

Type of newsletter: **STATUTORY NEWSLETTER, Regulation (EU) 1257/2013 and Hong Kong International convention for the safe and environmentally sound recycling of ships, 2009**  
Number: **21.08.2020, revision 0**

**APPLICATION:**

Type of ships: **All ships to which Regulation (EU) 1257/2013 applies**

Flag(s): **EU-flagged ships and non-EU-flagged ships) when calling at a port or anchorage of EU Member State**

### **Ship Recycling and Inventory of Hazardous Materials (IHM)**

The purpose of this Newsletter is to remind the ship owners and managing companies on Regulation (EU) 1257/2013 of the European Parliament and the Council on ship recycling and amending Regulation (EC) 1013/2016 and Directive 2009/16/EC which came into force on 31 December 2018 and is being applicable to ships on international voyages having GT ≥ 500, as follows:

- to existing EU-flagged ships, being due for recycling and which are required to have IHM on board starting from 19 December 2016;
- to existing EU-flagged ships and which are required to have certified IHM on board with an "Inventory certificate" starting from 31 December 2020;
- to new EU-flagged ships and which are required to have certified IHM on board with an "Inventory certificate" starting from 31 December 2018;
- to third country ships (non-EU-flagged ships) when calling at a port or anchorage of EU Member State which are also required to have on board a certified IHM with a "Statement of Compliance" starting from 31 December 2020;
- subject to Art. 32(2)(b) of the Regulation, to ships flying the flag of a third country applying to be registered under the flag of a Member State and which are to ensure that IHM is kept on board or is established within six months of the registration under the flag of that Member State or during any of the next surveys under Art. 8(3) of the Regulation, whichever comes first.

The Regulation itself brings into force early implementation of Hong Kong Convention, with simultaneous enhancing of the requirements of the Convention for the preparation of IHM for EU flagged ships and for ships flying the flag of a third country calling at a port or anchorage of EU Member State, with exceptions listed in Art. 2.2 of the Regulation.

Existing ships will be required to have the IHM on board as from the 31 December 2020. The following surveys are applicable to the existing ships, with such surveys to be conducted by the recognized classification societies (ROs) authorized by the Flag State Administration:

- an initial survey (to be conducted by 31 December 2020);
- a renewal survey (at intervals not exceeding five years);
- an additional survey (after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the inventory of hazardous materials);
- a final survey (prior to the ship being taken out of service and before the recycling of the ship has started).

Requirements for surveys of existing ships are given in the Art. 8 of the Regulation.

For more details on Regulation (EU) 1257/2013 refer to CRS Circular QC-T-292 attached to this Newsletter.

For more details on Hong Kong Convention refer to CRS Circular QC-T-236 attached to this Newsletter.

Additional reference documents:

- 2012 Guidelines for the survey and certification of ships under the Hong Kong convention (IMO Res. MEPC.222(64))
- 2011 Guidelines for the development of the ship recycling plan (IMO Res. MEPC.196(62))
- EMSA's best practice guidance on the inventory of hazardous materials
- Technical guidance under Regulation (EU) 1257/2013 on ship recycling
- CRS Rules for technical supervision of sea-going ships, Part 32 – Ship Recycling

Title: <b>Introduction to the EU Regulation 1257/2013 on ship recycling</b>								Identification: <b>QC-T-292</b>		Revision: <b>1</b>		
Key words: <b>ship recycling, Hong Kong Convention</b>												
Prepared by: <b>Utes / G. Begović</b>			Reviewed by: <b>TBv / N. Jurišić Uq / M. Pavičić</b>			Approved by: <b>D / Z. Zulim</b>			Date effective: <b>2016-04-18</b>		Page: <b>1 / 5</b>	
Circular related to: <b>safe and environmentally sound recycling of ships</b>								The following circular becomes invalid: <b>QC-T-292, Rev.0 of 2016-02-01</b>				
Application within CRS:												
<b>D</b>	<b>Uq</b>	<b>Ar/AA</b>	<b>AF</b>	<b>AO</b>	<b>Tr</b>	<b>TB</b>	<b>TS</b>	<b>TE</b>	<b>Kr/KN</b>	<b>KI</b>	<b>Fr/F</b>	<b>Cr/C</b>
✓	✓				✓	✓	✓	✓	✓		✓	✓
<b>RI</b>	<b>SH</b>	<b>PU</b>	<b>ML</b>	<b>ST</b>	<b>ZD</b>	<b>ŠI</b>	<b>KO</b>	<b>SK</b>				<b>RV</b>
✓	✓	✓	✓	✓	✓	✓	✓					
Application outside CRS:												

## 1. General

Regulation (EU) no 1257/2013 on ship recycling entered into force on 30 December 2013 is aimed at facilitating early ratification of the IMO Hong Kong Convention (see CRS circular QC-T-236). Requirements are applied to:

- ships,
- ship recycling facilities, and
- procedure for ship recycling.

Note: A changes in respect to previous revision of this circular are shadowed.

## 2. Definitions

'ship' means a vessel of any type whatsoever operating or having operated in the marine environment, and includes submersibles, floating craft, floating platforms, self-elevating platforms, Floating Storage Units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), as well as a vessel stripped of equipment or being towed;

'new ship' means a ship for which either:

- (a) the building contract is placed on or after the date of application of this Regulation (see para 4 of this circular);
- (b) in the absence of a building contract, the keel is laid or the ship is at a similar stage of construction 6 months after the date of application of this Regulation or thereafter; or
- (c) the delivery takes place 30 months after the date of application of this Regulation or thereafter;

Revision:	Title:	Page:	Identification:
1	Introduction to the EU Regulation 1257/2013 on ship recycling	2 / 5	QC-T-292

### 3. Scope of application (Art 2 of the Regulation)

The regulation is applicable for both ships flying the flag of a EU Member States and ships of a third country calling at a port or anchorage of a EU Member State (non-EU flagged ships). The requirements for non-EU flagged ships are limited to having on board an Inventory of Hazardous Materials (IHM) and Inventory Certificate issued by Flag Administration or recognised organisation authorised by it.

The Regulation shall not apply to:

- (a) any warships, naval auxiliary, or other ships owned or operated by a state and used, for the time being, only on government non-commercial service;
- (b) ships of less than 500 gross tonnage (GT);
- (c) ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the EU Member State whose flag the ship is flying.

### 4. Application date (the actual date when the Regulation is enforced)

The Regulation shall apply from the earlier of the following two dates, but not earlier than 31 December 2015:

- (a) 6 months after the date that the combined maximum annual ship recycling output of the ship recycling facilities included in the European List (see para xx of this circular) constitutes not less than 2,5 million light displacement tonnes (LDT), or
- (b) on 31 December 2018.

#### 4.1 Time to developed and approve Part I of an IHM

- EU flagged new ships (see para 2. of this circular) before putting into service after application date (see above);
- EU flagged existing ships before 31 December 2020 but if ship recycled before this date, IHM is to be prepared prior to recycling;
- Non-EU flagged ships before 31 December 2020.

### 5. Control of hazardous materials (Art. 4 of the Regulation)

The installation or use of hazardous materials referred to in Annex I to the Regulation on ships is prohibited or restricted. It is to be noted that perfluorooctane sulfonic acid (PFOS) is newly added to those of the Hong Kong Convention.

#### 5.1 List of hazardous materials contained in Annex I of the Regulation:

- Asbestos,
- Ozone-depleting substances,
- Polychlorinated biphenyls (PCB),
- Perfluorooctane sulfonic acid (PFOS) ( not applicable for non-EU flagged ships)
- Anti-fouling compounds and systems (AFS Convention)

### 6. Inventory of hazardous materials (IHM) (Art. 5 of the Regulation)

Ships must have on board an IHM, which is properly maintained and updated throughout the operational life of the ship. Prior to recycling, IHM shall be finalized and provided to a ship recycling facility. Hazardous materials to be listed in an IHM are specified in Annex II, to the Regulation.

<i>Revision:</i>	<i>Title:</i>	<i>Page:</i>	<i>Identification:</i>
1	Introduction to the EU Regulation 1257/2013 on ship recycling	3 / 5	QC-T-292

Brominated Flame Retardant (HBCDD) is newly added to those of the Hong Kong Convention. Regarding the materials except for those listed in Annex I, existing ships shall comply, as far as practicable, with this requirement.

### 6.1 List of items for the IHM (Annex II of the Regulation)

- All hazardous materials listed in Annex I of the Regulation
- Cadmium and Cadmium Compounds
- Hexavalent Chromium and Hexavalent Chromium Compounds
- Lead and Lead Compounds
- Mercury and Mercury Compounds
- Polybrominated Biphenyl (PBBs)
- Polybrominated Diphenyl Ethers (PBDEs)
- Polychlorinated Naphthalenes (more than 3 chlorine atoms)
- Radioactive Substances
- Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)
- Brominated Flame Retardant (HBCDD)

It is to be noted that Brominated Flame Retardant (HBCDD) is newly added to those of the Hong Kong Convention. Regarding the materials except for those listed in Annex I, existing ships are to comply, as far as practicable.

### 7. General requirements for ship owners (Art. 6 of the Regulation)

In addition to control of hazardous materials and IHM, ship owners must ensure that the ships destined to be recycled are only recycled at the recycling facilities included in the European List, which is the list of authorised ship recycling facilities in accordance with the Regulation.

Ship owners must also provide the operator of the ship recycling facility with all ship relevant information, necessary for the development of the Ship Recycling Plan.

### 8. Ship recycling plan (Art. 7 of the Regulation)

A ship-specific ship recycling plan must be developed by the operator of recycling facility prior to recycling of a ship. The ship recycling plan must address any ship-specific considerations that are not covered in the ship recycling facility plan or that require special procedures. The ship recycling plan must be developed by the operator of the ship recycling facility in accordance with the relevant provisions of the Hong Kong Convention and taking into account the relevant IMO guidelines and the ship-relevant information provided by the ship owner in so that its contents are consistent with the information contained in the IHM.

### 9. Surveys, issuance and endorsement of certificates

#### 9.1 Ships shall be subject to the following surveys:

- (a) an initial survey;
- (b) a renewal survey;
- (c) an additional survey;
- (d) a final survey.

Revision:	Title:	Page:	Identification:
1	Introduction to the EU Regulation 1257/2013 on ship recycling	4 / 5	QC-T-292

- 9.2 The initial survey of a new ship is to be conducted before the ship is put in service, or before the inventory certificate is issued. For existing ships, an initial survey shall be conducted by 31 December 2020. The survey shall verify that Part I of the IHM complies with the requirements of the Regulation.
- 9.3 The renewal survey is to be conducted at intervals specified by the administration, which shall not exceed five years. The renewal survey shall verify that Part I of the IHM complies with the requirements of the Regulation.
- 9.4 The additional survey, either general or partial depending on the circumstances, is to be conducted if requested by the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the IHM. The survey shall be such as to ensure that any change, replacement, or significant repair has been made in a manner that ensures that the ship continues to comply with the requirements of the Regulation, and that Part I of the IHM is amended as necessary.
- 9.5 The final survey must be conducted prior to the ship being taken out of service and before the recycling of the ship has started.
- That survey is to verify that:
- the IHM complies with the requirements laid down in the Regulation (Art. 5)
  - the ship recycling plan properly reflects the information contained in the IHM and complies with the requirements laid down in Ship recycling plan.
  - the ship recycling facility where the ship is to be recycled is included in the European List.
- For existing ships intended for ship recycling, the initial survey and the final survey may be conducted at the same time.
- 9.6 After successful completion of an initial or renewal survey, the Administration or a recognised organisation authorised by it shall issue an Inventory Certificate. That certificate shall be supplemented by Part I of the IHM. The Commission shall adopt implementing acts to establish the format of the Inventory Certificate to ensure it is consistent with Appendix 3 to the Hong Kong Convention.
- 10. Requirements for non-EU flagged ships (Article 12 of the Regulation)**
- Non-EU flagged ships must have on board an IHM and a SoC when calling at a port or anchorage of a EU Member State. The Statement of Compliance (SoC) may be issued after verification of the IHM by the relevant authorities of the third country whose flag the ship is flying or an organisation authorised by them, in accordance with the national requirements.
- The SoC may be modelled on the basis of Appendix 3 to the Hong Kong Convention.
- 11. Requirements necessary for ship recycling facilities to be included in the European List (Art. 13 of the Regulation)**
- In order to be included in the European List (Art. 16 of the Regulation), a ship recycling facility is to comply with the following requirements, in accordance with the relevant Hong Kong Convention provisions and taking into account the relevant guidelines of the IMO, the ILO and of other international guidelines:
- it is authorised by its competent authorities to conduct ship recycling operations;
  - it is designed, constructed and operated in a safe and environmentally sound manner;
  - it operates from built structures;
  - it establishes management and monitoring systems, procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating:
    - health risks to the workers concerned and to the population in the vicinity of the ship recycling facility, and
    - adverse effects on the environment caused by ship recycling;

Revision:	Title:	Page:	Identification:
1	Introduction to the EU Regulation 1257/2013 on ship recycling	5 / 5	QC-T-292

- (e) it prepares a ship recycling facility plan;
- (f) it prevents adverse effects on human health and the environment, including the demonstration of the control of any leakage, in particular in intertidal zones;
- (g) it ensures safe and environmentally sound management and storage of hazardous materials and waste, including:
  - (i) the containment of all hazardous materials present on board during the entire ship recycling process so as to prevent any release of those materials into the environment; and in addition, the handling of hazardous materials, and of waste generated during the ship recycling process, only on impermeable floors with effective drainage systems;
  - (ii) that all waste generated from the ship recycling activity and their quantities are documented and are only transferred to waste management facilities, including waste recycling facilities, authorised to deal with their treatment without endangering human health and in an environmentally sound manner;
- (h) it establishes and maintain an emergency preparedness and response plan; ensures rapid access for emergency response equipment, such as fire-fighting equipment and vehicles, ambulances and cranes, to the ship and all areas of the ship recycling facility;
- (i) it provides for worker safety and training, including ensuring the use of personal protective equipment for operations requiring such use;
- (j) it establishes records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, reports any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers' safety, human health and the environment.

#### 12. Authorisation of ship recycling facilities located in a Member State (Art.14 of the Regulation)

A ship recycling facilities may be authorised by the competent authority where the facility located on their territory. The list of authorised facilities developed by the competent authority shall be communicated to EC. After the completion of this procedure, the facility is listed in the European List.

#### 13. Ship recycling facilities located in a third country (Art. 15 of the Regulation)

A ship recycling facility may be authorised by its competent authority to conduct the ship recycling in accordance with the national requirements. Then, the facility must submit an application to EC for inclusion in the European List. After the facility is certified following a site inspection for the requirements set out in Article 13 by an independent verifier (satisfying with appropriate qualifications provided by EC), the facility is listed in the European List. Technical guidance note containing the requirements and procedure for inclusion of such facilities in the European List was published in Official Journal of EU on 12 April 2016 (OJ C 128).

#### 14. Establishment of the European List (Art.16 of the Regulation)

The European List shall be published in the Official Journal of the European Union and on the website of the Commission not later than 31 December 2016.

#### Attachment:

- Regulation (EU) No 1257/2013 on ship recycling
- Communication from the EC on requirements and procedure for inclusion of facilities located in third countries in the European List of ship recycling facilities

## I

(Legislative acts)

## REGULATIONS

## REGULATION (EU) No 1257/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 November 2013

on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

(1) Ships which constitute waste and which are subject to a transboundary movement for recycling are regulated by the Basel Convention of 22 March 1989 on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal ('the Basel Convention') and Regulation (EC) No 1013/2006 of the European Parliament and of the Council <sup>(3)</sup>. Regulation (EC) No 1013/2006 implements the Basel Convention as well as an amendment <sup>(4)</sup> to that Convention adopted in 1995, which has not yet entered into force at international level, and which establishes a ban on exports of hazardous waste to countries that are not members of the Organisation

for Economic Cooperation and Development (OECD). Such ships are generally classified as hazardous waste and prohibited from being exported from the Union for recycling in facilities in countries that are not members of the OECD.

(2) The mechanisms for monitoring the application of, and enforcing the current Union and international law are not adapted to the specificities of ships and international shipping. Efforts involving inter-agency cooperation between the International Labour Organisation (ILO), the International Maritime Organisation (IMO) and the Secretariat of the Basel Convention have been successful in reaching agreement on the introduction of mandatory requirements, at global level, aimed at ensuring an efficient and effective solution to unsafe and unsound ship recycling practices in the form of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships ('the Hong Kong Convention').

(3) Current ship recycling capacity in OECD countries which is legally accessible to ships flying the flag of a Member State is insufficient. Current safe and environmentally sound ship recycling capacity in countries which are not members of the OECD is sufficient to treat all ships flying the flag of a Member State and is expected to expand further by 2015 as the results of actions taken by recycling countries to meet the requirements of the Hong Kong Convention.

(4) The Hong Kong Convention was adopted on 15 May 2009 under the auspices of the International Maritime Organization. The Hong Kong Convention will enter into force only 24 months after the date of ratification by at least 15 states representing a combined merchant fleet of at least 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same states. That Convention covers the design, the

<sup>(1)</sup> OJ C 299, 4.10.2012, p. 158.

<sup>(2)</sup> Position of the European Parliament of 22 October 2013 (not yet published in the Official Journal) and decision of the Council of 15 November 2013.

<sup>(3)</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

<sup>(4)</sup> Amendment to the Basel Convention ('Ban amendment') adopted by Decision III/1 of the Parties to the Basel Convention.

construction, the operation and the preparation of ships with a view to facilitating safe and environmentally sound recycling without compromising ship safety and operational efficiency. It also covers the operation of ship recycling facilities in a safe and environmentally sound manner, and the establishment of an appropriate enforcement mechanism for ship recycling.

- (5) This Regulation is aimed at facilitating early ratification of the Hong Kong Convention both within the Union and in third countries by applying proportionate controls to ships and ship recycling facilities on the basis of that Convention.
- (6) The Hong Kong Convention provides explicitly for its Parties to take more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimise any adverse effects on human health and the environment. Taking that into account, this Regulation should provide protection from the possible adverse effects of hazardous materials on board all ships calling at a port or anchorage of a Member State while ensuring compliance with the provisions applicable to those materials under international law. In order to ensure the monitoring of compliance with the requirements relating to hazardous materials under this Regulation, Member States should apply national provisions to implement Directive 2009/16/EC of the European Parliament and of the Council<sup>(1)</sup>. Currently, port State control inspectors are tasked with the inspection of certification and with active testing for hazardous materials, including asbestos, under the International Convention for the Safety of Life at Sea ('SOLAS'). The Paris Memorandum of Understanding on Port State Control provides a harmonised approach for those activities.
- (7) The purpose of this Regulation is also to reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the workplace and environmental standards and to direct ships flying the flag of a Member State to ship recycling facilities that practice safe and environmentally sound methods of dismantling ships instead of directing them to substandard sites as is currently the practice. The competitiveness of safe and environmentally sound recycling and treatment of ships in ship recycling facilities located in a Member State would thereby also be increased. The establishment of a European List of ship recycling facilities ('the European List') fulfilling the requirements set out in this Regulation would contribute to those objectives as well as to better enforcement by facilitating the control of ships going for recycling by the Member State whose flag the ship is flying. Those requirements for ship recycling facilities should be based on the requirements of the Hong Kong Convention. In this regard, ship

recycling facilities approved in accordance with this Regulation should meet the necessary requirements to ensure protection of the environment, the health and safety of workers and the environmentally sound management of the waste recovered from recycled ships. For ship recycling facilities located in a third country, the requirements should achieve a high level of protection of human health and the environment that is broadly equivalent to that in the Union. Ship recycling facilities which do not meet those minimum requirements should therefore not be included in the European List.

- (8) The principle of equality in Union law should be applied and its application monitored, in particular when establishing and updating the European List in respect of ship recycling facilities located in a Member State and ship recycling facilities located in a third country fulfilling the requirements set out in this Regulation.
- (9) Member States are encouraged to adopt appropriate measures to ensure that ships excluded from the scope of this Regulation act in a manner that is consistent with this Regulation, in so far as is reasonable and practicable.
- (10) In order to avoid duplication, it is necessary to exclude ships flying the flag of a Member State falling under the scope of this Regulation from the scope of application of Regulation (EC) No 1013/2006 and of Directive 2008/98/EC of the European Parliament and of the Council<sup>(2)</sup> respectively. Regulation (EC) No 1013/2006 applies to shipments of waste from the Union, subject to exclusions for certain categories of waste where an alternative regime applies. This Regulation subjects ships within its scope to controls throughout their life-cycle and aims to secure recycling of those ships in an environmentally sound manner. It is therefore appropriate to specify that a ship subject to the alternative control regime throughout its life-cycle under this Regulation should not be subject to Regulation (EC) No 1013/2006. Ships neither covered by the scope of the Hong Kong Convention nor by this Regulation, and any waste on board of a ship other than operationally generated waste, should continue to be subject to Regulation (EC) No 1013/2006 and to Directives 2008/98/EC and 2008/99/EC of the European Parliament and of the Council<sup>(3)</sup>, respectively.
- (11) It is also acknowledged that ships continue to be subject to other international conventions to ensure their safe operation at sea during the operational part of their life-cycle and, although they can exercise certain navigational rights and freedoms, ships are required to

<sup>(1)</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

<sup>(2)</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

<sup>(3)</sup> Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

provide prior notice of entry into ports. Member States should be able to choose to apply further controls in accordance with other international treaties. Additional transit controls are therefore not considered necessary under this Regulation.

- (12) When interpreting the requirements of this Regulation, consideration should be given to the guidelines developed by the IMO ('IMO guidelines') to support the Hong Kong Convention.
- (13) For the purposes of this Regulation, the term 'recycling' should not have the same meaning as defined in Directive 2008/98/EC. This Regulation should therefore introduce a specific definition for the term 'ship recycling'.
- (14) Regulation (EC) No 1272/2008 of the European Parliament and of the Council<sup>(1)</sup> implements at Union level the Globally Harmonised System for the classification and labelling of chemicals. That Regulation, together with Council Directive 67/548/EEC<sup>(2)</sup> and Directive 1999/45/EC of the European Parliament and of the Council<sup>(3)</sup>, provides useful guidance in determining what constitutes a hazardous material.
- (15) Keeping an inventory of hazardous materials on board a ship throughout its life-cycle is a key requirement laid down in the Hong Kong Convention and in this Regulation. In accordance with Regulation 8(2) of the Hong Kong Convention, a ship destined to be recycled should minimise the amounts of operationally generated waste in the period prior to entering the ship recycling facility. If the operationally generated waste is intended for delivery with the ship to a ship recycling facility, the approximate quantities and locations of that waste should be listed in Part II of the inventory.
- (16) Member States should take measures to prevent circumvention of ship recycling rules and to enhance transparency of ship recycling. As provided for in the Hong Kong Convention, Member States should report information concerning ships to which an inventory certificate has been issued, ships for which a statement of completion has been received and information regarding illegal ship recycling and follow-up actions that they have undertaken.
- (17) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those penalties are applied so as to prevent

circumvention of ship recycling rules. The penalties, which may be of a civil or administrative nature, should be effective, proportionate and dissuasive.

- (18) In accordance with the case-law of the Court of Justice, the courts of the Member States are required to interpret, to the fullest extent possible, the procedural rules relating to the conditions to be met in order to bring administrative or judicial proceedings in accordance with the objectives of Article 9(3) of the Aarhus Convention.
- (19) In the interest of protecting human health and the environment and having regard to the 'polluter pays' principle, the Commission should assess the feasibility of establishing a financial mechanism applicable to all ships calling at a port or anchorage of a Member State, irrespective of the flag they are flying, to generate resources that would facilitate the environmentally sound recycling and treatment of ships without creating an incentive to out-flag.
- (20) In order to take into account developments regarding the Hong Kong Convention, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the updating of Annexes I and II to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (21) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(4)</sup>.
- (22) Since the objective of this Regulation, namely to prevent, reduce or eliminate adverse effects on human health and the environment caused by the recycling, operation and maintenance of ships flying the flag of a Member State, cannot be sufficiently achieved by the Member States due to the international character of shipping and ship recycling, but can rather be achieved by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

<sup>(1)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

<sup>(2)</sup> Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1).

<sup>(3)</sup> Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.7.1999, p. 1).

<sup>(4)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAVE ADOPTED THIS REGULATION:

TITLE I

**SUBJECT-MATTER, SCOPE AND DEFINITIONS**

*Article 1*

**Subject matter and purpose**

The purpose of this Regulation is to prevent, reduce, minimise and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling. The purpose of this Regulation is to enhance safety, the protection of human health and of the Union marine environment throughout a ship's life-cycle, in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management.

This Regulation also lays down rules to ensure the proper management of hazardous materials on ships.

This Regulation also aims to facilitate the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 ('the Hong Kong Convention').

*Article 2*

**Scope**

1. This Regulation, with the exception of Article 12, shall apply to ships flying the flag of a Member State.

Article 12 shall apply to ships flying the flag of a third country calling at a port or anchorage of a Member State.

2. This Regulation shall not apply to:

(a) any warships, naval auxiliary, or other ships owned or operated by a state and used, for the time being, only on government non-commercial service;

(b) ships of less than 500 gross tonnage (GT);

(c) ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the Member State whose flag the ship is flying.

*Article 3*

**Definitions**

1. For the purposes of this Regulation, the following definitions apply:

(1) 'ship' means a vessel of any type whatsoever operating or having operated in the marine environment, and includes submersibles, floating craft, floating platforms, self-elevating platforms, Floating Storage Units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), as well as a vessel stripped of equipment or being towed;

(2) 'new ship' means a ship for which either:

(a) the building contract is placed on or after the date of application of this Regulation;

(b) in the absence of a building contract, the keel is laid or the ship is at a similar stage of construction six months after the date of application of this Regulation or thereafter; or

(c) the delivery takes place thirty months after the date of application of this Regulation or thereafter;

(3) 'tanker' means an oil tanker as defined in Annex I to the Convention for the Prevention of Pollution from Ships ('MARPOL Convention') or a Noxious Liquid Substances (NLS) tanker as defined in Annex II to that Convention;

(4) 'hazardous material' means any material or substance which is liable to create hazards to human health and/or the environment;

(5) 'operationally generated waste' means waste water and residues generated by the normal operation of ships subject to the requirements of the MARPOL Convention;

(6) 'ship recycling' means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing, for preparation for re-use or for re-use, whilst ensuring the management of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities;

(7) 'ship recycling facility' means a defined area that is a yard or facility located in a Member State or in a third country and used for the recycling of ships;

(8) 'ship recycling company' means, the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for the operation of the ship recycling activity from the owner of the ship recycling facility;

- (9) 'administration' means a governmental authority designated by a Member State as being responsible for duties related to ships flying its flag or to ships operating under its authority;
- (10) 'recognised organisation' means an organisation recognised in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council <sup>(1)</sup>;
- (11) 'competent authority' means a governmental authority or authorities designated by a Member State or a third country as responsible for ship recycling facilities, within a specified geographical area or an area of expertise, relating to all operations within the jurisdiction of that state;
- (12) 'gross tonnage' means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention;
- (13) 'competent person' means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work;
- (14) 'ship owner' means the natural or legal person registered as the owner of the ship, including the natural or legal person owning the ship for a limited period pending its sale or handover to a ship recycling facility, or, in the absence of registration, the natural or legal person owning the ship or any other organisation or person, such as the manager or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship, and the legal person operating a state-owned ship;
- (15) 'new installation' means the installation of systems, equipment, insulation or other material on a ship after the date of application of this Regulation;
- (16) 'ship recycling plan' means a plan developed by the operator of the ship recycling facility for each specific ship to be recycled under its responsibility taking into account the relevant IMO guidelines and resolutions;
- (17) 'ship recycling facility plan' means a plan prepared by the operator of the ship recycling facility and adopted by the board or the appropriate governing body of the ship recycling company that describes the operational processes and procedures involved in ship recycling at the ship recycling facility and that covers in particular workers' safety and training, protection of human health and the environment, roles and responsibilities of personnel, emergency preparedness and response, and systems for monitoring, reporting and record-keeping, taking into account the relevant IMO guidelines and resolutions;
- (18) 'safe-for-entry' means a space that meets all of the following criteria:
- (a) the oxygen content of the atmosphere and the concentration of flammable vapours are within safe limits;
  - (b) any toxic materials in the atmosphere are within permissible concentrations;
  - (c) any residues or materials associated with the work authorised by the competent person will not produce uncontrolled release of toxic materials or an unsafe concentration of flammable vapours under existing atmospheric conditions while maintained as directed;
- (19) 'safe-for-hot work' means a space in which all of the following criteria are met:
- (a) safe, non-explosive conditions, including gas-free status, exist for the use of electric arc or gas welding equipment, cutting or burning equipment or other forms of naked flame, as well as heating, grinding, or spark-generating operations;
  - (b) the safe-for-entry criteria set out in point 18 are met;
  - (c) existing atmospheric conditions do not change as a result of the hot work;
  - (d) all adjacent spaces have been cleaned, rendered inert or treated sufficiently to prevent the start or spread of fire;
- (20) 'statement of completion' means a confirmatory statement issued by the operator of the ship recycling facility that the ship recycling has been completed in accordance with this Regulation;
- (21) 'inventory certificate' means a ship-specific certificate that is issued to ships flying the flag of a Member State in accordance with Article 9 and that is supplemented by an inventory of hazardous materials in accordance with Article 5;
- (22) 'ready for recycling certificate' means a ship-specific certificate that is issued to ships flying the flag of a Member State in accordance with Article 9(9) and that is supplemented by an inventory of hazardous materials in accordance with Article 5(7) and the approved ship recycling plan in accordance with Article 7;

<sup>(1)</sup> Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).

(23) 'statement of compliance' means a ship-specific certificate that is issued to ships flying the flag of a third country and that is supplemented by an inventory of hazardous materials in accordance with Article 12;

(24) 'light displacement tonnes (LDT)' means the weight of a ship in tonnes without cargo, fuel, lubricating oil in storage tanks, ballast water, fresh water, feedwater, consumable stores, passengers and crew and their effects and it is the sum of the weight of the hull, structure, machinery, equipment and fittings of the ship.

2. For the purposes of Article 7(2)(d) and Articles 13, 15 and 16,

(a) 'waste', 'hazardous waste', 'treatment' and 'waste management' have the same meaning as in Article 3 of Directive 2008/98/EC;

(b) 'site inspection' means an inspection of the ship recycling facility assessing whether the conditions on site are consistent with those described in any relevant documentation provided;

(c) 'worker' means any person who performs work, either regularly or temporarily, in the context of an employment relationship, including the personnel working for contractors and subcontractors;

(d) 'environmentally sound management' means taking all practicable steps to ensure that waste and hazardous materials are managed in a manner which protects human health and the environment against the adverse effects which may result from such materials and waste.

3. For the purposes of point 13 of paragraph 1, a competent person may be a trained worker or a managerial employee capable of recognising and evaluating occupational hazards, risks, and employee exposure to potentially hazardous materials or unsafe conditions in a ship recycling facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks or that exposure.

Without prejudice to Directive 2005/36/EC of the European Parliament and of the Council <sup>(1)</sup>, the competent authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.

## TITLE II

### SHIPS

#### Article 4

#### **Control of hazardous materials**

The installation or use of hazardous materials referred to in Annex I on ships shall be prohibited or restricted as specified

in Annex I, without prejudice to other requirements of relevant Union law which may require further measures.

#### Article 5

#### **Inventory of hazardous materials**

1. Each new ship shall have on board an inventory of hazardous materials, which shall identify at least the hazardous materials referred to in Annex II and contained in the structure or equipment of the ship, their location and approximate quantities.

2. Subject to point (b) of Article 32(2), existing ships shall comply, as far as practicable, with paragraph 1.

In the case of ships going for recycling, they shall comply, as far as practicable, with paragraph 1 of this Article from the date of the publication of the European List of ship recycling facilities ('the European List') as set out in Article 16(2).

Subject to point (b) of Article 32(2), when the inventory of hazardous materials is developed it shall identify, at least, the hazardous materials listed in Annex I.

3. The inventory of hazardous materials shall:

(a) be specific to each ship;

(b) provide evidence that the ship complies with the prohibition or restrictions on installing or using hazardous materials in accordance with Article 4;

(c) be compiled taking into account the relevant IMO guidelines;

(d) be verified either by the administration or a recognised organisation authorised by it.

4. In addition to paragraph 3, for existing ships a plan shall be prepared describing the visual or sampling check by which the inventory of hazardous materials is developed and taking into account the relevant IMO guidelines.

5. The inventory of hazardous materials shall consist of three parts:

(a) a list of hazardous materials referred to in Annexes I and II, in accordance with the provisions of paragraphs 1 and 2 of this Article, and contained in the structure or equipment of the ship, with an indication of their location and approximate quantities (Part I);

<sup>(1)</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

(b) a list of the operationally generated waste present on board the ship (Part II);

(c) a list of the stores present on board the ship (Part III).

6. Part I of the inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex II and relevant changes in the structure and equipment of the ship.

7. Prior to recycling, and taking into account the relevant IMO guidelines, the inventory of hazardous materials shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated waste and Part III for stores, and be verified by the administration or a recognised organisation authorised by it.

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning the updating of the list of items for the inventory of hazardous materials in Annexes I and II to ensure that the lists include at least the substances listed in Appendices I and II of the Hong Kong Convention.

The Commission shall adopt a separate delegated act in respect of each substance to be added or deleted from Annexes I or II.

#### Article 6

##### General requirements for ship owners

1. When preparing to send a ship for recycling, ship owners shall:

(a) provide the operator of the ship recycling facility with all ship-relevant information, necessary for the development of the ship recycling plan set out in Article 7;

(b) notify in writing the relevant administration, within a timeframe to be determined by that administration, of the intention to recycle the ship in a specified ship recycling facility or facilities. The notification shall include at least:

(i) the inventory of hazardous materials; and

(ii) all ship-relevant information provided under point (a).

2. Ship owners shall ensure that ships destined to be recycled:

(a) are only recycled at ship recycling facilities that are included in the European List;

(b) conduct operations in the period prior to entering the ship recycling facility in such a way as to minimise the amount

of cargo residues, remaining fuel oil, and ship generated waste remaining on board;

(c) hold a ready for recycling certificate issued by the administration or a recognised organisation authorised by it prior to any recycling of the ship and after the receipt of the ship recycling plan approved in accordance with Article 7(3).

3. Ship owners shall ensure that tankers arrive at the ship recycling facility with cargo tanks and pump rooms in a condition ready for certification as safe-for-hot work.

4. Ship owners shall provide the operator of the ship recycling facility with a copy of the ready for recycling certificate issued in accordance with Article 9.

5. Ship owners shall be responsible for the ship and shall make arrangements to maintain that ship in compliance with the requirements of the administration of the Member State whose flag the ship is flying up until such time as the operator of the ship recycling facility accepts responsibility for that ship. The operator of the ship recycling facility may decline to accept the ship for recycling if the condition of the ship does not correspond substantially with the particulars of the inventory certificate, including where Part I of the inventory of hazardous materials has not been properly maintained and updated, reflecting changes in the ship's structure and equipment. In such circumstances, the ship owner shall retain responsibility for that ship and shall inform the administration thereof without delay.

#### Article 7

##### Ship recycling plan

1. A ship-specific ship recycling plan shall be developed prior to any recycling of a ship. The ship recycling plan shall address any ship-specific considerations that are not covered in the ship recycling facility plan or that require special procedures.

2. The ship recycling plan shall:

(a) be developed by the operator of the ship recycling facility in accordance with the relevant provisions of the Hong Kong Convention and taking into account the relevant IMO guidelines and the ship-relevant information provided by the ship owner in accordance with Article 6(1)(a) so that its contents are consistent with the information contained in the inventory of hazardous materials;

(b) clarify whether and to what extent any preparatory work, such as pre-treatment, identification of potential hazards and removal of stores, is to take place at a location other than the ship recycling facility identified in the ship recycling plan. The ship recycling plan should include the location where the ship will be placed during recycling operations and a concise plan for the arrival and safe placement of the specific ship to be recycled;

- (c) include information concerning the establishment, maintenance and monitoring of the safe-for-entry and safe-for-hot work conditions for the specific ship, taking into account features such as its structure, configuration and previous cargo, and other necessary information on how the ship recycling plan is to be implemented;
- (d) include information on the type and amount of hazardous materials and of waste to be generated by the recycling of the specific ship, including the materials and the waste identified in the inventory of hazardous materials, and on how they will be managed and stored in the ship recycling facility as well as in subsequent facilities; and
- (e) be prepared separately, in principle, for each ship recycling facility involved where more than one ship recycling facility is to be used, and identify the order of use and the authorised activities that will occur at those facilities.

3. The ship recycling plan shall be tacitly or explicitly approved by the competent authority in accordance with the requirements of the state where the ship recycling facility is located, where applicable.

Explicit approval shall be given when the competent authority sends a written notification of its decision on the ship recycling plan to the operator of the ship recycling facility, the ship owner and the administration.

Tacit approval shall be deemed given, if no written objection to the ship recycling plan is communicated by the competent authority to the operator of the ship recycling facility, the ship owner and the administration within a review period laid down in accordance with the requirements of the state where the ship recycling facility is located, where applicable, and notified in accordance with Article 15(2)(b).

4. Member States may require their administration to send to the competent authority of the state where the ship recycling facility is located the information provided by the ship owner pursuant to Article 6(1)(b) and the following details:

- (i) the date on which the ship was registered within the State whose flag it flies;
- (ii) the ship's identification number (IMO number);
- (iii) the hull number on new-building delivery;
- (iv) the name and type of the ship;
- (v) the port at which the ship is registered;
- (vi) the name and address of the ship owner as well as the IMO registered owner identification number;
- (vii) the name and address of the company;

- (viii) the name of any classification societies with which the ship is classed;
- (ix) the ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), LDT, Gross and Net tonnage, and engine type and rating).

#### Article 8

##### Surveys

1. Surveys of ships shall be carried out by officers of the administration, or of a recognised organisation authorised by it, taking into account the relevant IMO guidelines.

2. Where the administration uses recognised organisations to conduct surveys, as described in paragraph 1, it shall, as a minimum, empower such recognised organisations to:

- require a ship that they survey to comply with this Regulation; and
- carry out surveys if requested by the appropriate authorities of a Member State.

3. Ships shall be subject to the following surveys:

- (a) an initial survey;
- (b) a renewal survey;
- (c) an additional survey;
- (d) a final survey.

4. The initial survey of a new ship shall be conducted before the ship is put in service, or before the inventory certificate is issued. For existing ships, an initial survey shall be conducted by 31 December 2020. The survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.

5. The renewal survey shall be conducted at intervals specified by the administration, which shall not exceed five years. The renewal survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.

6. The additional survey, either general or partial depending on the circumstances, shall be conducted if requested by the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the inventory of hazardous materials. The survey shall be such as to ensure that any change, replacement, or significant repair has been made in a manner that ensures that the ship continues to comply with the requirements of this Regulation, and that Part I of the inventory of hazardous materials is amended as necessary.

7. The final survey shall be conducted prior to the ship being taken out of service and before the recycling of the ship has started.

That survey shall verify that:

- (a) the inventory of hazardous materials complies with the requirements of Article 5;
- (b) the ship recycling plan properly reflects the information contained in the inventory of hazardous materials and complies with the requirements of Article 7;
- (c) the ship recycling facility where the ship is to be recycled is included in the European List.

8. For existing ships intended for ship recycling, the initial survey and the final survey may be conducted at the same time.

#### Article 9

##### Issuance and endorsement of certificates

1. After successful completion of an initial or renewal survey, the administration or a recognised organisation authorised by it shall issue an inventory certificate. That certificate shall be supplemented by Part I of the inventory of hazardous materials, referred to in Article 5(5)(a).

Where the initial survey and the final survey are conducted at the same time as provided for in Article 8(8), only the ready for recycling certificate referred to in paragraph 9 of this Article shall be issued.

The Commission shall adopt implementing acts to establish the format of the inventory certificate to ensure it is consistent with Appendix 3 to the Hong Kong Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25 of this Regulation.

2. An inventory certificate shall be endorsed at the request of the ship owner either by the administration or by a recognised organisation authorised by it after successful completion of an additional survey conducted in accordance with Article 8(6).

3. Subject to paragraph 4, the administration or recognised organisation authorised by it shall issue or endorse, as appropriate, an inventory certificate, where the renewal survey is successfully completed:

- (a) in the three month period before the expiry date of the existing inventory certificate, and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing one;

- (b) after the expiry date of the existing inventory certificate, and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing one;

- (c) more than three months before the expiry date of the existing inventory certificate, and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

4. Where a renewal survey has been successfully completed and a new inventory certificate cannot be issued or placed on board before the expiry date of the existing certificate, the administration or recognised organisation authorised by it shall endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the date of expiry.

5. In case of an inventory certificate issued for a period of less than five years, the administration or the recognised organisation authorised by it may extend the validity of the existing certificate for a further period which shall not exceed five years.

6. In special circumstances as determined by the administration, a new inventory certificate need not be dated from the date of expiry of the existing certificate as required by points (a) and (b) of paragraph 3 and paragraphs 7 and 8. In those circumstances, the new certificate shall be valid for a period not exceeding five years from the date of completion of the renewal survey.

7. Where a ship is not at the port or anchorage where it is to be surveyed when the inventory certificate expires, the administration may, if it is proper to do so, extend the period of validity of the inventory certificate for a period not exceeding three months to enable the ship to complete its voyage to the port in which it is to be surveyed. Any such extension granted shall be conditional on the survey being completed at that port before the ship leaves. A ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled, by virtue of such extension, to leave the port without having a new certificate. When the renewal survey is completed, the new inventory certificate shall be valid for a period not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

8. An inventory certificate for a ship engaged on short voyages and which has not been extended under the conditions referred to in paragraph 7 may be extended by the administration for a period of grace of up to one month from its expiry. When the renewal survey is completed, the new inventory certificate shall be valid for a period not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

9. After successful completion of a final survey in accordance with Article 8(7), the administration or a recognised organisation authorised by it shall issue a ready for recycling certificate. That certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan.

The Commission shall adopt implementing acts to establish the format of the ready for recycling certificate to ensure it is consistent with Appendix 4 to the Hong Kong Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25 of this Regulation. A ready for recycling certificate issued after a final survey in accordance with the first subparagraph of this paragraph shall be accepted by the other Member States and regarded for the purposes of this Regulation as having the same validity as a ready for recycling certificate issued by them.

#### Article 10

##### Duration and validity of certificates

1. Subject to Article 9, an inventory certificate shall be issued for a period specified by the administration, which shall not exceed five years.
2. An inventory certificate issued or endorsed under Article 9 shall cease to be valid in any of the following cases:
  - (a) if the condition of the ship does not correspond substantially with the particulars of that inventory certificate, including where Part I of the inventory of hazardous materials has not been properly maintained and updated, reflecting changes in ship structure and equipment, taking into account the relevant IMO guidelines;
  - (b) where the renewal survey is not completed within the intervals specified in Article 8(5).
3. A ready for recycling certificate shall be issued by the administration or by a recognised organisation authorised by it for a period not exceeding three months.
4. A ready for recycling certificate issued under Article 9(9) shall cease to be valid where the condition of the ship does not correspond substantially with the particulars of the inventory certificate.
5. By way of derogation from paragraph 3, the ready for recycling certificate may be extended by the administration or by a recognised organisation authorised by it for a single point to point voyage to the ship recycling facility.

#### Article 11

##### Port State control

1. Member States shall apply control provisions for ships in accordance with their national law having regard to Directive 2009/16/EC. Subject to paragraph 2, any such inspection shall

be limited to checking that either an inventory certificate or a ready for recycling certificate is kept on board, which, if valid, shall be considered sufficient for the inspection to be approved.

2. A detailed inspection may be carried out by the relevant authority involved in port State control activities, taking into account the relevant IMO guidelines, where a ship does not carry a valid certificate or there are clear grounds for believing either that:

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate, Part I of the inventory of hazardous materials, or both; or
- (b) there is no procedure implemented on board the ship for the maintenance of Part I of the inventory of hazardous materials.

3. A ship may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the inventory certificate or the ready for recycling certificate, as appropriate and on request of those authorities, without prejudice to Article 9. A Member State taking such action shall immediately inform the administration concerned. Failure to update the inventory of hazardous materials shall not constitute a detainable deficiency, but any inconsistencies in the inventory of hazardous materials shall be reported to the administration concerned and shall be rectified at the time of the next survey.

4. Access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of that Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

#### Article 12

##### Requirements for ships flying the flag of a third country

1. Subject to point (b) of Article 32(2), when calling at a port or anchorage of a Member State, a ship flying the flag of a third country shall have on board an inventory of hazardous materials that complies with Article 5(2).

Notwithstanding the first subparagraph, access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of that Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

2. The installation of hazardous materials referred to in Annex I on ships flying the flag of a third country, whilst in a port or anchorage of a Member State, shall be prohibited or restricted as specified in Annex I.

The use of hazardous materials referred to in Annex I on ships flying the flag of a third country, whilst in a port or anchorage of a Member State, shall be prohibited or restricted as specified in Annex I, without prejudice to the exemptions and transitional arrangements applicable to those materials under international law.

3. The inventory of hazardous materials shall be specific to each ship, be compiled taking into account the relevant IMO guidelines and serve to clarify that the ship complies with paragraph 2 of this Article. When the inventory of hazardous materials is developed it shall identify, at least, the hazardous materials listed in Annex I. A plan shall be established by the ship flying the flag of a third country describing the visual/sampling check by which the inventory of hazardous materials is developed taking into account the relevant IMO guidelines.

4. The inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex II and relevant changes in the structure and equipment of the ship, taking into account the exemptions and transitional arrangements applicable to those materials under international law.

5. A ship flying the flag of a third country may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the statement of compliance in accordance with paragraphs 6 and 7, together with the inventory of hazardous materials, as appropriate and on request from those authorities. A Member State taking such action shall immediately inform the relevant authorities of the third country whose flag the ship concerned is flying. Failure to update the inventory of hazardous materials shall not constitute a detainable deficiency, but any inconsistencies in the inventory of hazardous materials shall be reported to the relevant authorities of the third country whose flag that ship is flying.

6. The statement of compliance shall be issued after verification of the inventory of hazardous materials by the relevant authorities of the third country whose flag the ship is flying or an organisation authorised by them, in accordance with the national requirements. The statement of compliance may be modelled on the basis of Appendix 3 to the Hong Kong Convention.

7. The statement of compliance and the inventory of hazardous materials shall be drawn up in an official language of the issuing relevant authorities of the third country whose

flag the ship is flying and where the language used is not English, French or Spanish, the text shall include a translation into one of those languages.

8. Subject to point (b) of Article 32(2), ships flying the flag of a third country applying to be registered under the flag of a Member State shall ensure that an inventory of hazardous materials, as provided for in Article 5(2), is kept on board or is established within six months of the registration under the flag of that Member State or during any of the next surveys under Article 8(3), whichever comes first.

### TITLE III

#### SHIP RECYCLING FACILITIES

##### Article 13

#### **Requirements necessary for ship recycling facilities to be included in the European List**

1. In order to be included in the European List, a ship recycling facility shall comply with the following requirements, in accordance with the relevant Hong Kong Convention provisions and taking into account the relevant guidelines of the IMO, the ILO, the Basel Convention and of the Stockholm Convention on Persistent Organic Pollutants and of other international guidelines:

- (a) it is authorised by its competent authorities to conduct ship recycling operations;
- (b) it is designed, constructed and operated in a safe and environmentally sound manner;
- (c) it operates from built structures;
- (d) it establishes management and monitoring systems, procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating:
  - (i) health risks to the workers concerned and to the population in the vicinity of the ship recycling facility, and
  - (ii) adverse effects on the environment caused by ship recycling;
- (e) it prepares a ship recycling facility plan;

- (f) it prevents adverse effects on human health and the environment, including the demonstration of the control of any leakage, in particular in intertidal zones;
- (g) it ensures safe and environmentally sound management and storage of hazardous materials and waste, including:
  - (i) the containment of all hazardous materials present on board during the entire ship recycling process so as to prevent any release of those materials into the environment; and in addition, the handling of hazardous materials, and of waste generated during the ship recycling process, only on impermeable floors with effective drainage systems;
  - (ii) that all waste generated from the ship recycling activity and their quantities are documented and are only transferred to waste management facilities, including waste recycling facilities, authorised to deal with their treatment without endangering human health and in an environmentally sound manner;
- (h) it establishes and maintain an emergency preparedness and response plan; ensures rapid access for emergency response equipment, such as fire-fighting equipment and vehicles, ambulances and cranes, to the ship and all areas of the ship recycling facility;
- (i) it provides for worker safety and training, including ensuring the use of personal protective equipment for operations requiring such use;
- (j) it establishes records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, reports any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers' safety, human health and the environment;
- (k) it agrees to comply with the requirements of paragraph 2.

2. The operator of a ship recycling facility shall:

- (a) send the ship recycling plan, once approved in accordance with Article 7(3), to the ship owner and the administration or a recognised organisation authorised by it;
- (b) report to the administration that the ship recycling facility is ready in every respect to start the recycling of the ship;
- (c) when the total or partial recycling of a ship is completed in accordance with this Regulation, within 14 days of the date of the total or partial recycling in accordance with the ship recycling plan, send a statement of completion to the administration which issued the ready for recycling certificate for the ship. The statement of completion shall include a report on incidents and accidents damaging human health and/or the environment, if any.

3. The Commission shall adopt implementing acts to establish the format of:

- (a) the report required by point (b) of paragraph 2 of this Article to ensure it is consistent with Appendix 6 to the Hong Kong Convention; and
- (b) the statement required by point (c) of paragraph 2 of this Article to ensure it is consistent with Appendix 7 to the Hong Kong Convention.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25 of this Regulation.

#### Article 14

#### **Authorisation of ship recycling facilities located in a Member State**

1. Without prejudice to other relevant provisions of Union law, competent authorities shall authorise ship recycling facilities located on their territory that comply with the requirements set out in Article 13 to conduct ship recycling. That authorisation may be granted to the respective ship recycling facilities for a maximum period of five years and renewed accordingly.

Provided that the requirements of this Regulation are complied with, any permit produced pursuant to other relevant national or Union law provisions may be combined with the authorisation under this Article to form a single permit, where such a format obviates the unnecessary duplication of information and the duplication of work by the operator of the ship recycling facility or the ship recycling company or the competent authority. In those cases the authorisation may be extended in accordance with the permit regime referred to in the first subparagraph, but not exceeding a maximum period of five years.

2. Member States shall establish and update a list of the ship recycling facilities that they have authorised in accordance with paragraph 1.

3. The list referred to in paragraph 2 shall be communicated to the Commission without delay and not later than 31 March 2015.

4. Where a ship recycling facility ceases to comply with the requirements set out in Article 13, the Member State where that ship recycling facility is located shall suspend or withdraw the authorisation given to it or require corrective actions by the ship recycling company concerned and shall inform the Commission thereof without delay.

5. Where a ship recycling facility has been authorised in accordance with paragraph 1, the Member State concerned shall inform the Commission thereof without delay.

## Article 15

**Ship recycling facilities located in a third country**

1. A ship recycling company owning a ship recycling facility located in a third country and intending to recycle ships flying the flag of a Member State shall submit an application to the Commission for inclusion of that ship recycling facility in the European List.

2. The application referred to in paragraph 1 shall be accompanied by evidence that the ship recycling facility concerned complies with the requirements set out in Article 13 in order to conduct ship recycling and to be included in the European List in accordance with Article 16.

In particular, the ship recycling company shall:

- (a) identify the permit, license or authorisation granted by its competent authorities to conduct the ship recycling and, where relevant, the permit, license or authorisation granted by the competent authorities to all its contractors and sub-contractors directly involved in the process of ship recycling and specify all information referred to in Article 16(2);
- (b) indicate whether the ship recycling plan will be approved by the competent authority through a tacit or explicit procedure, specifying the review period relating to tacit approval, in accordance with national requirements, where applicable;
- (c) confirm that it will only accept a ship flying the flag of a Member State for recycling in accordance with this Regulation;
- (d) provide evidence that the ship recycling facility is capable of establishing, maintaining and monitoring of the safe-for-hot work and safe-for-entry criteria throughout the ship recycling process;
- (e) attach a map of the boundary of the ship recycling facility and the location of ship recycling operations within it;
- (f) for each hazardous material referred to in Annex I and additional hazardous material which might be part of the structure of a ship, specify:
  - (i) whether the ship recycling facility is authorised to carry out the removal of the hazardous material. Where it is so authorised, the relevant personnel authorised to carry out the removal shall be identified and evidence of their competence shall be provided;
  - (ii) which waste management process will be applied within or outside the ship recycling facility such as incineration, landfilling or another waste treatment method, the name and address of the waste treatment facility if different from that of the ship recycling facility, and provide

evidence that the applied process will be carried out without endangering human health and in an environmentally sound manner;

- (g) confirm that the company adopted a ship recycling facility plan, taking into account the relevant IMO guidelines;
- (h) provide the information necessary to identify the ship recycling facility.

3. The Commission shall be empowered to adopt implementing acts to specify the format of the information required to identify the ship recycling facility. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25.

4. In order to be included in the European List, compliance by ship recycling facilities located in third countries with the requirements set out in Article 13 shall be certified following a site inspection by an independent verifier with appropriate qualifications. The certification shall be submitted to the Commission by the ship recycling company when applying for inclusion in the European List and, every five years thereafter, upon renewal of the inclusion in the European List. The initial inclusion on the list and the renewal thereof shall be supplemented by a mid-term review to confirm compliance with the requirements set out in Article 13.

By applying for inclusion in the European List, ship recycling companies accept the possibility of the ship recycling facility concerned being subject to site inspections by the Commission or agents acting on its behalf prior to or after their inclusion in the European List in order to verify compliance with the requirements set out in Article 13. The independent verifier, the Commission or agents acting on its behalf shall cooperate with the competent authorities of the third country where the ship recycling facility is located in order to carry out those site inspections.

The Commission may issue technical guidance notes in order to facilitate such certification.

5. For the purposes of Article 13, with regard to the waste recovery or disposal operation concerned, environmentally sound management may only be assumed to be in place provided the ship recycling company can demonstrate that the waste management facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to relevant international and Union standards.

6. The ship recycling company shall provide updated evidence without delay in the event of any changes to the information provided to the Commission and shall, in any event, three months prior to expiry of each five year period of inclusion on the European List, declare that:

- (a) the evidence that it has provided is complete and up-to-date;
- (b) the ship recycling facility continues and will continue to comply with the requirements of Article 13.

#### Article 16

#### Establishment and updating of the European List

1. The Commission shall adopt implementing acts to establish a European List of ship recycling facilities which:

- (a) are located in the Union and have been notified by the Member States in accordance with Article 14(3);
- (b) are located in a third country and whose inclusion is based on an assessment of the information and supporting evidence provided or gathered in accordance with Article 15.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25.

2. The European List shall be published in the *Official Journal of the European Union* and on the website of the Commission not later than 31 December 2016. It shall be divided into two sub-lists indicating the ship recycling facilities located in a Member State and the ship recycling facilities located in a third country.

The European List shall include all of the following information about the ship recycling facility:

- (a) the method of recycling;
- (b) the type and size of ships that can be recycled;
- (c) any limitation and conditions under which the ship recycling facility operates, including as regards hazardous waste management;
- (d) details on the explicit or tacit procedure, as referred to in Article 7(3), for the approval of the ship recycling plan by the competent authority;
- (e) the maximum annual ship recycling output.

3. The European List shall indicate the date of expiry of the inclusion of the ship recycling facility. An inclusion shall be valid for a maximum period of five years and shall be renewable.

4. The Commission shall adopt implementing acts to regularly update the European List, in order to:

- (a) include a ship recycling facility in the European List where:
  - (i) it has been authorised in accordance with Article 14; or
  - (ii) its inclusion in the European List is decided in accordance with paragraph 1(b) of this Article;

(b) remove a ship recycling facility from the European List where:

- (i) the ship recycling facility ceases to comply with the requirements set out in Article 13; or
- (ii) the updated evidence is not provided at least three months prior to expiry of the five-year period as set out in paragraph 3 of this Article.

Those implementing acts shall be adopted, in accordance with the examination procedure referred to in Article 25.

5. In establishing and updating the European List, the Commission shall act in accordance with the principles enshrined in the Treaties and with the international obligations of the Union.

6. Member States shall communicate to the Commission all information that may be relevant in the context of updating the European List. The Commission shall forward all relevant information to the other Member States.

#### TITLE IV

#### GENERAL ADMINISTRATIVE PROVISIONS

##### Article 17

#### Language

1. The ship recycling plan referred to in Article 7 shall be developed in a language accepted by the state authorising the ship recycling facility. Where the language used is not English, French or Spanish, the ship recycling plan shall be translated into one of those languages, except where the administration is satisfied that that is unnecessary.

2. The inventory certificate and the ready for recycling certificate issued pursuant to Article 9 shall be drawn up in an official language of the issuing administration. Where the language used is not English, French or Spanish, the text shall include a translation into one of those languages.

##### Article 18

#### Designation of competent authorities and administrations

1. Member States shall designate the competent authorities and administrations responsible for the application of this Regulation and shall notify the Commission of those designations. Member States shall immediately notify the Commission of any changes in such information.

2. The Commission shall publish on its website lists of the designated competent authorities and administrations and shall update those lists as appropriate.

*Article 19***Designation of contact persons**

1. Member States and the Commission shall each designate one or more contact persons responsible for informing or advising natural or legal persons making enquiries. The contact person of the Commission shall forward to the contact persons of the Member States any questions received which concern the latter, and vice versa.

2. Member States shall notify the Commission of the designation of contact persons. Member States shall immediately notify the Commission of any changes to that information.

3. The Commission shall publish on its website lists of the designated contact persons and shall update those lists as appropriate.

*Article 20***Meeting of contact persons**

The Commission shall, if requested by Member States or where it considers it appropriate, periodically organise a meeting of the contact persons to discuss the questions raised by the implementation of this Regulation. Relevant stakeholders shall be invited to such meetings, or parts of meetings, where all Member States and the Commission are in agreement that it is appropriate to do so.

## TITLE V

**REPORTING AND ENFORCEMENT***Article 21***Reports by the Member States**

1. Each Member State shall send to the Commission a report containing the following:

- (a) a list of the ships flying its flag to which a ready for recycling certificate has been issued, and the name of the ship recycling company and the location of the ship recycling facility as shown in the ready for recycling certificate;
- (b) a list of the ships flying its flag for which a statement of completion has been received;
- (c) information regarding illegal ship recycling, penalties and follow-up actions undertaken by the Member State.

2. Every three years, Member States shall electronically transmit the report to the Commission no later than nine months after the end of the three-year period covered by it.

The first electronic report shall cover the period from the date of application of this Regulation to the end of the first regular three-year reporting period, specified in Article 5 of Council Directive 91/692/EEC<sup>(1)</sup>, falling after the starting date of the first reporting period.

<sup>(1)</sup> Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (OJ L 377, 31.12.1991, p. 48).

The Commission shall publish a report on the application of this Regulation no later than nine months after receiving the reports from the Member States.

3. The Commission shall enter this information in an electronic database that is permanently accessible to the public.

*Article 22***Enforcement in Member States**

1. Member States shall lay down provisions on penalties applicable to infringements of this Regulation and shall take all the measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive.

2. Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of potential circumvention and breach of this Regulation.

3. Member States shall designate those members of their permanent staff responsible for the cooperation referred to in paragraph 2. That information shall be sent to the Commission, which shall distribute to those members a compiled list.

4. Member States shall communicate to the Commission the provisions of their national law relating to the enforcement of this Regulation and the applicable penalties.

*Article 23***Request for action**

1. Natural or legal persons affected or likely to be affected by a breach of Article 13 in conjunction with Article 15 and Article 16(1)(b) of this Regulation, or having a sufficient interest in environmental decision-making relating to the breach of Article 13 in conjunction with Article 15 and Article 16(1)(b) of this Regulation shall be entitled to request the Commission to take action under this Regulation with respect to such a breach or an imminent threat of such a breach.

The interest of any non-governmental organisation promoting environmental protection and meeting the requirements laid down in Article 11 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council<sup>(2)</sup> shall be deemed sufficient for the purposes of the first subparagraph.

<sup>(2)</sup> Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

2. The request for action shall be accompanied by the relevant information and data supporting that request.

3. Where the request for action and the accompanying information and data show in a plausible manner that a breach of Article 13 in conjunction with Article 15 and Article 16(1)(b) has occurred, or that there is an imminent threat of such a breach, the Commission shall consider any such requests for action and information and data. In such circumstances, the Commission shall give the ship recycling company concerned an opportunity to make its views known with respect to the request for action and the accompanying information and data.

4. The Commission shall, without delay and in accordance with the relevant provisions of Union law, inform the persons who submitted a request pursuant to paragraph 1, of its decision to accede to or refuse the request for action and shall provide the reasons for it.

#### TITLE VI

#### FINAL PROVISIONS

##### Article 24

#### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5(8) shall be conferred on the Commission for a period of five years from 30 December 2013. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

3. The delegation of power referred to in Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a late date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(8) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have

both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

##### Article 25

#### Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

##### Article 26

#### Transitional provision

As of the date of publication of the European List, Member States may, prior to the date of application of this Regulation, authorise the recycling of ships in ship recycling facilities included in the European List. In such circumstances, Regulation (EC) No 1013/2006 shall not apply.

##### Article 27

#### Amendment to Regulation (EC) No 1013/2006

In Article 1(3) of Regulation (EC) No 1013/2006, the following point is added:

- (i) ships flying the flag of a Member State falling under the scope of Regulation (EU) No 1257/2013 of the European Parliament and of the Council (\*).

(\* Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1).'

##### Article 28

#### Amendment to Directive 2009/16/EC

In Annex IV, the following point is added:

- '49. A certificate on the inventory of hazardous materials or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council (\*).

(\* Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1).'

## Article 29

**Financial incentive**

The Commission shall, by 31 December 2016, submit to the European Parliament and to the Council a report on the feasibility of a financial instrument that would facilitate safe and sound ship recycling and shall, if appropriate, accompany it by a legislative proposal.

## Article 30

**Review**

1. The Commission shall assess which infringements of this Regulation should be brought under the scope of Directive 2008/99/EC to achieve equivalence of the provisions related to infringements between this Regulation and Regulation (EC) No 1013/2006. The Commission shall report on its findings by 31 December 2014 to the European Parliament and to the Council and, if appropriate, accompany it by a legislative proposal.

2. The Commission shall review this Regulation not later than 18 months prior to the date of entry into force of the Hong Kong Convention and at the same time, submit, if appropriate, any appropriate legislative proposals to that effect. This review shall consider the inclusion of ship recycling facilities authorised under the Hong Kong Convention in the European List in order to avoid duplication of work and administrative burden.

3. The Commission shall keep this Regulation under review and, if appropriate, make timely proposals to address developments relating to international Conventions, including the Basel Convention, should it prove necessary.

4. Notwithstanding paragraph 2, the Commission shall, by five years after the date of application of this Regulation, submit a report to the European Parliament and to the Council on the application of this Regulation, accompanied, if appropriate, by legislative proposals to ensure that its objectives are being met and its impact is ensured and justified.

## Article 31

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 20 November 2013.

For the European Parliament  
The President  
M. SCHULZ

## Article 32

**Application**

1. This Regulation shall apply from the earlier of the following two dates, but not earlier than 31 December 2015:

(a) 6 months after the date that the combined maximum annual ship recycling output of the ship recycling facilities included in the European List constitutes not less than 2,5 million light displacement tonnes (LDT). The annual ship recycling output of a ship recycling facility is calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility. The maximum annual ship recycling output is determined by selecting the highest value occurring in the preceding 10-year period for each ship recycling facility, or, in the case of a newly authorised ship recycling facility, the highest annual value achieved at that facility; or

(b) on 31 December 2018.

2. However in relation to the following provisions the following dates of application shall apply:

(a) Article 2, the second subparagraph of Article 5(2), Articles 13, 14, 15, 16, 25 and 26 from 31 December 2014;

(b) the first and third subparagraphs of Article 5(2) and Article 12(1) and (8) from 31 December 2020.

3. The Commission shall publish in the *Official Journal of the European Union* a notice concerning the date of application of this Regulation when the conditions referred to in point (a) of paragraph 1 have been fulfilled.

4. If a Member State has closed its national ship register or, during a three year period, has had no ships registered under its flag, and as long as no ship is registered under its flag, that Member State may derogate from the provisions of this Regulation, except for Articles 4, 5, 11, 12, 13, 14, 16(6), 18, 19, 20, 21 and 22. Where a Member State intends to avail itself of this derogation, it shall notify the Commission at the latest on the date of application of this Regulation. Any subsequent change shall also be communicated to the Commission.

For the Council  
The President  
V. LEŠKEVIČIUS

## ANNEX I

## CONTROL OF HAZARDOUS MATERIALS

Hazardous Material	Definitions	Control measures
Asbestos	Materials containing asbestos	For all ships, new installation of materials which contain asbestos shall be prohibited.
Ozone-depleting substances	<p>Controlled substances defined in Article 1(4) of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A,B,C or E to that Protocol in force at the time of application or interpretation of this Annex.</p> <p>Ozone-depleting substances that may be found on board ships include, but are not limited to:</p> <p>Halon 1211 Bromochlorodifluoromethane</p> <p>Halon 1301 Bromotrifluoromethane</p> <p>Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2)</p> <p>CFC-11 Trichlorofluoromethane</p> <p>CFC-12 Dichlorodifluoromethane</p> <p>CFC-113 1,1,2-Trichloro-1,2,2-trifluoroethane</p> <p>CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane</p> <p>CFC-115 Chloropentafluoroethane</p> <p>HCFC-22</p> <p>Chlorodifluoromethane</p>	New installations which contain ozone-depleting substances shall be prohibited on all ships.
Polychlorinated biphenyls (PCB)	'Polychlorinated biphenyls' means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms	For all ships, new installation of materials which contain Polychlorinated biphenyls shall be prohibited.
Perfluorooctane sulfonic acid (PFOS) <sup>(1)</sup>	'perfluorooctane sulfonic acid' (PFOS) means perfluorooctane sulfonic acid and its derivatives	New installations which contain perfluorooctane sulfonic acid (PFOS) and its derivatives shall be prohibited in accordance with Regulation (EC) No 850/2004 of the European Parliament and of the Council <sup>(2)</sup> .
Anti-fouling compounds and systems	Anti-fouling compounds and systems regulated under Annex I to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS Convention) in force at the time of application or interpretation of this Annex.	1. No ship may apply anti-fouling systems containing organotin compounds as a biocide or any other anti-fouling system whose application or use is prohibited by the AFS Convention.

---

Hazardous Material	Definitions	Control measures
		2. No new ship or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.

---

<sup>(1)</sup> Not applicable for ships flying the flag of a third country.

<sup>(2)</sup> Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

---

---

*ANNEX II***LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS**

1. Any hazardous materials listed in Annex I
  2. Cadmium and Cadmium Compounds
  3. Hexavalent Chromium and Hexavalent Chromium Compounds
  4. Lead and Lead Compounds
  5. Mercury and Mercury Compounds
  6. Polybrominated Biphenyl (PBBs)
  7. Polybrominated Diphenyl Ethers (PBDEs)
  8. Polychlorinated Naphthalenes (more than 3 chlorine atoms)
  9. Radioactive Substances
  10. Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)
  11. Brominated Flame Retardant (HBCDD)
-

## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

## COMMUNICATION FROM THE COMMISSION

**Requirements and procedure for inclusion of facilities located in third countries in the European  
List of ship recycling facilities****Technical guidance note under Regulation (EU) No 1257/2013 on ship recycling**

(2016/C 128/01)

The purpose of this 'Technical guidance note on requirements and procedure for inclusion of facilities located in third countries in the European List of ship recycling facilities' is to clarify certain aspects of Regulation (EU) No 1257/2013 ('the Regulation'), which entered into force on 30 December 2013. This note has been adopted by the European Commission, following discussions with Member States and stakeholders.

Article 15(4)§3 of the Regulation provides that the European Commission 'may issue technical guidance notes in order to facilitate [the] certification' of ship recycling facilities located in a third country, with a view to their application for inclusion on the European List of ship recycling facilities ('the European List'). The present document clarifies the following elements mentioned or referred to in Article 15(4):

- the object of the certification, i.e. the design, construction, operational, management, monitoring and administrative requirements to be met by the facilities,
- the status and qualifications of the certifying entity (the 'independent verifier'),
- the procedure for inspection of facilities and later verifications,
- the modalities of submission of the application to the European List to the European Commission.

The present document provides clarifications in accordance with the relevant Hong Kong Convention provisions and taking into account the relevant guidelines of the IMO, the ILO and of the Basel Convention. However, while most of the requirements in the Regulation stem from the Hong Kong Convention, a few requirements are new and require clarification not necessarily found in IMO and other existing guidelines.

This technical guidance note may be updated as necessary in light of the experience with the implementation of the Regulation. The Commission reserves the right to publish further technical guidance notes on the subject matter, e.g. on the mid-term compliance reviews provided for in Article 15(4)§1 of the Regulation.

This document reflects the views of the European Commission and as such is not legally binding. The binding interpretation of EU legislation is the exclusive competence of the Court of Justice of the European Union (CJEU). The views expressed in this guidance document cannot prejudice the position that the Commission might take before the CJEU.

*Abbreviations*

HKC Hong Kong Convention

IMO International Maritime Organisation

ILO International Labour Organisation

BC TG Basel Convention Technical Guidelines

SRFP Ship Recycling Facility Plan

PPE Personal Protective Equipment

## TABLE OF CONTENTS

1.	General questions on the European List of ship recycling facilities .....	3
1.1.	What is the European List of facilities? .....	3
1.2.	Who can apply for inclusion on the European List? .....	3
1.3.	How to apply for inclusion in the European List? .....	3
1.4.	What should be included in an application file? .....	4
1.5.	When can applications be submitted? .....	4
1.6.	How will the European Commission assess the applications? .....	4
1.7.	How will the European List be established? .....	4
1.8.	Can a facility be removed from the European List? .....	4
2.	Requirements for inclusion on the European List .....	5
2.1.	General requirements .....	5
2.1.1.	Which authorisations and permits are needed to be eligible for inclusion in the European List? .....	5
2.1.2.	What should a Ship Recycling Facility Plan cover? .....	5
2.1.3.	What constitutes a compliant 'Emergency preparedness and response plan'? .....	6
2.1.4.	What constitute appropriate management and monitoring systems? .....	6
2.2.	Environmental requirements .....	7
2.2.1.	What is meant by 'prevention of adverse effects on the environment' and 'control of any leakage, in particular in intertidal zones'? .....	8
2.2.2.	What is meant by 'impermeable floors' and 'effective drainage systems'? .....	8
2.2.3.	What is meant by 'containment of hazardous materials'? .....	9
2.2.4.	What is meant by 'built structures'? .....	10
2.2.5.	What constitutes compliant waste management in the context of the Regulation? .....	12
2.3.	Health and safety requirements .....	14
2.3.1.	What is meant by 'prevention of adverse effects on human health'? .....	14
2.3.2.	What constitutes appropriate personal protective equipment? .....	15
2.3.3.	What are the obligations with respect to training? .....	15
2.3.4.	What constitutes compliant record-keeping on incidents, accidents, occupational diseases and chronic effects? .....	16
3.	Certification and inspections .....	16
3.1.	What are the main features of the inspections regime under the new Regulation? .....	16
3.2.	What is the role of Independent Verifiers? .....	18
3.3.	Who can be an Independent Verifier? .....	18
3.4.	Will the European Commission publish a list of Independent Verifiers? .....	18
3.5.	Which accreditations and qualifications should Independent Verifiers possess? .....	18
3.6.	Can the European Commission decide to further inspect a facility? .....	19

## 1. General questions on the European List of ship recycling facilities

### 1.1. What is the European List of facilities?

Article 2(1): *'This Regulation [...] shall apply to ships flying the flag of a Member State'*

Article 6(2)(a): *'Shipowners shall ensure that ships destined to be recycled are only recycled at ship recycling facilities that are included in the European List.'*

Article 16(1)(b): *'The Commission shall adopt implementing acts to establish a European List of ship recycling facilities which [...] are located in a third country and whose inclusion is based on an assessment of the information and supporting evidence provided or gathered in accordance with Article 15.'*

As per Article 16(1)(b) of the Regulation, the European Commission will establish a list (the 'European List') of ship recycling facilities meeting the requirements of the Regulation. The European List will include both facilities located in the EU and outside the EU.

In accordance with the Regulation (Articles 2(1) on scope and 6(2)(a) on general requirements for shipowners), owners of ships flying the flag of an EU Member State shall send their ships for dismantling only to facilities included in the European List.

### 1.2. Who can apply for inclusion on the European List?

Article 15(1): *'A ship recycling company owning a ship recycling facility located in a third country and intending to recycle ships flying the flag of a Member State shall submit an application to the Commission for inclusion of that ship recycling facility in the European List.'*

The procedure for the listing of facilities depends on the geographical location of the facility. Facilities located inside the EU will be listed by their respective national competent authorities, which will then communicate their national lists to the European Commission for direct inclusion in the European List. Facilities located outside the EU will have to submit an application to the European Commission.

While the practical modalities of the listing on national lists are determined by each Member State, the Regulation requires that facilities located inside and outside the EU observe the same performance requirements found in Article 13 of the Regulation.

### 1.3. How to apply for inclusion in the European List?

Article 15(1): *'A ship recycling company owning a ship recycling facility located in a third country and intending to recycle ships flying the flag of a Member State shall submit an application to the Commission for inclusion of that ship recycling facility in the European List.'*

Under the Regulation, a ship recycling company owning a ship recycling facility (SRF) located outside the EU and intending to recycle ships flying the flag of EU Member States shall submit an application to the European Commission for inclusion of that SRF in the European List.

The application should be sent electronically to [env-ship-recycling@ec.europa.eu](mailto:env-ship-recycling@ec.europa.eu) and two hard copies should be sent by postal mail <sup>(1)</sup> to:

European Commission  
Waste Management and Recycling Unit  
Directorate-General for the Environment  
Avenue de Beaulieu 9, BU5/107  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

The European Commission will send written acknowledgement of receipt to the ship recycling company, along with an estimate of when a decision will be taken on the application. The European Commission will further send written notification of the decision to include or not the applying SRF in the European List.

<sup>(1)</sup> Voluminous documents such as the Ship Recycling Facility Plan can be sent via e-mail only.

#### 1.4. **What should be included in an application file?**

Article 15(2): *'The application referred to in [Article 15(1)] shall be accompanied by evidence that the ship recycling facility concerned complies with the requirements set out in Article 13 in order to conduct ship recycling and to be included in the European List in accordance with Article 16.'*

Article 15 of the Regulation requires that the ship recycling company submits an application file to provide evidence that the facility complies with the requirements of the Regulation. The file should consist of:

1. a completed form on *'Information and documentation related to the application for inclusion in the European List of ship recycling facilities'*, along with supporting documents, as provided in the Commission Implementing Decision (EU) 2015/2398 on information and documentation related to an application for a facility located in a third country for inclusion in the European List of ship recycling facilities <sup>(2)</sup>;
2. a copy of the certification of the ship recycling facility by an Independent Verifier (template in Annex 1 of this document);
3. a copy of the Ship Recycling Facility Plan

All documents are to be written in English or accompanied by a translation into English, French or German.

#### 1.5. **When can applications be submitted?**

Applications can be submitted at any time. Once the European List is published, it will be regularly updated to include facilities which have submitted a successful application and to remove facilities which have ceased to comply with the requirements of the Regulation (see Q&A 1.8 below).

For a facility to be listed before the end of 2016, the application file should be submitted before Friday 1 July 2016.

#### 1.6. **How will the European Commission assess the applications?**

The European Commission (Directorate-General for the Environment) will assess the applications received from ship recycling facilities located outside the EU against the requirements in the Regulation. Only complete application files will be reviewed. Should an application file be incomplete, the missing element(s) will be requested from the company.

#### 1.7. **How will the European List be established?**

The European List is to be established and updated through the adoption of *Implementing Acts* under Article 291 of the Treaty on the Functioning of the European Union. Proposals for inclusion on the European List will be examined by the Ship Recycling Regulation Committee, comprising representatives of the Member States, which will deliver its opinion according to the examination procedure laid out in Article 5 of Regulation (EU) No 182/2011 <sup>(3)</sup>.

Article 16(2) of the Regulation requires the European Commission to publish the European List no later than 31 December 2016. It shall be divided into two sub-lists containing the ship recycling facilities located inside and outside the EU respectively.

The European List will be published in the *Official Journal of the European Union* and on the website of the European Commission. The European List will be regularly updated to include or remove ship recycling facilities, as appropriate.

#### 1.8. **Can a facility be removed from the European List?**

Article 16(4)(b): *'The Commission shall adopt implementing acts to regularly update the European List, in order to [...] remove a ship recycling facility from the European List where (i) the ship recycling facility ceases to comply with the requirements set out in Article 13; or (ii) the updated evidence is not provided at least three months prior to expiry of the five-year period as set out in paragraph 3 of this Article.'*

<sup>(2)</sup> OJ L 332, 18.12.2015, p. 145.

<sup>(3)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Yes. Should the European Commission establish that a facility no longer complies with the requirements of the Regulation, a procedure to exclude the facility from the European List will be launched. The ship recycling company targeted by the procedure will be given an opportunity to present its case and give answers to any questions raised by the European Commission.

Removing a facility located in a third country from the European List will also require the adoption of an *Implementing Act*, through the procedure described in Q&A 1.7.

While the decision to remove a facility from the European List is final, nothing prevents a company from subsequently re-submitting an application for inclusion in the List for its facility.

## 2. Requirements for inclusion on the European List

*This section addresses the various requirements provided in the Regulation for ship recycling facilities wishing to recycle EU ships. For the sake of clarity, the various requirements have been grouped under three headers (general, environmental, health and safety). Certain requirements may fall under more than one header as they could serve several purposes. Where that is the case, requirements are described according to their core matter.*

### 2.1. General requirements

#### 2.1.1. Which authorisations and permits are needed to be eligible for inclusion in the European List?

Article 13(1)(a): The ship recycling facility shall be 'authorised by its competent authorities to conduct ship recycling operations'.

The very first requirement for a facility to be listed on the European List is to have been authorised to recycle ships by the Competent Authorities of its own country. The European Commission will not list facilities which have not been authorised to operate by their own national authorities. Should a listed facility lose its national authorisation to recycle ships, it shall be removed from the European List. The European Commission may contact the concerned authorities directly to verify that the authorisation document(s) provided with the application file are genuine.

For the purpose of the Regulation, authorisation modalities covered by Article 13(1)(a) depend on the law of the country where the facility is located.

If the respective competent authority/-ies does/do not issue a specific permit, licence or authorisation to conduct ship recycling, the applicant shall clearly state this in his application and submit other relevant permits, licences or authorisations relating to the activities of the company.

#### 2.1.2. What should a Ship Recycling Facility Plan cover?

Article 13(1)(e): The ship recycling facility shall 'prepare a ship recycling facility plan'.

The SRFP is a cornerstone document introduced by the Hong Kong Convention and mirrored in the Regulation. Analysing the contents of the Ship Recycling Facility Plan will allow the Commission to check compliance with the substantive requirements of the Regulation. When presenting evidence of compliance with the requirements of the Regulation, it is recommended to refer to the relevant parts of the Ship Recycling Facility Plan.

As indicated in the IMO guidelines for safe and environmentally sound ship recycling <sup>(4)</sup>, 'the SRFP shall be adopted by the board or appropriate governing body of the Recycling Company [...] It is [...] critical that the SRFP should fully describe the operations and procedures that are in place at the Ship Recycling Facility to ensure compliance with the Convention.' In addition, the SRFP should fully describe the operations and procedures that are in place at the Ship Recycling Facility to ensure compliance with the Regulation where it adds to HKC requirements (see notably questions under 2.2 below on specific requirements).

The recommended format for the SRFP is included in Appendix 1 of the IMO guidelines for safe and environmentally sound ship recycling <sup>(5)</sup>.

<sup>(4)</sup> IMO, Resolution MEPC.210(63) adopted on 2 March 2012, 2012 *Guidelines for safe and environmentally sound ship recycling*, pp. 7-36.

<sup>(5)</sup> IMO MEPC.210(63) Appendix 1, p. 37.

### 2.1.3. What constitutes a compliant 'Emergency preparedness and response plan'?

Article 13(1)(h): The ship recycling facility shall 'establish and maintain an emergency preparedness and response plan'.

Guidance given in Section 3.3.5 of the IMO guidelines for safe and environmentally sound ship recycling, as well as Sections 4.6 and 16 of the ILO guidelines<sup>(6)</sup> and Sections 4.5 and 6.2 of the Basel Convention Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships (hereinafter referred to as 'BC TG')<sup>(7)</sup>, describe how to develop an emergency preparedness and response plan (EPRP).

In addition, a proper EPRP reflects the current layout of the recycling facility and is communicated to all the workers on the facility, including contractor personnel and employees hired for a short period of time.

### 2.1.4. What constitute appropriate management and monitoring systems?

Article 13(1)(d): The ship recycling facility shall 'establish management and monitoring systems, procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating health risks to the workers concerned and to the population in the vicinity of the ship recycling facility, and adverse effects on the environment caused by ship recycling'.

Management and monitoring systems cover waste and hazardous materials, environmental damage caused by the ship recycling activity in general as well as safety and health concerns. These systems support implementation of procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating health risks and adverse effects on the environment.

Management and monitoring systems serve to control the implementation of the processes and conditions described in the SRFP. They apply to the entire process: from accepting a ship for recycling to waste management<sup>(8)</sup> (if carried out at the ship recycling facility). This includes — but is not limited to — assessing the hazards on board the ship (including on the basis of the Inventory of Hazardous Materials and the Ready-for-Recycling certificate); identifying and complying with any legal requirements for ships to be recycled; carrying out the ship recycling process in a safe and environmentally sound manner (including storage and management of materials and wastes present on board the ship and generated by the ship recycling process) and offering the required training and carrying out documentation controls for the entire process.

#### (a) Environmental management and monitoring systems

In the context of the Regulation, the BC TG guidelines on developing and implementing environmental management systems<sup>(9)</sup> is a suitable international source relevant to Article 13(1)(d) as far as adverse effects on the environment are concerned.

As per the IMO guidelines<sup>(10)</sup> on environmental monitoring, an environmental monitoring programme covers 'possible negative impacts during ship recycling [which can] be divided into four main categories: releases of Hazardous Materials to ground and sediments; releases of Hazardous Materials to water; emissions of Hazardous Materials to air; and noise/vibrations'. Exposure to high temperatures is another possible negative impact to be considered.

The IMO guidelines for safe and environmentally sound ship recycling further specify that 'the monitoring programme [...] should be Facility-specific, taking into account the Facility's characteristics, such as the use of dry dock, jetty/piers and/or recycling plots on land-sea interface, and should identify chemical, biological and physical changes in the environment surrounding the Ship Recycling Facility'. 'The monitoring programme [...] should utilise well-established standards for the sampling and analysis of relevant environmental parameters'.

<sup>(6)</sup> ILO, *Safety and health in shipbreaking, guidelines for Asian countries and Turkey*, 2004 (hereafter referred to as 'ILO SHG'), Section 4.6, p. 32 and Section 16, pp. 128-133.

<sup>(7)</sup> Basel Convention, *Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships* (hereafter referred to as 'BC TG'), Section 4.5, pp. 63-64 and Section 6.2, pp. 84-88.

<sup>(8)</sup> See Q&A 2.2.5 for more details on waste management requirements under the Regulation.

<sup>(9)</sup> BC TG, Section 6.2, pp. 85-87.

<sup>(10)</sup> IMO MEPC.210(63) Section 3.4.1, p. 24.

(b) Health and safety management and monitoring systems

Comprehensive management and monitoring systems which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating health risks to the workers concerned and to the population in the vicinity of the ship recycling facility caused by ship recycling are understood as covering two essential aspects in the sense of the ILO guidelines:

- (a) the facility has established *Occupational Safety and Health management systems* <sup>(11)</sup>;
- (b) workers have the rights mentioned in the ILO guidelines <sup>(12)</sup> to enable them to take ownership of and ultimately help improve the health and safety management systems.

The ILO guidelines <sup>(13)</sup> assumes that employers 'make arrangements for the identification and periodic assessment of the hazards and risks to safety and health from hazardous ambient factors at each permanent or temporary workplace, generated by the use of different operations, tools, machines, equipment and substances' and 'implement appropriate preventive and protective measures required to prevent those hazards and risks, or to reduce them to the lowest reasonable and practicable level, in conformity with national laws and regulations'.

The IMO guidelines for safe and environmentally sound ship recycling further elaborates on the role of the ship recycling company, which is to conduct 'job-hazard assessments to determine the proper approach to maximising worker safety. Responsibility for job hazard assessments should be assigned to a competent person for the specific hazards of each job. It is recommended that the assessments should be conducted by a team of personnel including the competent person, a representative of management and workers with the appropriate level of expertise.' <sup>(14)</sup>

As per Article 3(3) of the Regulation, 'a competent person may be a trained worker or a managerial employee capable of recognising and evaluating occupational hazards, risks, and employee exposure to potentially hazardous materials or unsafe conditions in a ship recycling facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks or that exposure'.

The second leg of health and safety management systems concerns the need for the ship recycling company to ensure information to, participation of and feedback from workers to improve safety. The list of relevant workers' rights is found in the ILO guidelines <sup>(15)</sup>. It ranges from the right to bring safety risks to the attention of the competent authority to the right to adequate medical treatment or the right to elect their representatives as specified by national laws, regulation and practice. In any case, the ship recycling company makes the necessary arrangements to ensure information to, participation of and feedback from workers on health and safety matters.

Monitoring of health and safety parameters may be deemed as achieved if the ship recycling company has implemented the relevant ILO guidelines <sup>(16)</sup>. IMO guidelines for safe and environmentally sound ship recycling further mention that the facility has 'procedures to be used for monitoring exposure and for medical surveillance' <sup>(17)</sup>.

## 2.2. Environmental requirements

This section draws essentially on Section 3 of the IMO's 2012 Guidelines for safe and environmentally sound ship recycling. Guidance is also taken from the following material:

— Part II of the ILO's Safety and health in shipbreaking guidelines <sup>(18)</sup>,

<sup>(11)</sup> ILO SHG, pp. 28-33.

<sup>(12)</sup> ILO SHG, pp. 21-23.

<sup>(13)</sup> ILO SHG, Section 3.4.2, p. 19 and Annex III, pp. 155-172.

<sup>(14)</sup> IMO MEPC.210(63), Section 3.3.3.

<sup>(15)</sup> ILO SHG, Section 3.6, pp. 21-23.

<sup>(16)</sup> ILO SHG, Annex I (Workers' health surveillance), Sections 2 and 3, pp. 147-150, and Annex II (Surveillance of the working environment), pp. 152-154.

<sup>(17)</sup> IMO MEPC.210(63), Section 3.3.4.11, p. 21.

<sup>(18)</sup> ILO SHG, Part II, pp. 47-140 (with the exception of Sections 14 and 16, which are referred to in the next chapter of the present Guidelines).

- Section 5 of the Basel Convention's Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships <sup>(19)</sup>,
- the Basel Convention Secretariat's Guidance for Competent Authorities of Ship Recycling Facilities ('the BCS 2013 Guidance') <sup>(20)</sup>.

In particular, this section acknowledges that 'applying environmentally sound management principles and compliance with regulations for recycling a ship will rely, at least partly, on developing appropriate infrastructure' <sup>(21)</sup>. Operationally, it follows from the answers provided in Q&A 2.2.1 to 2.2.3 that the transfer of elements from the ship to the facility's impermeable floor is done without the elements coming in contact with the sea, the intertidal zone or any other permeable surface such as sand or gravel <sup>(22)</sup>.

#### 2.2.1. What is meant by 'prevention of adverse effects on the environment' and 'control of any leakage, in particular in intertidal zones'?

Article 13(1)(f): The ship recycling facility shall 'prevent adverse effects on human health and the environment, including the demonstration of the control of any leakage, in particular in intertidal zones'.

Essential guidance on prevention of adverse effects on the environment is found in the IMO guidelines on prevention of adverse effects to the environment <sup>(23)</sup>. Pointers to what constitute appropriate operations to prevent adverse effects are also given in the BC TG <sup>(24)</sup>.

By requiring that the ship recycling facility 'prevents adverse effects on human health and the environment', the Regulation puts the emphasis on prevention. In a facility 'designed, constructed and operated in a safe and environmentally sound manner' <sup>(25)</sup>, both measures and infrastructure are in place to prevent leakages to the environment.

The facility is furthermore required to 'demonstrate the control of any leakage', i.e. to prove it is capable of preventing and — when prevention has failed despite compliant design, construction and operation — of responding to and mitigating any sort of leakage (spills, air emissions, etc.).

Examples of control systems include — but are not limited to — the following: prior assessment of pollutants remaining on board the ship; rapid-response teams; oil absorption booms; oil containment booms <sup>(26)</sup>; drainage canals and impermeable floors (further details on the latter are given in the next Q&A).

The intertidal zone is understood as the zone between the lowest and the highest tide marks. Although each area of the facility deserves attention, intertidal zones in particular are referred to in the Regulation as they present specific challenges when it comes to control of leakages, due to constantly changing conditions stemming from tides.

#### 2.2.2. What is meant by 'impermeable floors' and 'effective drainage systems'?

Article 13(1)(g)(i): The ship recycling facility 'ensures safe and environmentally sound management and storage of hazardous materials and waste, including [...] the handling of hazardous materials, and of waste generated during the ship recycling process, only on impermeable floors with effective drainage systems'.

<sup>(19)</sup> BC TG, Section 5, pp. 66-83.

<sup>(20)</sup> Secretariat of the Basel Convention, *Guidance for competent authorities of ship recycling facilities*, 4.8.2013.

<sup>(21)</sup> The BCS 2013 Guidance, page 13.

<sup>(22)</sup> As blocks not only constitute 'waste generated during the ship recycling process', but also typically present a high risk of being covered with oily residues and/or paint and coating particles generated during cutting, they cannot be dropped and/or scraped on the intertidal zone or any other permeable surface such as sand or gravel, as that procedure would entail a breach in the control of leakages (Article 13(1)(f)), containment (Article 13(1)(g)(i)) and handling on impermeable floors (Article 13(1)(g)(ii)).

<sup>(23)</sup> IMO MEPC.(210)63, Section 3.4.4, pp. 33-36.

<sup>(24)</sup> BC TG, pp. 81-83.

<sup>(25)</sup> Article 13(1)(b) of the Regulation.

<sup>(26)</sup> The type of oil containment boom to use will differ depending on the location and conditions of the ship recycling facility. Two containment levels may prove necessary, especially in facilities where ships are landed under their own power, potentially causing spoiled run-off water going into the sea: a first layer of sorbent oil containment booms deployed around the ship being dismantled and a second, more permanent layer of non-sorbent coastal or oceanic booms.

The Regulation requires that 'hazardous materials' as well as 'waste generated during the ship recycling process' are handled 'only on impermeable floors with effective drainage systems'.

'Handling' is a very broad notion, going beyond waste management operations. It starts with the cutting/separation of elements from the ship and includes sorting and transportation of hazardous materials and of waste generated during the ship recycling process.

All elements separated from the ship, including large blocks, constitute either 'hazardous materials' or 'waste generated during the ship recycling process'.

'Floors' are continuous, level and supporting surfaces. 'Impermeable floors' are floors which do not allow fluids to pass through. This reflects the need to not only contain hazardous fluids, but also to counter the possibility of hazardous materials being washed away into the environment. The steel of the ship itself can be considered as an impermeable floor in the context of the Regulation if certain conditions are met (see below) or in the case of floating docks.

In the context of the Regulation, 'effective drainage systems' are understood as drainage connected to a water treatment plant (be it onsite or shared/municipal) or, as defined in the BCS 2013 guidelines, 'simple infrastructure (e.g. a concrete base) that acts as a barrier to the escape of polluting materials. There would be drainage for contaminants and the capacity for the drainage channels to be periodically cleaned, for example by installing removable grilles over the drainage channels' <sup>(27)</sup>. The volume of the drainage systems is to be defined on the basis of meteorological data (e.g. rainfall), possible volumes of spills, types of spills, the size of the impermeable floor area and ingress of external waters.

As the handling of hazardous materials, and of waste generated during the ship recycling process, should be carried out 'only' on impermeable floors, whenever an element is separated from the ship, it should not enter into contact with non-impermeable floors such as sand. It can however be lifted (e.g. with a crane) onto an impermeable floor.

The interior of the ship itself can be considered as an impermeable floor in the context of the Regulation if:

- (a) the hull is sealed, integrity of the bottom of the hull has been analysed and has not been compromised;
- (b) harmful substances falling from the vessel during cutting operations are controlled as per Q&A 2.2.1, e.g. collected and managed in an environmentally sound manner;
- (c) oil containment booms are deployed from the ship's hull to the shore/quay prior to any activity posing a threat to the environment and oil skimmers are readily available;
- (d) blocks are lifted in a safe manner to cutting areas with impermeable floor;
- (e) the release of paint chips and toxic coatings into the sea/permeable surface is controlled as per Q&A 2.2.1;
- (f) as early as is feasible, transfer of the remainder of the ship's bottom itself to impermeable floor areas is carried out in a safe and environmentally sound manner, e.g. through the use of cranes, sleds or beams coupled with winches, to allow for the cutting of the bottom to take place above an impermeable floor with effective drainage system, including above a floating structure such as a floating dry dock, a flat top barge or equivalent with an effective drainage system.

### 2.2.3. What is meant by 'containment of hazardous materials'?

Article 13(1)(g)(i): The ship recycling facility 'ensures safe and environmentally sound management and storage of hazardous materials and waste, including the containment of all hazardous materials present on board during the entire ship recycling process so as to prevent any release of those materials into the environment'.

The Regulation requires 'containment of all hazardous materials', at all times ('during the entire ship recycling process') <sup>(28)</sup>, with a view to prevention of 'any release [...] into the environment'. This means that all hazardous materials are removed from the ship and collected, stored, transported and disposed of without coming in direct contact with the environment or the workers (e.g. bare-handed contact, direct contact with the respiratory tract, etc.). This Q&A focuses on removal, collection and storage of hazardous materials, while Q&A 2.2.5 focuses on waste management aspects.

<sup>(27)</sup> BC 2013 Guidance, p. 14.

<sup>(28)</sup> 'containment of all hazardous materials', 'during the entire ship recycling process' (Article 13(1)(g)(i)).

IMO guidelines for safe and environmentally sound ship recycling, as well as Sections 4.2 (Identification of potential contaminants and prevention of releases), 5.3 (Design and construction) and 5.4 (Operation) of the BC TG, point to the relevant measures to handle specific materials, in particular the following:

- asbestos-removing activities taking place on board the ship <sup>(29)</sup>,
- asbestos-removing activities taking place outside the ship itself <sup>(30)</sup>,
- paints and coatings found on the ship's hull <sup>(31)</sup> (the use of special respiratory equipment advised in the BC TG is actually covered under Article 13(1)(i) of the Regulation),
- liquid waste <sup>(32)</sup>.

Other elements to be taken into account in this context include:

- (a) measures providing equivalent levels of protection to those laid in Directive 2009/148/EC of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work <sup>(33)</sup> applies to activities in which workers remove asbestos. It describes measures to be taken by the workers' employer when the single maximum limit value for airborne concentration of asbestos at 0,1 fibres per cm<sup>3</sup> as an eight-hour time-weighted average (TWA) is likely to be exceeded;
- (b) The use of elevated tanks to store oily residues is recommended as it will facilitate the task of the Independent Verifier when checking that the containment has not failed underneath.

#### 2.2.4. What is meant by 'built structures'?

Article 13(1)(c): The ship recycling facility 'operates from built structures'.

The Regulation requires that facilities operate from *built structures*. The purpose of *built structures* is to enable safe and environmentally sound ship recycling operations, ensuring worker safety, control of leakage, containment of hazardous materials and impermeable support for hazardous materials and for waste generated during the ship recycling process.

The requirement to operate from *built structures* does not necessarily mean that a facility be completely built up, as long as compliance with the requirements of the Regulation is reached. *Built structures* may be complemented e.g. by '*machinery with tracked wheels or low ground pressure tyres*' <sup>(34)</sup>, mobile settling tanks and floating cranes where the installation of fixed cranes is not possible. This applies in particular to temporary installations, where e.g. temporary fencing may be deemed as equivalent to walls provided that it achieves a similar level of protection. The Regulation does not exclude temporary ship recycling installations whereby additional equipment is fitted to a base facility (e.g. to a port, quay or jetty), provided that the base facility itself complies with the design and construction requirements of the Regulation.

In the context of the Regulation, examples of *built structures* in the ship recycling areas where primary cutting takes place may include — but are not limited to — the following:

- pontoons,
- slipways and access ramps,
- quays,
- docks,

<sup>(29)</sup> IMO MEPC.(210)63, Section 3.4.3.1, p. 29 and BC TG, p. 82.

<sup>(30)</sup> IMO MEPC.(210)63, Section 3.4.3.1, p. 30 and BC TG, p. 80.

<sup>(31)</sup> IMO MEPC.(210)63, Section 3.4.3.4.1, p. 32 and BC TG, pp. 82-83.

<sup>(32)</sup> IMO MEPC.(210)63, Section 3.4.3.5 *Hazardous liquids, residues and sediments (such as oil, bilge and ballast water)*, p. 32 and BC TG, p. 81.

<sup>(33)</sup> OJ L 330, 16.12.2009, p. 28.

<sup>(34)</sup> BCS 2013 Guidance, p. 17.

- dry-docks,
- ship lifts,
- bridge-like structures (trestles),
- canals,
- canopies;
- floodgates.

Examples of *built structures* which provide support for ‘fixed plants’ as defined in the BCS 2013 guidelines <sup>(35)</sup> include — but are not limited to — the following:

- ‘Fixed cranes and other lifting devices [...] used within their design limits (e.g. taking care not to exceed the gross weight that a crane can lift),
- ‘Winching gear and cables for safely pulling a ship further away from the shore line while undergoing dismantling’,
- ‘Pumps to transfer liquids [to] pump liquids from drainage catchpits’,
- ‘Generators to provide electrical power for lighting [to] enable safer working under low light conditions’.

Examples of *built structures* in areas of the ship recycling facility dedicated to secondary cutting are referred to in relevant Basel guidelines include — but are not limited to — the following:

- ‘Workstations for secondary dismantling and sequential breakdown into component elements’ and ‘specially-equipped workstations for removal of hazardous and toxic waste’ <sup>(36)</sup>,
- ‘Bunded partitions’ <sup>(37)</sup> and tanks,
- ‘Walls [...] (wood, concrete, steel) [...] made with access from one side to enable materials to be stored and loaded’ <sup>(38)</sup>,
- ‘Temporary storage areas for benign materials and steelwork’ <sup>(39)</sup>,
- ‘Storage areas for fully processed equipment and materials that are ready for reuse, recycling or disposal’ <sup>(40)</sup>.

Examples of *built structures* applied to the health and safety-related requirements of the Regulation include — but are not limited to — the following:

- ‘Firm, level roadways (a simple road base can be constructed initially with e.g. crushed concrete)’ or ‘a compacted road base’ making it possible for an ambulance and a fire truck to reach the ship and station next to it <sup>(41)</sup> or, in the case of a dry-dock, reach the escape way (e.g. lift),
- ‘Fixed cranes and other lifting devices [...] used within their design limits (e.g. taking care not to exceed the gross weight that a crane can lift)’ (see above),
- stable exit gangways,

<sup>(35)</sup> BCS 2013 Guidance, p. 15.

<sup>(36)</sup> BC TG, p. 68.

<sup>(37)</sup> BCS 2013 Guidance, p. 16.

<sup>(38)</sup> See footnote 37.

<sup>(39)</sup> See footnote 36.

<sup>(40)</sup> See footnote 36.

<sup>(41)</sup> Pursuant to Article 13(1)(h) of the Regulation (the ship recycling facility ensures rapid access for emergency response equipment, such as fire-fighting equipment and vehicles, ambulances and cranes, to the ship and all areas of the ship recycling facility), facilities where emergency vehicles cannot park next to the ship itself (‘to the ship’) or next to the exit gangway, for example because of watery, unstable grounds inadequate for supporting vehicles, do not comply with requirements of the Regulation.

- additional elements referred to in the ILO guidelines <sup>(42)</sup>, notably drinking water supply, location and conditions of operations of sanitary and washing facilities and cloakrooms as well as shelters and facilities for food and drink,
- additional elements referred to in the IMO guidelines for safe and environmentally sound ship recycling <sup>(43)</sup>: ‘washing facilities, showers, eating and recreation areas, toilet facilities and changing rooms [...] to control exposure and avoid the spread of Hazardous Materials’; ‘Sanitary and washing facilities conveniently accessible and situated so that they are not at risk of contamination from the workplace’; ‘Separate and appropriate changing rooms and sanitary and washing facilities provided for exclusive use by workers handling asbestos’; ‘Separate and uncontaminated areas for workers to use for eating, drinking and other breaks’.

#### 2.2.5. What constitutes compliant waste management in the context of the Regulation?

Article 13(1)(g)(ii): The ship recycling facility shall ensure ‘that all waste generated from the ship recycling activity and their quantities are documented and are only transferred to waste management facilities, including waste recycling facilities, authorised to deal with their treatment without endangering human health and in an environmentally sound manner’.

Article 15(5): ‘For the purposes of Article 13, with regard to the waste recovery or disposal operation concerned, environmentally sound management may only be assumed to be in place provided the ship recycling company can demonstrate that the waste management facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to relevant international and Union standards’.

The Regulation includes several requirements on the management of hazardous and other waste generated during the ship recycling process.

Depending on the facility, all, part or none of the waste recovery or disposal might take place onsite. For example, some ship recycling facilities are equipped with incinerators; some facilities will be able to handle certain waste streams but not others, while a number of facilities might decide to entirely outsource the recovery or disposal of waste to external waste management facilities. The Regulation does not impose any arrangement in particular. However, it requires that the ship recycling company can demonstrate that the different waste streams are treated according to certain standards, irrelevant of where waste recovery or disposal takes place. It is therefore advised that the facility makes it clear in its application form which waste streams it is able and authorised to recycle/dispose of itself, and which waste streams it will transfer to external downstream waste management facilities.

##### (a) Documentation and transfer of waste

Compliance with the part of Article 13(1)(g)(ii) on documentation and transfer of waste may be assumed if, in accordance with the IMO guidelines for safe and environmentally sound ship recycling <sup>(44)</sup>, the facility establishes ‘procedures for tracking Hazardous Materials and wastes as they are transported from the Ship Recycling Facility to their ultimate destination, and for managing and storing documentation, including that of subcontractors.’

##### (b) Authorisation of downstream waste management facilities

The Regulation requires that the ship recycling company ensures that the waste management facility has been authorised to operate without endangering human health and in an environmentally sound manner. This requirement mirrors the IMO guidelines for safe and environmentally sound ship recycling <sup>(45)</sup>.

<sup>(42)</sup> ILO SHG, pp. 138-140.

<sup>(43)</sup> IMO MEPC.(210)63, Section 3.3.4.9, p. 20.

<sup>(44)</sup> IMO MEPC.(210)63, Section 3.4.2.6§3.

<sup>(45)</sup> IMO MEPC.(210)63, Section 3.2.6: ‘Where materials or wastes are removed from the Ship Recycling Facility for further processing and/or disposal, the SRF should provide details of the procedures that will be used to ensure that they are transferred only to a facility that is authorised to deal with their treatment and/or disposal in an environmentally sound manner.’

The waste management facility covered by this requirement is either:

- part of the ship recycling facility itself, if the ship recycling facility recovers or disposes of the waste itself,
- an external waste management facility, if the ship recycling facility has outsourced this part of the operations,
- both, if the ship recycling facility manages some waste streams itself and outsources management of the rest.

The authorisation referred to in the requirement is the authorisation given by the relevant Competent Authority/Authorities in the country where the waste management facility is located. This includes documentation related to import/export of waste and — where applicable — prior informed consent (PIC) related documentation, in the event that the waste management facility is located in a different country than the ship recycling facility. A copy of the relevant authorisations should be included in the application form, set out in Implementing Decision (EU) 2015/2398.

(c) Management of waste at the waste management facility

Non-EU facilities applying for listing on the European List are asked to demonstrate that the waste management facility(ies) follow(s) standards broadly equivalent to international and EU standards.

The requirement does not imply full compliance with EU requirements stemming from legal acts other than the Regulation and other international standards, but rather the need to ensure that the requirements/standards applied in the waste management facility ensure a similar level of protection of human health and the environment.

Applicant companies should sign the documents as requested in Implementing Decision (EU) 2015/2398 and attach a copy of any document relevant to its scope.

Broad equivalence with international and EU standards is deemed as established if the following main principles derived from international standards and EU Directives are applied at the waste management facility:

— International standards:

The list of relevant guidelines developed at the international level can be found in Annex VIII of Regulation (EC) No 1013/2006 on shipments of waste, including Technical Guidelines on the Environmentally Sound Management of the Full and Partial Dismantling of Ships where it regards downstream waste management. Updates of technical guidelines developed under the Basel Convention can be found on the Convention's website <sup>(46)</sup>.

In addition, the Parties to the Basel Convention have adopted a Framework for the environmentally sound management (ESM) of hazardous wastes and other wastes <sup>(47)</sup>. This framework sets out a common understanding of what ESM encompasses and refers to e.g. a number of guiding principles and actions for waste management facilities to ensure ESM.

— Union standards:

European Union standards on human health and environmental protection relevant to waste management facilities are found in the EU Waste Framework Directive and in stream-specific waste legislation.

The main requirements of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives <sup>(48)</sup> (a.k.a. the Waste Framework Directive) cover the following:

- the waste hierarchy (Article 4): the following waste hierarchy shall apply as a priority order: (a) prevention; (b) preparing for reuse; (c) recycling; (d) other recovery, e.g. energy recovery; and (e) disposal,

<sup>(46)</sup> For further information, see: <http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/AdoptedTechnicalGuidelines/tabid/2376/Default.aspx>

<sup>(47)</sup> For further information, see: <http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMFramework/tabid/3616/Default.aspx>

<sup>(48)</sup> OJ L 312, 22.11.2008, p. 3.

- protection of human health and the environment (Article 13): waste management is carried out without endangering human health, without harming the environment and, in particular: (a) without risk to water, air, soil, plants or animals; (b) without causing a nuisance through noise or odours; and (c) without adversely affecting the countryside or places of special interest,
- dangerous waste (Articles 17, 18, 19): Dangerous waste is stored and treated in conditions that ensure the protection of health and the environment. It is not, in any case, mixed with other dangerous waste and is packaged and labelled.

In addition to the main principles of the Waste Framework Directive, the following pieces of EU legislation cover waste treatment operations standards relevant to Article 15(5) of the Regulation:

- Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste <sup>(49)</sup>,
- Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste and amending acts <sup>(50)</sup>,
- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions <sup>(51)</sup>.

Finally, stream-specific waste treatment operations standards relevant to Article 15(5) of the Regulation are included in the following pieces of EU legislation:

- Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls <sup>(52)</sup>,
- Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC <sup>(53)</sup>,
- disposal of electrical and electronic equipment follows the main operational principles of Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment <sup>(54)</sup>.

### 2.3. Health and safety requirements

#### 2.3.1. What is meant by 'prevention of adverse effects on human health'?

Article 13(1)(f): The ship recycling facility 'prevents adverse effects on the human health'.

Beyond physical arrangements (see Q&A 2.2.4 above on *built structures*), the ILO guidelines refers to a broad range of operational arrangements, from prevention of the worst forms of child labour or ensuring appropriate living accommodation, in so far as accommodation is located on the facility or otherwise under the responsibility of the ship recycling company, and hearing protection. These various physical and operational elements taken together constitute the '*safe operations*', '*workers' safety*' and '*procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating health risks*' referred to in the Regulation <sup>(55)</sup>.

Compliance with the safety-related requirements may be assumed if the facility has implemented the above-mentioned operational arrangements and, in accordance with the IMO guidelines <sup>(56)</sup>, '*has plans and procedures for protecting worker health and safety*' and is able to '*demonstrate knowledge and understanding of applicable worker safety and occupational health processes, procedures, laws, regulations and guidance.*' The facility should also establish and maintain '*an effective evacuation plan so that all personnel are evacuated speedily and safely*' <sup>(57)</sup>.

<sup>(49)</sup> OJ L 182, 16.7.1999, p. 1.

<sup>(50)</sup> OJ L 332, 28.12.2000, p. 91.

<sup>(51)</sup> OJ L 334, 17.12.2010, p. 17.

<sup>(52)</sup> OJ L 243, 24.9.1996, p. 31.

<sup>(53)</sup> OJ L 266, 26.9.2006, p. 1.

<sup>(54)</sup> OJ L 37, 13.2.2003, p. 24.

<sup>(55)</sup> See Article 13(1)(b), Article 13(1)(d)(i) and Article 13(1)(i).

<sup>(56)</sup> IMO MEPC.(210)63, Section 3.3.1, p. 11.

<sup>(57)</sup> IMO MEPC.(210)63, Section 3.3.6§6, p. 23.

In addition, the facility employs 'one or more key personnel who possess the level of training and experience necessary to effectively ensure that safe conditions are maintained during operations at the Ship Recycling Facility, including one or more Competent persons for the performance of specific work. Depending upon the size of the Ship Recycling Facility and the number of workers, the [ship recycling facility could employ] a hierarchy of safety and health management staff, including an overall manager, supervisory staff and general workers' <sup>(58)</sup>. The Regulation defines competent persons as 'a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work' <sup>(59)</sup>. This person 'may be a trained worker or a managerial employee capable of recognising and evaluating occupational hazards, risks, and employee exposure to potentially hazardous materials or unsafe conditions in a ship recycling facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks or that exposure' <sup>(60)</sup>.

Finally, the IMO guidelines explicitly refer to international conventions of relevance to ship recycling, including the convention of the Worst Forms of Child Labour of 1999 and the Minimum Age Convention of 1973. Some countries where ship recycling takes place may not yet have ratified all these conventions. Nevertheless, for the purpose of compliance with the requirements of the Regulation, ship recycling companies are themselves expected to implement at their own level the various provisions of relevance to workers' health and safety found in international conventions referred to in Appendix 4 of the IMO guidelines.

### 2.3.2. What constitutes appropriate personal protective equipment?

Article 13(1)(i): The ship recycling facility 'provides for worker safety [...], including ensuring the use of personal protective equipment for operations requiring such use'.

Personal protective equipment (PPE) means any device or appliance designed to be worn or held by an individual for protection against one or more health and safety hazards <sup>(61)</sup>. PPE in the sense of the Regulation is fully detailed in the IMO guidelines for safe and environmentally sound ship recycling <sup>(62)</sup> and the ILO guidelines <sup>(63)</sup>.

### 2.3.3. What are the obligations with respect to training?

Article 13(1)(i): The ship recycling facility 'provides for worker [...] training [...]'.  
The text of the article is partially obscured by a large black redaction box.

Compliance with the training-related requirement is assumed if the facility has implemented the relevant ILO guidelines <sup>(64)</sup> and it has, in accordance with the IMO guidelines for safe and environmentally sound ship recycling <sup>(65)</sup>, 'training procedures to ensure the appropriate level of worker safety and environmental protection. The training programmes should cover all workers and members of the ship recycling facility, including contractor personnel and employees, [...] and should identify the type and frequency of training.'

In relation to fire protection and prevention, specific consideration is given to IMO guidelines <sup>(66)</sup> which state that the facility has 'procedures for providing suitable training, instruction and information to all supervisors and workers [...] about the hazards of fires, appropriate precautions to be taken and use of fire-extinguishing equipment, so that adequately trained personnel are readily available during all working periods.' Demonstration of compliance with these requirements is best achieved by following the relevant IMO guidelines ('Records of training and drills/exercises should be maintained, including such information as type of training/drill, role of person trained, equipment used, duration, location, date and time').

<sup>(58)</sup> IMO MEPC.210(63), Section 3.3.2.

<sup>(59)</sup> Article 3(1)13 of the Regulation.

<sup>(60)</sup> Article 3(3) of the Regulation.

<sup>(61)</sup> Definition according to Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18).

<sup>(62)</sup> IMO MEPC.(210)63, Section 3.3.4.10, p. 21.

<sup>(63)</sup> ILO SHG, Section 15, pp. 122-127.

<sup>(64)</sup> ILO SHG, Section 14, pp. 117-121.

<sup>(65)</sup> IMO MEPC.(210)63, Section 3.1.2, p. 8.

<sup>(66)</sup> IMO MEPC.(210)63, Section 3.3.6§7, p. 23.

#### 2.3.4. What constitutes compliant record-keeping on incidents, accidents, occupational diseases and chronic effects?

Article 13(1)(j): The ship recycling facility 'establishes records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, reports any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers' safety, human health and the environment'.

Records on occupational diseases and chronic effects are obtained through annual medical check-ups including at least blood and urine sampling, as well as hair sampling if possible. Information on the origins of diseases and chronic effects are best obtained through soil, air and dust sampling.

Ensuring that records are complete starts with knowing who works at the facility. The facility records the identity of all the workers, including contractor personnel and employees hired for a short period of time, and ensure that a list of all workers on any given day is always available.

Compliance with Article 13(1)(i) and (j) of the Regulation also presupposes that the facility follows the recommendations of the IMO guidelines for safe and environmentally sound ship recycling<sup>(67)</sup> and ILO<sup>(68)</sup> guidelines.

Furthermore, as pointed out in the ILO guidelines, the purpose of the records is to actually 'be used to protect the health of workers'. The results are 'clearly explained by professional health personnel to the workers concerned or to persons of their choice', are 'not used for unwarranted discrimination', are 'available, where requested by the competent authority, or by any other party agreed by both employers and workers, to prepare appropriate health statistics and epidemiological studies, provided anonymity is maintained'. The IMO guidelines for safe and environmentally sound ship recycling further state that 'if national requirements do not specify a time period, it is recommended that records should be kept for five years'.

### 3. Certification and inspections

#### 3.1. What are the main features of the inspections regime under the new Regulation?

Article 15(4) of the Regulation introduces a two-step inspection and verification regime for facilities located in third countries willing to recycle ships flying the flag of an EU Member State.

Article 15(4)§1: In order to be included in the European List, compliance by ship recycling facilities located in third countries with the requirements set out in Article 13 shall be certified following a site inspection by an independent verifier with appropriate qualifications. The certification shall be submitted to the Commission by the ship recycling company when applying for inclusion in the European List and, every five years thereafter, upon renewal of the inclusion in the European List. The initial inclusion on the list and the renewal thereof shall be supplemented by a mid-term review to confirm compliance with the requirements set out in Article 13.

Article 15(4)§2: By applying for inclusion in the European List, ship recycling companies accept the possibility of the ship recycling facility concerned being subject to site inspections by the Commission or agents acting on its behalf prior to or after their inclusion in the European List in order to verify compliance with the requirements set out in Article 13. The independent verifier, the Commission or agents acting on its behalf shall cooperate with the competent authorities of the third country where the ship recycling facility is located in order to carry out those site inspections.

The first step (Article 15(4)§1) takes place before the facility applies for inclusion in the European List. It consists in a site inspection of the facility by an *Independent Verifier* ('IV') to assess compliance with the requirements of the Regulation.

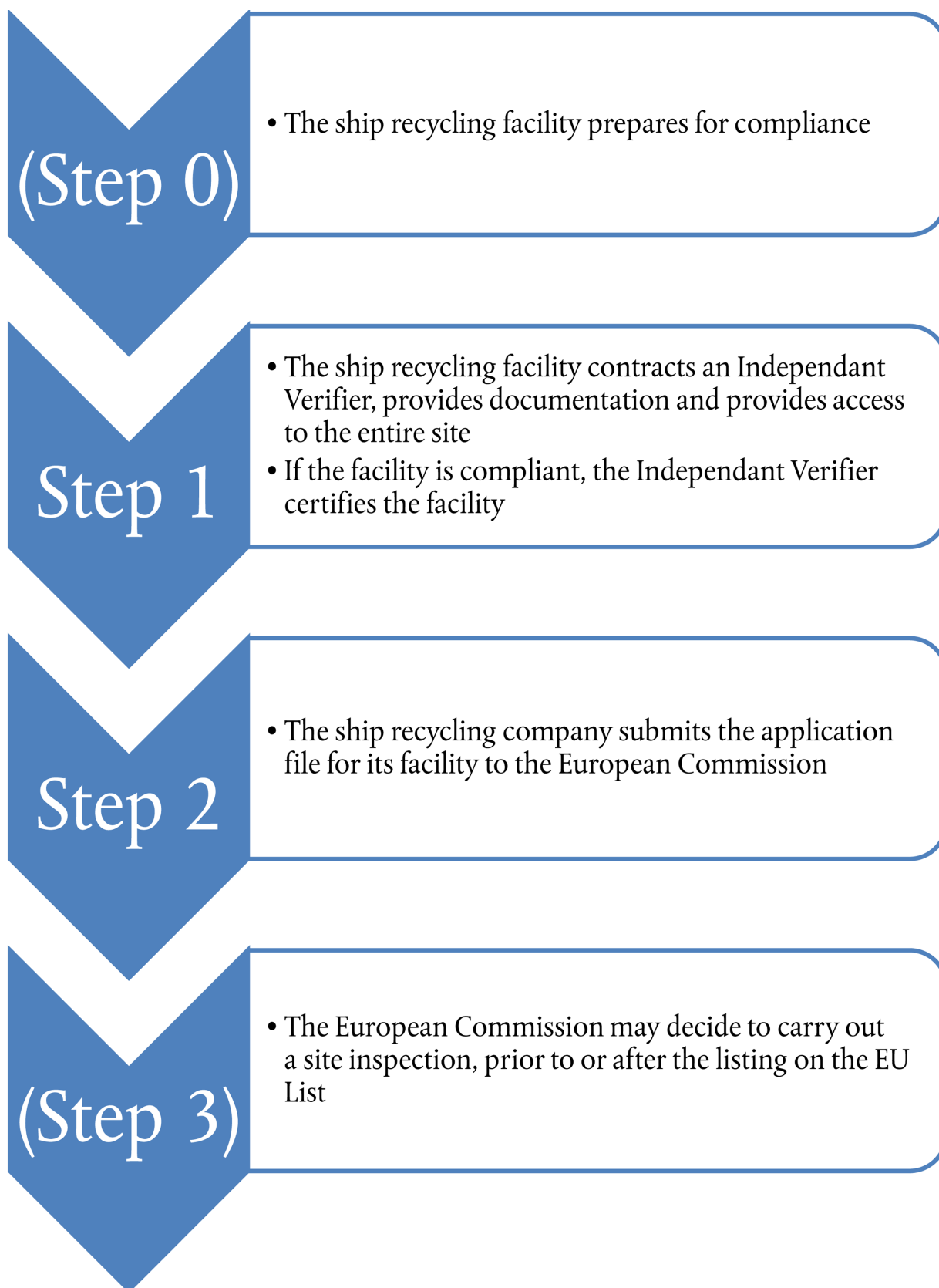
In a later step (Article 15(4)§2), the European Commission may decide to verify compliance of the facility via site inspections. These verifications may take place before or after a decision has been made on the inclusion of the facility on the European List.

<sup>(67)</sup> IMO MEPC.(210)63, Section 3.1.4, p. 9.

<sup>(68)</sup> ILO SHG, Section 5, pp. 34-40 and Annex I (Workers' health surveillance) Section 4, pp. 150-151.

## Graph

## Main steps of the inspection and verification process for ship recycling facilities located outside the EU



### 3.2. **What is the role of Independent Verifiers?**

*Independent Verifiers* are tasked with certifying the facility against the requirements of the Regulation. They are to conduct their work independently; to that effect, the contract between the owner of the ship recycling facility and an *Independent Verifier* entitles the latter to carry out all activities needed to check and report on the compliance of the facility with the requirements of the Regulation. Contractual obligations of *Independent Verifiers* do not in any way prevent or limit activities of the latter.

The European Commission is ready to provide advice to *Independent Verifiers* upon request.

### 3.3. **Who can be an Independent Verifier?**

The term *Independent Verifier* should not be interpreted as being a single physical person. The effective performance of the *Independent Verifier's* tasks will normally require involving a team with a wide range of qualifications. *Independent Verifiers* are in good standing with the laws and regulations of the country they operate in; they are authorised businesses according to national legislation, where applicable.

### 3.4. **Will the European Commission publish a list of Independent Verifiers?**

No. The Commission will not provide a list of *Independent Verifiers*, as this is not provided for in the Regulation. A Company owning or operating a ship recycling facility should contract an *Independent Verifier* and ensure that it is independent and has the necessary qualifications.

### 3.5. **Which accreditations and qualifications should Independent Verifiers possess?**

The Regulation requires that verifiers certifying compliance with the requirements of Article 13 are '*independent*' and possess '*appropriate qualifications*'. Although the Regulation does not impose the accreditation of *Independent Verifiers*, seeking accreditation against a standard from EU accreditation bodies or ILAC/MRA signatory bodies is the most effective way to demonstrate independence and necessary qualifications. Further details are explained below.

The EU has developed an accreditation system, under which accreditation against a specific standard may be obtained from a national accreditation body appointed by an EU Member State according to Regulation (EC) No 765/2008<sup>(69)</sup>. The accreditation obtained from one such body is automatically recognised throughout the EU. Accreditation may also be obtained from an accreditation body outside the EU that is a signatory to the relevant scope (in the present case: ISO/IEC 17020<sup>(70)</sup>) of the mutual recognition arrangement (MRA) of the *International Laboratory Accreditation Cooperation* (ILAC)<sup>(71)</sup> <sup>(72)</sup>.

In the context of the Regulation, independence and aptitude is best demonstrated via compliance with requirements for third party ('Type A') inspection bodies contained in the ISO/IEC 17020 standard, which outlines the requirements for the operation of various bodies performing inspections.

#### **ISO/IEC 17020:2012(E)**

*This international standard has been drawn up with the objective of promoting confidence in bodies performing inspection. Inspection bodies carry out assessments on behalf of private clients, their parent organisations, or authorities, with the objective of providing information about the conformity of inspected items with regulations, standards, specifications, inspection schemes or contracts.*

<sup>(69)</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

<sup>(70)</sup> ISO/IEC 17020:2012, *Requirements for the operation of various types of bodies performing inspection*.

<sup>(71)</sup> A list of such bodies can be found on <http://www.european-accreditation.org/mla-and-bla-signatories#6> and [https://www.ilac.org/documents/mra\\_signatories.pdf](https://www.ilac.org/documents/mra_signatories.pdf)

<sup>(72)</sup> Article 11(2) of Regulation (EC) No 765/2008 foresees that national authorities are to recognise the equivalence of the services delivered by those accreditation bodies which have successfully undergone peer evaluation, and thereby accept the accreditation certificates of those bodies and the attestations issued by the conformity assessment bodies accredited by them.

ISO/IEC 17020 contains detailed requirements for inspection bodies. In particular, inspection bodies assessed according to ISO/IEC 17020 have to provide evidence of their impartiality and independence (see Annex A of the standard), detail their legal setup, their organisational and management structures, their inspection methods and procedures, as well as employ a sufficient number of qualified personnel (directly or via subcontracting), keep various records, issue inspection reports and certificates, have complaints and appeal procedures and management systems in place. These detailed requirements are used as a checklist for accreditation attesting to the competence to perform specific inspection tasks — in this case the verification of ship recycling facilities according to Regulation (EU) No 1257/2013. The requirements are always geared to a specific activity and never looked at in isolation.

It is recommended that ship recycling companies contractually require the *Independent Verifier* whom they invite to assess their conformity with the requirements of the Regulation to possess qualifications in the following areas:

- naval architect or equivalent qualifications in shipbuilding and/or deconstruction of large steel structures,
- environmental and occupational health and safety management systems,
- management of hazardous materials and waste management, including management of hazardous waste.

It is also recommended that the team leader of the Independent Verifier has a minimum of five years of experience in at least two of the above fields and that other team members have a minimum of three years of experience in at least two of the above fields.

The European Commission may organise training activities and workshops specifically targeted at Independent Verifiers in order to harmonise certification practices.

### 3.6. ***Can the European Commission decide to further inspect a facility?***

By applying for inclusion in the European List, ship recycling companies accept the possibility of the concerned facility to be subject to site inspections — including unannounced — by the European Commission or agents acting on its behalf. These inspections shall be carried out in cooperation with the authorities of the country where the facility is located. The costs of the inspections will not be borne by the ship recycling company.

Decisions by the European Commission to conduct inspections of certified facilities will follow a risk-based prioritisation. All certified facilities located in a third country may be inspected by the European Commission or agents acting on its behalf. The decision to inspect a given facility will be taken in light of the quality and completeness of the information provided in the application file.

Additional aspects that increase the chance of further inspections by the European Commission or agents acting on its behalf include — but are not limited to — complaints and concerns submitted to the European Commission regarding the functioning of the facility.

---

## ANNEX 1

**Copy of certification by an Independent Verifier****VERIFIER NAME (LOGO)****Address****CERTIFICATE OF COMPLIANCE****No**

\_\_\_\_(*Verifier Name*)\_\_\_\_, accredited as complying with the requirements of ISO/IEC 17020\_\_\_\_ by \_\_\_\_(*Name of national accreditation body*)<sup>(1)</sup>, certifies that:

(*Ship Recycling Facility Name*)  
(*Facility Address*)

complies with the requirements set out in Article 13 of Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC and thus this certificate is issued.

A site inspection was conducted from \_\_\_\_(*dd/mm/yyyy*)\_\_\_\_ until \_\_\_\_(*dd/mm/yyyy*)\_\_\_\_ during which compliance with all the requirements established in Article 13 was verified. The results of this inspection and the examination of the relevant documentation and records of the ship recycling facility were satisfactory.

\_\_\_\_(*Verifier Name*)\_\_\_\_ declares that it is independent from the ship recycling company owning the ship recycling facility or ship recycling facility stated above, and that it has carried out the activities required under this Regulation in the public interest. (*Verifier Name*) and any part of its legal entity also declares that it is not a ship recycling company or the owner of a ship recycling facility, and that it does not have relations with the company stated above that could affect its independence and impartiality.

Certificate issued at: \_\_\_\_\_

Date of issuance: \_\_\_\_(*dd/mm/yyyy*)\_\_\_\_Date of expiry<sup>(2)</sup>: \_\_\_\_(*dd/mm/yyyy*)\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_

<sup>(1)</sup> The national accreditation body must be a signatory to the ILAC Mutual Recognition Arrangement for inspection or be designated by an EU Member State in line with the general principles contained in Article 4 of Regulation (EC) No 765/2008.

<sup>(2)</sup> The certificate shall be issued for a period which may not exceed five years.

## ANNEX 2

**Sources and external references**

IMO, Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

<http://ec.europa.eu/environment/waste/ships/pdf/Convention.pdf>

IMO, Resolution MEPC.211(63) adopted on 2 March 2012, 2012 Guidelines for the authorisation of ship recycling facilities.

[http://www.imo.org/OurWork/Environment/ShipRecycling/Documents/211\(63\).pdf](http://www.imo.org/OurWork/Environment/ShipRecycling/Documents/211(63).pdf)

IMO, Resolution MEPC.210(63) adopted on 2 March 2012, 2012 Guidelines for safe and environmentally sound ship recycling.

[http://www.imo.org/OurWork/Environment/ShipRecycling/Documents/210\(63\).pdf](http://www.imo.org/OurWork/Environment/ShipRecycling/Documents/210(63).pdf)

ILO, Safety and health in shipbreaking, guidelines for Asian countries and Turkey, 2004.

[http://ilo.org/safework/info/standards-and-instruments/codes/WCMS\\_107689/lang--en/index.htm](http://ilo.org/safework/info/standards-and-instruments/codes/WCMS_107689/lang--en/index.htm)

(Please note that this document is also available in French, Spanish, Chinese, Bengali and Hindi)

Basel Convention, Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships.

<http://www.basel.int/Portals/4/Basel%20Convention/docs/meetings/sbc/workdoc/techgships-e.pdf>

Secretariat of the Basel Convention, Guidance for competent authorities of ship recycling facilities, 4.8.2013.

<http://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW-SHIPS-GUID-CompetentAuthorities.English.pdf>

---

<i>Title:</i> <b>HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009</b>		<i>Identification:</i> <b>QC-T-236</b>	<i>Revision:</i> <b>2</b>									
<i>Key words:</i> <b>ship recycling</b>												
<i>Prepared by:</i> <b>TBv / N. Jurišić</b>	<i>Reviewed by:</i> <b>Tr / M. Popović Utes / G. Begović Uq / M. Pavičić</b>	<i>Approved by:</i> <b>D / D. Roje</b>	<i>Date effective:</i> <b>2017-10-01</b>									
<i>Circular related to:</i> Measures for safe and environmentally sound recycling of ships			<i>The following circular becomes invalid:</i> -									
<i>Application within CRS:</i>												
<b>D</b>	<b>Uq</b>	<b>Ar/AA</b>	<b>AF</b>	<b>AO</b>	<b>Tr</b>	<b>TB</b>	<b>TS</b>	<b>TE</b>	<b>Kr/KN</b>	<b>KI</b>	<b>Fr/F</b>	<b>Cr/C</b>
✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓
<b>RI</b>		<b>PU</b>	<b>ML</b>	<b>ST</b>	<b>ZD</b>	<b>ŠI</b>	<b>KO</b>	<b>SH</b>	<b>ZG</b>			<b>RV</b>
✓		✓	✓	✓	✓	✓	✓					
<i>Application outside CRS:</i> - Ministry of Sea, Transport and Infrastructure - Mare Nostrum - Croatian shipowners' association - Shipyards: ULJANIK, 3. MAJ, KRALJEVICA, TROGIR, SPLIT												

## 1. PURPOSE

International Conference on the Safe and Environmentally Sound Recycling of Ships held in May 2009 adopted the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention), in order to ensure safe and environmentally sound recycling of ships.

Further revisions of this Circular will follow further developments of the Conventions and corresponding IMO documents with regard to Convention. All documents specified within this Circular are electronically available on CRS web site ([www.crs.hr](http://www.crs.hr) - Technical circulars - QC-T-236).

## 2. MAIN REQUIREMENTS

### 2.1 Application

Convention shall apply to all ships of 500 GT and upwards (including submersibles, floating objects, MODUs, jack-up platforms, floating storages (FSUs) and floating production and storage objects (FPSOs), including towed objects and objects with equipment removed) engaged on international voyages, except warships, naval auxiliary, or other ships owned or operated by a Government and used on government non-commercial service.

Convention shall also apply to Ship Recycling Facilities operating under the jurisdiction of a country that ratified the Convention (Party to Convention).

This Convention shall not apply to ships of less than 500 GT or to ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly.

Revision:	Title:	Page:	Identification:
2	<b>HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009</b>	2 / 4	QC-T-236

However, each Party shall, for ships on which Convention is not applicable, ensure by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.

## **2.2 International Certificate on Inventory of Hazardous Materials and International Ready for Recycling Certificate**

All ships, to which Convention applies, shall have International Certificate on Inventory of Hazardous materials, supplemented by Part I of the Inventory of Hazardous Materials, which shall be kept up to date (changes in structure and/or equipment).

Ship shall be surveyed, and International Ready for Recycling Certificate shall be issued before the ship commences voyage to ship recycling facility. International Ready for Recycling Certificate shall be supplemented by the Inventory of Hazardous Materials (above mentioned Part I, supplemented with Part II - Operationally generated waste and Part III – Stores) and the Ship Recycling Plan.

Ship Recycling Facility shall submit to its Administration or authorized organization Ship Recycling Plan for approval.

## **2.3 Technical requirements for materials installed in ship**

Following technical requirements shall be applied, depending whether ship is newbuilding or existing ship.

Newbuildings shall, before entering in service, have on board International Certificate on Inventory of Hazardous materials, supplemented by Part I of the Inventory of Hazardous Materials approved by Administration (or Recognized Organization on behalf of Administration), which confirms that installed materials are in compliance with requirements of the Convention, i.e. that hazardous materials (specified in Appendix 1 and Appendix 2 to the Convention) are specified and that their quantity is within prescribed allowable limits. The conformity of installed materials shall be ascertained by reference to the collected "Supplier's Declaration of Conformity" and the related "Material Declarations" collected from suppliers.

Existing ships shall have on board International Certificate on Inventory of Hazardous materials, supplemented by Part I of the Inventory of Hazardous Materials approved by Administration (or Recognized Organization on behalf of Administration), which identifies installed hazardous materials specified in Appendix 1 to the Convention and, as far as practicable, hazardous materials specified in Appendix 2 to the Convention.

For each installation of new equipment (overhaul, repair, etc.) "new" requirements apply.

## **2.4 Surveys and certification**

Ships specified in 2.1 shall be surveyed. International Certificate on Inventory of Hazardous Materials shall be issued/endorsed upon completion of survey.

Final survey shall be performed before the recycling is started. International Ready for Recycling Certificate shall be issued upon completion of final survey.

## **2.5 Entering into force**

Convention shall enter into force 24 months after the date on which the following conditions are met:

- .1 not less than 15 States have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 16 of the Convention;

Revision:	Title:	Page:	Identification:
2	<b>HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009</b>	3 / 4	QC-T-236

.2 the combined merchant fleets of the States mentioned in paragraph 1.1 constitute not less than 40 per cent of the gross tonnage of the world's merchant shipping;

and

.3 the combined maximum annual ship recycling volume of the States mentioned in 2.5.1 during the preceding 10 years constitutes not less than 3 per cent of the gross tonnage of the combined merchant shipping of the same States.

Existing ships shall comply with the Convention not later than 5 years after the entry into force of the Convention, or before going for recycling if this is earlier, taking into account the guidelines developed by the IMO.

### 3. IMO DOCUMENTS RELEVANT FOR APPLICATION OF THE CONVENTION

#### 3.1 Basic documents

- ◆ **SR/CONF/45** – contains text of the Convention
- ◆ **SR/CONF/46** – contains Final act of the Convention

#### 3.2 Guidelines for application of particular requirements of the Convention

The following Guidelines are adopted by IMO in order to prescribe means of application of particular requirements of the Convention.

Guidelines	Reference to Article/Regulation of the Convention	Adopted by resolution	Note
2015 GUIDELINES FOR THE DEVELOPMENT OF THE INVENTORY OF HAZARDOUS MATERIALS	Regulation 5	MEPC.269(68)	Res. MEPC.269(68) (replaces Res. MEPC.197(62))
2012 GUIDELINES FOR THE SURVEY AND CERTIFICATION OF SHIPS UNDER THE HONG KONG CONVENTION	Regulations 10, 11, 12, 13, 14	MEPC.222(64)	
2012 GUIDELINES FOR THE INSPECTION OF SHIPS UNDER THE HONG KONG CONVENTION	Regulations 4, 5, 10	MEPC.223(64)	Port State inspections
2012 GUIDELINES FOR THE AUTHORIZATION OF SHIP RECYCLING FACILITIES	Regulation 16	MEPC.211(63)	Relevant for the State on whose territory is Ship Recycling facility
2012 GUIDELINES FOR SAFE AND ENVIRONMENTALLY SOUND SHIP RECYCLING	Regulations 19, 20	MEPC.210(63)	Relevant for the Ship Recycling facility
2011 GUIDELINES FOR THE DEVELOPMENT OF THE SHIP RECYCLING PLAN	Regulation 9	MEPC.196(62)	Ship Recycling plan for each ship to be recycled shall be prepared by Ship Recycling facility and approved by its Administration

Revision:	Title:	Page:	Identification:
2	<b>HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009</b>	4 / 4	QC-T-236

### 3.3 Other documents

MEPC could, if necessary, issue other Guidelines and/or Circulars.

Service supplier firms that work out „Inventory of Hazardous Materials“ shall be in compliance with IACS Rec. No.113, rev.1.

## 4. MISCELLANEOUS

### 4.1 Current status of the Convention

See 2.5.

### 4.2 National regulations

Although Convention has not entered into force, some States issued their own regulations regarding ship recycling.

In case that Port State authority requires that ship carries on board approved Inventory of Hazardous Materials, or at client's request, CRS is ready to approve it, perform survey in accordance with 2012 GUIDELINES FOR THE SURVEY AND CERTIFICATION OF SHIPS UNDER THE HONG KONG CONVENTION (Res. MEPC.222(64)) and issue Certificate or Statement of compliance, as applicable in each particular case.

Inventory of Hazardous Materials that is submitted to CRS for approval shall be developed in accordance with 2015 GUIDELINES FOR THE DEVELOPMENT OF THE INVENTORY OF HAZARDOUS MATERIALS (Res. MEPC.269(68)).

### 4.3 EU regulations

European Union adopted Regulation (EU) 1257/2013 of the European Parliament and the Council on Ship Recycling, which have to be complied with by EU flagged ships.

See QC-T-292, Rev.1 - Introduction to the EU Regulation 1257/2013 on ship recycling.