

ANNEX 5

**RESOLUTION MSC.353(92)
(Adopted on 21 June 2013)**

**AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE FOR THE
SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION
(INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING resolution A.741(18), by which the Assembly adopted the *International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code)* (hereinafter referred to as "the ISM Code"), which has become mandatory under chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the Convention"),

NOTING ALSO article VIII(b) and regulation IX/1.1 of the Convention concerning the procedure for amending the ISM Code,

HAVING CONSIDERED, at its ninety-second session, amendments to the ISM Code proposed and circulated in accordance with article VIII(b)(i) of the Convention,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the ISM Code, the text of which is set out in the annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the amendments shall be deemed to have been accepted on 1 July 2014 unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2015 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Contracting Governments to the Convention;
5. ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Contracting Governments to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL MANAGEMENT CODE FOR THE SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION (INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)

PART A – IMPLEMENTATION

6 RESOURCES AND PERSONNEL

1 The existing text of paragraph 6.2 is replaced with the following:

"6.2 The Company should ensure that each ship is:

- .1 manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements; and
- .2 appropriately manned in order to encompass all aspects of maintaining safe operations on board*.

* Refer to the *Principles of minimum safe manning*, adopted by the Organization by resolution A.1047(27)."

12 COMPANY VERIFICATION, REVIEW AND EVALUATION

2 The following new paragraph 12.2 is inserted after existing paragraph 12.1 and the existing paragraphs 12.2 to 12.6 are renumbered as 12.3 to 12.7:

"12.2 The Company should periodically verify whether all those undertaking delegated ISM-related tasks are acting in conformity with the Company's responsibilities under the Code."

Footnotes and paragraph for foreword of the publication of the Code

1 In paragraph 1.1.10, the following footnote is added after the words "Major non-conformity":

"Refer to the *Procedures concerning observed ISM Code major non-conformities* (MSC/Circ.1059-MEPC/Circ.401)."

2 In paragraph 1.2.3.2, the following footnote is added after the word "account":

"Refer to the *List of codes, recommendations, guidelines and other safety and security-related non-mandatory instruments* (MSC.1/Circ.1371)."

3 The following footnote is added at the end of the title of section 3:

"Refer to the *Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies* (MSC-MEPC.7/Circ.5)."

4 The following footnote is added at the end of the title of section 4:

"Refer to the *Guidance on the qualifications, training and experience necessary for undertaking the role of the Designated Person under the provisions of the International Safety Management (ISM) Code* (MSC-MEPC.7/Circ.6)."

5 The following footnote is added at the end of the title of section 8:

"Refer to the *Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies*, adopted by the Organization by resolution A.852(20), as amended."

6 The following footnote is added at the end of the title of section 9:

"Refer to the *Guidance on near-miss reporting* (MSC-MEPC.7/Circ.7)."

7 The following footnote is added at the end of the title of section 11:

"Refer to the *Revised list of certificates and documents required to be carried on board ships* (FAL.2/Circ.127, MEPC.1/Circ.817 and MSC.1/Circ.1462)."

8 The following new paragraph is added to the foreword of the publication of the Code:

"The footnotes given in this Code are inserted for reference and guidance purposes and do not constitute requirements under the Code. However, in accordance with paragraph 1.2.3.2, all relevant guidelines, recommendations, etc. should be taken into account. In all cases the reader must make use of the latest versions of the referenced texts of the document specified in a footnote, bearing in mind that such texts may have been revised or superseded by updated material."
