

REPUBLIC



OF CYPRUS

**MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS**

Circular No.27/2006

DMS 1/5
DMS 32/6/13

8/12/2006

To all Owners, Managers
and Representatives of
Ships under the Cyprus flag

Subject: International Safety Management (ISM) Code- Instructions to Companies

The Department of Merchant Shipping has imposed additional requirements on the development, implementation and certification of Safety Management Systems since 1998. Attached herewith is a guidance document entitled "Instructions to Owners and Companies on the Certification of the Safety Management Systems", which is a consolidated edition of these additional requirements based on the contents of previous Circulars and the experience gained by the implementation of the ISM Code.

The Department will be at the disposal of the Owners, of Companies and of those concerned with the matter for any explanations and clarifications they may deem necessary.

The present Circular replaces Circulars Nos 1/2001, 8/2001, 13/2002, 20/2002, 26/2002 8/2003, 2/04 and 54/2004

The present circular should be kept on board vessels flying the Cyprus Flag.

Serghios S. Serghiou
Director
Department of Merchant Shipping

cc Permanent Secretary, Ministry of Communications and Works
Maritime Offices of the Department of Merchant Shipping abroad
Diplomatic and Consular Missions of the Republic
Honorary Consular Officers of the Republic

Cyprus Bar Association
Cyprus Shipping Council
Cyprus Union of Ship owners

Encl.

Instructions to Owners, Companies and Auditors on the Certification of the Safety Management Systems

1 Purpose

The purpose of this document is to provide guidance and instructions to those concerned with the development, implementation, maintenance, assessment and certification of Safety Management Systems.

2 Interpretation of the Instructions

The interpretation of the present Instructions remains the exclusive prerogative of the Government. Any matter concerning these Instructions should be referred to the Department for guidance or instructions, as the case may be.

3 Notification Procedure

3.1 Owners or Companies of Cyprus Ships should notify the Department using the ISM FORM 01/ REVISION 02 or future amendments (Appendix 1) on the following cases:

3.1.1 Companies not yet been certified by this Government in accordance with Regulation 4 of Chapter IX of SOLAS 74 as amended;

3.1.2 Owners of all ships which will apply for registration under the flag of the Republic of Cyprus or for transfer of ownership;

3.1.3 Change of ship's Management Company;

3.1.4 Amendments of Company's particulars, i.e. change of address, conduct details, designated person etc;

3.1.5 Change of the auditing body (RO).

3.2 The Department of Merchant Shipping will authorise in writing the RO nominated by the Company, only upon receiving the proper notification.

3.3 The Company may nominate only the Recognised Organisations referred in paragraph 13 of Appendix 2.

3.4 Companies are not obliged to notify the Department of Merchant Shipping provided that the nominated RO has not been altered prior to:

- Initial, Annual and Renewal Audit of a Company;
- Issuance of a DoC as a result of adding a Type of ship on the existing DoC;
- Initial, Intermediate or Renewal Audit of a Ship;
- When a Ship changes its name;

Declaration of Particulars of the Company

- 1. Vessel** (not to be completed when reporting changes of the particulars of the Company have, or the company has not yet assume the management of vessels flying the Cyprus Flag)

Name of Vessel:	Type of Vessel:
Call Sign:	IMO Number:

2. Declaration of Particulars of the Company (ISM Ref: 1.1.2)

Registered Name:	
Registered Address:	Business Address:
Telephone:	Telephone:
Fax:	Fax:
E Mail:	E Mail:
Date of Incorporation:	Ex Name (If Any):
Country of Incorporation:	IMO Unique Company ID No:

3. Designated Person (ISM Ref: 4)

Designated Person	Back – up to the D.P.A or E.R. person's contact details
Name:	Name:
Position:	Position:
Identity Document:	Identity Document:
Office address: (Place of Work)	Office address: (Place of Work)
Telephone:	Telephone:
Fax:	Fax:
E-Mail	E-Mail
Telex:	Telex:
Mobile Telephone:	Mobile Telephone:
A.O.H. Telephone:	A.O.H. Telephone:
A.O.H. Fax:	A.O.H. Fax:

4. Branch Office (s) (If Applicable / If More than one please refer to Annex 1)

Registered Name:	
Registered Address:	Business Address:
Telephone:	Telephone:
Fax:	Fax:
E Mail:	E Mail:

5. Owner / Bareboat Charterer

Registered Name:	
Registered Address:	Telephone:
	Fax:
	E Mail:
	IMO Unique Registered Owner ID No:

6. Nomination of the Auditor (ISM Ref. 13)

Document Of Compliance (ISM Ref 13.2)	Safety Management Certificate (ISM Ref 13.4)
Issued by/ To be issued:	Issued by/ To be issued:
Address:	Address:
Telephone:	Telephone:
Fax:	Fax:
Telex:	Telex:
E-Mail:	E-Mail:

I the undersigned hereby declare and state for and on behalf of the owner / bareboat charterer, that:

- *the above information is true and correct; and*
- *I am duly authorised by the Owner / bareboat charterer to provide the aforesaid information.*
- *The Owner / bareboat has have conducted a management agreement with the Company stated in section 2 of this form*

Name:	
Signature:	
Place:	Date:

I the undersigned hereby declare and state for and on behalf of the Company, that:

- *the above information is true and correct; and*
- *I am duly authorised by the Company to provide the aforesaid information.*
- *The Company have conducted a management agreement with the Owner / bareboat stated in section 5 of this form*

Name:	
Signature:	
Place:	Date:

Annex 1

Advice on the Branch Offices of the Company (if more than one)

2. Branch Office

Registered Name:	
Registered Address:	Business Address:
Telephone:	Telephone:
Fax:	Fax:
E Mail:	E Mail:
Telex:	Telex:

3. Branch Office

Registered Name:	
Registered Address:	Business Address:
Telephone:	Telephone:
Fax:	Fax:
E Mail:	E Mail:
Telex:	Telex:

Specific Guidelines on matters to be addressed in the Safety Management System

This Appendix should be read in conjunction with the ISM Code. It includes mandatory provisions, which should be addressed in the SMS.

(The numbers indicated below correspond to the relevant sections of the ISM Code)

- Preamble**
(No provision)
- 1 General**
(No provision)
 - 1.1 Definitions**
(No provision)
 - 1.2 Objective**

(No provision)
 - 1.3 Application**
The applicable Gross Tonnage of ships flying the Cyprus flag which should be taken into account for the implementation of the requirements of Chapter IX SOLAS 74 as amended and of the ISM Code, is the tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships, 1969.
 - 1.4 Functional Requirements for a safety - management system**
(No provision)
- 2 Safety and Environmental Protection Policy**
(No provision)
- 3 Company's Responsibility and Authority**

Notwithstanding the provisions of sections 3.2 and 3.3 of the ISM Code the Company is expected to address the following matters and shall:

- (1) Establish and maintain a formal organisational structure which defines the responsibility, authority and inter-relations of personnel who manage, perform and verify work affecting the SMS;
- (2) Designate a command language and a working language for communications between shipboard management and shore based management. To this end if the command and the working language is other than the official languages of the Republic (Greek and Turkish), then the SMS, Official Log Books and all plans, instructions and lists required by the International Maritime Conventions, should be written also in a language understood by the Administration (English)

4 **Designated Person(s)**

Each vessel must be assigned to be the responsibility of a designated person. Another person should be designated, for each ship, to be the back-up person. A designated person or a back up person may be assigned more than one vessel.

The designated person and the back up persons should be conversant with the safety and environment control aspects of ship operations and with the Company's safety and environment protection policies.

5 **Master's Responsibility and Authority**

(No Provision)

6 **Resources and Personnel**

Shore based resources and personnel

If the Company is situated in Cyprus it should have a sufficient in number and qualifications personnel as stipulated by the Merchant Shipping Law (Fees and Taxing Provisions) in force at the time

Shipboard Personnel

The Company shall ensure that the crew has been engaged in accordance with the provisions of the Merchant Shipping (Masters and Seamen) Laws, in force at the time and that the relevant employment agreements have been signed.

The Company shall ensure that the master, officers and ratings are adequately rested in accordance with the provisions of the Merchant Shipping (Organisation of Working Time of Seafarers) Law in force at the time.

The Company shall establish and maintain procedures to ensure:

- Compliance with STCW related Flag requirements as these are stated in relevant Circulars.
- That key personnel can adequately understand instruction in the language designated for command and in the English language.
- That crew members can adequately understand instruction in the language designated for command.
- The maintenance of a crew list and records of all crew members in current employment;
- Suitable travel arrangements for the personnel leaving the ship are made;
- For support, maintenance and repatriation for crew members who have to be landed ashore for any reasons are made;

In case the Company uses the services of a crew manager or of a manning agent, a system to control the foregoing procedures shall be established and maintained.

7 Development of Plans for Shipboard Operations

With respect to the requirements of section 7 of the ISM Code calling for the Company to “ establish procedures for the preparation of plans and instructions for key shipboard operations “, in addition to the development of the procedures for the preparation of plans, actual plans and instructions should be developed for this purpose.

8 Emergency Preparedness

With respect to the requirement of section 1.4.5 of the ISM Code, for procedures to prepare for and respond to emergency situations and notwithstanding the obligation of the Company to “establish procedures to prepare for and respond to emergency situations “, the Company should, as a minimum, document contingency plans and response to the emergency situations listed in Annex 1 to this Appendix.

9 Reports and analysis of Non-Conformities, Accident and Hazardous Occurrences

When a Cyprus flag ship is detained, the Company managing the ship or the Master of the ship are obliged to inform the Flag Administration and to call immediately the Recognized Organization (RO) to attend.

Same applies also whenever a vessel casualty or an accident or personal injury or loss of life occurs.

10 Maintenance of the Ship and Equipment

With respect to the requirements of section 10.1 of the ISM calling for the Company to “ establish procedures to ensure that the ship is maintained ... “, as a minimum the Company should prepare and establish procedures for at least the subjects listed in Annex 2 to this Appendix.

With respect to the requirements of section 10.3 of the ISM calling for the Company to “ establish procedures in its SMS to identify equipment and technical systems the sudden operational failure of which may result in a hazardous situation “, the Company, as a minimum, in addition to the establishment of the aforesaid procedures, should identify, on each ship, the actual equipment or systems which may result in hazardous situations (Critical Equipment) and should establish, in addition to the preventive maintenance and testing, appropriate contingency plans in case the equipment or the system in question fails.

11 Documentation

In addition to the requirements of the ISM Code the Company shall ensure that:

- (1) all documents are examined for adequacy and approved by designated personnel before they are used;

The Company shall have available in their offices, for each of the vessels they operate, essential plans, manuals, crew certificates and latest ship related reports (survey / class / audit / psc) for reference.

For vessels demolished or became an actual total loss, or deleted from the Cyprus Registry or ceased to be operated by the Company following records should be retained for a period of three years as from the date which one of the above occurred

- Ship's Articles;
- Official Log Books (Bridge, Engine, Radio);
- Accidents, Incidents, Near Misses Reports;
- Audit Reports (Internal and External);
- Latest Class / Statutory Report;
- Crew list and relevant Certificates.

With reference to the publications and circulars to be placed on board an indicative list is shown in annex 3 of this appendix.

12 Company Verification, Review and Evaluation

The Company should carry out internal safety audits ashore and on board to verify whether safety and pollution prevention activities comply with the SMS at least once per year.

13 Certification and Periodical Verification

The Government of the Republic of Cyprus has authorised the following organisations to carry out assessment, auditing, verification and certification of safety management systems on its behalf:

American Bureau of Shipping (ABS)
Bureau Veritas (BV)
China Classification Society (CCS)
Det Norske Veritas (DNV)
Germanischer Lloyd (GL)
Hellenic Register of Shipping (HRS)
Korean Register of Shipping (KRS)
Lloyd's Register of Shipping (LRS)
Nippon Kaiji Kyokai (NKK)
Registro Italiano Navale (RINA)
Russian Maritime Register of Shipping (MRS)

14 Interim Certification

14.1 No Provision

14.2 Change of Flag. In cases that the vessel will continue to be operated by the same Company after the change of Flag and provided that this Company has a valid DoC on behalf of the Republic of Cyprus, this Administration might accept the extent of the validity of the existing SMC subject to a verification audit for the Additional Cyprus requirements. This verification audit should be based upon a sampling process of the requirements referred to in this Appendix. However this will be decided on a case-by-case basis.

14.3 No Provision

14.4 No Provision

15 Verification

(No provision)

16 Forms of Certificates

(No Provision)

Annex 1

Emergency Preparedness (section 8.1 of the ISM Code)

1. The emergency preparedness plans shall, at least, address the emergency scenarios indicated below.

1. Steering gear failure;
2. Fire;
3. Abandoning ship;
4. Structural failure, including failure of hull openings above the loaded waterline;
5. Failure of the main propulsion machinery;
6. Main and emergency electrical power failure;
7. Collision;
8. Grounding and stranding;
9. Shifting of cargo; where applicable
10. Flooding;
11. Man overboard;
12. Search and rescue operations,
13. Serious injury (including rescue from enclosed spaces and helicopter operations for transfer of the injured crew member);
14. Operational Spills;
15. Spills resulting from casualties.

2. A Company may, if it so wishes, develop emergency preparedness plans, which address more than one scenario or a combination of scenarios. The plans may address the various scenarios.

3. The Company should ensure that a ship to shore drill must be carried out for at least three of the following emergency scenarios once per year (4, 5, 7, 8, 9, 10, 13, and 15). The drill could be performed with three ships of the Company's fleet (if the drill addresses only one scenario) or with one of the ships if the drill addresses a combination of scenarios. All eight scenarios should be addressed within a three years' period. A different ship should be chosen every year to take part to the ship to shore drill.

4. For those of the scenarios listed above which the intervals for performing drills are not defined by the Conventions (Nos 4 to 15), the Company should ensure that, shipboard drills and or shipboard training should be performed on board each ship at least once per year. A Company may, if it so wishes, carry out shipboard drills, which address more than one scenario or a combination of scenarios.

5. Scenarios 14 and 15 may be addressed in SOPEP with a note reference in the Company's SMS

Annex 2

Preventive Maintenance Procedures (section 10.1 of the ISM Code)

1. The Company, as a minimum should establish preventive maintenance procedures for at least the following:
 - (1) hull and superstructure steel work;
 - (2) safety, damage control, fire-fighting, life-saving and pollution combating and control equipment;
 - (3) communications equipment;
 - (4) navigational equipment;
 - (5) steering gear;
 - (6) main propulsion machinery and auxiliary machinery;
 - (7) anchoring and mooring equipment;
 - (8) smoke, gas and heat detection equipment;
 - (9) bilge and ballast pumping systems;
 - (10) pipelines and valves;
 - (11) oily water separation system;
 - (12) cargo loading and discharging equipment;
 - (13) waste disposal and sewage systems;
2. A Company may, if it so wishes, develop preventive maintenance procedures, which address more than one of the items listed above or a combination of these.
3. A Company should identify, on each ship, the actual equipment or systems which may result in hazardous situations (Critical Equipment). As a minimum the list should include the following equipment:
 - 3.1 Steering Gear;
 - 3.2 Emergency Fire Pump;
 - 3.3 Oily Water Separator;
 - 3.4 Navigational Equipment;
 - 3.5 Communication Equipment;
 - 3.6 Life Boat Engine;
 - 3.7 Emergency Generator or Batteries;
 - 3.8 Fixed Fire Fighting System;

Annex 3

1. PUBLICATIONS

The following (applicable to ship type) publication should be carried on board Cyprus Ships. All Publications on board Cyprus ships should be of the latest editions.

Name of Publication	Applicable Ship
SOLAS Convention	All Ships
MARPOL Convention	All Ships
LL Convention	All Ships
STCW Convention & Code	All Ships
COLREG Convention	All Ships
TM69 Convention	All Ships
IBC Code	Chemical Tk built after 1986
BCH Code	Chemical Tk built before 1986
IGC Code	Gas Carrier built after 1986
GC Code	Gas Carrier built before 1986
International Code of Signals	All Ships
IAMSAR Manual Volume III	All Ships
ISM Code	All Ships
LSA Code	All Ships
FSS Code	All Ships
Grain Code	Ships carrying grains
HSC Code, 2000	High speed craft built after 1 July 2002
HSC Code, 1994	High speed craft built after January 96 and before July 02
DSC Code	Dynamically supported Crafts
INF Code	Ships Carrying INF Cargoes
IMDG Code	Ships Carrying Dangerous Goods
BC Code	Bulk Carriers
BLU Code	Bulk Carriers
MODU Code, 1989	MODU built after May 1991
MODU Code, 1979	MODU built before May 1991
ISPS Code	All Ships
MFAG	Ships Carrying Dangerous Goods
Radio Regulations (as defined in Regulation IV/2.1.11 SOLAS 74 as amended) or the Convention on the International Telecommunication Union and the Regulations thereto (all Ships)	
International Medical Guide for ships (all Ships)	
Cyprus Code of Safe Working Practices for Seafarers	

2. NAUTICAL PUBLICATIONS

In lieu of the requirements of SOLAS regulation V/19.2.1.4, all Cyprus ships, irrespective of their size, shall have on board the following. All Nautical Publications on board Cyprus ships should be of the latest editions and should provide at least information for the indented voyage.

- Applicable Sailing Directions and Supplements;
- List of Lights and Fog Signals;
- Tidal Publications;
- Radio Signals;
- Admiralty Catalogues;
- Admiralty Nautical Almanac;
- Notice to Mariners.

In case that an Electronic Charts & Display Information Systems (ECDIS) is used on board Cyprus Flag ships including high speed craft (HSC) in meeting the nautical charts and nautical publications carriage requirements stipulated in Regulation V/19.2.1.4 and V/27 of SOLAS 74 as amended compliance with our circular 26/06 or any future amendments is required.

3. NATIONAL LEGISLATION AND CIRCULARS REQUIRED TO BE ON BOARD CYPRUS FLAG VESSELS

An up to date list of circulars required to be on board is obtainable from the Department's website www.shipping.gov.cy under the link "Full Text of Circulars issued by the Department of Merchant Shipping required being on board Cyprus flag vessels". To this end the Company is obliged to seek and acquire the relevant circulars and forward them on board Cyprus ships.

The Cyprus merchant shipping legislation required to be carried on board Cyprus ships is the consolidated and translated into English legislation (both national and international Instruments) obtainable from the Department's website www.shipping.gov.cy under the link "Legislation". To this end the Company is obliged to seek and acquire the relevant legislation and forward it on board Cyprus ships.