IMPLEMENTATION of ISM Code
International, EU, Bulgarian Legislation and ISM Code

Ordinance No. 11 of 26 April 2004 on the Inspection of Ships and Ship Owners Issued by the Minister of Transport and Communications implements ISM, ISPS Code.
EU Legislation and ISM Code

Article 1

Objective

• The objective of this Regulation is to enhance the safety management and safe operation of ships as well as the prevention of pollution from ships, referred to in Article 3(1), by ensuring that companies operating those ships comply with the ISM Code by means of:
  • (a) the establishment, implementation and proper maintenance by companies of the shipboard and shore-based safety management systems; and
  • (b) the control thereof by flag and port State administrations.

Article 3

Scope

1. This Regulation shall apply to the following types of ships and to companies operating them:

• (a) cargo ships and passenger ships, flying the flag of a Member State, engaged on international voyages;

• (b) cargo ships and passenger ships engaged exclusively on domestic voyages, regardless of their flag;

• (c) cargo ships and passenger ships operating to or from ports of the Member States, on a regular shipping service, regardless of their flag;

• (d) mobile offshore drilling units operating under the authority of a Member State.
EU Legislation and ISM Code
Council Regulation No. 336/2006

Article 4
Compliance
Member States shall ensure that all companies operating ships falling within the scope of this Regulation comply with the provisions of this Regulation.

Article 5
Safety management requirements
The ships referred to in Article 3(1) and the companies operating them shall comply with the requirements of Part A of the ISM Code.

Article 6
Certification and verification
For the purposes of certification and verification, Member States shall comply with the provisions of Part B of the ISM Code.
Article 7

Derogation

1. A Member State may, if it considers it difficult in practice for companies to comply with paragraphs 6, 7, 9, 11 and 12 of Part A of the ISM Code for certain ships or categories of ships exclusively engaged on domestic voyages in that Member State, derogate wholly or partly from those provisions by imposing measures ensuring equivalent achievement of the objectives of the Code.

2. A Member State may, for ships and companies for which a derogation has been adopted by virtue of paragraph 1, if it considers it difficult in practice to apply the requirements laid down in Article 6, establish alternative certification and verification procedures.

3. In the circumstances set out in paragraph 1 and, if applicable, paragraph 2, the following procedure shall apply:
   
   (a) the Member State concerned shall notify the Commission of the derogation and of the measures which it intends to adopt;

   (b) if, within six months of the notification, it is decided, in accordance with the procedure referred to in Article 12(2), that the proposed derogation is not justified or that the proposed measures are not sufficient, the Member State shall be required to amend or refrain from adopting the proposed provisions;

   (c) the Member State shall make any adopted measures public with a direct reference to paragraph 1 and, if applicable, paragraph 2.

4. Following a derogation under paragraph 1 and, if applicable, paragraph 2, the Member State concerned shall issue a certificate in accordance with the second subparagraph of Annex II, Part B, Section 5, indicating the applicable operational limitations.
Article 8

Validity, acceptance and recognition of certificates

1. The Document of Compliance shall remain valid for up to five years from the date of its issue. The Safety Management Certificate shall remain valid for up to five years from the date of its issue.

2. In cases of renewal of the Document of Compliance and the Safety Management Certificate, the relevant provisions of Part B of the ISM Code shall apply.

3. Member States shall accept Documents of Compliance, Interim Documents of Compliance, Safety Management Certificates and Interim Safety Management Certificates issued by the administration of any other Member State or on behalf of this administration by a recognised organisation.

4. Member States shall accept Documents of Compliance, Interim Documents of Compliance, Safety Management Certificates and Interim Safety Management Certificates issued by, or on behalf of, the administrations of third countries.

However, for ships engaged on a regular shipping service, compliance with the ISM Code by the Documents of Compliance, Interim Documents of Compliance, Safety Management Certificates and Interim Safety Management Certificates issued on behalf of administrations of third countries shall be verified, by any appropriate means, by or on behalf of the Member State(s) concerned, unless they were issued by the administration of a Member State or by a recognised organisation.

Article 9

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.
Article 10

Reporting

1. Member States shall report to the Commission every two years on the implementation of this Regulation.
2. The Commission shall, in accordance with the procedure referred to in Article 12(2), establish a harmonised specimen form for such reports.
3. The Commission shall, with the assistance of the European Maritime Safety Agency and within six months of receiving the reports from Member States, prepare a consolidated report concerning the implementation of this Regulation, with any proposed measures, if appropriate. This report shall be addressed to the European Parliament and the Council.

Article 11

Amendments

1. Amendments to the ISM Code may be excluded from the scope of this Regulation pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS).
2. Any amendment to Annex II shall be made in accordance with the procedure referred to in Article 12(2).

Article 12

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up under Article 3 of Regulation (EC) No 2099/2002.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.
3. The Committee shall adopt its Rules of Procedure.
Article 13
Repeal
1. Regulation (EC) No 3051/95 shall be repealed with effect from 24 March 2006.
2. Interim Documents of Compliance, Interim Safety Management Certificates, Documents of Compliance and Safety Management Certificates issued before 24 March 2006 shall remain valid until their expiry or until their next endorsement.

Article 14
Entry into force
This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

As concerns cargo and passenger ships, which are not already required to comply with the ISM Code, this Regulation shall apply as from 24 March 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 15 February 2006.
Vessels flying Bulgarian flag did not suffer human lost for the period shown above!
Auditors

The auditors (3 in Varna, 4 in Burgas) have completed a minimum of one year service as a flag-State inspector dealing with surveys and certification in accordance with the Conventions, and are in possession of:

(a) a certificate of competency as master, enabling that person to take command of a ship of 1 600 GT or more (see STCW, Regulation II/2); or

(b) a certificate of competency as chief engineer enabling him to take up that task on board a ship whose main power plant has a power equal or superior to 3 000 KW, (see STCW, Regulation III/2);

The auditors mentioned under (a) and (b) have served for a period of not less than five years at sea as officer in the deck- or engine-department respectively.

The auditors hold a relevant university degree also.

All auditors have passed EMSA courses for ISM Auditors.

All Bulgarian flag vessels and their company’s are being audited by the Administration.

The Administration could give permit for particular case vessel/company to be audited from another Administration or RO, but next audit have to be carried out from Bulgarian Maritime Administration.
Quality Forms

Process of carrying out ISM Audits is part of Quality system of Bulgarian Maritime Administration under number 05-07. List of quality forms:

05-07-01 Letter of authorization to another administration.
05-07-02 Logbook of audits.
05-07-03 Audit plan for company.
05-07-04 Audit plan for ship.
05-07-05 Check list for SMC.
05-07-06 Check list for DOC.
05-07-07 List of questions for crew members.
05-07-08 Nonconformity report.
05-07-09 Audit report for a company.
05-07-10 Audit report for a ship.
05-07-11 Declaration of audit for compliance with the ISM Code.
05-07-12 Declaration of confidentiality.
05-07-17 Check list for SMS review.
05-07-18 Report for SMS review.
Audit
Preparation

Process starts with formal application letter addressed to the Executive Director with necessary documents attached:

- Evidence of company policy for implementing SMS.
- Plan to implement the SMS in the Company and training of the Staff.
- Plan for internal audits of company and/or vessels.
- Internal audit reports.
- SMS review from company’s management.
- etc.

Director Inspection Activities of the Bulgarian Maritime Administration appoints the lead auditor and team who will carry out the whole process.
Audit

Preparation

All auditors sign declaration of confidentiality. Under the guidance of the lead auditor the team collect and examine all information about this case. Particular attention is drawn on previous audit report especially on observations and non-conformities.

The team prepares check list and plan for the audit. The plan is sent to the company for corrections minimum 2 days before the audit.
Opening meeting - the meeting is headed by LA. He/She presents the name and position of the team offered attendees from company / ship to present themselves. He/she states the objective of the audit and expectations for assistance from the company / ship. Reads the agreed plan.

Major items of audit:
• Closing non conformities from previous audit.
• Walk around the ship/ company’s department.
• Check the readiness and actions of the crew in one or more of the emergency situations.
• Interview with key personnel/ crew members.
• Review of documents.
• Collecting objective evidence of records, ship’s log photos, reports, internal audits, correspondence etc.
• Auditors fill up checklist corresponding to the type of audit.
• Etc.
Personal Attributes
Of the auditors

Ethical, objective & impartial

Open- minded

Diplomatic

Observant

Perceptive
Lead Auditor

Additional Skills

Management

Planning

Organizational

Prior audit experience

Exceptional Communications
Practical issue

We all have: ...

2 eyes

2 ears

1 mouth
That means:

2 x 20 % observe, watch, look

2 x 20 % listen, hear

1 x 20 % speak, ASK

Questions started with:
WHO; WHAT; WHERE; WHEN; WHY; HOW
Audit
(Continue)

If the auditor finds out nonconformity he/she informs Captain / Designated person colect evidences fills nonconformity report. Auditor coordinate with Captain/ DP corrective actions and time of their fulfillments.

If there is major nonconformity auditor informs Captain/ DP for all consequences that may arise from (no issuing the document/certificate or verification and stoppage of the fleet).

Major nonconformity is downgrading to nonconformity when there are corrective actions, which remove a serious threat to the people on board the ship or remove a serious risk to the environment and evidences are provided.

At the end of the audit the team gathers and discus all findings and comes out with conclusion.
The next is closing meeting with attendees from company / ship usually same who have been at the opening meeting.

- The lead auditor makes a summary of the course of the audit,
- informs of the outcome (to be issued / certified by an appropriate certificate or not),
- reads nonconformities issued;
- Informs the management of the company / the master when it will be issued / endorsed the document concerned, when and how they will get the same, and the time of the next audit.

The document concerned is issued/endorsed according quality procedure 05-14.
Questions?