



# NIUE SHIP REGISTRY

Website: [www.niueship.com](http://www.niueship.com)

## ISM (International Safety Management) Code (Circular NMC9.2012 (rev0))

**PURPOSE:** Provides Niue Ship Registry's (NSR) requirements for compliance with the International Safety Management (ISM) Code.

### A. RELATED DOCUMENTS:

- .1 ISM Code – International Safety Management Code, as amended
- .2 IMO Circular MSC.1/Circ.1045 – Guidelines for Maintenance and Monitoring of On-board Materials Containing Asbestos, dated 28 May 2002
- .3 IMO Circular MSC-MPEEC.7/Circ.7 – Guidance on Near-Miss Reporting, dated 10 October 2008
- .4 IMO Circular MSC.1/Circ.1447 – Guidelines for the Development of Plans and Procedures for Recovery of Persons from the Water, dated 14 December 2012
- .5 IMO Circular MSC-MEPC.7/Circ.8 – Revised Guidelines for the Operational Implementation of the International Safety Management (ISM) Code by Companies, dated 28 June 2013
- .6 IMO Circular MSC.1/Circ.1182/Rev.1 – Guide to Recovery Techniques, dated 21 November 2014
- .7 IMO Assembly Resolution A.1118(30) – Revised Guidelines on the Implementation of the International Safety Management (ISM) Code by Administrations, adopted 06 December 2017
- .8 MLC 2006 – ILO Maritime Labour Convention, 2006
- .9 MARPOL – International Convention for the Prevention of Pollution from Ships, as amended
- .10 SOLAS – The International Convention for the Safety of Life at Sea, as amended
- .11 STCW – International Convention on Standards of Training, Certification, and Watchkeeping, as amended
- .12 Niue Marine Circular NMC1.2012 – Minimum Safe Manning on Niue Ship
- .13 Niue Marine Circular NMC6.2012 – Requirements for Approval of Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances
- .14 Niue Marine Circular NMC1.2014 – Guidance on Preventing and Suppressing Piracy as well as the use of Privately Contracted Armed Security Personnel on Board Ships in High Risk Areas
- .15 Niue Marine Circular NMC6.2017 – Instructions for Flag State Inspections
- .16 Niue Marine Circular NMC7.2017 – Maritime Cyber Risk Management
- .17 Niue Marine Circular NMC6.2018 – Shipboard Drug and Alcohol Abuse Policy
- .18 Niue Marine Circular NMC4.2018 – Reporting and Investigation of Marine Casualties and Incidents

### B. APPLICATION:

- .1 The following Niue flagged commercial ships (including those under Bareboat Charter-In) operating in international voyages shall comply with the ISM Code:
  - .1 passenger ships including passenger high speed craft (regardless of tonnage);
  - .2 oil tankers, chemical tankers, gas carriers, bulk carriers, cargo high speed craft of 500 GT and above; and
  - .3 other cargo ships and mobile offshore drilling units of 500 GT and above.
- .2 Ship types not mentioned above may comply with the ISM Code on a voluntary basis if they are able to meet all the requirements.
- .3 Applicable ships failing to comply with the ISM Code shall not engage in any commercial operations until found compliant with the ISM Code.

### C. DEFINITIONS:

- .1 "Anniversary Date" – refers to the day and month of each year that corresponds to the date of expiry of the relevant document or certificate.

- .2 "Company" – refers to the Owner of the ship or any other organization or person such as the Manager, or the bareboat Charterer, who has assumed the responsibility for operation of the ship from the Shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibility imposed by the Code.
- .3 "DOC (Document of Compliance)" – refers to a document issued to a Company which complies with the requirements of this Code.
- .4 "DPA (Designated Person Ashore)" – refers to the person ashore appointed by the Company under its SMM (Safety Management System), having direct access to the highest level of management with whom direct communications may be had at any time. The responsibility and authority of the DPA must include, but is not limited to, monitoring the safety, security, and pollution prevention aspects of each vessel's operation under his/her control and ensuring that adequate resources and shore-based support are provided.
- .5 "Major Non-conformity" – refers to any identifiable deviation that poses a serious threat to the safety of personnel or the ship or a serious risk to the environment that requires immediate corrective action or includes the lack of effective and systematic implementation of a requirement of this Code.
- .6 "Non-conformity" – refers to an observed situation where objective evidence indicates the non-fulfillment of a specified requirement.
- .7 "NSR (Niue Ship Registry)" – refers to the Administration.
- .8 "Objective Evidence" – refers to quantitative or qualitative information, records or statements of fact pertaining to safety or to the existence and implementation of an safety management system element, which is based on observation, measurement or test and which can be verified.
- .9 "SMC (Safety Management Certificate)" – refers to a document issued to a ship which signifies that the Company and its shipboard management operate in accordance with the approved safety management system.
- .10 "SMM (Safety Management System)" – refers to a structured and documented system enabling Company personnel to implement effectively the Company safety and environmental protection policy.

#### **D. IMPLEMENTATION:**

##### **.1 Objectives**

- .1 The objectives of the ISM Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular, to the marine environment, and to property.
- .2 Safety management objectives of the Company should, inter alia:
  - .1 provide for safe practices in ship operation and a safe working environment;
  - .2 assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards; and
  - .3 continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection.
- .3 The SMS should:
  - .1 ensure compliance with mandatory rules and regulations;
  - .2 ensure that applicable codes, guidelines and standards recommended by the IMO, Flag Administrations, classification societies and maritime industry organizations are taken into account; and

- .3 be limited to that which adequately covers the applications of the system to establish operational standards for safety and protection of the environment.

## **.2 Company Responsibilities and Authority**

- .1 Declaration of Company – the shipowner shall provide, during registration and whenever there is a change to the particulars of the Company responsible for its ship operations, using *Form NISMIC* which can be found downloaded at <https://niueship.com/form>.
- .2 DPA (Designated Person Ashore) – the Company shall provide, during registration and whenever there is a change to the particulars of the DPA (and alternate DPA), using *Form NISM DP* which can be found downloaded at <https://niueship.com/form>.
- .3 The Company is responsible for ensuring that adequate resources and shore based support are provided to enable the designated person or persons to carry out their functions.
- .4 Every Company should develop, implement and maintain a SMS which includes the following functional requirements:
  - .1 a safety and environmental protection policy;
  - .2 instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation;
  - .3 defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
  - .4 procedures for reporting accidents and non-conformities with the provisions of the ISM Code;
  - .5 procedures to prepare for and respond to emergency situations; and
  - .6 procedures for internal audits and management reviews.
- .5 The Company and its shipboard SMS operational procedures shall be based on formal risk assessment and demonstrated through documentation, and should incorporate the below requirements in addition to any national, regional, or coastal State regulations which may be applicable:
  - .1 The SMS should be utilized as a tool for preventing damage to the marine environment. In the event of an accident or pollution incident, the extent to which IMO and industry guidance have been considered in a SMS may play an important role in determining whether a Company has exercised “due diligence.”
  - .2 The SMS should clearly define and document the Master’s Responsibility and Authority with regards to:
    - .1 implementing the safety and environmental protection policy of the Company;
    - .2 motivating the crew in the observation of that policy;
    - .3 issuing appropriate orders and instructions in a clear and simple manner;
    - .4 verifying that specified requirements are observed; and
    - .5 periodically reviewing the SMS and reporting its deficiencies to the shore based management as part of the internal audit process.
  - .3 Resources & Personnel
    - .1 Where MLC 2006 requirements overlap with those of the ISM Code, Companies should ensure that these requirements are incorporated as part of their SMS which include medical certification, training and qualifications, hours of work and rest,

manning levels and medical care on board and ashore. For e.g. NSR shall consider manning levels to be inadequate if crew members are unable to adhere to the minimum number of hours of rest for a given period of time for all seafarers as mandated by the MLC 2006. Refer to Niue Marine Circular NMC1.2012.

- .2 Matters relating to training, hiring, manning procedures, terms of employment, personnel record keeping, and reporting procedures should also be consistent with STCW requirements to ensure the use of competent qualified personnel. This includes the requirement for companies to have a shipboard drug and alcohol abuse policy. Refer to Niue Marine Circular NMC6.2018.
  - .3 Crewing agencies engaged by Companies should be provided with a copy of the Company's relevant provisions of the SMM and the crewing agencies should comply to MLC 2006 Regulation 1.4 and Standard A1.4.
- .4 Shipboard Operations

The Company should establish procedures, plans, instructions, and checklists for key shipboard operations concerning the safety of the personnel and the ship, and protection of the environment. All tasks necessary to meet the objective should be defined and assigned to qualified personnel.

.1 Safety Check Lists

The SMS should include a port arrival and departure Safety Checklist that is used by the Master. This should be accompanied with the Company's guidelines for "Go" and "No go" situations and reporting requirements to ensure Master's compliance.

.2 Master's Authority

The SMS should contain a clear statement emphasizing the Master's authority. The Master shall have the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the Company's assistance as may be necessary.

.3 Asbestos on-board

The company shall take into account the guidelines in IMO MSC.1/Circ.1045 and include in the SMS a maintenance and monitoring program for on-board materials containing asbestos.

.4 FSI (Flag State Inspection)

The SMS should contain procedures to ensure the required annual FSI is carried out in accordance with Niue Marine Circular NMC6.2017.

.5 Recovery of Persons from the Water

The SMS should contain plans and procedures for the recovery of persons from the water. When establishing such plans and procedures, the Company should take into consideration the guidelines provided under IMO MSC.1/Circ.1182/Rev.1 and IMO MSC.1/Circ.1447.

.6 SEEMP (Ship Energy Efficiency Management Plan)

The ship specific SEEMP may form part of the shipboard SMS for ships required to comply with MARPOL Annex VI Reg. 22.

.7 Security Matters

- .1 The SMS should incorporate procedures to detect maritime security threats affecting ships or port facilities and establish preventive measures to enhance the safety and security of the ship and its personnel. For e.g. the implementation of a SSP (Ship Security Plan) as required by the ISPS Code when

a ship enters areas with high risk of piracy. Refer to Niue Marine circular NMC1.2014.

- .2 NSR recommends that Cyber Risks are addressed in the SMS. More information can also be found in Niue Marine Circular NMC7.2017.

#### .8 Ship and Equipment Maintenance

The SMS should include procedures to ensure that all safety equipment, including life-saving and fire-fighting gear, is always in good condition and available for immediate use. To achieve this, the SMS should ensure that:

- .1 inspections through class and statutory survey, including FSI, are scheduled and held at appropriate intervals;
- .2 all non-conformities identified through the scheduled inspections are reported with their possible causes, if known;
- .3 the appropriate corrective actions and measures are taken to rectify the non-conformities and avoid recurrence; and
- .4 all the activities mentioned above are documented.

#### .5 Emergency Preparedness

The SMS should ensure that all required emergency preparedness plans are established, implemented, periodically reviewed, and updated. This should include plans for drills and exercises to prepare for emergency actions. For e.g. the SMS should ensure that SOPEP (Shipboard Oil Pollution Emergency Plan) and the combined SMPEP (Shipboard Marine Pollution Emergency Plan) are up to date and complied with. Refer to Niue Marine Circular NMC6.2012.

#### .6 Reports and Analysis of Nonconformity, Accidents and Hazardous Occurrences

- .1 The SMS should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the Company for investigation and analysis, with the objective of establishing procedures for the implementation of corrective actions to avoid recurrence, in order to improve safety and enhance pollution prevention. The aforementioned procedures should take into consideration IMO MSC-MEPC.7/Circ.7 guidance on near-miss reporting & investigation, as well as Niue Marine Circular NMC4.2018.
- .2 Some general examples of situations that call for the appropriate procedures to be included in the SMS include:
  - .1 oil spills and any incidents that involve harmful substances as defined by MARPOL.
  - .2 any intentional illegal discharge of waste;
  - .3 action by port or coastal State in response to the contravention of or non-compliance with applicable international conventions and codes.

#### .7 Documentation

The Company should establish and maintain procedures to control all documents and data which are relevant to the SMS.

All documents relating to the SMS should be:

- .1 updated and available at all relevant locations;
- .2 readily available for review by relevant authorities such as the RO, Flag State inspector, and PSC (Port State Control) authorities;

- .3 user-friendly and not so voluminous as to hinder the effectiveness of the SMS;
  - .4 reviewed and approved by authorized personnel whenever changes are made; and
  - .5 returned to the Company when a ship leaves the Company's fleet.
- .8 Company Verification, Review and Evaluation
- .1 The Company should carry out internal shore-based and shipboard audits to verify whether these ship-based and shipboard activities comply with the SMS.
  - .2 These internal verifications should be prepared and conducted in accordance with procedures established by the Company, and these procedures should at least consider the following elements as laid out in IMO MSC-MEPC.7/Circ.8:
    - .1 responsibilities;
    - .2 competence and selection of auditors;
    - .3 audit scheduling;
    - .4 preparing and planning the audit;
    - .5 executing the audit;
    - .6 audit report; and
    - .7 corrective action follow-up.
  - .3 The audits mentioned above are in addition to those carried out by the RO, and should be carried out at intervals not exceeding twelve months, however, in exceptional circumstances, NSR may grant an extension to postpone the internal audit up to three months if acceptable evidence is presented by the Company.
  - .4 Any extension granted by NSR to postpone the internal audits should be presented to the RO for verification at the annual Company DOC audit and relevant shipboard SMC audit.

### **.3 Verification**

Please refer to Part B of the ISM Code as well as the IMO Assembly Resolution A.1118(30) for the steps relating to the verification process relevant to a DOC for a company and a SMC for a ship.

### **.4 Certification**

- .1 DOC (Document of Compliance)
  - .1 An Interim DOC may be issued by the RO when a Company is newly established; or when new ship types are added to an existing DOC, provided the Company must be able to demonstrate plans to implement the SMS within the period of validity of the Interim DOC which should not exceed 12 months.
  - .2 A copy of the Interim DOC should be placed on board in order that the master of the ship, if so requested, may produce it for verification by authorities. The Interim DOC copy does not need to be authenticated or certified.
  - .3 A Full-Term DOC should be issued by the RO to a Company, prior to expiry of the Interim DOC, after satisfactory initial verification of compliance with the requirements of the ISM Code with validity not exceeding 5 years and is subject to annual verification by the RO which should be carried out within three months before or after the anniversary date.
  - .4 A Full-Term DOC is valid for the ship types on which the initial verification was based and must be indicated in the DOC. The scope of a DOC may be amended to cover an additional ship type after the RO verifies the Company's capability to comply with the requirements of the ISM Code for that ship type.
  - .5 The Full-Term DOC shall be made available to every office location covered by the SMS, and a copy should be placed on board every ship so that it may be presented

for verification by authorities if requested. The Full-Term DOC copy does not need to be authenticated or certified.

- .6 ROs issuing a Full-Term DOC to a Company that is voluntarily complying for certification under the ISM Code should be marked "Voluntary".
  - .7 For a Company that already holds a Full-Term DOC for a particular ship type issued by a RO of another flag (in the case where the company operates a multi-flagged fleet), and where that RO is also a RO of NSR, then the RO may issue an Interim DOC with validity not exceeding 12 months without the need for a verification audit, and the RO may subsequently issue a Full-Term DOC with the same validity as that of the Full Term DOC issued by the RO to the other flag upon confirmation that the Company's SMS does not deviate from NSR's requirements.
- .2 SMC (Safety Management Certificate)

- .1 An Interim SMC with a validity not exceeding 6 months may be issued by the RO to a ship:
  - .1 that is newly delivered;
  - .2 that is newly taken under management of a Company that holds a DOC relevant to the ship type; or
  - .3 that changes flag.

after the RO has determined that the Master and relevant senior officers display familiarity with the SMS and its implementation, and that plans for an internal vessel audit by the Company within three months of issuance of the Interim SMC.

- .2 A Full-Term SMC, with a validity not exceeding 5 years, may be issued prior to expiry of the Interim SMC following a satisfactory initial shipboard verification by the RO provided that the following are available on board:
  - .1 Full-Term DOC with the relevant ship type;
  - .2 Full-Term ISSC (International Ship Security Certificate); and
  - .3 Valid applicable statutory certificates.
- .3 For vessels that are complying voluntarily, SMCs should be marked "Voluntary".
- .4 In the case of a change of flag to Niue occurs within a company managing a multi-flagged fleet, the RO may directly issue a Full-Term SMC with the same validity as the existing Full-Term SMC after an additional shipboard verification, subject to the following conditions:
  - .1 the Company holds a valid Niue Full-Term DOC for the ship type;
  - .2 the vessel has no major ISM nonconformities open or outstanding nonconformities for which corrective action has not been accepted by the RO;
  - .3 the vessel has valid Flag and Statutory certificates;
  - .4 a completed CSR Amendment (Form 2) is available onboard and the Index of Amendments (Form 3) reflects the change of flag;
  - .5 the RO remains the same for the vessel;
  - .6 the officers hold valid Niue Crew Endorsements; and
  - .7 a periodical external audit aboard the vessel has been satisfactorily completed by the RO within the last 6 months or an annual shipboard internal audit has been reviewed with satisfaction by the RO.

### .3 Short-Term DOC or SMC

After satisfactory initial verification audit where no major nonconformities are present, a RO is permitted to issue Short-Term DOC or SMC with validity not exceeding 5 months from the date of the audit if the RO requires time to process and issue the Full-Term certificates.

## **.5 Withdrawal & Invalidation of Certificates**

- .1 DOCs and SMCs may be withdrawn by the RO when authorised by NSR in the following instances (non-exhaustive):
  - .1 failure to conduct internal, periodic or intermediate verification audits;
  - .2 failure to fully implement the SMS;
  - .3 failure to maintain SMS in substantial compliance with the requirements of the ISM Code and the ISPS Code;
  - .4 nonconformities remain uncorrected beyond their due date; and
  - .5 RO recommendation based on objective evidence of the existence of a Major Nonconformity or an ineffective SMS.
- .2 A withdrawal of the company DOC invalidates the SMCs of all related ships, in which case, the company is required to notify the affected ships that the DOC is invalid and proceed with withdrawing the SMCs covered by the DOC after being notified by the RO in writing.
- .3 A withdrawal of a ship SMC shall be notified to the ship's Master in writing by the company at the earliest opportunity.
- .4 DOCs and SMCs that have been withdrawn may be reinstated after the RO confirms, through the performance of an additional audit, that there has been satisfactory rectification of all nonconformities resulting in the withdrawal of the certificates.
- .5 In the event a company disagrees with the RO's withdrawal of the DOC or SMC, the DPA may make a direct appeal to NSR for a final decision only after exhausting the RO appeals procedures.

## **.6 RO (Recognized Organization)**

- .1 Companies should select any of NSR's authorized ROs to verify compliance with the ISM Code and issue ISM Code certificates. The list of the ROs can be found here: <https://niueship.com/index#ro>
- .2 A Company that operates a fleet of ships classed different ROs may request for a single RO to perform the ISM Code verification audit and certification for the Company and all of its ships. There is no need for the RO for ISM Code to be the same RO that provides classification services to the ship.
- .3 It is essential for ROs to communicate on the results of the DOC and SMC audits where different ROs are involved with a ship.

Please do not hesitate to contact the Registry at [technical@niueship.com](mailto:technical@niueship.com) or call: +65 6226-2001 for further assistance.