



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° PSC 029

PARIS MoU NEW INSPECTION REGIME (NIR) AND ISM CODE DEFICIENCIES

TO: **SHIPOWNERS, SHIPS' OPERATORS AND
MANAGERS, FLAG STATE SURVEYORS AND
RECOGNIZED ORGANIZATIONS**

APPLICABLE TO: All ships to which ISM Code applies

EFFECTIVE AS FROM: Date of this Circular

Monaco, 1st June 2011

Paris MoU has already been implementing the New Inspection Regime (NIR) since 1st January 2011.

In light of the above, new procedures/guidelines are used by Port State Control Officers (PSCO) to handle the ISM Code deficiencies.

The Ship Risk Profile is based on the following criteria, using details of inspections in the Paris MoU area during the last three years:

- Type of ship;
- Age of ship;
- Performance of the ship's Flag;
- Performance of the Recognized Organization(s);
- **Company's performance;**
- **Number of deficiencies;**
- Number of detentions

In order to highlight the importance of ISM related deficiencies, please note that for the calculation of the Company's Performance each ISM related deficiency is counted five (5) times higher than a non-related ISM deficiency. Furthermore, to determine the Ship's Risk Profile, each ISM related deficiency imposed to a vessel is counted five (5) times higher than a non-related ISM deficiency.

It is important to note that any ship's change in ownership during the three year period over which the risk assessment is determined is ignored. Consequently, any ship added to a fleet will carry with the PSC performance record under its previous ownership.

As a PSCO is not an auditor, he/she will not carry out an audit but ask for certain documentation of the ISM system on board. If technical and/or operational deficiencies are found by the PSCO, he/she may suspect that the ISM system onboard is not adequately implemented.

If there is a suspicion, the PSCO will be allowed to report a deficiency. The Convention reference is SOLAS Chapter IX, Regulation 3/ISM Code paragraph 1.2.

An ISM related deficiency will be recorded in the PSC Inspection Report and the word **(ISM)** will be added at the end of the additional comment.

When this type of deficiency is imposed, the PSCO expects action(s) to be taken by the Owners.

According to the PSCO's professional judgment there will be two different codes "action taken" for technical and/or operational deficiencies related to the ISM Code:

- A deficiency which does not warrant the ship's detention but indicates a **failure** or a lack of SMS effectiveness. In this case, the PSCO will report an individual ISM related deficiency with the requirement of an internal ISM audit and corrective actions within 3 months (action taken Code 18);
- A deficiency which leads to the ship's detention and indicates a **serious failure** or lack of SMS effectiveness. In this case, the PSCO will report an individual ISM related deficiency with the requirement of an external ISM Audit by the Administration or the RO prior the release from detention (action taken Code 19).

Accordingly an ISM related deficiency with Action Taken Code (19) or (18) will be indicated in the PSC Inspection Report.

After a satisfactory examination, the sequence of Action Taken Codes will be as follows: 19 → 18 → 10 or 18 → 10 (it will depend on which Action Taken Code has initially been issued).

If the examination of the areas in relation to an Action taken code (18) is not satisfactory, the Action Taken Code (18) will be followed by (19) - PSC detention.

The follow up by the company of the required internal audit within three (3) months of the PSC inspection (when action code 18 is indicated) or external audit (when action taken code 19 is indicated) should not only be limited to the rectification of the posed technical and/or operational deficiency.

The Company should investigate and analyze the outcome of the internal or external audit and ensure that proper corrective actions taken, including the implementation of measures intended to prevent reoccurrence, for at least every technical and/or operational deficiency identified by the PSCO.

The PSCO will verify the effectiveness of any corrective action, examining the areas of the technical/operational deficiencies (marked with ISM) of the previous PSC Inspection.

If an outstanding ISM related deficiency (action code 18) from a previous PSC inspection exists and the current PSC Inspection is more than three (3) months later, the PSCO will verify that an internal audit has been performed.

If the PSCO finds no objective evidence that an internal audit has been performed and corrective actions taken, an ISM related deficiency with action code 19 will be recorded **and the vessel will be detained.**