



TEXAS A&M UNIVERSITY
GALVESTON CAMPUS.

INTRODUCTION TO THE MARITIME INDUSTRY

7. Maritime Laws and Regulations

MARA 205

Professor: Dr. Jean-Paul Rodrigue



Maritime Law

- Maritime Law
 - The body of legal rules that governs ships and shipping.
 - Maritime commerce and navigation.
 - Shipbuilding.
 - Salvaging.
 - Bills of lading.
 - Labor.
- Admiralty
 - A court having jurisdiction over contracts and infractions.
 - A system of jurisprudence.
 - Rules for contracts and compensation from maritime commerce.



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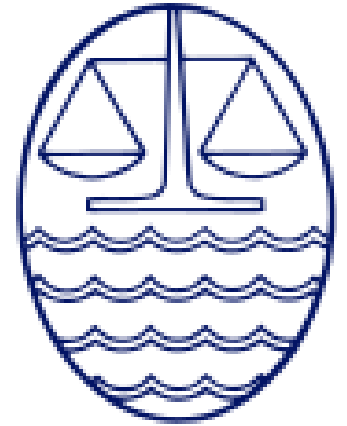
INTRODUCTION TO THE MARITIME INDUSTRY



A. Maritime Law

Law of the Sea

- Body of international law governing the sovereignty of nations over the sea and its resources.
- United Nations Convention on the Law of the Sea (UNCLOS)
 - Adopted in 1982 after 9 years of negotiation between approximately 160 States.
 - Entered into force in 1994.
 - Establishes maritime zones:
 - Both the coastal State and other States have varying degrees of rights and duties.
 - Depending on distance from the coast.
 - Baseline
 - The coastal low tide.

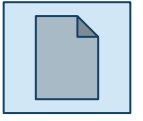


**THE LAW
OF THE SEA**

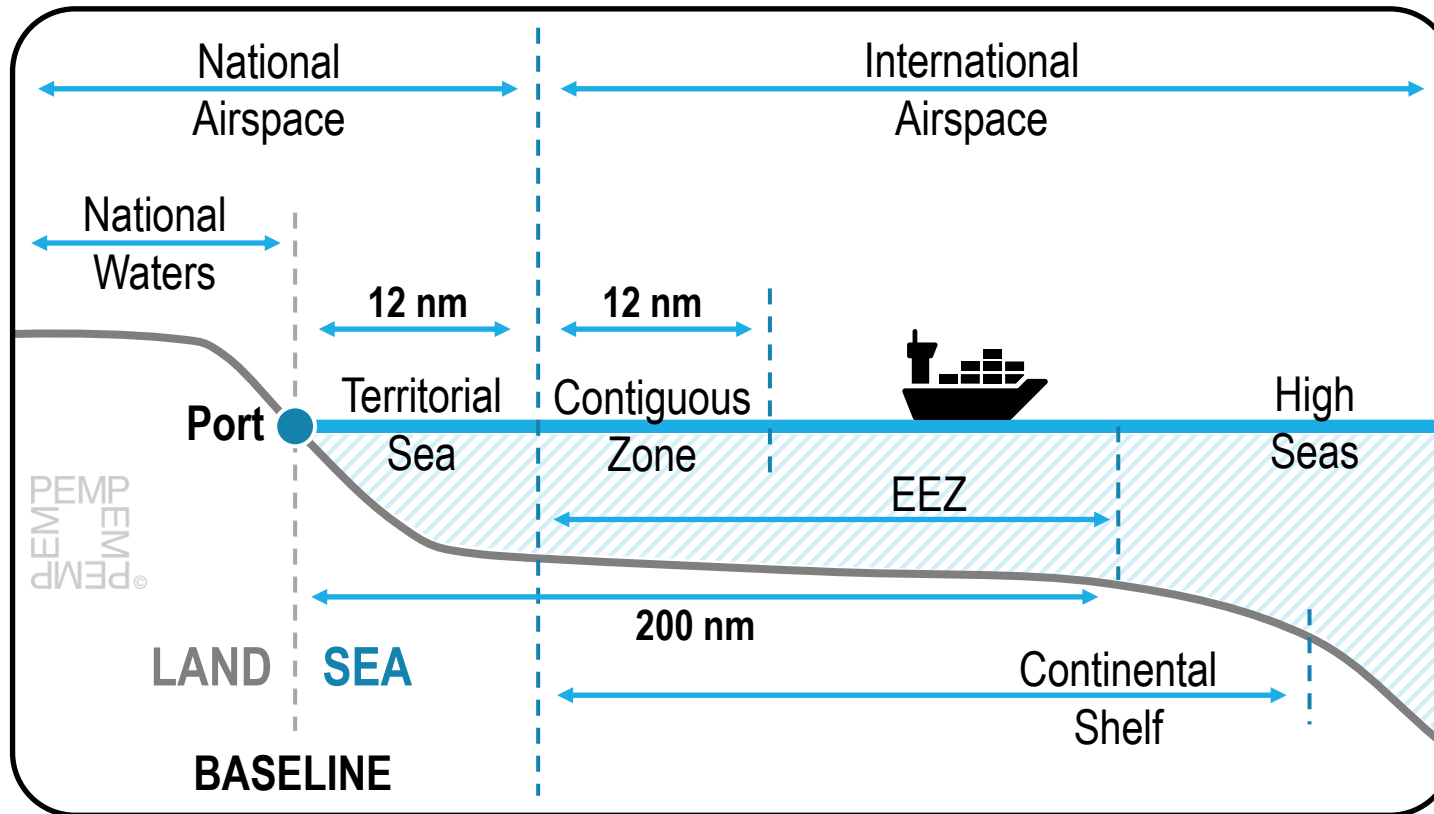
Maritime Zones

- Sovereign waters
 - Internal waters
 - Territorial sea
 - Archipelagic waters
- Areas outside of sovereignty but within national jurisdiction
 - Contiguous Zone
 - Exclusive Economic Zone (EEZ)
 - Continental Shelf
- Areas beyond national jurisdiction
 - High Seas
 - The Deep Seabed

Maritime Zones and Legal Boundaries



Read this content



Sovereign Waters

- Territorial waters
 - 12 nautical miles out to the coastline towards the high seas.
 - Regarded as the sovereign territory of the state.
 - Exclusive rights for all the natural resources.
 - Includes air space.
- Archipelagic waters
 - Territorial waters within islands of an archipelago.
 - Sovereignty
 - Archipelagic states can designate sea lanes through these waters (e.g. Strait of Malacca).

Sea Jurisdiction of Indonesia

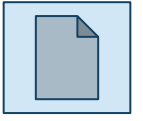


- Archipelagic & territorial waters of Indonesia
- Claimed exclusive economic zone of Indonesia

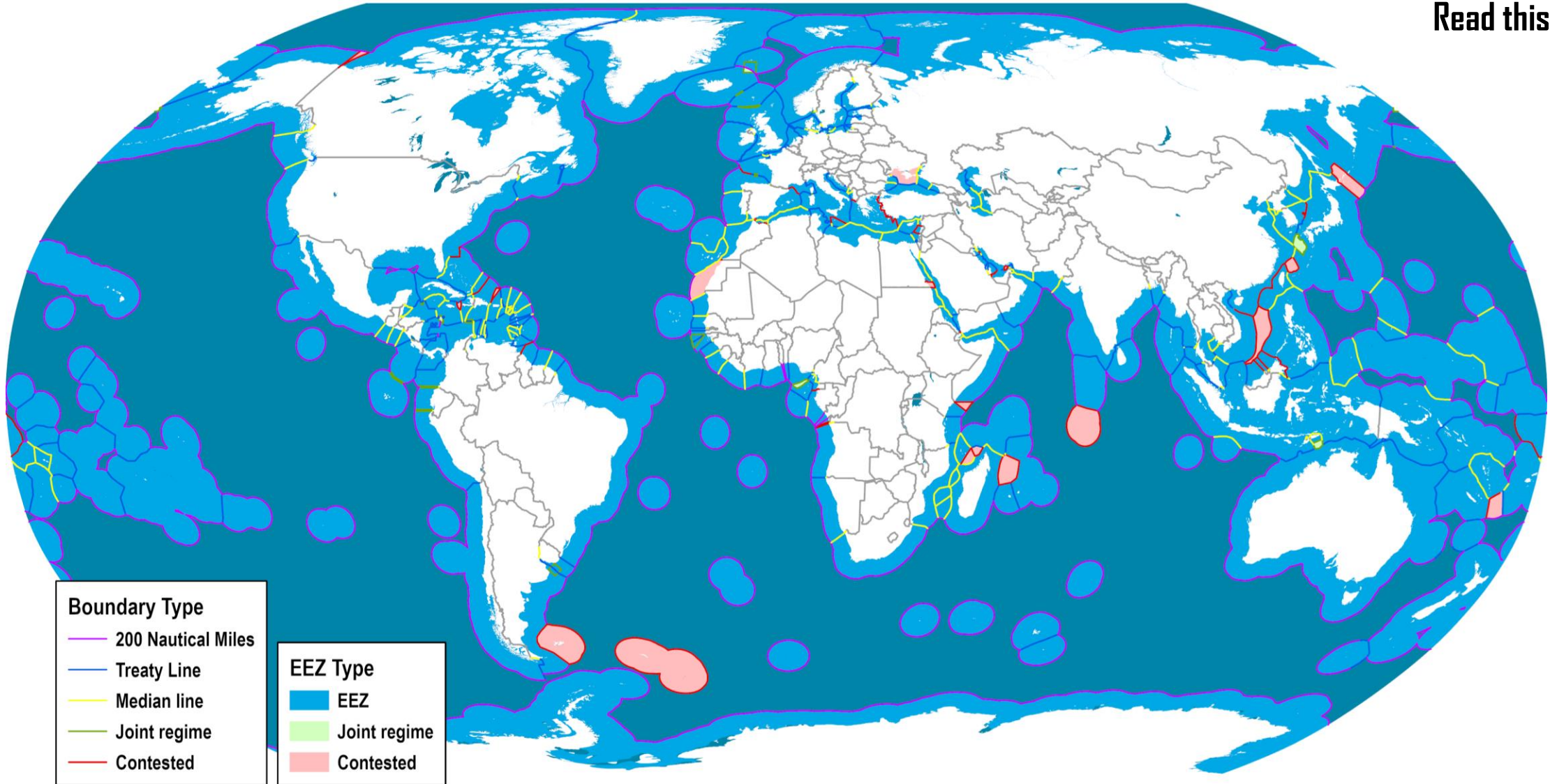
Areas outside of sovereignty but within national jurisdiction

- Contiguous zone
 - 12-nautical mile area extending beyond the territorial sea.
 - Prevent any potential infringement of its laws and regulations.
- Exclusive economic zone (EEZ)
 - Sea zone over which a state has rights to the exploration and use of marine resources:
 - Fishing.
 - Oil and mineral extraction.
 - 200 nautical miles (370 km) out from its coast.
 - Cannot prevent free navigation.
- Continental shelf
 - Area, often extending beyond the EEZ, with relatively shallow waters.
 - A state has the right over seabed resources.

Exclusive Economic Zones



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B. The International Maritime Organization

International Maritime Organization



- Purpose

- A specialized agency of the United Nations concerned solely with maritime affairs.
 - Interests lie mainly in ships used in international services.
 - 176 member states and three associate members.
 - Headquartered in the United Kingdom.
 - Its governing body, the Assembly, meets once every two years.
 - Between Assembly sessions, the Council, consisting of 32 member governments elected by the Assembly, acts as IMO's governing body.
 - Promoted some 50 conventions and protocols and adopted well over 800 codes and recommendations concerning maritime safety, the prevention of pollution and related matters.
- IMO is a technical organization and most of its work is carried out in a number of committees and subcommittees.
 - The Maritime Safety Committee (MSC) is the most senior of these.

IMO Committees

- Other IMO Committees:
 - MEPC: Marine Environment Protection Committee
 - NAV: Safety of Navigation
 - COMSAR: Radio communications and Search and Rescue
 - STW: Training and Watch keeping
 - DSC: Carriage of Dangerous Goods, Solid Cargoes and Containers
 - DE: Ship Design and Equipment
 - FP: Fire Protection
 - SLF: Stability and Load Lines and Fishing Vessel Safety
 - FSI: Flag State Implementation
 - BLG: Bulk Liquids and Gases

IMO Conventions

- Conventions:
 - Define minimum standards but member states can instigate national regulations which incorporate IMO standards and apply equally well to their own fleets and visiting foreign ships.
 - Classification societies participate in the work of the IMO as technical advisers to various delegations.
 - Their main function is to provide inspection and certification for compliance and advice on these complex regulations.
- Key conventions
 - International Convention for the Safety of Life at Sea (SOLAS), 1974.
 - International Convention for the Prevention of Pollution from Ships, (MARPOL) 1973.
 - International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1995.

SOLAS: International Convention on the Safety of Life at Sea

- Convention entered into force in 1980
 - Specifies minimum standards for the construction, equipment and operation of merchant ships.
- Amendments
 - July 2004: Measures to enhance maritime security embracing the International Ship and Port Facility Security Code (ISPS Code).
 - December 2004: Installation of Automatic Information Systems (AIS) and Continuous Synopsis Records to provide “on board” records of the history of the ship.
 - October 2016: Container weight regulation (verification of mass; the responsibility of freight forwarders).
 - January 2017: Safety measures for ships operating in polar waters.

WHAT DOES THE POLAR CODE MEAN FOR SHIP SAFETY?

EQUIPMENT



WINDOWS ON BRIDGE
Means to clear melted ice, freezing rain, snow, mist, spray and condensation



LIFEBOATS
All lifeboats to be partially or totally enclosed type



CLOTHING I
Adequate thermal protection for all persons on board



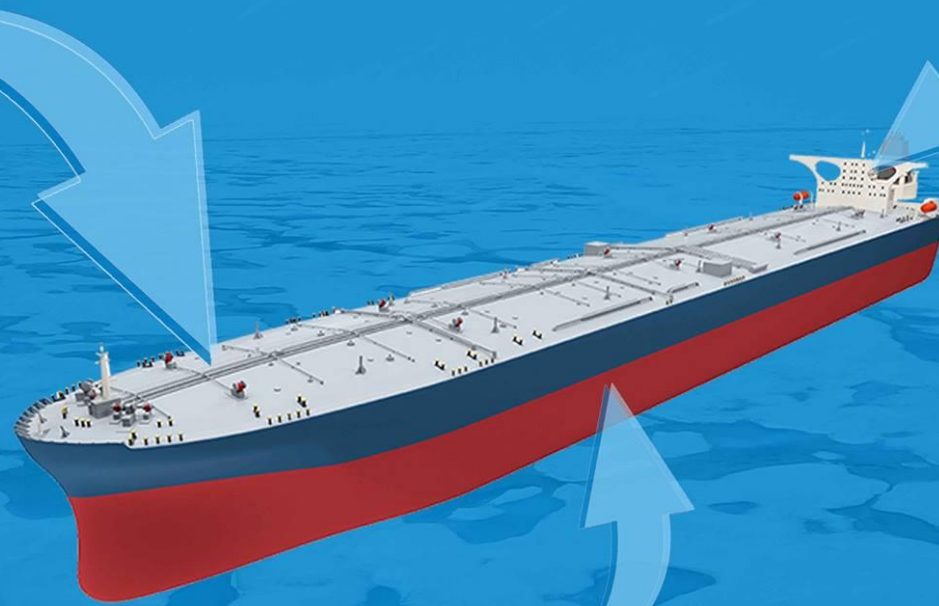
CLOTHING II
On passenger ships, an immersion suit or a thermal protective aid for each person on board



ICE REMOVAL
Special equipment for ice removal: such as electrical and pneumatic devices, special tools such as axes or wooden clubs



FIRE SAFETY
Extinguishing equipment operable in cold temperatures; protect from ice; suitable for persons wearing bulky and cumbersome cold weather gear



OPERATIONS & MANNING



NAVIGATION
Receive information about ice conditions



CERTIFICATE & MANUAL
Required to have on board a Polar Ship Certificate and the ship's Polar Water Operational Manual



TRAINING
Masters, chief mates and officers in charge of a navigational watch must have completed appropriate basic training (for open-water operations), and advanced training for other waters, including ice

DESIGN & CONSTRUCTION



SHIP CATEGORIES
Three categories of ship which may operate in Polar Waters, based on:
A) medium first-year ice
B) thin first-year ice
C) open waters/ice conditions less severe than A and B



MATERIALS
Ships intended to operate in low air temperature must be constructed with materials suitable for operation at the ships polar service temperature



INTACT STABILITY
Sufficient stability in intact condition when subject to ice accretion and the stability calculations must take into account the icing allowance



STRUCTURE
In ice strengthened ships, the structure of the ship must be able to resist both global and local structural loads

BACKGROUND INFO

❄️ THE INTERNATIONAL CODE FOR SHIPS OPERATING IN POLAR WATERS WAS ADOPTED NOVEMBER 2014 BY THE IMO MARITIME SAFETY COMMITTEE

❄️ IT APPLIES TO SHIPS OPERATING IN ARCTIC AND ANTARCTIC WATERS

❄️ THE AIM IS TO PROVIDE FOR SAFE SHIP OPERATION AND THE PROTECTION OF THE POLAR ENVIRONMENT BY ADDRESSING RISKS PRESENT IN POLAR WATERS AND NOT ADEQUATELY MITIGATED BY OTHER INSTRUMENTS

MARPOL: International Convention for the Prevention of Pollution from Ships

- Nature

- Main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

- Annexes

- Regulations for the Prevention of Pollution by Oil.
- Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk.
- Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form.
- Prevention of Pollution by Sewage from Ships.
- Prevention of Pollution by Garbage from Ships.
- Prevention of Air Pollution from Ships.

Shipping Regulations

- Regulations concern:
 - All life-saving apparatus
 - Navigational Aids
 - The hull and machinery
 - Crew and passenger accommodation
 - Water-tight and fireproof bulkheads
 - Gangways
 - Emergency escapes
 - Anchor cable and hawsers
 - Shell plating
 - Ship inspection at the seaport



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C. Statutory Marine Surveys

Classification Societies



- Purpose

- NGO that maintains technical standards (ship construction and operation).
- During construction, inspect all the parts to ensure compliance with international standards.
- Issue a classification certificate.
- Necessary to have seaworthiness and marine insurance.
- During operation, inspect ships to ensure safety and seaworthiness.

- Main classification societies

- DNV (Det Norske Veritas; 21% of ships).
- NK (Nippon Kaiji Kyokai; 20% of ships).
- ABS (American Bureau of Shipping; 18%).

Scope of Surveys

- Scope of surveys is laid down by IMO resolutions
 - Before a vessel is put in service an initial survey is required.
 - Then a renewal survey is required at one, two, or five-year intervals, depending on the certificate and type of ship.
 - Generally increases with ship age.
- Includes sufficient extensive examinations and checks
 - Show that the structures, main and essential auxiliary machinery, systems and equipment of the ship are in a satisfactory condition.
 - Fit for the service for which the ship is intended.
- Between surveys, the conventions require:
 - That the ship will remain fit to proceed to sea without danger to the ship or persons on board or unreasonable threat of harm to the marine environment.

Types of surveys

- Initial survey
 - Complete inspection before a ship is put into service.
- Annual survey
 - Held within three months before or after each anniversary date of a certificate.
- Intermediate survey
 - Specified items relevant to the particular certificate to ensure that they are in a satisfactory condition.
- Renewal survey
 - Same as a periodical survey but also leads to the issue of a new certificate.
 - Usually after 4 or 5 years.

Survey Methods

- The traditional survey method:
 - Bring the vessel to a shipyard.
 - Components to be surveyed were opened up, cleaned, inspected and reassembled.
 - Time-consuming and expensive.



Alternative Survey Methods

- Alternative survey methods have been developed by classification societies.
- Avoid unnecessary opening up of machinery and duplication of work.
- A) Voyage Survey:
 - Surveyor is in attendance during the ship's voyage.
- B) BIS (Built for in-water surveys) Notation:
 - Allows for In-Water Surveys (IWS).
 - Examining the underwater parts of a ship while it's still afloat.
 - Use remotes and drones to save time and costs.
 - Elements:
 - Hull plating.
 - Stern bearing
 - Sea chests.
 - Rudder.
 - Dry-docking is still required but interval between dockings has been increased.

Alternative Survey Methods

- C) Continuous Survey:
 - Classification Rules require a survey of the hull and machinery every four years.
 - Alternatively continuous survey systems are carried out, where the surveys are divided into separate items for inspection during a five-year cycle.
 - Certain surveys can be surveyed by the Chief Engineer.
 - Tied in with machinery maintenance in accordance with a fixed maintenance schedule.
- D) Planned Maintenance System:
 - This is subject to a form of approval and may be used as a basis for a special survey arrangement for individual ships at the owner's request.
 - Most cost-conscious ship owners operate advanced planning systems and maintenance procedures in order to meet increasing demand for cost-effective operation.

International Tonnage Certificate

- A certificate stating the Gross and net tonnages of ship.
- Required by the International Convention on Tonnage Measurement of Ships (1969).
- Gross tonnage
 - Used to determine which regulations apply to which ships.
- Net tonnage
 - Often used to determine the size of harbor and canal dues (e.g. Suez and Panama canals).

Cert. No. _____
IMO No. _____

INTERNATIONAL TONNAGE CERTIFICATE (1969)

Issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, under the authority of the Government of _____

REPUBLIC OF THE MARSHALL ISLANDS
(full official designation of country)

For which the Convention came into force on _____ 25 JULY 1989 _____

THE AMERICAN BUREAU OF SHIPPING

Name of Ship	Distinctive Number or Letters	Port of Registry	* Date
CLIPPER ALEXANDRIA	8888	MARSHALL ISLANDS	27 DECEMBER 2008

* Date on which the keel was laid or the ship was at a similar stage of construction (Article 2 (6)), or date on which the ship underwent alterations or modifications of a major character (Article 3 (2) (b)), as appropriate

MAIN DIMENSIONS

Length (Article 2 (8))	Breadth (Regulation 2 (3))	Moulded Depth amidships to Upper Deck (Regulation 2 (2))
170.40 M	20.40 M	14.70 M

THE TONNAGES OF THE SHIP ARE:

GROSS TONNAGE _____ 20,928= _____

NET TONNAGE _____ 11,786= _____

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention of Tonnage Measurement of Ships, 1969.

Issued at _____ SHANGHAI, P. R. CHINA _____ 25 FEBRUARY _____ 2020 _____
(place of issue of certificate) (date of issue)

Cargo Ship Safety Construction Certificate

- Required by any ship engaged in international voyages
 - Exempt: passenger ships, warships and troop ships, cargo ships less than 500 gross tons, ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts not engaged in trade and fishing vessels.
- Ensures the SOLAS 1974 convention is complied with in the areas of hull, machinery and other relevant equipment.
- If over 100m in length: compliance with damage stability requirements is also required.
- Valid for five years.
- Annual survey.



CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE

PHRS/SC_INT/523704931/12757/040324

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as modified by the Protocol of 1988 relating thereto, under the authority of the Government of the

REPUBLIC OF PALAU

by PHOENIX REGISTER OF SHIPPING

Name of ship:	MARIS			
Distinctive number or letters:	T8A4083	Port of registry:	MALAKAL HARBOR	
IMO Number ¹ :	9124897	Gross tonnage:	6178	
Deadweight of ship ²	- metric tons	Length (reg. III/3.12):	95,11 m	
Type of Ship ³	Bulk Carrier <input type="checkbox"/>	Oil Tanker <input type="checkbox"/>	Chemical Tanker <input type="checkbox"/>	Gas Carrier <input type="checkbox"/>
	Cargo Ship other than any of the above <input checked="" type="checkbox"/>			
Date of build:	(All applicable dates shall be completed)			
Date of building contract:	25.02.1995			
Date on which keel was laid or ship was at similar stage of construction:	06.07.1995			
Date of delivery:	19.10.1995			
Date on which work for a conversion or an alteration or modification of a major character was commenced (where applicable):	N/A			

THIS IS TO CERTIFY THAT:

1. That the ship has been surveyed in accordance with the requirements of regulation I/10 of the Convention;
2. That the survey showed that:
 - .1 the condition of the structure, machinery and equipment as defined in the above regulation was satisfactory and the ship complied with the relevant requirements of chapters II-1 and II-2 of the Convention (other than those relating to fire safety systems and appliances and fire control plans); and
 - .2 the ship complied with part G of chapter II-1 of the Convention using N/A as fuel.
3. That the last two inspections of the outside of the ship's bottom took place on 08 September 2020 and 18 August 2023
4. An Exemption Certificate ~~has~~ / has not⁴ been issued.
5. the ship ~~was~~ / was not⁴ subjected to an alternative design and arrangements in pursuance of regulation(s) II-1/55/ II-2/17⁴ of the Convention;
6. That a Document of approval of alternative design and arrangements for machinery and electrical installations / fire protection⁴ and arrangements ~~is~~ / is not⁴ appended to this Certificate.

This Certificate is valid until 03 May 2024, subject to the annual and intermediate surveys in accordance with regulation I/10 of the Convention.

Completion date of the survey on which this certificate is based: 04 October 2023

Issued at Istanbul, Turkey, on 04 March 2024.

INTERIM ³

CONDITIONAL



For Validation Scan QR Code or Check link:
<https://eservices.phrs.gr/vdt/cert/4ccb1d40-c24e-4f5d-9880-629630a9ad4e>

For the
PHOENIX REGISTER OF SHIPPING
Sergey Gudko / 204
The attending Surveyor

This certificate is digitally signed according to IMO Guidelines for the Use of Electronic Certificates (FAL.5/Circ.39/Rev.2).

¹ In accordance with resolution A.1117(30) - IMO Ship Identification Number Scheme.

² For oil tankers, chemical tankers and gas carriers only.

³ Mark as appropriate

⁴ Delete as appropriate

Cargo Ship Safety Equipment Certificate

- Required by any ship engaged on international voyages (except as noted previously)
- Ensures the SOLAS 1974 convention areas dealing with safety equipment are complied with along with other relevant requirements.
 - Life-saving appliances (Lifeboats, Liferafts. Lifebuoys. Lifejackets)
 - Navigational systems and equipment (Compasses. Radar. AIS. Data recorder)
- Valid for two to five years
- Annual survey



CARGO SHIP SAFETY EQUIPMENT CERTIFICATE

This Certificate shall be supplemented by a Record of Equipment for Cargo Ship Safety (Form E)

Certificate No:
n1712433-bzj
DNV Id No:
34196
Date of issue:
2022-03-29

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as modified by the Protocol of 1988 relating thereto under the authority of the Government of

THE REPUBLIC OF MALTA

by DNV

Particulars of ship

Name of Ship:	MARATHON TS
Distinctive Number or Letters:	9HA4464
Port of Registry:	VALLETTA
Gross Tonnage:	62557
Deadweight of ship (metric tons) ¹ :	Up to 113651
Length of ship (regulation III/3.12):	242.970 m
IMO Number:	9737371

Type of Ship:²

- Bulk carrier
- Oil tanker
- Chemical tanker
- Gas carrier
- Cargo ship other than any of the above

Date on which keel was laid or ship was at a similar stage of construction: 2015-11-03

Date on which work for a conversion or an alteration or modification of a major character was commenced (where applicable): -

LEGAL DISCLAIMER: Unless otherwise stated in the applicable contract with the holder of this document, or following from mandatory law, the liability of DNV AS, its parent companies and their subsidiaries as well as their officers, directors and employees ("DNV") arising from or in connection with the services rendered for the purpose of the issuance of this document or reliance thereon, whether in contract or in tort (including negligence), shall be limited to direct losses and under any circumstance be limited to 300,000 USD, and any claims made against DNV based upon alleged defective services provided by DNV to designers, yards, manufacturers or other stakeholders in the newbuilding process shall under any circumstance be time-barred if made later than 12 months from delivery of the vessel. Based upon written request to the DNV legal entity which has issued this document, a higher limitation of liability may be agreed on a case-by-case basis.

¹ For oil tankers, chemical tankers and gas carriers only.

² Entries in boxes shall be made by inserting either a cross (x) for the answers 'yes' and 'applicable' or a dash (-) for the answers 'no' and 'not applicable' as appropriate.



Form code: CEC 101
UTN: n1712433-bzj

Revision: 2021-03

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Cargo Ship Safety Radio Certificate

- Required by all cargo ships of 300 gross tons and upwards on international voyages
 - Required to carry equipment designed to improve the chances of rescue following an accident :
 - GMDSS: Global Marine Distress Safety System
 - EPIRBS: Emergency Position indicating radio beacons
 - SARTS: Search and rescue transponders



CARGO SHIP SAFETY EQUIPMENT CERTIFICATE

This Certificate shall be supplemented by a Record of Equipment for Cargo Ship Safety (Form E)

Certificate No:
n1712433-bzj
DNV Id No:
34196
Date of issue:
2022-03-29

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as modified by the Protocol of 1988 relating thereto under the authority of the Government of

THE REPUBLIC OF MALTA

by DNV

Particulars of ship

Name of Ship:	MARATHON TS
Distinctive Number or Letters:	9HA4464
Port of Registry:	VALLETTA
Gross Tonnage:	62557
Deadweight of ship (metric tons) ¹ :	Up to 113651
Length of ship (regulation III/3.12):	242.970 m
IMO Number:	9737371

Type of Ship:²

- Bulk carrier
- Oil tanker
- Chemical tanker
- Gas carrier
- Cargo ship other than any of the above

Date on which keel was laid or ship was at a similar stage of construction: 2015-11-03

Date on which work for a conversion or an alteration or modification of a major character was commenced (where applicable): -

LEGAL DISCLAIMER: Unless otherwise stated in the applicable contract with the holder of this document, or following from mandatory law, the liability of DNV AS, its parent companies and their subsidiaries as well as their officers, directors and employees ("DNV") arising from or in connection with the services rendered for the purpose of the issuance of this document or reliance thereon, whether in contract or in tort (including negligence), shall be limited to direct losses and under any circumstance be limited to 300,000 USD, and any claims made against DNV based upon alleged defective services provided by DNV to designers, yards, manufacturers or other stakeholders in the newbuilding process shall under any circumstance be time-barred if made later than 12 months from delivery of the vessel. Based upon written request to the DNV legal entity which has issued this document, a higher limitation of liability may be agreed on a case-by-case basis.

¹ For oil tankers, chemical tankers and gas carriers only.

² Entries in boxes shall be made by inserting either a cross (x) for the answers 'yes' and 'applicable' or a dash (-) for the answers 'no' and 'not applicable' as appropriate.



Form code: CEC 101
UTN: n1712433-bzj

Revision: 2021-03

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Passenger Ship Safety Certificate

- Required by any passenger ship under SOLAS Regulation engaged on international voyages
 - (Except troop ships and yachts not engaged in trade).
 - Particularly applies to ferries and cruise ships.
 - Includes the survey arrangements for subdivisions, damage stability, fire safety, life-saving appliances, radio equipment and navigational aids.
- Reviewed annually



PASSENGER SHIP SAFETY CERTIFICATE

Enclosure 2.4.4.58

FINLAND

for ^{an} ~~a~~ short international voyage.

Issued under the provisions of the
International Convention for the Safety of Life at Sea, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Particulars of voyages, if any, sanctioned under Regulation 27 (c) (VIII) of Chapter III	Date on which keel was laid
VIKING SALLY	OTWS	Helsinki	15566,80		1979

I, the undersigned certify:

- That the above-mentioned ship has been duly surveyed in accordance with the provisions of the Convention referred to above.
- That the survey showed that the ship complied with the requirements of the Regulations annexed to the said Convention as regards:
 - the structure, main and auxiliary boilers and other pressure vessels and machinery;
 - the watertight subdivision arrangements and details;
 - the following subdivision loadlines:

Subdivision loadlines assigned and marked on the ship's side at amidships (Regulation 11 of Chapter II)	Freeboard	To apply when the spaces in which passengers are carried include the following alternative spaces*
C. 1	2062 mm	
C. 2		
C. 3		

2257

III. That the life-saving appliances provide for a total number of 2257 persons and no more, viz.:

10 10 692 --
 lifeboats (including motor lifeboats) capable of accommodating persons, and motor lifeboats fitted with radiotelegraph installation and searchlight (included in the total lifeboats shown above) and motor lifeboats fitted with searchlight only (also included in the total lifeboats shown above), requiring certificated lifeboatmen;

12 300
 liferafts, for which approved launching devices are required, capable of accommodating persons; and

51 1275
 liferafts, for which approved launching devices are not required, capable of accommodating persons;

6 120
 buoyant apparatus capable of supporting persons;

18
 lifebuoys;

2298 + 200 for children
 lifejackets

Other Statutory Regulations

- International Oil Pollution Prevention Certificate (IOPPC)
 - Valid for five years
 - Annual Survey
- Oil Pollution Act of 1990: “OPA 90”
 - A U.S. law passed after the Exxon Valdez oil spill to prevent oil pollution in the United States.
 - Document of Compliance (DOC): Mandatory under the ISM code (International Safety Management code).
 - Valid for five years
 - Intermediate surveys
- Carriage of dangerous goods
 - SOLAS 1974 featured 12 chapters on dangerous goods.
 - Issued for appropriate carriers.
 - IBC Code (International Bulk Chemical Code): Construction and equipment of ships carrying dangerous chemicals in bulk. Provides safety standards for the design, construction, equipment and operation of ships carrying dangerous chemicals.
 - IGC Code (International Gas Carriers Code): Liquefied gases in bulk.



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D. International Safety Management Code (ISM)

International Safety Management Code



- International Safety Management Code (ISM code)
 - Completed by IMO in 1993 and is MANDATORY for all ships and mobile offshore drilling units of 500 tons and above.
- Objectives:
 - To ensure safety at sea.
 - The prevention of human injury or loss of life.
 - Avoidance of damage to the environment (in particular to the marine environment) and property.
- Companies must have a safety management system to achieve the objectives of the ISM code.

Safety Management System (SMS)

- Functional requirements for a safety management system:
 - A safety and environmental protection policy.
 - Company responsibility and authority.
 - Designated person ashore.
 - Master's responsibility and authority.
 - Resources and personnel to implement.
 - Development of plans for shipboard operations.
 - Emergency preparedness.
 - Procedures for reporting accidents and non-conformities.
 - Maintenance of ship and equipment.
 - Documentation and their availability.
 - Company verification, review and evaluation.

Safety Management System (SMS)

- The ISM Code requires a safety management system (SMS) to be established by “the company”
 - Defined as the shipowner or any person, such as the manager or bareboat charterer who has assumed responsibility for operating the ship.
 - The company is then required to establish and implement a policy for achieving these objectives.
 - This includes providing the necessary resources and shore-based support.

Designated Person and Safety Management Manual

- Every company is expected to:
 - “Designate a person or persons ashore having direct access to the highest level of management”
 - The procedures required by the code must be documented and compiled in a:
- Safety Management Manual
 - A copy of which should be kept on board.

Safety Management System / ISM Code Certification

- ISM Code certification is a means to demonstrate a shipping company's commitment to:
 - The safety of its vessels, cargo, passengers, and crew.
 - The environment.
 - In compliance with the ISM Code.
- There is an assessment of a company's safety management system on board vessels and in shore-based offices (required).
 - It requires each ship in a company fleet as well as the company's shore-based management systems to be separately certificated.
 - Certification is done by an accredited classification society such as ABS or Lloyd's Register.

Certification Compliance

- The certificate will confirm:
 - An appropriate management system has been defined by the company for dealing with safety and pollution prevention on board.
 - The system is understood and implemented by those responsible for the various functions.
 - As far as periodic assessments can determine, the key actions indicated in the system are being carried out.
- Records are available to demonstrate the effective implementation of the system
- The scheme does not in any way replace or substitute class surveys of any kind whatsoever.
 - It does not indicate that the company or its vessels comply with international or national statutory requirements other than the ISM Code.
 - It does not endorse the technical adequacy of individual operating procedures or of the vessels managed by the company.

Document of Compliance (DOC)

- The initial verification for issuing a DOC to a company consists of the following steps:
 - Issued by an accredited Ship Classification Society.
 - Valid for 5 years with annual verification.
 - Subject to periodical annual verification that the SMS complies with the ISM code.
- Document review:
 - The SMS and any relevant documentation must comply with the requirements of ISM Code
 - The AUDITOR is to review the safety management manual.
- Company audit:
 - The SMS must have been in operation for at least three months, and three months on board at least one ship of each type operated by the company.
 - Include records from the internal audits performed by the company, ashore and onboard, examining and verifying the correctness of the statutory and classification records for at least one ship of each type of operation by the company.

Safety Management Certificate (SMC)

- Nature
 - Issued by an accredited Ship Classification Society.
 - Must comply with the ISM Code following the annual periodical review inherent in the DOC annual renewal.
 - Must have at least one intermediate verification.
- Verification that the Company DOC is valid and relevant to that type of ship, and that the other provisions are complied with.
- Verification of the effective functioning of the SMS, including objective evidence that the SMS has been in operation for at least three months aboard the ship.
- The objective evidence should also include records from the internal audits performed by the company.

Periodic Verification

- Periodical safety management audits are to be carried out to maintain the validity of the DOC and/or SMC.
- The purpose of the audits is to verify:
 - The effective functioning of the SMS.
 - That possible modifications of the SMS comply with the requirements of the ISM Code.
 - That corrective action has been implemented.
 - That statutory and classification certificates are valid and no surveys are overdue.

Periodic Audits

- Verification of the statutory and classification certificates is to be carried out on at least one ship of each type identified on the DOC
- Periodical verification is to be carried out within three months before and after the anniversary date of the DOC
- Intermediate verification is to take place between the second and third anniversary date of the SMC.

DOC and SMC Renewal Verification

- A DOC and/or SMC renewal verification shall be carried out six months before the expiration date of the certificate and shall be completed before the expiration date.
 - Must be carried out according to the same principles as for the initial verification.
 - Including all elements of the SMS and the effectiveness of the SMS in meeting the requirements of the ISM Code.
 - Document review shall be part of the renewal verification if a modification to the Company and/or shipboard SMS has taken place.



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INTRODUCTION TO THE MARITIME INDUSTRY



E. International Ship and Port Facility Security Code (ISPS Code)

International Ship and Port Facility Security Code (ISPS Code)

- International Ship and Port Facility Security Code (ISPS Code)
 - USA: “Maritime Transportation Security Act of 2002” (MTSA); Implemented July 2004.
 - IMO adopted the ISPS Code in December of 2002 as part of the 1974 Safety of Life at Sea Convention (SOLAS),
 - Goal is to enhance maritime security on board ships and at ship/port interface areas.
- Several port areas are fenced and access cannot take place without identification.
- Mandatory for ships to comply with the ISPS Code.
- Contains detailed security-related requirements for Governments, port authorities, and shipping companies (mandatory).
- Three levels (1 to 3). Normal to emergency (imminent attack).

International Ship and Port Facility Security Code (ISPS Code)

- The ISPS Code has a strong interface between the port control facility and the port facility.
- When a ship is at a port or is proceeding to a port of a contracting government:
 - The contracting government has the right to exercise various control and compliance measures with respect to that ship.
 - Ships may be subject to port state control inspections.
- Authorities may request information regarding the ship, its cargo, passengers and ship's personnel prior to the ship's entry into port.
- Port entry may be denied

ISPS Code: Port Certificate of Compliance

- ISPS Code has an equal responsibility on both the ship and port
 - Contracting government has to select the port facilities.
 - A Port Facility Security Officer (PFSO) has to be appointed and trained.
 - A Port Facility Security Assessment (PFSA) has to be made and agreed by the contracting government.
 - A Port Facility Security Plan (PFSP) must be produced based on the recommendations of the PFSA.
 - The plan has to be implemented and tested.
 - If all is correct, the port is issued a Certificate of Compliance.

ISPS Code: Company and Ship Obligations

- Each company must appoint a:
 - Company Security Officer (CSO) who is personally responsible for implementation of the code.
 - (Similar to the “designated person” of the ISM code).
- On each ship there has to be a:
 - Ship Security Assessment (SSA) carried out.
 - Ship Security Plan (SSP) based on the SSA.
 - Ship Security Officer (SSO) responsible for the implementation of the SSP.
 - This includes training the crew.
- Recognized Security Organization (RSO)
 - Often a classification society.
 - Verifies the correctness of the SSA and the implementation of the SSP.
 - If satisfied, issue the International Ship Security Certificate (ISSC).