HARMONIZATION OF PORT STATE CONTROL ACTIVITIES

Proposed amendments to the Procedures for port State control related to the ISM Code

Submitted by China

SUMMARY

Executive summary: This document provides proposals for harmonizing port State control activities related to the ISM Code by revising paragraph 6 of appendix 8 of the annex to resolution A.1052(27)

Strategic direction: 5.3

High-level action: 5.3.1

Planned output: 5.3.1.1

Action to be taken: Paragraph 7

Related documents: Resolutions A.1022(26) and A.1052(27); FSI 19/6/5, FSI 19/19; FSI 20/WP.5 and FSI 20/2

Introduction

1 In 1999, by way of resolution A.882(21), IMO incorporated the Guidelines for Port State Control (PSC) related to International Safety Management (ISM) Code into the Procedures for PSC. In 2011, the Assembly adopted resolution A.1052(27) which revoked resolutions A.787(19) and A.882(21).

2 Guidelines on PSC for Compliance with the ISM Code of the Tokyo MoU and Guidelines for Port State Control Officer (PSCO) on the ISM Code of the Paris MoU were approved respectively to assist PSCOs to assess the suitability of a ship’s Safety Management System (SMS) when undertaking PSC inspections.

3 According to the PSC inspection statistics in 2012, 322 detentions in the Tokyo MoU region and 346 detentions and 145 additional audits in the Paris MoU region were caused by the deficiencies related to the ISM Code.
Discussion

4 By analysing the PSC reports, China found out that the following different actions were taken as a result of an ISM Code-related inspection:

.1 in the Tokyo MoU region, before allowing the inspected ship to proceed to sea, PSCOs required:
  .1 any serious deficiencies to be rectified;
  .2 all major ISM Code non-conformities to be rectified; and
  .3 confirmation from the flag Administration that the ship and its company have an appropriate safety management system (SMS) in place, or that the flag Administration clears the ship to sail without the required ISM certification.

.2 in the Paris MoU region,
  .1 if there are technical or operational-related deficiencies which individually or collectively do not warrant the detention of the ship but indicate a failure, or lack of effectiveness, of the implementation of the ISM Code, the ISM-related deficiencies should be recorded in the PSC inspection report with the requirement of internal audit and corrective action within three months (action taken Code 18); and
  .2 if there are technical or operational-related deficiencies which individually or collectively lead to detention of the ship and indicate a serious, or lack of, effectiveness of the implementation of the ISM Code, the ISM related deficiencies should be recorded in the PSC inspection report with the requirement that a safety management audit has to be carried out by the Administration or the recognized organization (RO) concerned before the ship may be released from her detention (action taken Code 19).

5 The different actions for the same ISM Code deficiencies by the two PSC regimes have caused inconvenience to both ships and seafarers. For the harmonization of the PSC activities related to the ISM Code in the two PSC regimes, China proposes the solution presented in paragraph 6.

6 China suggests that paragraph 6 of appendix 8 of the annex to resolution A.1052(27) be amended as follows:

"6 Deficiencies in the SMS should be recorded in the PSCO's inspection report. The port State Authority should, if necessary, inform the flag State of deficiencies found in the SMS, and appropriate actions should be taken, considering the nature of the deficiencies:
  .1 Those deficiencies identified in the SMS, which are defined as non-conformities in the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.1022(26)), have to

* The proposed deletion is in strikethrough and new texts are underlined.
be rectified within three months. Internal safety audits should be carried out by the companies concerned in three months if necessary.

2 Those deficiencies identified in the SMS, which are defined as major non-conformities in the Revised guidelines on Implementation of the ISM Code by Administrations (resolution A.1022(26)), have to be rectified by removing the immediate threat or hazard before sailing. Whenever the deficiencies identified during the inspection are indicative of the existence of a major non-conformity resulting in the ship's detention, an additional audit shall be carried out by the flag State or the RO acting on its behalf to determine compliance or non-compliance in accordance with the procedures for safety management audits. In case the additional audit could not be carried out at the initial inspection port, the ship could be permitted to proceed to the next port of call after the immediate threats to life, property and environment etc. have been removed. However, the additional audit should be carried out by the flag Administration concerned or the RO acting on its behalf within three months. The procedures set out in chapter 3 of those Procedures are applicable."

Action requested of the Sub-Committee

7 The Sub-Committee is invited to note the information provided and take action as appropriate.

________________________