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Pravna podrška pregovorima

Regulation (EU) No 1257/2013 on ship recycling & the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships



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Ships



Ship recycling facilities





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Basel Convention/UNEP 2003. Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships

International Labour Organization 2004. Safety and health in shipbreaking. Guidelines for Asian countries and Turkey

Hong Kong Convention 2009



Regulation (EU) 1257/2013 on ship recycling. In line with Article 1(2) of the Hong Kong Convention, Regulation (EU) 1257/2013 sets more stringent requirements than the Convention.



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INTERNATIONAL MARITIME ORGANIZATION



IMO

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**INTERNATIONAL CONFERENCE ON THE
SAFE AND ENVIRONMENTALLY SOUND
RECYCLING OF SHIPS
Agenda item 8**

**SR/CONF/45
19 May 2009
Original: ENGLISH**

**ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS
AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE**

**HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND
ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009**

Text adopted by the Conference

- 1 As a result of its deliberations, as recorded in the Record of Decisions of the Plenary (SR/CONF/RD/2) and the Final Act of the Conference (SR/CONF/46), the Conference adopted the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.
- 2 The above-mentioned Convention, as adopted by the Conference, is annexed hereto.



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10.12.2013

EN

Official Journal of the European Union

L 330/1

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,

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.



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Hong Kong Convention

REGULATION (EU) No 1257/2013

ARTICLES 1 - 21

ARTICLES 1 - 32

ANNEX – REGULATIONS FOR SAFE AND
ENVIRONMENTALLY SOUND RECYCLING OF SHIPS

TITLE II – SHIPS

CHAPTER 1 – GENERAL PROVISIONS

TITLE III – SHIP RECYCLING FACILITIES

CHAPTER 2 – REQUIREMENTS FOR SHIPS

TITLE IV – GENERAL ADMINISTRATIVE
PROVISIONS

CHAPTER 3 – REQUIREMENTS FOR SHIP

TITLE V – REPORTING AND ENFORCEMENT

RECYCLING FACILITIES

TITLE VI – FINAL PROVISIONS

CHAPTER 4 – REPORTING REQUIREMENTS

APPENDICES 1 – 7

ANNEX I – CONTROL OF HAZARDOUS
MATERIALS

APPENDIX 1 – CONTROLS OF HAZARDOUS
MATERIALS

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

APPENDIX 2 – MINIMUM LIST OF ITEMS FOR THE
INVENTORY OF HAZARDOUS MATERIALS

COMMISSION IMPLEMENTING DECISIONS



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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
(on shipments of waste)

and Directive 2009/16/EC
(on port State control)



REGULATION (EU) No 1257/2013

TITLE I – SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1 – Subject matter and purpose

Human health; the environment; sound management of hazardous waste; the Hong Kong Convention

Article 2 – Scope

EU Member State flag

+ all flags in EU ports

500 GT and above

International operation



Article 3 – Definitions

- (1) ‘ship’ – operated in the marine environment
- (6) ‘ship recycling’ – complete or partial dismantling
- (9) ‘administration’
- (11) ‘competent authority’

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 on waste



TITLE II – SHIPS

Article 4 – Control of hazardous materials

Installation or use, Annex I

Article 5 – Inventory of hazardous materials

In structure or equipment

Annex II

Existing ships – Annex I, visual or sampling check

Three parts

Verified by the administration or RO

IMO MEPC.269(68) / EMSA guidelines



ANNEX I

CONTROL OF HAZARDOUS MATERIALS

Definitions, Control measures, new installation, application, use

1. Asbestos
2. Ozone-depleting substances (the Montreal Protocol)
3. Polychlorinated biphenyls – PCB
4. Perfluorooctane sulfonic acid – PFOS (EU MS flags)
5. Anti-fouling compounds and systems (AFS Convention)



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



ANNEX II

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)



Article 6 – General requirements for ship owners

Preparing for recycling

Provide information and notify

Only recycle at ship recycling facilities in the European List

Hold a ready for recycling certificate

Article 7 – Ship recycling plan

Ship-specific, not covered in the ship recycling facility plan

Developed by the operator of the ship recycling facility

IMO guidelines MEPC.196(62)

Tacitly or explicitly approved by the competent authority



Article 8 – Surveys

IMO guidelines MEPC.222(64)

Recognised organisations

- (a) an initial – verify IHM Part I
- (b) a renewal – not exceed five years
- (c) an additional – change, replacement or significant repair
- (d) a final – prior to the ship being taken out of service before the recycling, IHM, ship recycling plan, SRF in the European List



Article 9 – Issuance and endorsement of certificates

Inventory certificate – supplemented by IHM Part I

Format – Commission Implementing Decision 2016/2325

Ready for recycling certificate – supplemented by IHM Part I, II, III

Format – Commission Implementing Decision 2016/2321

Article 10 – Duration and validity of certificates

Inventory certificate not valid – condition of the ship does not correspond substantially with IHM, IHM Part I not updated, renewal survey not completed

Ready for recycling certificate – not exceeding three months



Article 11 – Port State control

EU Member State flag

Directive 2009/16/EC on port state control

IMO guidelines MEPC.223(64)

Inventory certificate or a ready for recycling certificate

Condition of the ship to correspond with IC, IHM Part I

Procedure on board for the maintenance of IHM Part I

Failure to update IHM not a detainable deficiency

Ship may be warned, detained, dismissed or excluded if a copy of the certificates, not submitted on request of the port state



Article 12 – Requirements for ships flying the flag of a third country

Non EU State flag

Port or anchorage of an EU Member State

Prohibited or restricted as in Annex I

Exemptions and transitional arrangements (PFOS)

Visual/sampling check plan

Failure to update IHM not a detainable deficiency

Ship may be warned, detained, dismissed or excluded if a copy of the statement of compliance, not submitted on request of port state authorities

SoC Appendix 3 to the Hong Kong Convention



TITLE III – SHIP RECYCLING FACILITIES

Article 13 – Requirements necessary for ship recycling facilities to be included in the European List

Authorised by its competent authorities

Operates from built structures

Preventing health risk, adverse effects on the environment

Ship recycling facility plan

Impermeable floors

Emergency preparedness and response plan

Records on incidents, accidents, occupational diseases, chronic

Intertidal zones



Operator of a ship recycling facility shall:

(a) send the ship recycling plan once approved to the ship owner and the administration or a RO (MEPC.196(62))

(b) report to the administration the facility is ready to recycle

Commission implementing decision (EU) 2016/2324

of 19 December 2016 on the format of the report of planned start of ship recycling

(c) send a statement of completion to the admin. within 14 days

Commission implementing decision (EU) 2016/2322 of 19

December 2016 on the format of the statement of completion of ship recycling



Article 14 – Authorisation of ship recycling facilities located in a Member State

Competent authorities shall authorise

Compliance with Article 13

Five years

Permits may be combined, unnecessary duplication

Establish a list of the ship recycling facilities

Communicate to the European Commission

Suspend, withdraw the authorisation, require corrective actions



Article 15 – Ship recycling facilities located in a third country

Company shall submit an application to the Commission

Evidence of compliance with Article 13

Identify authorisation granted by the competent authorities

Indicate tacit or explicit approval for the ship recycling plan

Accept EU Member State ships only as in Regulation 1257/2013

Safe for-hot work and safe-for-entry conditions

Specify personnel, competence, process for each Annex I material

Confirm a ship recycling facility plan adopted (MEPC.210(63))



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Commission implementing decision (EU) 2015/2398 of 17 December 2015 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

Compliance with Article 13 certified following a site inspection by an independent verifier with appropriate qualifications

By applying for inclusion in the European List, ship recycling companies accept the possibility of site inspections by the Commission



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Communication from the Commission of 12 April 2016 —
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)

Article 16 – Establishment and updating of the European List

Commission implementing decision (EU) 2016/2323 of 19
December 2016 establishing the European List of ship recycling
facilities pursuant to Regulation (EU) No 1257/2013

Regular update to add or remove a facility as necessary



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, including as regards hazardous waste management;
- (d) details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority;
- (e) the maximum annual ship recycling output;
- (f) date of expiry of the inclusion.



TITLE IV – GENERAL ADMINISTRATIVE PROVISIONS

Article 17 – Language

Ship recycling plan in a language accepted by the state authorising the ship recycling facility + English, French or Spanish translation, except where the administration deems it unnecessary

The inventory certificate and the ready for recycling certificate in an official language of the issuing administration + English, French or Spanish translation



Article 18 – Designation of competent authorities and administrations

Designate the competent authorities and administrations responsible for the application of ship recycling regulations

Notify the Commission

Publication of the information on the designated competent authorities and administrations on the Commission's website



Article 19 – Designation of contact persons

Designate one or more contact persons responsible for informing or advising natural or legal persons making enquiries about ship recycling

Notify the Commission

Publication of the information on the designated contact persons on the Commission's website

Article 20 – Meeting of contact persons

As appropriate, if requested, periodically, relevant stakeholders



TITLE V – REPORTING AND ENFORCEMENT

Article 21 – Reports by the Member States

- (a) Ships flying its flag to which a ready for recycling certificate has been issued, the name of the ship recycling company, the location of the ship recycling facility;
- (b) Ships flying its flag for which a statement of completion has been received;
- (c) Illegal ship recycling, penalties and follow-up actions undertaken

Member States every three years, electronically

Commission makes it permanently accessible to the public



Article 22 – Enforcement in Member States

Lay down provisions on penalties

Ensure that they are applied

Effective, proportionate and dissuasive

Cooperate, bilaterally or multilaterally

Designate staff responsible for the cooperation

Notify the Commission

Communicate to the Commission the national law and the applicable penalties



Article 23 – Request for action

Additional measure to increase involvement of civil society, and enforcement, blue print in environmental liability Directive 2004/35/EC

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) shall be entitled to request the Commission to take action

The interest of any non-governmental organisation promoting environmental protection and meeting the requirements in Article 11 of Regulation (EC) No 1367/2006 shall be deemed sufficient (application of the Aarhus Convention)



TITLE VI – FINAL PROVISIONS

Article 24 – Exercise of the delegation

Delegated acts by the Commission

Adopt a separate delegated act in respect of each substance to be added or deleted from Annexes I or II

Article 25 – Committee procedure

Dedicated Committee to assist the Commission

Implementing acts



Article 26 – Transitional provision

As of the date of publication of the European List, prior to the date of application of the Regulation, if recycling of ships in ship recycling facilities in the European List, Regulation (EC) No 1013/2006 not applicable

Article 27 – Amendment to Regulation (EC) No 1013/2006

Ships flying the flag of a Member State falling under the scope of Regulation (EU) No 1257/2013 shall be excluded from the scope of Regulation 1013/2006 of 14 June 2006 on shipments of waste



Article 28 – Amendment to Directive 2009/16/EC

Port state control

A certificate on the inventory of hazardous materials or a statement of compliance

Article 29 – Financial incentive

Report on the feasibility of a financial instrument that would facilitate safe and sound ship recycling

Ecorys 2016

COM(2017) 420 final, 8.8.2017

No legislative proposal so far



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Article 30 – Review

Review not later than 18 months prior to the date of entry into force of the Hong Kong Convention

Legislative proposals

Possible inclusion of ship recycling facilities authorised under the Hong Kong Convention in the European List

Developments relating to the Basel Convention

Five years after the date of application a report

Article 31 – Entry into force

30/12/2013



Article 32 – Application

The earlier of the following two dates:

- (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);
- (b) on 31 December 2018.

Some provisions from 31 December 2014; 31 December 2020

The date of application will be published in the Official Journal of the European Union



Possible derogation

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 the 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 the Regulation.



Commission **implementing decision (EU) 2015/2398**
of 17 December 2015 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

Hong Kong Convention Appendix 5 ('Document of Authorization
of Ship Recycling' — DASR)

PART 1 — Identification of the ship recycling facility

PART 2 — Additional information

Method(s) of recycling (dry dock, jetty/piers and/or recycling
plots on land-sea interface), Heavy-lifting machines, Wastes
storage, Area of pavement, a map, Workers' certificates/licences



PART 3 — Identification of the permit to conduct ship recycling

PART 4 — Capability and limitations of the ship recycling facility

Maximum capacity of ship to be recycled

Management of hazardous materials (Annex I and II, Removal, Storage, Waste treatment)

PART 5 — Statement concerning the recycling of EU Member States flag ships

Ship recycling plan, ready in every respect to start, statement of completion, report on incidents and accidents



PART 6 — Statement concerning waste recovery and disposal operations

The waste management facility which receives the waste to operate in accordance with human health and environmental protection standards that are broadly equivalent to relevant international and European Union standards

PART 7 — Ship Recycling Facility Plan

Declare that a Ship Recycling Facility Plan was adopted

PART 8 — Safe-for-hot work and Safe-for-entry criteria Company provides evidence



Commission **implementing decision (EU) 2016/2325** of 19 December 2016 on the format of the certificate on the inventory of hazardous materials issued in accordance with Regulation (EU) No 1257/2013 on ship recycling

- Particulars of the ship
- Particulars of the inventory of hazardous materials
- Existing ships from 31 December 2020, new ships not later than 31 December 2018, ships going for recycling from the date of publication of the European List
- After successful completion of an initial or renewal survey
- Certificate supplemented by IHM Part I
- Appendix 3 to the Hong Kong Convention



Commission implementing decision (EU) 2016/2321
of 19 December 2016 on the format of the ready for recycling
certificate issued in accordance with Regulation (EU) No
1257/2013 on ship recycling

- Particulars of the ship
- Particulars of the ship recycling facility
- Particulars of the inventory of hazardous materials
- Particulars of the ship recycling plan
- After successful completion of a final survey
- Certificate supplemented by the inventory of hazardous materials and the ship recycling plan
- Appendix 4 to the 'Hong Kong Convention



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Commission **implementing decision (EU) 2016/2323** of 19 December 2016 establishing the European List of ship recycling facilities pursuant to Regulation (EU) No 1257/2013 on ship recycling

Eighteen ship recycling facilities located in the EU

As regards ship recycling facilities located in a third country for which an application for inclusion in the European List has been submitted to the Commission, the assessment is still ongoing. The Commission is to adopt implementing acts pertaining to those ship recycling facilities located outside the Union once the assessment is finalised.



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Commission **implementing decision (EU) 2016/2324** of 19 December 2016 on the format of the report of planned start of ship recycling required under Regulation (EU) No 1257/2013 on ship recycling

Ship recycling facility is required to report to the administration
Appendix 6 to the Hong Kong Convention
Separate report of planned start of ship recycling is required
from each facility involved



Commission **implementing decision (EU) 2016/2322** of 19 December 2016 on the format of the statement of completion of ship recycling required under Regulation (EU) No 1257/2013 on ship recycling

Ship recycling facility to send, within 14 days of the date of the total or partial recycling in accordance with the ship recycling plan, a statement of completion to the administration

Appendix 7 to the Hong Kong Convention

Separate statement of completion is required for each facility involved



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IMO guidelines

Resolution MEPC.196(62) adopted on 15 July 2011

2011 Guidelines for the development of the ship recycling plan

Resolution MEPC.210(63) adopted on 2 March 2012

2012 Guidelines for safe and environmentally sound ship
recycling

Resolution MEPC.211(63) adopted on 2 March 2012

2012 Guidelines for the authorization of ship recycling facilities



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Resolution MEPC.222(64) adopted on 5 October 2012

2012 Guidelines for the survey and certification of ships under the Hong Kong convention

Resolution MEPC.223(64) adopted on 5 October 2012

2012 Guidelines for the inspection of ships under the Hong Kong convention

Resolution MEPC.269(68) adopted on 15 May 2015

2015 Guidelines for the development of the inventory of hazardous materials



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EU guidance documents

The European Maritime Safety Agency (EMSA) – **EMSA's Best Practice Guidance** of 28 October 2016 on the Inventory of Hazardous Materials

Materials to be listed in the IHM (Recording of HM in the Part I, Threshold values)

Basic concepts for the development and maintenance of the IHM
Overarching Principles (Independence, Quality, Accountability)

Accreditation and Certification

Training & Qualification



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Supplier's Declaration of Conformity and Material Declarations
Sampling and analysis (Sampling methodology, Visual/sampling
check plan – Random checking plan; Laboratories; Testing
Methods; Health & Safety)

Development and maintenance of the IHM (Development Part I
for New Ships; Development Part I for Existing Ships;
Development Part II; Development Part III)

Life-cycle management of the IHM (Procedure for the
maintenance of Part I; Lifetime quality management)



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Survey and Certification

Enforcement

Port State Control in accordance with the Directive 2009/16/EC
and in accordance with the Regulation (EU) No 1257/2013 on
ship recycling

Annex A Timeline for the application of the Regulation

Annex B Materials to be listed in the IHM Part I

Annex C PFOS and HBCDD

Annex D Supplement to the IMO form of Material Declaration

Annex E: Examples of RCP-VSCP



Communication from the Commission of 12 April 2016 — 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)**

Clarifies the following elements 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,



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- 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.



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- 1.1. What is the European List of facilities?
- 1.2. Who can apply for inclusion in the European List?
- 1.3. How to apply for inclusion in the European List?
- 1.4. What should be included in an application file?
- 1.5. When can applications be submitted?
- 1.6. How will the European Commission assess the applications?
- 1.7. How will the European List be established?
- 1.8. Can a facility be removed from the European List?



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- 2.1.1. Which authorisations and permits are needed to be eligible for inclusion in the European List?
- 2.1.2. What should a Ship Recycling Facility Plan cover?
- 2.1.3. What constitutes a compliant 'Emergency preparedness and response plan'?
- 2.1.4. What constitute appropriate management and monitoring systems?



2.2.2. What is meant by ‘impermeable floors’ and ‘effective drainage systems’?

2.2.3. What is meant by ‘containment of hazardous materials’?

2.2.4. What is meant by ‘built structures’?

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

2.3.1. What is meant by ‘prevention of adverse effects on human health’?

2.3.2. What constitutes appropriate personal protective equipment?

2.3.3. What are the obligations with respect to training?

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



- 3.1. What are the main features of the inspections regime under the new Regulation?
- 3.2. What is the role of Independent Verifiers?
- 3.3. Who can be an Independent Verifier?
- 3.4. Will the European Commission publish a list of Independent Verifiers?
- 3.5. Which accreditations and qualifications should Independent Verifiers possess?
- 3.6. Can the European Commission decide to further inspect a facility?



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Thank you