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ASSEMBLY
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Agenda item 11

RESOLUTION A.848(20)
adopted on 27 November 1997

**IMPLEMENTATION OF THE INTERNATIONAL SAFETY
MANAGEMENT (ISM) CODE**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.741(18), by which it adopted safety and pollution prevention management requirements through the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code),

RECALLING FURTHER that the 1994 Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974:

- adopted a new chapter IX on Management for the Safe Operation of Ships by virtue of which the ISM Code is due to become mandatory on 1 July 1998 (the date on which the new chapter will apply to passenger ships, including passenger high-speed craft, oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and upwards, regardless of their date of construction);
- recognized that the implementation of the requirements of new SOLAS chapter IX would place a significant burden on Administrations, organizations acting on their behalf, shipowners and operators and that experience had shown that it might require as much as two years preparation by shipowners and operators to establish a safety management system that would meet the standard required by the ISM Code; and
- recognizing that, even allowing for a necessary period of preparation, a large number of applications for certification under the ISM Code might be submitted close to the application dates specified in SOLAS regulation IX/2, resolved to recommend that all Administrations concerned designate dates in advance of the application dates specified in SOLAS regulation IX/2 by which requests for certification should be submitted for each ship type, in order to allow Administrations or organizations recognized by them time to complete their certification schedule, and shipping companies to rectify any non-compliance,

FURTHER RECALLING resolution A.788(19) on Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations, whereby Governments should have

requested companies concerned to apply for certification under the ISM Code not later than 1 July 1997,

NOTING with concern that, in spite of the appeal for action made in three circulars (MSC/Circ.761, MSC/Circ .771 and MEPC/Circ.311) regarding the implementation of the International Safety Management (ISM) Code, the situation has not improved to a satisfactory level, since a significant percentage of shipping companies and ships have not either applied for or obtained the certification required by the ISM Code, or "pre-authorization" certification prepared by the relevant Administrations or recognized organizations,

NOTING ALSO with concern that some Governments have apparently not yet enacted the required domestic legislation to give effect to the requirements of the Code,

APPRECIATING the efforts made by the Secretary-General to promote the timely and effective implementation of the ISM Code,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its sixty-eighth session and by the Marine Environment Protection Committee at its fortieth session,

1. DRAWS the attention of Member Governments, Contracting Governments to SOLAS and the industry to the fact that SOLAS regulation IX/2 does not provide for any extension of implementation dates for the introduction of the ISM Code;
2. URGES all parties concerned to recognize that ships which are not certified under the provisions of the ISM Code will be regarded as not being in compliance with the requirements of the SOLAS Convention and the privileges of the Convention may not be claimed in favour of such ships under the provisions of the Convention, when the Code becomes mandatory under SOLAS chapter IX;
3. URGES ALSO all parties concerned to recognize that:
 - .1 non-compliance with the ISM Code may be regarded as causing an increase in the risk of marine pollution which may lead to a violation of pollution prevention requirements; and that
 - .2 Article 217 of the United Nations Convention on the Law of the Sea (UNCLOS) provides that penalties provided for by laws and regulations to prevent, reduce and control pollution of the marine environment of States for ships flying their flag shall be adequate in severity to discourage violations wherever they occur;
4. URGES FURTHER Member Governments and Contracting Governments to SOLAS to make the utmost effort to finalize as soon as possible the ISM Code certification of ships entitled to fly their flags as required by SOLAS regulation IX/2;
5. DRAWS the attention of Member Governments to the fact that a certain amount of "pre-authorization" certification may exist, which may be considered as a basis for verification of compliance with the ISM Code, if issued by an Administration or a recognized organization meeting the requirements of resolution A.739(18) and if it gives evidence of full compliance with the technical contents of the ISM Code;
6. INVITES Governments to inform the Organization about their arrangements for verifying compliance with the Code and whether such verifications would be undertaken by Administrations themselves, or by recognized organizations acting on their behalf, in which case the Governments concerned are invited to inform the Organization of the recognized organizations so authorized;

7. INVITES ALSO Member Governments and Contracting Governments to SOLAS, already at this stage:

- .1 to be aware that there is a significant amount of work required to ensure application of the ISM Code to other general cargo ships and mobile offshore drilling units of 500 gross tonnage and upwards by 1 July 2002; and
- .2 to expedite the process of application of the ISM Code to those ships well in advance of the enforcement date;

8. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the matter under review and take action as appropriate; and

9. REQUESTS the Secretary-General to take any such additional measures as may be required aiming at assisting in ensuring the timely and effective implementation of the ISM Code.
