

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 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);

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- 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

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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).

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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

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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

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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

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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.

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## 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.



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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 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\(18\)](#)