
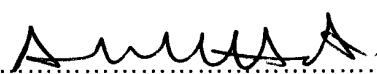




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**DELEGATION OF CERTIFICATION**  
**UNDER**  
**THE SAFETY MANAGEMENT REGULATIONS**

| <b>Responsible Authority</b>  | <b>Approved by</b>   |
|---|--|
| <p>The Director, Quality Assurance Division, is responsible for this document, including any change, correction or update.</p> <p style="text-align: center;"></p> <p>.....</p> <p>Andrew Hart<br/>Director, Quality Assurance</p> <p>Date: <u>13 SEP 2001</u></p> | <p style="text-align: center;"></p> <p>.....</p> <p>Bud Streeter<br/>Director General<br/>Marine Safety</p> <p>Date: <u>06 November 2001</u></p> |


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## 1 DEFINITIONS

The following terminology is used in this document:


**Board of Steamship Inspection** - means the Board of Steamship Inspection as established by section 304 of the *Canada Shipping Act*.

**International Safety Management (ISM) Code** - The *International Management Code for the Safe Operation of Ships and for Pollution Prevention*, also known as the International Safety Management (ISM) Code, adopted by the International Maritime Organization (IMO) as resolution A.741(18) and incorporated in Chapter IX of the *International Convention for the Safety of Life at Sea (SOLAS), 1974*.


**Marine Safety National Management Committee** - means the senior management of Transport Canada *Marine Safety*, including the Headquarters and Regional Directors, and the representative from *Transport Canada Legal Services*.

**Delegated organization** - means an organization recognized to perform the verifications and issue the certificates under the *Safety Management Regulations*, and with which an agreement is in force.

**Safety Management Regulations** - means the regulations made under the *Canada Shipping Act* to implement the ISM Code for Canadian-registered SOLAS Convention ships.

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## 2 GENERAL

### 2.1 Purpose / Scope

The purpose of this document is to provide a clear description of the policy decisions adopted by *Marine Safety* in order to effectively implement the program covering the delegation of statutory inspection and certification under the *International Safety Management Code* (Code).

### 2.2 Authority

#### 2.2.1 Minister

The Minister of Transport, under section 317.1 of the *Canada Shipping Act* may authorize any person, classification society or other organization to conduct inspections, subject to the Act and the terms and conditions that are specified by the Minister.

#### 2.2.2 Delegation of Authority

The Minister is permitted to delegate to individuals within the Department these authorities.


The Minister, in Transport Canada Instrument no. 149761, dated 17 June 1999, under section 317.1 of the *Canada Shipping Act* and pursuant to section 12 of the *Department of Transport Act* delegated the authority to enter in agreements with classification societies, to in order, the Deputy Minister, the Assistant Deputy Minister (Safety and Security), and the Director General, *Marine Safety*.

In the formal agreements signed 20 July 1999 by the Director General, *Marine Safety*, on behalf of the Minister, the performance of statutory inspection and certification services under the Code has been delegated to the following classification societies

- American Bureau of Shipping
- Bureau Veritas
- Det Norske Veritas
- Germanischer Lloyd
- Lloyd's Register of Shipping.

The Minister, in Transport Canada Instrument no. 150159, dated 12 March 2000, under section 317.1 of the *Canada Shipping Act* and pursuant to section 12 of the *Department of Transport Act* delegated the authority to enter into agreements with any person, classification society or other organization for the purpose of conducting inspections and



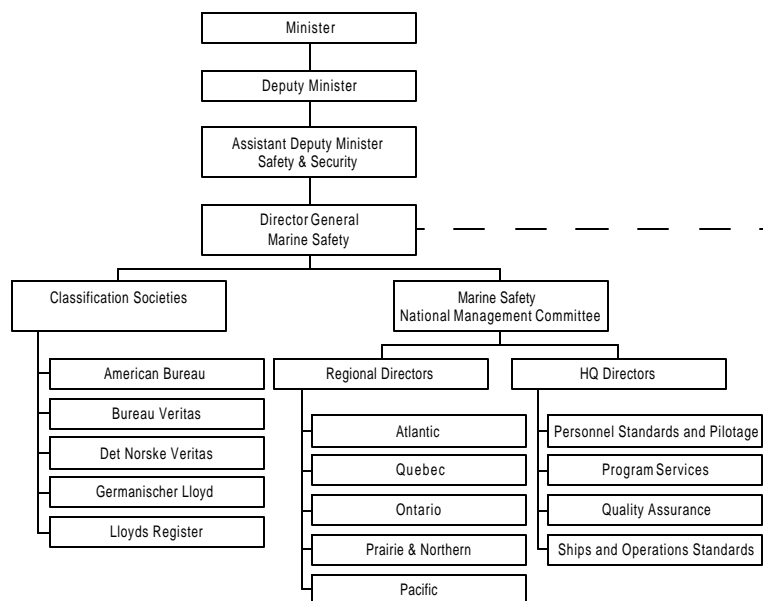
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issuing certificates, subject to the terms and conditions set out in the agreements. Therefore, Document no. 149761 of June 17, 1999 was cancelled.

## 2.3 Responsibility


The Director General, *Marine Safety*, is responsible for the overall implementation of this program of delegation of certification under the Code, and for ensuring that the resources identified as being necessary to carry out the processes required for this program are provided.

Members of the *Marine Safety National Management Committee* are responsible for those elements of the program assigned to them by the policies outlined in this manual, and the associated procedures developed in support of those policies. This relationship is outlined below.



## 2.4 Statutory Certification Under the ISM Code

Only delegated organizations will perform certification of Canadian companies and Canadian-registered SOLAS Convention vessels under the ISM Code.

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## ***2.5 Voluntary Certification under the ISM Code***

### *2.5.1 Voluntary application prior to coming into force*

Companies who choose the option of **voluntary** ISM Code certification i.e. where vessels are **not** subject to the SOLAS Convention (e.g. not engaged in international voyages), or for vessels which **are** SOLAS Convention ships but which are of the type (general cargo vessels or mobile offshore drilling units of 500 gross tons or more) for which ISM Code compliance does not become mandatory until 1 July 2002 but for which the company has voluntarily chosen to obtain certification in advance of the deadline, will be advised by *Marine Safety* to use the services of one of the delegated organizations, in order to facilitate the orderly transition from voluntary to mandatory certification, where applicable.

Revocation of any **voluntary** Code certificate will not prevent the vessel or company from continuing to operate, provided all other statutory certification is in order.

### *2.5.2 Voluntary application to Government vessels*

Government vessels, after the applicable date of coming into force for the type of vessel under consideration, that operate with SOLAS Convention certificates and are exempt from compliance with the Code, by Regulation 2.2 of Chapter IX, which says: -


“This chapter does not apply to government-operated ships used for non-commercial purposes.”

are not to be issued with a statutory Canadian Safety Management Certificate, and the government organization in operational control of the vessel is not to be issued a statutory Canadian Document of Compliance.

## ***2.6 Authorization to Perform Certification***


No organization will undertake any certification activity under the Code on behalf of Canada until a formal delegation agreement between Transport Canada and the delegated organization is in place.

This does not preclude *Marine Safety* from entering into contractual arrangements with any individual or organization, not otherwise designated as a delegated organization, for the purpose of providing services in support of the mandate of *Marine Safety* to implement the Code.


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## ***2.7 Issuance of ISM Code Certificates***

Subsequent to delegation agreements entering into force between Transport Canada and any delegated organization, *Marine Safety* will not issue ISM Code certificates for any company or vessel where the responsibility for certification has been transferred to the delegated organization.

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### **3 PROGRAM REVIEW**

#### ***3.1 Review of Formal Agreements to Perform ISM Code Certification***


All formal delegation agreements, or any proposed amendment to an existing agreement, between Transport Canada and an organization for the purposes of delegation of inspection and certification of Canadian companies and Canadian-registered vessels under the Code shall be subject to review by *Transport Canada Legal Services*.

#### ***3.2 Management Review***

All delegation agreements covering Code certification, and the results of activities conducted under the provisions of these agreements, will be subject to review by the *Marine Safety National Management Committee*. Such reviews will be conducted on an annual basis, as a minimum, with the results of these reviews formally documented.

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## 4 DOCUMENT CONTROL

### 4.1 General

All documentation, including policy statements, procedures, instructions or other documents necessary to ensure the effective implementation of this program will be submitted to the proper authority for approval and distribution.

Documents must be obtained through the proper authority, who will control their distribution.

### 4.2 Information Exchange

The *Ships and Operations Standards Division* is responsible for identifying the regulations, standards and other documents which should be provided to the delegated organization, and in receiving requests for information from the delegated organization. The *Program Services Division* has the responsibility to provide the delegated organization with the required information; and, if available, in the preferred format (electronic or hard copy) indicated.

The exception to this provision is when a delegated organization requests access to a decision of the *Board of Steamship Inspection*. Such a request must be forwarded to the Director-General, *Marine Safety*, who will decide on a case-by-case basis whether to release the contents of a Board Decision in response.


### 4.3 ISM Code Related Documentation

The *Ships and Operations Standards Division* will be responsible for providing to the delegated organization copies of all ISM Code certificates previously issued by *Marine Safety*, as well as copies of the Ship Inspection Reporting System (SIRS) records covering each vessel for which certification has been delegated.

The *Ships and Operations Standards Division* will receive copies of the Documents of Compliance and Safety Management Certificates, and any associated reports requested, as issued by the delegated organization. They will retain these copies and the details concerning these certificates shall be entered into the appropriate database.

### 4.4 Quality Assurance Documentation

Documentation associated with the quality certification of a delegated organization, including formal certificates issued by an independent third-party registrar, as well as any

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internal or external quality audit reports, received by *Marine Safety*, shall be forwarded to the *Quality Assurance Division* for retention and incorporation in any monitoring program.

## **4.5 Document Revision**

Any change, correction or update to a document covered under this program, other than a change to the document as the result of a scheduled periodic review, shall be made by submitting a Change Request to the appropriate authority. The authority will then review and approve the suggested Change Request and will distribute the new revised document with a note of explanation. Obsolete documents will be removed upon the issue of a new document revision. Time-sensitive material will be removed in a similar manner. After no more than six revisions to a document, it shall be re-issued.

Each document shall be reviewed on a periodic basis, but no later than twelve (12) months after date of initial issue or re-issue.



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## 5 AUTHORIZATION

### 5.1 *Criteria for Authorization as a Delegated Organization*

An organization shall satisfy the following minimum criteria before being considered eligible for authorization by Transport Canada as a delegated organization for the purposes of performing certification under the ISM Code:


- an office or offices shall be maintained in Canada that permits the delegated organization to provide the required level of verification and certification services in all parts of the country;
- the delegated organization shall have the ability to perform delegated services outside Canada, upon request;
- the capability to provide services in either official language of Canada, as appropriate;
- use of only personnel who are appropriately qualified and employed exclusively by the delegated organization to perform work pursuant to any delegation agreement;
- compliance with the provisions of Appendix 1, “*Minimum Standards for Recognized Organizations Acting on Behalf of the Administration*”, of the International Maritime Organization Assembly Resolution A.739 (18); and
- evidence of certification of its quality system by an independent body of quality assurance auditors.

### 5.2 *Verification of Compliance*


The compliance of the delegated organization with the criteria stated in section 5.1 shall be subject to verification by the *Quality Assurance Division of Marine Safety*.

### 5.3 *Termination of Authorization*

*Marine Safety* reserves the right to terminate the formal authorization of any delegated organization for failure to maintain these minimum criteria. Such termination shall be in accordance with the terms and conditions of the formal delegation agreement.

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## 6 TRACEABILITY

### 6.1 *General*

All documentation received or issued under this program should be uniquely identified, with the unique identification recorded by the appropriate authority, and should be traceable back to the date and source of the document.

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## **7 PROCESS CONTROL**

### **7.1 General**

All processes involved in the certification of Canadian companies and Canadian-registered vessels under the Code by a delegated organization shall be identified, planned and documented to ensure that the program is effectively implemented. Controls are to be instituted to ensure that the appropriate personnel and instructions are available for both *Marine Safety* and the delegated organization to carry out their responsibilities.

### **7.2 Responsibilities**


The delegated organization is responsible for the planning of process controls associated with their certification activities under this program.

The *Quality Assurance Division* is responsible for the creation of a monitoring plan that identifies the appropriate type of monitoring or inspection that is to take place at each stage of the certification process.


### **7.3 Regulatory Interpretations**

Regulatory interpretations are to be consistent and national in application. Formal requests from a delegated organization concerning interpretations of regulatory requirements relevant to the certification activities under the Code are to be referred to the Director of the appropriate Division within *Marine Safety* Headquarters, who will provide the appropriate response.

Any such interpretations will be copied to all members of the *Marine Safety National Management Committee*, as well as being consolidated and retained on file by the *Ships and Operations Standards Division*.

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## 8 MONITORING

### 8.1 *General*


A monitoring plan will be developed by *Marine Safety* to oversee the activities carried out by the delegated organization on behalf of Transport Canada under this program.

### 8.2 *Responsibilities*

The *Quality Assurance Division* at *Marine Safety* HQ will develop and coordinate the monitoring program for delegated functions based on the following information:


- number and type of Canadian shipping companies and vessels subject to Code certification;
- the number of delegated organizations authorized to perform Code certification on behalf of the Canadian administration, and their level of activity;
- reported deficiencies detected during routine shipboard inspections which can be related to a failure in the safety management system;
- investigations into vessel casualties; and
- reports received from vessel crew members or other interested parties.

Reference is made to the document *Monitoring Strategy for Delegation of ISM Code Certification* Rev. 0 issued June 05, 2000.

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## 9 NON-CONFORMITIES

### 9.1 *General*

The Director-General, *Marine Safety*, or the individual to whom this responsibility has been delegated, will formally notify the delegated organization of any identified non-conformities or violations of either the provisions of the formal agreement or the procedures established and documented for the certification process. This information will also be provided to the *Quality Assurance Division*, for categorization as to severity, summarization and presentation to the *Marine Safety National Management Committee* for review on a periodic basis, but no less than once a year.

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## **10 CORRECTIVE ACTION**


### **10.1        *General***

The *Quality Assurance Division* will be responsible for the monitoring, coordination and documentation of all corrective actions taken in response to the detection of non-conformities in the delivery of this program.


### **10.2        *Action Plans***

When non-conformities are detected, the cause of the nonconformity will be investigated by the responsible authority, which shall then develop a corrective action plan in proportion to the associated risks. The action plan will be documented and subsequently evaluated as to effectiveness.

If necessary, procedures and policy shall be revised to prevent a recurrence.

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## 11 RECORDS


### 11.1 *General*

The *Quality Assurance Division* shall make available to the delegated organization, as appropriate, the results of any direct audits or monitoring of the delegated organization under this program, for the purposes of taking the necessary corrective actions to address any non-conformities detected.


### 11.2 *Responsibilities*

The *Quality Assurance Division* will be responsible for co-ordinating the dissemination of any monitoring reports, in whole or in part, to the subject ship classification society.

Any such reports shall be stored in a manner to facilitate effective retrieval, and shall be retained for a period of at least three years.

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## **12 TRAINING**

### **12.1 General**

All *Marine Safety* personnel involved in this program shall have the necessary qualifications and training identified as being required to carry out their respective functions safely and effectively and to produce quality results.


### **12.2 Responsibilities**

Each *Marine Safety* Director in either HQ or the Regions is responsible for ensuring that personnel assigned to carry out functions associated with this program have received the required training. The Director, Program Services Division, shall be responsible for the provision of the required training identified for all *Marine Safety* personnel involved in this program, and for maintaining training records.

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## 13 STATISTICAL ANALYSIS

### 13.1 *General*

The Director, *Quality Assurance Division* is responsible for the selection of the appropriate statistical techniques to permit the proper evaluation of the program as a whole. In addition, these techniques should aid in specifically identifying areas requiring special attention as part of the internal audit program or external monitoring strategy.