

Issuance of Document of Compliance (DOC) under International Safety Management (ISM) System in favour of Technical Management of Company not having its registered office in India. (Superseded by M.S. Notice 09 of 2014))

Engineering Circular No. 134

NO :ENG/MISC-

29(16)/2010

Dated 09/05/2011

Sub :-Issuance of Document of Compliance (DOC) under International Safety Management (ISM) System in favour of Technical Management of Company not having its registered office in India.

WHEREAS Indian ships are getting increasing opportunities to obtain approval of the oil majors for their vessels trading on international cross trade, in consideration of the fundamental tenet of Merchant Shipping Act 1958 and the changes in practice of the trade, and whereas some of these Indian ship-owners are required to engage overseas "Technical Managers" as the Company under the ISM Code, and have made requests for necessary permission in this regard.

AND WHEREAS the definition of 'Company' as per Section 3 of MS Act, 1958, as amended, is applicable unless the context otherwise requires and whereas, such a context is provided in the definition of "Company" as per Part IX-B Section 344(k) of the Merchant Shipping Act, as amended in 2007, i.e. a "company" means the owner of the ship who, or any organization, which has assumed the responsibility of operation of the ship from the owner of such ship and who or which has agreed to take over all the duties and responsibilities imposed by the International Safety Management (ISM) Code.

NOW THEREFORE to codify the existing guidelines for issuance of the Document of Compliance, the Directorate General of Shipping, lays down the following procedures pertaining to the issue of the Document of Compliance and Safety Management System Certification, applicable to all those Technical Management Companies, located outside India

1. The Technical Management Company abroad should have a liasoning arrangement with an Indian registered company and hold a DOC for the "ship type" issued by the maritime administration or by one of the Indian administration Recognized Organizations on behalf of the maritime administration, where the Technical Management Company is located;
2. The Technical Management Company is required to submit its application as per the [Engineering Circular No. 116](#) dated 15th December, 2009 along-with duly notarized (in original) undertaking from self, liaison office in India and from the ship owner stating the following;
 1. In case of legal disputes, the jurisdiction would be of an Indian Court of Law;
 2. In case of any eventuality with respect to safety of the vessel, personnel and environment, the ship owner is equally responsible to deal with the above, and will not cite non-cooperation by the Technical Manager as a reason for not discharging his responsibility.
 3. The Directorate General of Shipping has the right of withdrawal of DOC at its discretion.
 4. The Technical Management Company is required to take cognizance of the Merchant Shipping Act, 1958 as amended and all notifications and guidelines issued from time to time with respect to the ISM system;

5. The Technical Management Company is required to arrange for and bear all the expenses for the conduct of audit and the DOC certification for stipulated time-frames;
6. After scrutiny of the application and Safety Management System manual, the ISM Cell of the Directorate will nominate an auditor to conduct Interim DOC audit for the requested ship type at the company's office premises located abroad. After satisfactory completion of the audit, relevant Interim DOC certificate will be issued to the Company.
7. After obtaining the interim DOC, the company is required to comply with all other audits as per the requirements of Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000, as amended.

This issues with the approval of the Director General of Shipping & ex-officio Addl. Secretary to the Govt. of India.

Sd /-

(D. Mehrotra)

Dy. Chief Surveyor cum Sr. DDG (Tech)