

RÉPUBLIQUE GABONAISE

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MARCIR: 12/2020

DATE: 11th August 2020

To : Representatives of Gabon flagged vessels, Deputy Registrars, Ship-owners & Ship-operators, Masters and Flag State Surveyors (vessel operators above 500 G.T. calling at EU/EEA ports & anchorages).

Subject: “Issuing a Statement of Compliance (SOC) for an Inventory of Hazardous Materials (IHM) under the E.U. Ship Recycling Regulation 1257/2013 (EU SRR) – Compliance date 31.12.2020”.

Scope: This Marine Circular provides information and practical guidance for shipowners, operators, recognized organizations and masters on a cost-efficient, streamlined and quality focused approach to the development and maintenance of inventories of hazardous materials (hereinafter referred to as “the IHM”) in accordance with Article 12 of the EU Ship Recycling Regulation (EU SRR). In particular the circular aims to provide instructions on issuing a Statement of Compliance (SoC) for an Inventory of Hazardous Materials (IHM) under the European Union (EU) Ship Recycling Regulation No 1257/2013 (EU SRR). From 31 December 2020, all ships of 500 GT and above – regardless of the flag they are flying – will be required to carry an inventory of hazardous materials (IHM) when calling a port or anchorage of a country that is a member of the European Union (EU) or European Economic Area (EEA). Failure to do so may result in penalization during Port State Control procedures. Gabon flagged ships must comply from 31 December 2020 when calling at a port or anchorage of an EU Member State.

References:

- a. Hong Kong Convention, Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, adopted 15 May 2009.
- b. IMO Resolution MEPC.269(68), 2015, Guidelines for the Development of the Inventory of Hazardous Materials, adopted 15 May 2015, as amended.
- c. Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling, amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as amended.



- d. European Maritime and Safety Agency (EMSA), Best Practice Guidance on the Inventory of Hazardous Materials, updated 5 June 2018.

1. The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Ship Recycling Convention or the Hong Kong Convention) was adopted in May 2009. After the entry into force of the Convention, the development and maintenance of an Inventory of Hazardous Materials, which identifies the amount and location of hazardous materials onboard a ship, will be required for all ships over 500GT. Furthermore, ships shall only be recycled at ship recycling facilities authorized by the competent authority.¹ The Hong Kong International Convention covers the design, construction, operation, and preparation of ships, to facilitate sustainable ship recycling without compromising safety and operational efficiency². Upon entry into force, the Hong Kong Convention will require new ships and existing ships of 500 GT and above no later than 5 years after the entry into force of the Convention, or before going for recycling, if this is earlier, to have onboard a valid International Certificate of Compliance on IHM. The objectives of the IHM under the Hong Kong Convention is to document ship-specific information on the actual hazardous materials present on board in order to protect health and safety of the crew, and to protect health and safety of workers at ship recycling facilities and avoid environmental pollution when the ship is going for recycling. EU SRR closely follows the text of HKC and is designed to facilitate early adoption of the Convention.

2. Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 ‘on ship recycling and amending Regulation (EC) 1013/2006 and Directive 2009/16/EC’³ (EU SRR) was published in the Official Journal of the EU on 10 December 2013. It entered into force on 30 December 2013. EU SRR closely follows the text of HKC and is designed to facilitate early adoption of the Convention. Its articles will apply at various stages, as detailed in article 32 of the Regulation⁴. By the Regulation, development of inventory of hazardous materials (IHMs), is required for both ships flying the flag of a Member State (EU flagged ships) and ships of a third country calling at a port or anchorage of a Member State (non-EU flagged ships) from 31 December 2020.

3. By the Regulation, development of inventory of hazardous materials (IHMs), a list which indicates type and amount of hazardous materials and their location in a ship, is required for both EU flagged ships and non-EU flagged ships. This requires a foreign or **non-EU-flagged vessels** of 500 GT and more, including submersibles, floating crafts, floating platforms, self-elevating

¹ The Convention will enter into force 24 months after the date on which the following conditions are met: Ratification by 15 States, Representation by 40 per cent of world merchant shipping by gross tonnage, and a maximum annual ship recycling volume not less than 3 per cent of the combined tonnage of the ratifying States.

² The Convention is currently not in force, but this will occur 24 months after the date on which the conditions in Article 17 are met.

³ OJ L 330, 10-12-2013, p.1-20.

⁴ See Annex A for the timeline of the application of the Regulation.

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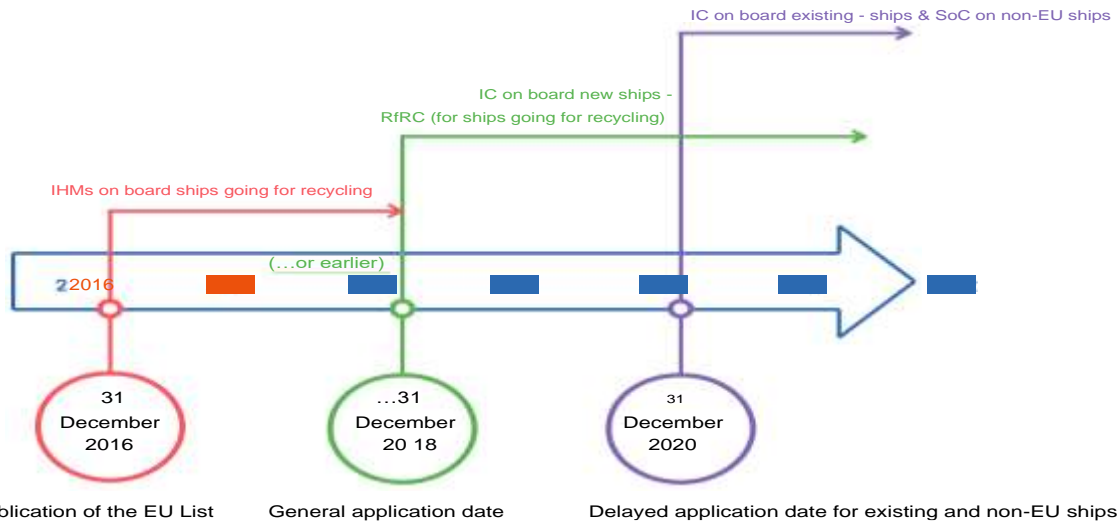
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platforms, Floating storage units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), including a vessel stripped of equipment or being towed, **calling at EU / EEA ports or anchorages, to have onboard a verified IHM, that identifies at least the hazardous materials required by the EU Regulation, and a Statement of Compliance at the earliest by 31 December 2020.** In accordance with its Scope (Article 2) the regulation is applicable for both ships flying the flag of a Member State (EU flagged ships) and ships of a third country calling at a port or anchorage of a Member State (non-EU flagged ships)⁵. However, applicable ships are limited to the commercial ships more than 500 gross tonnage (GT). Also, the requirements for non-EU flagged ships are limited to having on board an IHM and acceptance of Port State Control (PSC). The current circular provides best practice guidance and a harmonized approach to the development and maintenance of inventories of hazardous materials in accordance with Article 5 and Article 12 of the Regulation (EU) 1257/2013 of the European Parliament and the Council on ship recycling. Keeping an up-to-date Inventory on board a ship throughout its life cycle is a key requirement laid down in both the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships and the Regulation. The Regulation's requirements for the development of the Inventory are in fact almost entirely based on the respective requirements of the Convention. An IHM developed in accordance with the Regulation must be compiled considering the relevant IMO guidelines. Nevertheless, EU legislation sets a few more requirements for the Inventory than the Convention does. Therefore, it is essential that the development and maintenance of the IHM in pursuance of the EU SRR is done (a) in a harmonized and comprehensive manner in the light of the international knowledge and experience as reflected most notably in the relevant IMO guidelines, while (b) taking into account the specificities of the EU legislative context, in particular of the Regulation itself. Furthermore, in accordance with Article 12 of the Regulation, all ships flying the flag of a third country shall also have on board an IHM when calling at a port or anchorage of a Member State. In this respect, the Regulation takes a 'flag neutral' approach although all ships flying the flag of a third country will be considered as if they were 'existing ships' and, in general, will be treated accordingly. A non-EU-flagged ship must have on board an IHM, part I identifying, at least, the hazardous materials listed in EU SRR, Annex I, and a SoC when calling at a port or anchorage of an EU Member State.

⁵ It is important to note that, currently, any non-EU flagged vessel having a last voyage that either starts from an EU port, or transits through an EU port, is subject to EU Waste Shipment Regulation (and not the EU SRR). Therefore, owners are advised to contact relevant EU port authorities well in advance of the last voyage their vessel for further information



**MILESTONES FOR THE APPLICATION OF THE SRR
IN RELATION TO THE IHM**



Publication of the EU List General application date Delayed application date for existing and non-EU ships
SRR - Ship Recycling Regulation
IHM - Inventory Hazardous Materials
IC - Inventory Certificate
RfRC Ready for Recycling Certificate

4. Inventory of Hazardous Materials Process⁶: Essential to the implementation scheme of the Hong Kong Convention and the EU SRR is the development and maintenance of a document referred to as the Inventory IHM, listing the type and amount of hazardous materials and their location on board. Upon entry into force of the Hong Kong Convention all vessels to which this circular applies should be certified in accordance with the requirements of the Convention. The ISR Gabon recommends the early preparation of the IHM in order to smoothly implement the requirements of the Convention after its entry into force. IHM should be completed taking into account the relevant IMO guidelines and it should be verified by a Recognized Organization to this Administration. When calling at a port or anchorage of a Member State, all ships flying the flag of a third country shall carry on board a ship-specific ‘statement of compliance’ issued by the relevant authorities of the third country whose flag the ship is flying or an organization authorized by them and supplemented by Part I of the IHM.⁷ However, for the ships flying the flag of a third country, any possible exemptions and transitional arrangements applicable to those materials under international law will also be taken into account. As per the EU Regulation, the IMO guidelines, in their updated form, shall be taken into account when compiling the IHM (as per resolution

⁶ IHM process’ is the whole process of development and maintenance of an IHM throughout the operational life-cycle of the ship. It involves all the steps of developing an IHM including issuing/checking of any relevant documentation (e.g. Material Declarations), sampling and analysis, verification and life-cycle management.

⁷ The Inventory should be developed on the basis of the standard format set out in appendix 2 of the IMO guidelines. However, in this format there should be a reference stating that the IHM has been developed to cover also the requirements of the SRR. For ships flying the flag of a third country HM shall be listed in the IHM Part I in accordance with the provisions of paragraphs (3) and (4) of Article 12 of the SRR.



MEPC 269(68)⁸, preparing a Visual/Sampling Check Plan (VSCP), conducting flag State surveys (as per resolution MEPC 222(64)), or detailed inspections of the port State (as per resolution MEPC 223(64)). In addition, EMSA’s Best Practice Guidance on the Inventory of Hazardous Materials covers IHM development, maintenance, monitoring, and enforcement. It should be used in complying with the EU SRR⁹.

5. Statement of Compliance: The ISR of Gabon ROs will monitor the whole IHM process as close as possible and ensures the proper implementation of the overarching principles of independence, quality and accountability. All ships flying the flag Gabon, when calling at a port or anchorage of a EU / EEA Member State, shall carry on board a ship-specific ‘statement of compliance’ issued by the relevant authorities of Gabon or an organization authorized by them and supplemented by Part I of the IHM. The validity of an SoC is five years, subject to the conditions set out in Convention Regulation 14. A valid SoC must be converted into an “International Certificate on Inventory of Hazardous Materials” after the entry into force of the Hong Kong Convention and its ratification by the ISR of Gabon. A SoC must be modeled on the format provided in Annex 3 of the European Maritime Safety Agency document¹⁰.

6. Enforcement: The Regulation provides for the control of ships flying the flag of a Member State and ships flying the flag of a third country when calling at a port or anchorage of a Member State. Reference can be made to the timeline of the application of the Regulation as regards the application of port State control provisions. For ships flying the flag of a third country, an IHM should be on board after 31/12/2020. Therefore, for ships flying the flag of Gabon a SoC may not be controlled before 31/12/2020.

7. Port State Control in accordance with the SRR: the application of *port State control, in accordance with the provisions of the SRR*, i.e. the capability of a Member State to ask for respective documentation and, if appropriate, **perform detailed inspections** on board a foreign flagged ship to verify compliance with the SRR as applicable.¹¹ In this regard, a Member State as a port State may apply control provisions for foreign flagged ships when calling at a port or anchorage of that Member State. The control provisions should either be limited to checking the relevant documents on board or may be expanded to performing detailed inspections foreseen by the SRR. The detailed inspections are triggered either by ‘missing certificate’ or ‘invalid certificate’ or by ‘clear grounds’ taking into account the relevant IMO guidelines.¹²

⁸ <http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-%28MEPC%29/Documents/MEPC.266%2868%29.pdf>

⁹ <http://www.emsa.europa.eu/emsa-documents/latest/item/2874-emsa-s-best-practice-guidance-on-the-inventory-of-hazardous-materials.html>

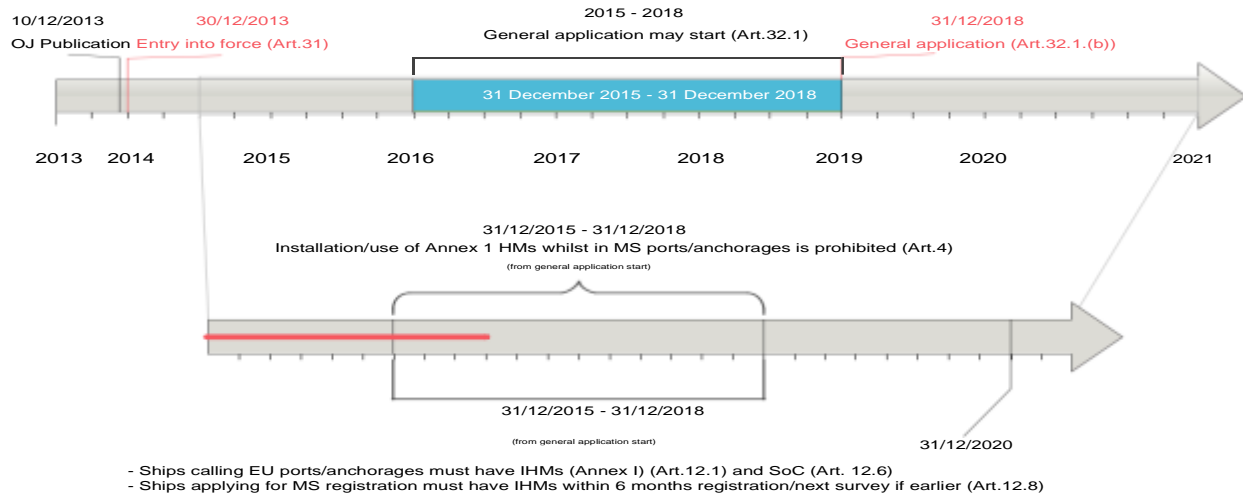
¹⁰ Guidance on inspections of ships by the port States in accordance with Regulation (EU) 1257/2013 on ship recycling Inspections from the EU port States to enforce provisions of the ship recycling Regulation. (<http://emsa.europa.eu/emsa-homepage/2-news-a-press-centre/news/3721-guidance-on-inspections-of-ships-by-the-port-states-in-accordance-with-regulation-eu-1257-2013-on-ship-recycling.html>).

¹¹ EMSA’s Best Practice Guidance on the Inventory of Hazardous Materials IHM development and Maintenance in the context of the EU Ship Recycling Regulation, 28-10-2016.

¹² Resolution MEPC.223(64) “2012 Guidelines for the inspection of ships under the HKC”



Regulation (EU) N.1257/2013 – Application Timeline for non-EU flagged Ships



8. If a ship cannot provide evidence of compliance to the satisfaction of the control officer, control measures may be taken in accordance with each Member State’s national control and inspection system (i.e. consult the flag State, ask for proper correction of the IHM e.g. change the relevant entries to specify either ‘contained’ or ‘Potentially Containing Hazardous Materials’ etc). 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 relevant certificate⁶² as appropriate and on request of those authorities.

9. General Instructions on Issuing a Statement of Compliance (SoC) for an Inventory of Hazardous Materials (IHM) under the European Union (EU) Ship Recycling Regulation No 1257/2013 (EU SRR): On request by the shipowner or Master, a SoC may be issued by a GB RO after verifying that the IHM, Part I meets the relevant requirements. ROs may conduct this work irrespective of whether they class the vessel. In addition, the following minimum requirements apply:

.1 The IHM must be ship-specific and take into account IMO Resolution MEPC.269(68). For an existing ship it must identify, at least, the hazardous materials listed in Appendix I of the Convention or Annex I of the EU SRR, as appropriate.

.2 A plan must be established by the ship describing the visual/sampling check by which the IHM is developed.

.3 The IHM must be properly maintained and updated throughout the ship’s operational life. It must reflect the new installations that contain hazardous materials referred to in Appendix II of the Convention or Annex II of the SRR, as appropriate, and relevant changes in the ship’s structure and equipment, taking into account the exemptions and transitional arrangements applicable to those materials under international law.

.4 The IHM and SoC must be written in English.



.5 Separate SoCs must be issued for the EU SRR and Hong Kong Convention.

.6 The EU SRR does not establish a period of validity for the SoC, unless so specified by the flag State. The ISR of Gabon has determined, after taking into consideration the EMSA guidelines covering port State Control, that the five-year limit is also appropriate for an SoC issued under the EU SRR. This means that the initial, renewal and additional surveys will need to be conducted for GB flagged ships under the EU SRR.

.7 A SoC must be modeled on the format provided in Annex 3 of the European Maritime Safety Agency document, “Guidance on inspection of ships by the port States in accordance with Regulation (EU) 1257/2013 on ship recycling, inspections from the EU port States to enforce provisions of the ship recycling Regulation”¹³.

10. IHM Expert Company¹⁴: Classification Societies and other qualified entities may provide services for IHM development and maintenance on Gabon flagged ships in accordance with relevant applicable IMO resolutions (IMO Resolution MEPC.269(68), 2015, Guidelines for the Development of the Inventory of Hazardous Materials, adopted 15 May 2015, as amended)¹⁵.

11. It is the responsibility of the shipowner to maintain and update the IHM, part I throughout the operational life of the ship, reflecting new installations containing hazardous materials listed in Appendix 2 of the Convention. This is especially important after ship repair, conversion, or sale.¹⁶ The responsibility for maintaining, updating and ascertaining the conformity of Part I of the IHM lies primarily with the ship owner. They have the duty of exercising due diligence when they appoint or instruct any person or party to conduct hazardous materials surveys, to compile reports or to perform any kind of work within the context of the IHM process. Appointing an IHM Expert Company to compile/update an IHM should, in principle, be considered as exercise of due diligence to meet the relevant requirements of the Hong Kong Convention.

12. Classification Societies and other qualified entities may provide services for IHM development and maintenance on Gabon flagged ships. The ISR of Gabon herewith delegate to approved ROs survey certification for the compliance with the EU Regulation under subject in order to verify the IHM, part I and issue a SoC, irrespective of whether the RO classes the vessel. A SoC may be

¹³ Guidance on inspections of ships by the port States in accordance with Regulation (EU) 1257/2013 on ship recycling Inspections from the EU port States to enforce provisions of the ship recycling Regulation, <https://www.register-iri.com/wp-content/uploads/Guidance-inspections-ship-recycling-TC27.pdf>

¹⁴ ‘IHM expert company’ is an entity employing or contracting individual IHM experts to conduct any relevant work or task in relation to the IHM process for the purpose of compiling or updating Inventories of Hazardous Materials. The IHM expert company should use a documented management system and should work on suitable standards, covering the relevant activities of the company.

¹⁵ Impartiality and objectivity is needed in all work conducted by anyone involved in the IHM process in particular the IHM experts. Independence from the entity responsible for the verification of the IHM on behalf of the flag State is indispensable. In this regard, conflicts of interest between the entity (individual, company or organisation) developing or updating the IHM and the entity verifying the IHM on behalf of the flag State should be prevented.

¹⁶ See IMO Resolution MEPC.269(68), paragraph 4.3.2. <http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-%28MEPC%29/Documents/MEPC.266%2868%29.pdf>



issued for compliance with the EU SRR (which also covers the Convention) or the Convention in advance of its entry into force on a voluntary basis.

13. Final recommendations:

.1 The EU SRR will affect the owners of non-EU-flagged vessels calling at EU ports or anchorage earlier than the Hong Kong Convention. This requires a foreign or non-EU-flagged vessels of 500 GT and more, including submersibles, floating crafts, floating platforms, self-elevating platforms, Floating Storage Units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), including a vessel stripped of equipment or being towed, calling at EU ports or anchorages, to have onboard a verified IHM, that identifies at least the hazardous materials required by the EU Regulation, and a Statement of Compliance at the earliest by 31 December 2020.

.2 Gabon flagged ships that intend to call at an EU Member State port or anchorage need to develop their IHM and have it verified for compliance with the EU SRR¹⁷. The applicable provisions of the IMO guideline should also be implemented. This should be completed by 31 December 2020 or before calling at an EU Member State port or anchorage after that date. In addition, Gabon flagged ships should plan for compliance with the Hong Kong Convention. This includes understanding how it will apply to new builds and existing ships, implementing the applicable provisions of the IMO guideline, and considering IHM, part I certification.

.3 It is important to note that, currently, any non-EU flagged vessel having a last voyage that either starts from an EU port, or transits through an EU port, is subject to EU Waste Shipment Regulation (and not the EU SRR). Therefore, owners are advised to contact relevant EU port authorities well in advance of the last voyage their vessel for further information.

.4 Ship owners/ Ship operators/Managers and masters of Gabon flagged vessels are required to take note of the above. It is strongly recommended that owners and operators of existing vessels with IHMs start planning to comply with EU SRR well ahead of December 2020 to avoid delays.

.5 Main subject of the above-mentioned regulation is the onboard availability of the Inventory of Hazardous Materials (IHM), verified by a Recognized Organization authorized by the Administration, accompanied by the relevant Certificate. The IHM shall be prepared taking into consideration the relevant IMO Guidelines (MEPC 269.(68) Guidelines). **From 31 Dec 2020, all non-EU flagged ships which are calling at EU ports or anchorages would need an IHM with a valid Certificate onboard.**

Encl.: Valid IHM with a Statement of Compliance in the format specified in Appendix 1 of this Circular.

¹⁷ Do not underestimate the amount of time, effort and cost required to develop, maintain and certify an IHM. Planning for compliance with the EU SRR and Hong Kong Convention should start sooner rather than later.



APPENDIX 1

FORM OF THE STATEMENT OF COMPLIANCE ON INVENTORY OF HAZARDOUS MATERIALS

STATEMENT OF COMPLIANCE ON INVENTORY OF HAZARDOUS MATERIALS

(Note: This certificate shall be supplemented by Part I of the Inventory of Hazardous Materials)

(official seal)

(state)

Issued under the provisions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) under the authority of the Government of

.....
(Full designation of the country)

By.....
(Full designation of the person or organization authorized under the provisions of the Convention)

Particulars of the Ship

1. Name of Ship
2. Distinctive number or letters
3. Port of Registry
4. Gross tonnage
5. IMO number
6. Name and address of shipowner
7. IMO registered owner identification number
8. IMO company identification number
9. Date of Construction

Particulars of Part I of the Inventory of Hazardous Materials



Part I of the Inventory of Hazardous Materials identification/verification number:

Note 1: Part I of the Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Certificate on Inventory of Hazardous Materials and must always accompany the International Certificate on Inventory of Hazardous Materials. Part I of the Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

Note 2: The IHM has been developed to cover also the requirements of EU Regulation No. 1257/2013.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention; and
2. that the survey shows that Part I of the Inventory of Hazardous Materials fully complies with the applicable requirements of the Convention.

Completion date of survey on which this certificate is based: (dd/mm/yyyy)

This certificate is valid until (dd/mm/yyyy)

Issued at

(Place of issue of certificate)

(dd/mm/yyyy)

(Date of issue)

.....

(Signature of duly authorized official issuing the

certificate)

(Seal or stamp of the authority, as appropriate)

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ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN FIVE YEARS WHERE REGULATION 11.6 APPLIES*

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.6 of the Annex to the Convention, be accepted as valid until

(dd/mm/yyyy):

Signed:

Place: Date:
(dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 11.7 APPLIES*

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.7 of the Annex to the Convention, be accepted as valid until

(dd/mm/yyyy):

Signed:
(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.



ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 11.8 OR 11.9 APPLIES*

This certificate shall, in accordance with regulation 11.8 or 11.9** of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of duly authorized official)

Place:
Date: (dd/mm/yyyy)
(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADDITIONAL SURVEY*

At an additional survey in accordance with regulation 10 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention.

Signed:
(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)
(Seal or stamp of the authority, as appropriate)

* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

** Delete as appropriate.