CD Regulations.

2.3 Compliance Process

Companies should start the ISM Code compliance process at the earliest possible date. Depending on the complexity of the Company and the number and types of vessels involved, the development, implementation and verification process could take 18 months or longer.

3.0 ISM Code Enforcement Authority

3.1 Responsibility

The Maritime Administrator is responsible for effective enforcement of the provisions of the ISM Code. IMO Resolution A.739(18), “Guidelines for the Authorization of Recognized Organizations (RO) acting on behalf of the Administrations”, allows the Maritime Administrator to delegate to ROs the responsibility for verifying compliance with the ISM Code and for issuing Documents of Compliance (DOC) and Safety Management Certificates (SMC) on behalf of the Maritime Administrator.

3.2 Delegation

The Commonwealth of Dominica has delegated by written agreement to certain Classification Societies the authority to act as Recognized Organizations (ROs) for verifying compliance with the ISM Code and issuance of ISM Code documents on behalf of the Commonwealth of Dominica. A list of the authorized ROs for the purposes of ISM Code verifications may be found in the Annex to this Circular.

3.3 Administration Rights

The Administration retains the right to conduct audits, assessments and inspection activities independent of or in concert with those of an RO in order to verify proper implementation, application and enforcement of the provisions of the ISM Code.

3.4 Separation of Functions

3.4.1 In those instances where an RO provides both consulting and auditing services for ISM Code Certifications, the RO shall ensure the independence of these two functions. Auditors must be free from bias and influences, which could affect objectivity. There must be a demonstrable and proven separation between personnel providing consultancy and those providing the services to the same company.

3.4.2 An RO may provide ISM Code verification services to vessels for which the RO also provides ship statutory certification services, provided the ship safety management audits and assessments are conducted separately, and in addition to, existing ship statutory certification and classification survey functions. The verification of compliance with mandatory rules and regulations, which is part of the ISM Code certification, neither duplicates nor substitutes for surveys for other certificates. The verification of compliance with the ISM Code does not relieve the Company, the Master or any other entity or person involved in the management or operation of the vessel of their responsibilities.

4.0 National Requirements for an SMS by ISM Code Element

4.1 General

4.1.1 Every Company must develop, implement, and maintain a safety management system (SMS) in accordance with the requirements of the ISM Code. Failure to do so will be considered a violation of SOLAS Chapter IX, and the Company’s vessels shall be prevented from trading and may be subject to other disciplinary actions, in accordance with regulation 18 of the CD Regulations.

- 4.1.2 The following publications provide some guidelines:
- .1 “Guidelines on the Application of the ISM Code” produced by the International Chamber of Shipping;
 - .2 “Procedural Requirements for ISM Code Certification” produced by the International Association of Classification Societies;
 - .3 “Procedures for the Control of Operational Requirements related to the Safety of Vessels and Pollution Prevention” [IMO Resolution A.742(18)];
 - .4 “Revised guidelines on the Implementation of the ISM Code by Administrations” [IMO Resolution A.913(22)], and the Annex to those Guidelines entitled, “Standards on ISM Code certification arrangements”.
- 4.1.3 The publications listed above describe items to be addressed by a Company’s SMS and provide guidelines for managing and preparing for ISM Code audits. IMO publications can be obtained from IMO, Publications Section, 4 Albert Embankment, London SE1 7SR, England.
- 4.1.4 The Administration’s policies regarding safe management and operation of ships and protection of the environment should be incorporated into the Company and shipboard SMS. The National Requirements are supplemental to the ISM Code. The Company and shipboard SMS should incorporate and ensure compliance with these National Requirements, as prescribed in the CD Act, the CD Regulations, and the CD Marine Safety Circulars.

4.2 Safety, Security and Environmental Protection Policy

The safety, security and environmental protection policies required by the ISM Code must be signed by the Company’s Chief Executive or other senior executive officer, and should be reviewed at regular intervals to ensure that they remain likely to achieve the objectives of the ISM Code.

4.3 Company Responsibilities and Authority

- 4.3.1 The owner of each vessel must provide the Office of the Deputy Maritime Administrator, Maritime Affairs, with the name, address, telephone and facsimile numbers and e-mail address of the Company responsible for the operation of the vessel.
- 4.3.2 If the organization or person responsible for the operation of a vessel is other than the owner, the owner must provide the Maritime Administrator with the full name of such entity and submit details, which establish that entity as the Company to the satisfaction of the Maritime Administrator. The form CDVR-2009 is to be used as necessary.

4.4 Designated Person(s)

- 4.4.1 In accordance with the ISM Code the Company must designate a person or persons who will be responsible for monitoring and verifying proper operation of the SMS within the Company and on each vessel. The designated person(s) should have the independence and authority to report deficiencies observed to the highest level of management (i.e. the

final decision maker regarding shore side management and support and vessel operation and safety).

- 4.4.2 The duties and responsibilities of the Designated Person(s) include, but are not limited to:
- .1 monitoring the safety, security and pollution-prevention aspects of the operation of each vessel;
 - .2 ensuring continuous compliance of each vessel with applicable international and flag State requirements, including the validity of the vessel's certificates;
 - .3 ensuring continuous implementation and maintenance of the safety management systems on each vessel;
 - .4 ensuring that adequate resources and shore-based support are applied, as required;
 - .5 co-operating with class and flag State inspectors in auditing the vessels reported to have been detained by Port State Control and ensuring rectification of all deficiencies found during these audits;
 - .6 conducting periodical internal safety management audits of each vessel; and
 - .7 ensuring implementation of any corrective actions recommended in audit reports, as may be developed after internal, annual, intermediate, renewal or additional audits.
- 4.4.3 The Company must provide the Maritime Administrator with the full name of the designated person(s) and current information sufficient to enable direct and immediate contact at all times between the Maritime Administrator and the designated person(s) with regard to matters relating to maritime safety, security and protection of the marine environment. The Company is requested to use form CDVR-2010.

4.5 Master's Responsibility and Authority

- 4.5.1 The CD Act expressly prescribes to the specific Rights and Duties of the Master. The Administration also acknowledges the importance of IMO Resolution A.443(XI), "Decisions of the Shipmaster with regard to Maritime Safety and Marine Environment Protection". The SMS should incorporate the elements of both A.443(XI) and CD Regulation 63.
- 4.5.2 Any system of operational control implemented by Company shore based management must allow for the Master's absolute authority and discretion to take whatever action he or she considers to be in the best interest of passengers, crew, cargo, the vessel and the marine environment.
- 4.5.3 The Company should provide the Master with documentation of the specific duties delegated to the officers under the Master's command.

4.6 Resources and Personnel

- 4.6.1 Company training, hiring, manning procedures, terms of employment, personnel record keeping and reporting procedures must be consistent with the requirements of the STCW Code and the CD Regulations to ensure the use of competent qualified personnel.

- 4.6.2 The Company SMS should ensure that joining crewmembers have proper Commonwealth of Dominica seafarers' certification including licenses, special qualification certificates, seafarer's identification and record books and training as required by international conventions, the CD Act and the CD Regulations.
- 4.6.3 The shipboard SMS should include procedures for the transfer of command, documented hand-over notes, documented vessel and duties introductions, familiarization training in accordance with Section A-I/6 of the STCW Code (as amended 1995) for on-coming officers and crew, and on board documentation retention.

4.7 Development of Plans for Shipboard Operations

- 4.7.1 The Company shall establish procedures for the preparation of plans and instructions including checklists as appropriate for key shipboard operations concerning the safety and security of the vessel and the prevention of pollution. The various tasks involved shall be defined and assigned to qualified personnel.
- 4.7.2 A Ship's Port Arrival/Departure Check List should be included in the shipboard SMS incorporating pre-established Company policy guidelines for "Go, No Go" situations and reporting requirements for the Master's compliance.
- 4.7.2 The vessel's operations documentation should include a statement that its contents do not remove the Master's authority to take such steps and issue any orders, whether or not they are in accordance with the contents of the documentation, which the Master considers to be necessary for the preservation of life, the safety and security of the vessel and the protection of the marine environment.
- 4.7.3 The vessel's operations plans should include procedures to ensure the required Commonwealth of Dominica annual safety inspection is conducted on time and in accordance with the CD Regulations and Safety Circular CD-MSC 12-01, as may be revised.
- 4.7.4 The vessel's operations plans should incorporate the CD Regulations requirement for weekly emergency drills and training sessions.

4.8 Emergency Preparedness

- 4.8.1 The Company SMS must provide that statutory, Administration, or Company required emergency preparedness plans are developed, implemented, periodically reviewed and updated, and if necessary, re-approved by the Maritime Administrator or an RO on his behalf.
- 4.8.2 The Company SMS must consider measures to enhance the safety and security of the vessel through the implementation of a Ship Security Plan as required by ISPS Code and guideline in MSC/Circ.443 and related MSC Circulars, as well as CD Marine Safety Circulars.

4.9 Reports and Analysis of Non-conformities, Accidents and Hazardous Occurrences

- 4.9.1 The shipboard SMS procedures for reporting near accidents, accidents and incidents should incorporate the provisions of Part VI of the CD Regulations, which require the

immediate notice and reporting of incidents to the Maritime Administrator and establish duties and responsibilities for the Company, ship officers and crew.

- 4.9.2 The Company SMS should incorporate the provisions of CD Regulation 63(8) on accident prevention and appointment of a safety officer or committee, as well as the relevant provisions of the Commonwealth of Dominica “Rules for Marine Investigations and Hearings”.
- 4.9.3 The Company and shipboard SMS should contain procedures for immediately reporting port State detentions, oil spills and any incident, which may have the potential for an oil spill to the Maritime Administrator.

4.10 Maintenance of the Vessel and Equipment

- 4.10.1 The maintenance system established by the Company and documented in its SMS should include systematic plans and actions designed to address all those items and systems covered by class and statutory survey and to ensure that the vessel’s condition is satisfactorily maintained at all times.
- 4.10.2 As part of Company initiated ship safety inspections, the shipboard SMS should include reference to the Commonwealth of Dominica annual safety inspections required by CD Regulation 44, as more fully described in Safety Circular CD MSC 12-01, and use of an operational form for ship self-inspection checklist for SOLAS 74/78 and MARPOL 73/78, as may be developed by the Company.
- 4.10.3 The Company SMS should also provide for the logging of actions or measures taken to rectify deficiencies and nonconformities noted during surveys and annual safety inspections and the giving of notification to the Maritime Administrator and the designated RO of the corrective actions taken.

4.11 Documentation

Documents should be easily identified, traceable, user friendly and not so voluminous as to hinder the effectiveness of the SMS. They should be readily available for review by the RO, representatives of the Administration and port State control officers.

4.12 Company Verification, Review and Evaluation

The Company must conduct internal audits shore side and on each vessel at least once a year to determine whether the various elements of the Company SMS have been fully implemented and are effective in achieving the stated objectives of the Code. The internal audits are additional to the annual, intermediate, and renewal audits carried out by the RO.

5.0 Port State Control and Flag State Inspections

5.1 PSC Inspections

The Company must establish in the SMS procedures for initiating overall internal audits, whenever deficiencies are discovered during port State control of a Company vessel, in order to determine the root-cause of the discovered deficiencies, as well as correct any non-conformities, which have not been discovered during PSC due to its limited scope.

The findings of so performed audits must be submitted to the Administration, together with the recommendations of the corrective actions.

5.2 PSC Detentions

- 5.2.1 Port State Control detention of a Company vessel is considered a major non-conformity and requires immediate attention of the Company, RO responsible for the vessel's class and ISM certification, and Administration.
- 5.2.2 The internal audit, referred to in paragraph 5.1.1 above, when performed after detention, must be coordinated with flag State inspection and RO audit, findings whereof will determine, whether the Company and/or vessel's ISM certification should be withdrawn or suspended, as described in paragraph 11.2.3 below.

6.0 Selection of a Recognized Organization

6.1 Company Choice

- 6.1.1 Companies may choose any of the authorized ROs (as listed in the Annex) to conduct safety management audits of the Company and its vessels and issue applicable certificates. Choice of an RO is not restricted by the nationality of the vessel's owner/operator, location of the Company's offices or by the Classification Society that classed the vessels or issued the statutory certificates. Once chosen, however, the Company must abide by the terms of service set by the RO, provided, however, that they are not less than the minimum standards set by the ISM Code. The Company is responsible for arranging the safety management audits with an RO.
- 6.1.2 Although the Administration's criterion upon which an RO agrees to provide ISM Code verification services to a Company does not require that the RO has classed or will be classing the vessels owned or operated by the Company, an RO shall not be prohibited from establishing its own requirements for services in relation to classification, provided there are no negative effects upon compliance with the ISM Code.

6.2 Multi-Class Fleets

For a Company operating a fleet with vessels individually classed by one or more recognized Classification Societies, a single RO may, if requested by the Company, act as sole assessor in performing the verification audit and certification of the SMS for the Company and all of its vessels. The RO does not have to be the Classification Society for any of the vessels in the fleet. ROs may establish their own service requirements, provided they do not negatively affect compliance with the ISM Code.

6.3 Multi-Flag Fleets

In order to facilitate the auditing and certification process, Companies operating multi-flag fleets should propose a plan of action and request agreements by all involved flag States regarding the joint acceptance of an RO audit prior to the commencement of the audits. The plan should clearly identify the entities involved, outline how the audit will be conducted, how each flag State's national requirements will be addressed, and who will be issuing the ISM Code documents.

7.0 Verification of Compliance for Issuance of ISM Code Documents

7.1 Application for Certification

- 7.1.1 After developing and implementing the SMS, the Company must contact an RO to arrange for an initial safety management audit and certification of the Company and its vessels. The Company's application for certification to the RO, and the relevant information, must include the size and total number of each ship type covered by the SMS and any other documentation considered necessary. Vessels carrying dry cargo in bulk but which do not meet the SOLAS Chapter IX definition for a "Bulk Carrier" are to be typed as "Other Cargo Vessels."
- 7.1.2 Companies operating multi-flag fleets desiring the Commonwealth of Dominica acceptance of ISM Code audits conducted on behalf of another flag State must propose a plan of action regarding joint acceptance of the ISM Code audits by the involved flag States. The proposed plan should clearly identify the entities involved, outline how the audits will be conducted, and how each flag State's national requirements will be addressed. The proposed plan should be submitted to all involved flag States requesting their agreement to the plan for joint acceptance of the audits in order to facilitate the auditing and certification process.

7.2 Initial Verification

- 7.2.1 The initial verification for issuing a DOC to a Company consists of the following steps:
- .1 Document review – the RO is to verify that the SMS and any relevant documentation comply with the requirements of the ISM Code, by reviewing the safety management manual. If this review reveals that the system is not adequate, the RO may delay auditing until the Company undertakes corrective action. Amendments made to the system documentation to correct deficiencies identified during this review may be verified remotely or during the subsequent initial audit described in .2 below.
 - .2 Company initial audit – in order to verify the effective functioning of the SMS, including objective evidence that the Company's SMS has been in operation for at least three months, and at least three months on board at least one vessel of each type operated by the Company. The objective evidence is to, *inter alia*, include records from the internal audits performed by the Company, ashore and on board, examining and verifying the correctness of the statutory and classification records for at least one vessel of each type operated by the Company.
- 7.2.2 The initial verification for issuing an SMC to a vessel consists of the following steps:
- .1 verification that the Company DOC is valid and relevant to that type of vessel, and that the other provisions of paragraph 9.3.3 are complied with. Only after on board confirmation of the existence of a valid DOC can the verification proceed; and
 - .2 verification of the effective functioning of the SMS, including objective evidence that the SMS has been in operation for at least three months on board the vessel. The objective evidence should also include records from the internal audits performed by the Company.

- 7.2.3 If the Company already has a valid DOC issued by another RO, that DOC shall be accepted as evidence of compliance with the ISM Code, unless there is objective evidence indicating otherwise.

7.3 Annual and Intermediate Verifications

- 7.3.1 The Company is responsible for scheduling with the RO the annual and intermediate verifications. Failure to schedule and/or conduct annual or intermediate verifications will be considered a violation of SOLAS Chapter IX, and the DOC and/or relevant SMCs may be suspended or revoked.
- 7.3.2 The RO may conduct additional audits on the Company and/or vessels if objective evidence justifying such audits is found during the annual audit of the Company SMS, the intermediate audit of a vessel or when directed by the Maritime Administrator.

7.4 Renewal Verifications

Renewal safety management audits are to be performed before the validity of the DOC and the SMC expires. Renewal audits may be carried out from six months before the expiry date of the DOC or the SMC and should be completed before the DOC or the SMC expires. Failure to schedule and/or conduct the renewal safety management audit will be considered a violation of SOLAS Chapter IX, and the Company's vessels may be prevented from trading and/or subjected to other disciplinary actions, in accordance with CD Regulation 18.

8.0 Pre-Authorization Certificates

8.1 Definition

Pre-authorization certificates are those DOC and SMC certificates issued by an RO before that RO had been authorized by the Administration to perform the Services.

8.2 Conversion

Pre-authorization certificates may be converted to the Commonwealth of Dominica Certificates after the RO verifies compliance with all Commonwealth of Dominica special instructions or additional National Requirements.

9.0 Issue and Validity of DOC and SMC

9.1 Document of Compliance (DOC)

- 9.1.1 A DOC shall be issued to a Company following an initial verification of compliance with the requirements of the ISM Code.
- 9.1.2 The Company shall make available copies of the DOC to each office location covered by the SMS and each operated vessel. This document need not be authenticated, certified or show the annual audit dates.
- 9.1.3 The period of validity of a DOC shall be five years, subject to annual verification carried out within three months before or after the anniversary date to confirm the effective functioning of the SMS.

- 9.1.4 A DOC is valid for the types of vessels on which the initial verification was based. The list of types of vessels shall be indicated in the DOC. The scope of a DOC may be amended to cover an additional type of vessel after the verification of the Company's capability to comply with the requirements of the ISM Code for that vessel type.
- 9.1.5 Re-issuance of the DOC at the end of the five-year validity period will be contingent upon satisfactory completion of a renewal safety management audit. The renewal audit should include the assessment by the RO of all elements of the SMS and of the effectiveness of the SMS in meeting the objectives specified by the ISM Code and flag State regulations.

9.2 Interim DOC

- 9.2.1 For a change of flag State or Company, special transitional arrangements are to be made in accordance with these requirements.
- 9.2.2 An Interim DOC may be issued to facilitate initial implementation of the ISM Code in cases where compliance with the ISM Code is a new requirement or where changes to the Company's organization or its operations have rendered the existing certification inappropriate, for example, where a Company is newly established or where new vessel types are added to an existing DOC.
- 9.2.3 An Interim DOC, valid for no more than twelve months may be issued to a Company following a demonstration, at the Company's premises, that the Company has a documented SMS which addresses all elements of the ISM Code, and that plans are in place for its full implementation throughout the organization and its fleet within the period of validity of the Interim DOC. The progress of such implementation may be reviewed and verified at intervals during the validity of the Interim DOC.
- 9.2.4 If the Company operates a multi-flag fleet and already has a DOC issued by or on behalf of another flag State that is recognized by the Maritime Administrator, the RO may issue an Interim DOC valid for a period of up to six months subject to the RO reviewing and verifying to its satisfaction that the Company SMS is in compliance with the ISM Code and National Requirements within that period of validity. The Company will be issued a Commonwealth of Dominica DOC upon satisfactory completion of the review and verification.
- 9.2.5 Newly formed Company may be issued Interim DOC for a period of up to twelve (12) months subject to an initial verification audit within that period. Interim DOC shall only be issued following the Company's demonstration to the RO that its SMS at least meets the objectives of Section 1.2.3 of the ISM Code. In addition, the Company must demonstrate plans for the implementation of an SMS, which meets all of the requirements of the ISM Code.

9.3 Safety Management Certificate (SMC)

- 9.3.1 An SMC shall be issued to a vessel following an initial verification of compliance with the requirements of the ISM Code.
- 9.3.2 A copy of the SMC shall be available at the Company's head office.

9.3.3 The issue of an SMC is conditional upon:

- .1 the existence of a Full-Term DOC (not Interim), valid for that type of vessel;
- .2 the maintenance of compliance with the requirements of a Classification Society meeting the requirements of IMO Resolution A.739(18) or with national regulatory requirements of the Administration, which meets requirements equivalent to A.739(18); and
- .3 the maintenance of valid statutory certificates.

9.3.4 The period of validity of an SMC shall not exceed five years, subject to at least one intermediate verification. In certain cases, particularly during the initial period of operation under the SMS, it may be necessary to increase the frequency of the intermediate verifications. If only one intermediate verification is carried out, it is to take place between the second and third anniversary date of the issuance of the SMC.

9.3.5 Re-issuance of the SMC will be contingent upon the satisfactory completion of a renewal safety management audit at the end of the five-year validity period and verification that the DOC has been reissued. The renewal audit should include an assessment by the RO of all elements of the SMS pertaining to the vessel and the effectiveness of the SMS in meeting the objectives specified by the ISM Code.

9.4 Interim SMC

9.4.1 Requirements for Issuance

Interim Commonwealth of Dominica SMCs may be issued to new vessels on delivery, on the occasion of a Company's assumption of responsibility for the operation of a vessel, which is new to the Company, or when a vessel changes flag subject to the following verifications by the RO:

- .1 the DOC, including Interim DOC, of the Company is relevant to the type of the vessel;
- .2 the SMS established by the Company includes the essential elements of the ISM Code and has been assessed relevant to the vessel type during the audit for issuance of the relevant DOC;
- .3 the Master and relevant senior officers are familiar with the SMS and the planned arrangements for its implementation;
- .4 operational instructions, which the Company has identified as essential to be provided to the Master prior to the vessel's first voyage under the Commonwealth of Dominica flag, have, in fact, been given to the Master;
- .5 there are plans for an audit of the vessel by the Company within three months of the issuance of the Interim SMC; and
- .6 the relevant information on the SMS is given in a working language or languages understood by the crew of the vessel.

9.4.2 Multi-Flag Fleets

Each Commonwealth of Dominica flag vessel in the multi-flag fleet may be issued an Interim SMC valid for a period of up to six months to facilitate implementation of the SMS subject to the provisions of Sections 9.4.3 and 9.4.4 below. Each such vessel in the multi-flag fleet will be audited by the RO to verify implementation of the SMS and compliance with the Commonwealth of Dominica National Requirements. Upon satisfactory completion of the audits, a Commonwealth of Dominica Full Term SMC will be issued to each Commonwealth of Dominica flag vessel in the multi-flag fleet.

9.4.3 Documented Vessel Types

A Company holding a valid Commonwealth of Dominica DOC, which assumes management responsibility for a vessel type already documented in its fleet, may have a six (6) month Interim SMC issued to that vessel subject to the vessel being verified by the RO in compliance with the provisions of Section 9.4.1 above. The SMS must be fully implemented on board the vessel within that period. Extensions of time up to, but not exceeding, six (6) additional months may be granted by the Maritime Administrator on a case-by-case basis.

9.4.4 Undocumented Vessel Types

A Company holding a valid Commonwealth of Dominica DOC which assumes management responsibility for a vessel type new to its fleet, may have a six (6) month Interim SMC issued to that vessel, provided the RO verifies that the Company's revised SMS is applicable to that vessel type and the vessel is verified in compliance with the provision of Section 9.4.1 above. The SMS must be fully implemented in the Company and on board the vessel within that period. Extensions of time up to, but not exceeding, six (6) additional months may be granted by the Maritime Administrator on a case-by-case basis.

9.4.5 Bareboat Charter Registered Vessels

Bareboat Charter registered vessels shall be subject to the provisions of Section 9.4.3 or 9.4.4 of these guidelines as applicable upon entry into the registry.

9.5 Full Term Certificates

Prior to the expiration of the Interim Certificates, the RO may issue full term DOC or SMCs to the Company and vessels respectively, upon evidence that the SMS is fully implemented and upon closure of all major non-conformities observed in the Company SMS and on board the vessel.

10.0 Safety Management Auditing

ROs shall conduct systematic and independent examinations to determine whether the SMS activities and related results of a Company comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve stated objectives.

10.1 Guidelines

The IACS “Procedural Requirements for ISM Code Certification”, as amended, and “Guidelines for the External Audit of Safety Management Systems” shall form the basis for developing and implementing audit plans.

10.2 Audit Objectives

Audits shall be designed to achieve, but not be limited to, one or more of the following purposes:

- .1 to determine whether a Company’s SMS elements conform to the ISM Code;
- .2 to determine the effectiveness of the implemented SMS toward meeting the safety, security and environmental objectives specified in Section 1.2 of the ISM Code;
- .3 to provide the Company with the opportunity to improve upon its SMS; and
- .4 to meet applicable National Requirements.

10.3 Audit Activities

While acting in an ethical manner at all times and objectively remaining within the audit scope, RO’s audit activities should consist of, among other things, the following:

- .1 complying with RO’s applicable written auditing procedures and other appropriate directives;
- .2 planning the audit and preparing working documents;
- .3 reviewing documentation on existing SMS activities to determine their adequacy;
- .4 collecting and analyzing objective evidence that is relevant and sufficient to permit conclusions to be reached regarding the Company SMS;
- .5 remaining alert to any indications of objective evidence that can influence the audit results and possibly require more extensive auditing;
- .6 clearly reporting to the Company audit results on a timely basis; and
- .7 reporting major non-conformities immediately to the Company and the Maritime Administrator.

10.4 Document Review

10.4.1 As a basis for planning an audit, an RO shall review for adequacy the Company’s recorded description of its methods for meeting the SMS requirements.

10.4.2 No further auditing shall be conducted if the review reveals that the SMS described in the documentation by the Company is not adequate to meet the requirements of the ISM Code until such time as all non-conformities are resolved to the satisfaction of the RO.

10.5 Audit Plans

10.5.1 An audit plan shall be prepared by the RO in consultation with the Company.

- 10.5.2 The RO shall design the audit plan to be flexible in order to permit changes in emphasis based on information gathered during the audit process and to permit effective use of the RO's resources. The plan is to be approved by the Company and communicated to those planning to be involved in the audit.
- 10.5.3 The audit plan shall include the following elements:
- .1 the audit objectives and scope;
 - .2 identification of the individuals having significant direct responsibilities regarding the objectives and scope;
 - .3 identification of reference documents such as the applicable codes and the Company's SMS;
 - .4 identification of audit team members;
 - .5 audit team assignments;
 - .6 the language of the audit;
 - .7 dates and places where audit is to be conducted;
 - .8 identification of the organizational units of the Company to be audited;
 - .9 the expected time and duration for each major audit activity;
 - .10 the schedule of meetings to be held with the Company; and
 - .11 confidentiality requirements, if any.
- 10.5.4 Upon request, the audit plan shall be provided to the Maritime Administrator for his review.

11.0 Non-conformities

11.1 Non-conformity

- 11.1.1 Corrective action for non-conformities shall be completed within a time period agreed to between the RO and the Company, which shall not exceed three (3) months from the date of issuance of a non-conformance notice. The RO shall confirm that the Company and/or vessel has determined and initiated appropriate corrective action to correct the non-conformities or to correct the root causes of the non-conformities.
- 11.1.2 The RO shall advise the Maritime Administrator of corrective actions requiring more than three (3) months and obtain approval for such extended time periods, as determined by the RO to be required, from the Maritime Administrator.

11.2 Major Non-conformity

- 11.2.1 Examples of specific major non-conformities are:
- .1 operational shortcomings that would render the vessel substandard by IMO standards;
 - .2 vessel hull/machinery damage, wastage or malfunction as a consequence of systemic faults in the SMS that would warrant a recommendation to withdraw a statutory certificate or suspension of the vessel from class;

- .3 absence of required Commonwealth of Dominica licensed officers and or certified ratings as required by the International Maritime Act 2000, Commonwealth of Dominica Minimum Safe Manning Certification and the International Convention on Standards of Training, Certification and Watchkeeping, unless the Master is in possession of a valid exemption from the Maritime Administrator;
 - .4 discovery by the RO that there are outstanding requirements on the statutory safety certificates which, as yet, have not been dealt with within the time permitted as a result of systemic faults in the SMS;
 - .5 observation of an obvious safety or environmental violation during an audit, which has not been or is not being corrected or documented;
 - .6 observation of obvious violations of the applicable ILO Convention requirements that have not been documented as waived or exempted;
 - .7 objective evidence of flagrant violations of the CD Act, the CD Regulations and Marine Safety Circulars, as well as international safety, security and pollution prevention requirements is found, observed or brought to the attention of the RO;
 - .8 discovery by the RO auditors that ship personnel or the Company management are not aware of or have not been instructed in the provisions of the ISM Code and the SMS as well as the importance of the DOC and SMCs;
 - .9 the total absence of a required SMS element or a group of non-conformities within an element.
- 11.2.2 Any major non-conformities found by the RO in the course of an audit shall be reported in writing to the Company, the Master of the vessel involved and to the Maritime Administrator. Neither the DOC nor the SMC will be issued following the initial audit until all major non-conformities are corrected.
- 11.2.3 The RO shall determine the nature and extent of major non-conformities found during intermediate, renewal or additional audits and recommend to the Maritime Administrator not to issue the DOC or SMC, or the issuance of a time specific Interim DOC or SMC to allow for the completion of corrective action, or withdrawal of an existing DOC or SMCs of all related vessels.

12.0 Certificate Withdrawal and Invalidation

12.1 Withdrawing Authority

Certificates may only be withdrawn by the Maritime Administrator, upon RO's recommendation.

12.1.1 DOC Withdrawal

In the case of DOC withdrawal the RO shall immediately notify the Company and the Maritime Administrator. The Maritime Administrator shall give a letter to the Company stating that the DOC is withdrawn from the date of signature of the letter, and request that the DOC be surrendered. A copy of the letter shall be immediately sent to the RO

concerned. The Company shall be required to immediately notify appropriate vessels that the DOC is invalid.

12.1.2 SMC Withdrawal

In the case of SMC withdrawal the RO shall immediately notify the Company and the Maritime Administrator. The Maritime Administrator shall give a letter to the Master of the vessel stating that the SMC is withdrawn from the date of signature of the letter, and request that the SMC be surrendered. A copy of the letter shall be immediately sent to the RO concerned.

12.2 Reasons for Withdrawal

- .1 failure to schedule for periodic or intermediate verification audits;
- .2 failure to conduct periodic or intermediate verification audits;
- .3 the Company's failure to fully implement its SMS;
- .4 the Company's failure to maintain its SMS in substantial compliance with the requirements of the ISM Code;
- .5 non-conformities that remain uncorrected beyond their due date; and
- .6 the recommendation of the RO based upon objective evidence of the existence of a major non-conformity or an ineffective SMS.

12.3 Invalidation of SMCs

Withdrawal of the Company DOC invalidates the SMCs of all related vessels and those certificates shall also be withdrawn.

12.4 Issuance or Reinstatement of Certificates

Issuance or reinstatement of a DOC and/or SMCs, as the case may be, which have been withheld or withdrawn as the result of major non-conformities shall only occur after the RO confirms to the Maritime Administrator that there has been closure to the satisfaction of the RO on all outstanding non-conformities as verified by additional audit.

13.0 Appeals

In the event a Company disagrees with a determination made by the RO, the Company, through its designated person, after exhausting the RO appeals procedures, may make a direct appeal to the Maritime Administrator who will then make a final determination based upon both the substance of the appeal and the recommendations of the RO.

1 ANNEX – Recognized Organizations

Recognized Organizations authorized to verify compliance with the ISM Code and issue ISM Code Documents of Compliance and Safety Management Certificates on behalf of the Commonwealth of Dominica:

A) Fully authorized Class Societies:

American Bureau of Shipping

ABS Plaza
16855 Northchase Drive
Houston, TX 77060 USA
Tel.: 1 281 877 6010
Fax: 1 281 877 6011
e-mail: GShark@eagle.org

Cyprus Bureau of Shipping

Corner Sp. Araouzou & Koumantis St.
Tonia Court Two, 2nd Floor
P.O. Box 50214
Limassol CY-3602, Cyprus
Tel.: +357 25 343 321
Fax: +357 25 356 432
e-mail: cbs@cbs.com.cy

Germanischer Lloyd

Vorsetzen 35
20 459 Hamburg, Germany
Tel.: +49 40 361 490
Fax: +49 40 361 49 200
e-mail: headoffice@germanlloyd.org

Indian Register of Shipping

I.N. Bose
52 A, Adi Shankaracharya Marg
Opp. Powai Lake
Powai, Mumbai 400 072, India
Tel.: +91 22 2570 3627
Fax: +91 22 2570 3611
e-mail: irsho@bom3.vsnl.net.in

Lloyd's Register

71 Fenchurch St., London
EC3M 4BS, UK
Tel.: +44 20 7209 9166
Fax: +44 20 7488 4796
e-mail: lloydsreg@lr.org

Polski Rejestr Statkow

Al. Gen. Jozefa Hallera 126
80-416 Gdansk, Poland
Tel.: 48 58 346 1700
Fax: +48 58 346 0392
e-mail: mailbox@prs.pl

Bureau Veritas

17 bis, Place des Relets
La Defense 2
92400 Courbevoie, France
Tel.: +33 1 42 91 52 89
Fax: +33 1 42 91 52 94
e-mail: jean-francois.fauduet@bureauveritas.com

Det Norske Veritas

Veritasveien 1
13 22 Høvik
Oslo, Norway
Tel.: +47 67 57 9900
Fax: +47 67 57 9911
e-mail: DNV.Corporate@dnv.com

INCLAMAR

Corner Sp. Araouzou & Koumantis St.
Tonia Court Two, 2nd Floor, P.O. Box 50214
Limassol CY-3602, Cyprus
Tel.: +357 25 343 321, +357 25 376 418
Fax: +357 25 356 432
e-mail: cbs@cbs.com.cy

Korean Register of Shipping

54 Sinseongro, 23-7 Jang-dong
Yuseong-gu Daejeon
Republic of Korea
Tel.: +82 42 869 9330
Fax: +82 42 862 6015
e-mail: ykwon@krs.co.kr

Nippon Kaiji Kyokai

4-7 Kioi-cho, Chiyoda-ku
Tokyo 102-8567, Japan
Tel.: +81 3 5226 2038
Fax: +81 3 5226 2039
e-mail: xad@classnk.or.jp

Russian Maritime Register of Shipping

8, Dvortsovaya Nab.
191186, St. Petersburg, Russia
Tel.: +7 812 314 07 43
Fax: +7 812 314 10 87
e-mail: pobox@rs-head.spb.ru

B) Class Societies authorized on a case-by-case basis as presented by the RO to Administration**China Classification Society**

40 Dong Huang Cheng Gen Nan Jie
Beijing, 100006, China
Tel.: +86 10 6513 6633
Fax: +86 10 6513 0188
e-mail: ccscn@public.bta.net.cn

International Register of Shipping

1010 Common Street, Suite #2510
New Orleans, LA 70112, USA
Tel.: +1 504 586 0651
Fax: +1 504 586-0655
e-mail: istho@intlreg.org

International Naval Surveys Bureau

8 Kantharou & Sahtouri St.
Piraeus 185 37, Greece
Tel.: +30 210 418 4172
Fax: +30 210 418 4282
e-mail: insb@hol.gr

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