

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)

TITLE II

SHIPS

*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

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1257/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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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.

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### Changes and effects yet to be applied to :

- Art. 12 heading words substituted by [S.I. 2019/277 reg. 6\(11\)\(a\)](#)
- Art. 12(1) words omitted by virtue of S.I. 2019/277, reg. 6(11)(aa)(i) (as inserted) by [S.I. 2020/1429 reg. 4\(d\)](#)
- Art. 12(1) words omitted by virtue of S.I. 2019/277, reg. 6(11)(ab)(i) (as inserted) by [S.I. 2020/1429 reg. 4\(d\)](#)
- Art. 12(1) words omitted by virtue of S.I. 2019/277, reg. 6(11)(ab)(ii) (as inserted) by [S.I. 2020/1429 reg. 4\(d\)](#)
- Art. 12(1) words substituted by S.I. 2019/277, reg. 6(11)(aa)(ii) (as inserted) by [S.I. 2020/1429 reg. 4\(d\)](#)
- Art. 12(2) words substituted by [S.I. 2019/277 reg. 6\(11\)\(b\)\(i\)](#)
- Art. 12(2) words substituted by [S.I. 2019/277 reg. 6\(11\)\(b\)\(ii\)](#)
- Art. 12(3) words omitted by [S.I. 2019/277 reg. 6\(11\)\(c\)\(ii\)](#)
- Art. 12(3) words substituted by [S.I. 2019/277 reg. 6\(11\)\(c\)\(i\)](#)
- Art. 12(5) word omitted by [S.I. 2019/277 reg. 6\(11\)\(d\)\(v\)](#)
- Art. 12(5) words omitted by [S.I. 2019/277 reg. 6\(11\)\(d\)\(iii\)](#)
- Art. 12(5) words substituted by [S.I. 2019/277 reg. 6\(11\)\(d\)\(i\)](#)
- Art. 12(5) words substituted by [S.I. 2019/277 reg. 6\(11\)\(d\)\(ii\)](#)
- Art. 12(5) words substituted by [S.I. 2019/277 reg. 6\(11\)\(d\)\(iv\)](#)
- Art. 12(6) word omitted by [S.I. 2019/277 reg. 6\(11\)\(e\)](#)
- Art. 12(7) word omitted by [S.I. 2019/277 reg. 6\(11\)\(f\)](#)
- Art. 12(8) words omitted by virtue of S.I. 2019/277, reg. 6(11)(h)(ii) (as inserted) by [S.I. 2020/1429 reg. 4\(e\)](#)
- Art. 12(8) words substituted by S.I. 2019/277, reg. 6(11)(h)(i) (as inserted) by [S.I. 2020/1429 reg. 4\(e\)](#)

### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(2)(c) substituted by [S.I. 2019/277 reg. 6\(2\)\(c\)](#)
- Art. 2(2)(c) words inserted in earlier amending provision S.I. 2019/277, reg. 6(2)(c) by [S.I. 2020/1429 reg. 4\(b\)](#)
- Art. 3(2)(a) words omitted by [S.I. 2019/277 reg. 6\(3\)\(b\)](#)
- Art. 3(2)(aa) inserted by [S.I. 2019/277 reg. 6\(3\)\(c\)](#)
- Art. 3.1(7) words omitted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(i\)](#)
- Art. 3.1(9) word substituted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(ii\)](#)
- Art. 3.1(11) word substituted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(iii\)](#)
- Art. 3.1(21) words omitted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(iv\)](#)
- Art. 3.1(22) words omitted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(v\)](#)
- Art. 3.1(23) substituted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(vi\)](#)
- Art. 3.1(25)-(30) inserted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(vii\)](#)
- Art. 6(2)(a) words substituted by [S.I. 2019/277 reg. 6\(6\)\(a\)](#)
- Art. 8(7)(c) words inserted by [S.I. 2019/277 reg. 6\(8\)\(b\)](#)
- Art. 9(10)(11) substituted for words in Art. 9(9) by [S.I. 2019/277 reg. 6\(9\)\(b\)](#)
- Art. 12(7A) inserted by [S.I. 2019/277 reg. 6\(11\)\(g\)](#)
- Art. 15(2)(c) words substituted by [S.I. 2019/277 reg. 6\(14\)\(c\)\(ii\)](#)
- Art. 16(7) inserted by S.I. 2019/277, reg. 6(15) (as amended) by [S.I. 2020/1429 reg. 4\(g\)](#)

- Art. 32(2)(b) substituted by [S.I. 2019/277 reg. 6\(17\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/277, reg. 6(17)(a) omitted immediately before IP completion day by S.I. 2020/1429, regs. 1, 4(h))
- Art. 33 inserted by [S.I. 2019/277 reg. 6\(18\)](#)