Circular 146 / 2017

To: DPA, ISM Managers, Owners, ISM auditors and Flag State Inspectors

Subject: ISM Reviews and Non-Conformity Reports

Date: 15 February 2017

Summary

Dear Designated Person Ashore,

This circular aims to provide information about -

i. MCI requests all ISM reviews that result from PSC deficiency ISM Non-Conformity 15150, before the close of the 3-month period.
ii. ISM Non-Conformity Report Form must meet the requirements of the ISM Code chapter 4, 9 & 10

(i) ISM reviews that result from PSC deficiency ISM Non-Conformity 15150

Maritime Cook Islands has identified that ISM Non-Conformity 15150 is a recurring deficiency during Port State Control inspections. This deficiency requires the ISM company to carry out a review of the ISM system of the company with in 3 months.

As per Paris MoU "Guidance on Detention and action taken" –

> *Corrective action taken on the ISM system by the Company is required within 3 months (code 21)*
>
> *Use only for defective item code 15150 ISM.*
>
> *The PSCO should use professional judgment in deciding whether technical or operational related deficiencies, individually or collectively do not warrant a detention of the ship but indicate a* ***failure, or lack of effectiveness, of the implementation of the ISM Code.***
>
> *If the PSCO does establish a link between technical or operational related deficiencies found and the implementation of the ISM Code, an ISM related deficiency should be recorded with the action taken code "Corrective action taken on the ISM system by the Company is required within 3 months". After 3 months this will create an unexpected factor and makes the ship eligible for an additional inspection.*

Code 21 is also to be used as final action taken for a detainable defective item code 15150, once the external audit required by code 19 has been carried out.

In order to assist Cook Islands fleet in the implementation and review of the ISM system MCI requires, a copy of the review **before** the expiry of the 3-month period. The review may be conducted by the means that the ISM Company considers most appropriate (e.g. through and internal audit on the system).

(ii) ISM Non-Conformity Report Form

Where deficiencies result from a PSC inspection or MCI inspection, MCI has requires that NCR's be submitted to the administration. MCI has identified that many NCRs do not meet the requirements of the ISM Code Chapter 4, 9 & 10

As per chapter 9 of the ISM code,

*9.1 The safety management system should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the company, **investigated and analyzed** with the objective of improving safety and pollution prevention.*

*9.2 The company should establish procedures for the implementation of **corrective action**, including **measures intended to prevent recurrence**.*

And, as per chapter 10 of the ISM code,

10.1 The company should establish procedures to ensure that the ship is maintained in conformity with the provisions of the relevant rules and regulations and with any additional requirements, which may be established by the company.

10.2 In meeting these requirements, the company should ensure that:

- *Inspections are held at appropriate intervals;*
- *Any non-conformity is reported, **with its possible cause**, if known;*
- *Appropriate corrective action is taken; and*
- *Records of these activities are maintained.*

And as per chapter 4 of the ISM code, Corrective action follow-up

4.14.1 The Company is responsible for determining and initiating the corrective action

needed to correct a non-conformity or to correct the cause of the non-conformity. Failure to correct non-conformities with specific requirements of the ISM Code may affect the validity of the Document of Compliance and related Safety Management Certificates.

4.14.2 Corrective actions and possible subsequent audits should be completed within the time period agreed. For corrective actions this should not normally exceed three months. The company should apply for the follow-up audits as agreed.

4.14.3 ***Failure to take adequate corrective actions, in compliance with the requirements of the ISM Code, including measures to prevent recurrence, may be considered as a major non-conformity.***

For this reasons, MCI has created **a sample of Non-Conformity report** (attached below) that includes all the essential elements for the Non-Conformity follow up:

- Root cause analysis
- Preventive action
- Corrective action
- Measures to avoid the recurrences

It should be noted that **ALL fields of the Non Conformity Report are mandatory**

If the NCRs implemented on board do not meet the requirements of the ISM Code, it is requested that the below sample be implemented as soon as possible.

For further enquiries, please contact Maritime Cook Islands at Technical@maritimecookislands.com

MARITIME COOK ISLANDS

ISM NON-CONFORMITY REPORT SAMPLE

COMPANY PROGRESSIVE NUMBER			EXTERNAL NON-CONFORMITY NUMBER (IF ANY)		
SHIP NAME			IMO NUMBER		
PORT/POSITION			DATE		
CAPTAIN			AUDITOR/SURVEYOR		
SOURCE EXTERNAL AUDIT	PSC		SOURCE INTERNAL AUDIT (specify type and number)	ISM	
(specify type and number)	FLAG			ISPS	
	CLASS			MLC	
OBSERVATION			SMS REFERENCE (IF ANY)		
NON-CONFORMITY					
PERSON IN CHARGE			RULE REFERENCE		
NON-CONFORMITY/OBSERVATION DESCRIPTION					
ROOT CAUSE ANALYSIS					
NC/OBSERVATION CONTROL					
PREVENTIVE ACTION PROPOSAL (SECOND PROPOSAL IF REJECTED)					
CORRECTIVE ACTION PROPOSAL (SECOND PROPOSAL IF REJECTED)					

Maritime Cook Islands, P.O Box 882, Avarua, Rarotonga, Cook Islands
Phone: +682 23 848, Facsimile: +682 23 846, Skype: mcicooks2
Email: fleet@maritimecookislands.com Website: www.maritimecookislands.com

CORRECTIVE/PREVENTIVE ACTION PLAN SENT TO AUDITOR/SURVEYOR:					
DATE OF SENDING		SURVEYOR		ACCEPTED (YES/NO)	
RESENDING (IF ANY)		SURVEYOR		ACCEPTED (YES/NO)	
COMPANY CLOSURE					
Measures to avoid the recurrences.					
COMPANY AUDITOR/SUPERINTENDENT NAME SIGNATURE/DATE					
PERSON IN CHARGE NAME SIGNATURE/DATE					
CAPTAIN SIGNATURE/DATE					