

International Safety Management (ISM) Code Implementation for Ships Under Phase II Revision of Documents to be filed by the Owner and the Company on first notification and for reporting changes thereafter

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To all Owners, Managers and Representatives of all recognised Classification Societies

Subject: International Safety Management (ISM) Code Implementation for Ships Under Phase II Revision of Documents to be filed by the Owner and the Company on first notification and for reporting changes thereafter

The entry into force of Chapter IX of SOLAS made the International Safety Management Code (ISM Code) mandatory, as from the 1 July 1998, for passenger ships, passenger high speed craft, oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed craft of 500 gross tonnage and upwards. Other cargo ships and mobile offshore drilling units of 500 gross tonnage and upwards, shall comply not later than the 1 July 2002. The Department of Merchant Shipping, in order to ensure in time implementation, introduces with the current circular, a schedule which should be followed by all Companies and Ships wishing certification under Phase II, in accordance with the requirements of Chapter IX of SOLAS. The said schedule is attached to this Circular. **These instructions supersede the instructions referred to in paragraphs 5.6, 5.7.7, 5.9, 5.10 and 5.11 of the Guidance Notes & Instructions to Owners and Companies on the development, implementation and certification of Safety Management Systems (Circular 7/98).**

Furthermore, attached to this circular are the Documents to be filed by the Owner and the Company of Ships under **Phase I and Phase II**, on first notification and for reporting changes thereafter. **These documents replace the documents referred to in Appendixes 1 and 2 of Circular 7/98.**

- Joint Declaration on the Operation of a Ship
- Declaration of Particulars of the Company
- Nomination of the Auditing Body
- Documents to be filed by the Owner and the Company on first notification and for reporting changes thereafter

Serghios S. Serghiou

Director
Department of Merchant Shipping

cc

- Permanent Secretary, Ministry of Communications and Works
- Permanent Secretary, Ministry of Foreign Affairs
- Diplomatic and Consular Missions of the Republic
- Honorary Consular Officers of the Republic
- Cyprus Bar Association
- Cyprus Shipping Association (Sea Rovers) Ltd
- Cyprus Shipping Council
- Union of Cypriot Shipowners
- MS/CE DMS/MO Piraeus
- MS/CHC DMS/MO London
- MS/CG DMS/MO New York
- CC DMS/MO Rotterdam
- CC DMS/MO Hamburg
- Encl.
- GCh/AM

Schedule addressed to Companies and Ships

ISM Code Implementation

(Paragraph numbers in brackets refer to the “Guidance Notes and Instruction to Owners and Companies on the development, implementation and certification of Safety Management Systems, attached to circular 7/98)

1. Ships to which Regulation IX2.1.3 of SOLAS 74 as amended will apply as from 1 July 2002 (Group II)

(New 5.9) The Owners or Companies of all ships (of Group II), which are currently registered, and flying the flag of the Republic of Cyprus, should file the required notification and documentation with the Department not later than the 15 January 2002.

(New 5.9.1) Companies managing ships (of Group II), which have not yet been certified in accordance with IX4.1 of SOLAS 74 as amended for such ships should file the required notification and documentation for assessment and certification with the Department not later than the 31 December 2001.

(New 5.10) The Owners of all ships (of Group II) which will apply for registration under the flag of the Republic of Cyprus on or after the date of this circular should file the required notification and documentation by the date of registration of the vessel, but in any case before the date of departure of the vessel from the place where she will be at the time of her registration, if the vessel is to depart from the said place before the 1 July 2002.

(New 5.11) The Owners of all ships (of Group II), which will apply for registration under the flag of the Republic of Cyprus on or after the 1 July 2002, should file the required notification and documentation together with the application for registration.

2. Ships to which Regulation IX/2.1.1 and IX/2.1.2 of SOLAS 74 as amended apply as from 1 July 1998 (Group I)

(New 5.6) The Owners of all ships (of Group I), which will apply for registration under the flag of the Republic of Cyprus after the date of issuance of this Circular, should file the required notification and documentation together with the application for registration.

(New 5.7.7) Documents to be filed by the Owner and Company (applies for all ships)

The Documents to be filed by the Owner and the Company on first notification and for reporting changes thereafter are listed in Appendix 1 of this Circular. These documents replace the documents referred to in Appendixes 1 and 2 of Circular 7/98.

Appendix 1

Documents to be filed by the Owner and the Company on first notification and for reporting changes thereafter

(These documents replace the documents referred to in Appendixes 1 and 2 of Circular 7/98)

1. The following documents shall be submitted to the Department as part of the initial notification process:

From the Owner and the Company jointly

Form ISM 01/Revision 01 for each ship

A certified copy of the actual agreement concluded between the Owner and the Company to this end for each ship may be substituted for the Annex to the above form.

From the Company

I) Form ISM 02/ Revision 01 including Annex 2 (Advise on the Branch Offices of the Company and of the person (s) in charge of Branch Offices if more than one)

and

II) Form ISM 03 / Revision 01 Nomination of the Auditing Body for each ship

The documents listed above must be submitted in original form.

2. Forms ISM.01 and ISM.02 must be signed, when in Cyprus, before the Registrar of Cyprus Ships or a judge or a person entitled to administer or a certifying officer and, when abroad, before a consular officer of the Republic or a notary public, who should be asked to certify the identity of the person signing the document.
3. The Owner and the Company may sign the form ISM.01 separately, on separate occasions, before different officers or notaries, as the case may be, as long as the signatures of both parties appear on the same original document.
4. In case the Company already holds a DoC issued by or on behalf of the Republic of Cyprus valid for the type of the vessel in question, then instead of the documents specified under 1 above, the following documents should be deposited:
 - a. Form ISM 01/Revision 01 (from the owner and the Company jointly) for each ship
 - b. Form ISM 03/Revision 01 (from the Company) for each ship
4. In case any of the documents listed in paragraph 1 have been drawn in a language other than the English, or the Greek, or the Turkish language, a certified translation of the document in question into one of the said languages must accompany the submission.

Appendix 1

5. Thereafter, in case of changes, each party (i.e. the Owner and the Company) is obliged to promptly advise the Department on the changes by completing and filing the appropriate form. As a rule, each party (and both parties jointly) is responsible for updating the information it has filed on the first notification.
6. A Management services provider (Company) wishing to be assessed and certified by Cyprus before entering into a management agreement with an owner of a Cyprus flag ship, for the management of such a ship should file forms ISM 02 (Rev.1) and ISM 03 (Rev.1) without mentioning the name of the vessel.

Joint Declaration on the Operation of a Ship

(to be completed by authorised representatives of the Owner/Bareboat Charterer and the Company)

1. Vessel

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

2. Owner / Bareboat Charterer

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

3. 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:
Telex:	Telex:

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.*

Name:	
Signature:	
Place:	Date:

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.*

Name:	
Signature:	
Place:	Date:

Annex to Form ISM 01/Revision 01

**(to be completed by authorised representatives of the Owner/Bareboat Charterer and the Company)
(to be used on first notification and when reporting any changes thereafter)**

Joint Declaration (ISM Ref: 3)

<p>I the undersigned hereby declare and state for and on behalf of the Owner/Bareboat Charterer named overleaf, that:</p> <ul style="list-style-type: none"> the Owner/Bareboat Charterer has concluded, with the Company named overleaf, an agreement through which all aspects of the operation of the vessel named above and the discharge of all duties, responsibilities and obligations of the Owner/Bareboat Charterer, which fall within the scope of Chapter IX of the International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS 74) and the International Safety Management Code (the ISM Code), will, as from the date of the present declaration, be handled and dealt with, for and on behalf of the Owner/Bareboat Charterer, by the aforesaid Company; the Owner/Bareboat Charterer has read and understood the ISM Code and the Guidance Notes & Instructions to Owners and Companies on the development, implementation and certification of Safety Management Systems issued by the Government of the Republic of Cyprus; the Owner/Bareboat Charterer has agreed with the Company that the Auditor, who will assess and certify the safety management system developed, implemented and maintained by the Company, ashore and on board the vessel, will be decided by the Company / as indicated in the attached nomination of the auditor (form ISM.01/ Revision 01); (*) the Owner/Bareboat Charterer accepts, agrees and undertakes to be the agent of the Company in the Republic of Cyprus; the above information is true and correct; and I am duly authorised to make this declaration for and on behalf of the Owner/Bareboat Charterer. <p>(*) delete as appropriate</p>	<p>I the undersigned hereby declare and state for and on behalf of the Company named overleaf, that:</p> <ul style="list-style-type: none"> the Company has concluded with the Owner/Bareboat Charterer named overleaf an agreement through which the Company has accepted and undertaken to carry out all aspects of the operation of the vessel named above and the discharge of all duties, responsibilities and obligations of the Owner/Bareboat Charterer, which fall within the scope of Chapter IX of SOLAS 74 and the ISM Code, as from the date of the present declaration; the Company has received from the Owner/Bareboat Charterer sufficient instructions, guidance, means and resources to the entire satisfaction of the Company and arrangements have been made which enable and will enable the Company to carry out and fulfil the duties, responsibilities and obligations which is hereby accepting and undertaking; the Company accepts, agrees and undertakes to be bound, as far as the operation of the vessel and for any matter related thereto, by the applicable provisions of the Statutes of the Republic of Cyprus; the Company has read and understood the ISM Code and the Guidance Notes & Instructions to Owners and Companies on the development, implementation and certification of Safety Management Systems issued by the Government of the Republic of Cyprus; the Auditor of the safety management system developed, implemented and maintained by the Company, ashore and on board the vessel, will be as indicated in the attached nomination of the auditor (form ISM.01 / Revision 01); the Owner/Bareboat Charterer will be the agent of the Company in the Republic of Cyprus; (*) the above information is true and correct; and I am duly authorised to make this declaration for and on behalf of the Company.
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For and on behalf of the Owner / Bareboat Charterer.

For and on behalf of the Company.

Name:		Name:	
Signature:		Signature:	
Place:	Date:	Place:	Date:

Declaration of Particulars of the Company
(to be completed by authorised representatives of the Company)
(to be used also for reporting changes)

1. Vessel

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:
Telex:	Telex:

3. Certificate or Document of Incorporation (to be attached on first notification)

Certificate of Incorporation attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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4. Designated Person (ISM Ref: 4).

Designated Person	Back – up to the Designated Person
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:
Telex:	Telex:

5. Identification of the Highest Level Of Management

Highest Level Of Management	His / Her Alternate
Name:	Name:
Position:	Position:
Identity Document:	Identity Document:
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:

6. Branch Office (s) (If Applicable / If More than one please refer to Annex 2)

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

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

- *the Company has been incorporated and exists under the laws of the State indicated above;*
- *the officers of the Company are those indicated herein;;*
- *the Company does operate Branch Offices;(*)*
- *the Company does not operate any Branch Offices; (*)*
- *the above information is true and correct; and*
- *I am duly authorised by the Company and the aforesaid persons to provide the aforesaid information.*

(To be completed if a countersignature is required)

Name:		Name:	
Signature:		Signature:	
Place:	Date:	Place:	Date:

* delete if not applicable

Annex 2

Advice on the Branch Offices of the Company and/or of the person(s) in charge of
Branch Office (if more than one)

1. Branch Office (s) (If More than one)

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

2. Branch Office (s) (If More than one)

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

I the undersigned hereby declare and state that

- the above information is true and correct; and*
- I am duly authorised by the Company and the aforesaid persons to provide the aforesaid information.*

(To be completed if a countersignature is required)

Name:		Name:	
Signature:		Signature:	
Place:	Date:	Place:	Date:

Nomination of the Auditing Body
(to be completed by authorised representatives of the Company)
(to be used also for reporting changes)

1. Vessel

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:
Telex:	Telex:

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

Document Of Compliance (ISM Ref 13.2)	Safety Management Certificate (ISM Ref 13.4)
Issued By:	Issued By:
Address:	Address:
Telephone:	Telephone:
Fax:	Fax:
Telex:	Telex:
E-Mail:	E-Mail:

*I the undersigned hereby request for and on behalf of the Company that the Auditor named above is authorised to issue a Document of Compliance on behalf of the Government of the Republic of Cyprus to the Company *and a Safety Management Certificate to the vessel named above* and in this respect I 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.*

Name:	
Signature:	
Place:	Date:

* Delete if not applicable