European Maritime Safety Agency

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

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EMSA

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List of Abbreviations

AIS	Automatic Identification System
EMSA	European Maritime Safety Agency
EU	European Union
EU ship	A ship flying the flag of a Member State of the EU or of an EEA state
European List	European List of ship recycling facilities established under Commission Implementing Decision (EU) 2016/2323 as amended
GT	Gross Tonnage
HM	Hazardous Material
HKC	Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships
IC	Inventory Certificate
IHM	Inventory of Hazardous Materials
IMO	International Maritime Organization
LDT	Light Displacement Tonnes
MD	Material Declaration
Non-EU ship	A ship flying the flag of a third country
PSC	Port State Control
PSC Directive	Directive 2009/16/EC on port State control
PSCO	Port State Control Officer
RO	Recognised Organisation
RfRC	Ready for Recycling Certificate
SDoC	Supplier's Declaration of Conformity
SoC	Statement of Compliance
SR certificate	Ship Recycling related certificate (i.e. IC or RfRC or SoC)
SR non-compliance	Ship recycling non-compliance
SRF	Ship Recycling Facility
SRP	Ship Recycling Plan
SR inspection	Ship Recycling inspection
SRR	Regulation (EU) No 1257/2013 on ship recycling (Ship Recycling Regulation)
THETIS	The IT system in support of the PSC Directive and Paris MOU
THETIS-EU	The branch of the main THETIS system which caters solely for inspections under EU legislation other than the PSC Directive.
VSCP	Visual/Sampling Check Plan

1. Introduction

The purpose of Regulation (EU) No 1257/2013[1] on ship recycling (hereinafter the "SRR") 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 Regulation is also designed 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. The Regulation also lays down rules to ensure the proper management of hazardous materials on ships.

An ancillary objective of the SRR is to facilitate the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter the 'Hong Kong Convention').

In order to ensure the monitoring of compliance with the requirements relating to hazardous materials under the SRR, Member States should apply national control provisions through the implementation of Directive 2009/16/EC of the European Parliament and of the Council (PSC Directive)[2] as well as control measures foreseen by the SRR.

2. Background

The European Maritime Safety Agency (EMSA) as part of its core tasks develops technical solutions and provides technical assistance to the Member States (MS) to support the building up of the necessary national capacity for the implementation of relevant legal acts of the Union. With regard to ship recycling, EMSA has already published a best Practice Guidance document on the Inventory of Hazardous Materials and a study for the two Hazardous Materials (PFOS and HBCDD) included in the Annexes of Regulation (EU) 1257/2013 (SRR) which complemented the aforementioned guidance.

Equally important with the proper development and maintenance of the Inventory of Hazardous Materials and the role of the flag States is the inspections by the port State to ensure compliance with the requirements of the SRR of ships entering the ports of the Union.

During the Ship Recycling Regulation Committee meeting of 18 June 2018, EMSA was invited by the Member States and the Commission to work on providing guidance with regards to the inspections that will be undertaken by the Member States in accordance with the SRR.

Therefore, EMSA supports the Member States with the development of this guidance document for ship inspections (inspections by the EU MS under their capacity as port States to control ships' compliance with the requirements of the SRR), the addition of a specific field in THETIS for the SRR Certificates and the development of a dedicated module in THETIS-EU to support inspections within the context of the EU Ship Recycling Regulation.

3. Objective

The aim of this EMSA guidance is to assist the Member States and their designated inspectors in their efforts to fulfil the requirements of SRR and PSC Directive, in relation to inspections covering the respective requirements of these two instruments. It is a reference document that provides both technical information and procedural guidance thus contributing to harmonised implementation and enforcement of the provisions of the SRR and the PSC Directive.

[1] 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 L330 of 10.12.2013 page 1).
[2] 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).

4. Disclaimer

The EMSA guidance is a non-binding document and nothing in this guidance document should be construed as generating mandatory requirements on any of the involved parties.

In the event of lack of clarity or in doubt of a requirement(s) in this EMSA guidance, or dispute arising out of an event, the legal texts are prevailing.

5. Scope

The terms used in this guidance document have the same meaning as those defined in the SRR. As per the SRR, a 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[3].

The SRR, with the exception of Article 12, applies to EU ships. Article 12 of the SRR applies to non-EU ships calling at a port or anchorage of a Member State.

The Regulation does 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.

6. Ship recycling inspections

In general, a process to control a ship's compliance with the respective requirements of the Regulation may be referred to as a ship recycling inspection ("SR inspection").

A. PSC Directive inspection regime

During each inspection of a ship initiated under the PSC Directive regime, the port State control inspector (PSCO), as a minimum, must check the inventory certificate s (IC) or a ready for recycling certificate (RfRC) or a statement of compliance (SoC) as applicable is kept on board and report this in THETIS.

The IC and RfRC formats, which have been established, respectively, under Commission Implementing Decisions (EU) 2016/2325 and 2016/2321 can be found in Annexes 4 and 5 of this guidance document. A model of a SoC that may be used for ships flying the flag of a third country is provided in Annex 3 of this guidance document.

It should be noted that, any initial check of the SR certificates or the PSCO's observations of the ship may reveal clear grounds to imply that the ship is not in compliance with the SRR. In this case, the PSCO will continue the inspection under the SRR regime.

B. SRR inspection regime (outside the scope of the PSC Directive)

In case of clear grounds revealed during a ship inspection initiated under the PSC Directive regime, the PSCO, acting under the SRR regime, may either continue the inspection or may ask for the assistance of another inspector authorised by the Member State to act under the SRR regime. In this regard, the inspection report should be recorded in THETIS-EU.

[3] See Article 3(1) point 1 of the SRR

In addition, outside the scope of the PSC Directive's inspection regime, Member States may also wish to enforce the respective provisions of the SRR using authorised inspectors[4] to initiate inspections in order to control a ship's compliance with the respective requirements of the SRR. In this regard, the inspection report should also be reported in THETIS-EU.

In conclusion, SR inspections shall be initiated under the PSC Directive regime and may also be initiated by a port State outside the scope of the PSC Directive.

Furthermore, after any initial check of the SR related certificate, in case of clear grounds, an inspector (a PSCO or a "ship recycling inspector" that will work out of the scope of the PSC Directive's regime i.e. solely under the SRR's regime) may undertake a detailed inspection on a ship flying a flag of another EU MS or control the Statement of Compliance of a ship flying the flag of a third country[5]. In both cases, the ship may be liable for further enforcement actions in accordance with the respective provisions of the SRR (see section 6.3 of this guidance document).

A graphic depiction of the two inspection regimes and the sequence of inspection steps is included in Annex 1 "Inspection flowcharts and reporting" in figures 1 and 2.

The following analysis covers both inspection regimes (under PSC Directive and SRR) with specific instructions provided where appropriate:

6.1 Pre-boarding

Before boarding, relevant information about the ships in port may be obtained from THETIS or THETIS-EU and other sources (e.g. from AIS, NGOs, port Authorities etc). This may include information on ship particulars, last and next port of call, arrival and departure times, port stay duration, possible intention to send the ship for recycling etc. Further information may directly be obtained through the port Authorities or the ship's agent.

6.1.1 Ship information

A preliminary consideration before boarding a ship for a SR inspection should be to collect any available information regarding the ship i.e. ship characteristics (name, flag, IMO number, type, GT, keel date, etc), its status (new or existing ship, heading or not for recycling, etc) and any historic information (previous SR inspections, SR alerts, complaints or reports by third parties, etc).

This information may be used as appropriate when selecting a ship for inspection and/or during the SR inspection for facilitating the inspection actions to be undertaken by the inspector.

It is stressed that the process of collecting any available information continues throughout the whole SR inspection and an inspector should be ready to collect and exploit any information available from any possible source.

6.1.2 Selection of ships for inspection

A. For the initial SR inspections **within the context of the PSC Directive** the selection of ships for inspection is based on the ship risk profile and possible overriding or unexpected factors. Therefore, possible ship recycling specific risk considerations are not part of the selection process but may constitute an unexpected or overriding factor in accordance with the PSC Directive (e.g. ships which have been reported by another Member State as believed to be going for ship recycling in a facility not included in the European list)

B. For initial SR inspections **outside the scope of the PSC Directive** the selection of ships for inspection should take into account all the available information. In this regard, the selection process may follow the following sequence regarding the ships in port:

[4] N.B. These inspectors may be PSCOs or "ship recycling inspectors" that **will work out of the scope of the PSC Directive's regime** i.e. solely under the SRR's regime.
[5] "Control the SoC" should be understood as the actions undertaken by the inspector, when there are clear grounds to imply that the ship may not be in compliance with the SRR, in order to verify that the SoC reflects the actual situation i.e. that the ship actually complies with the SRR.

1. Identify whether there is any SR related alert (Information regarding alerts on ships received from third parties can be found in THETIS-EU).

2. Identify whether there have been no previous SR inspections. (Detailed information regarding previous SR inspections on ships can be found in THETIS-EU).

3. Identify whether there is any information about the ship going for recycling.

Information indicating the ship's destination for recycling can be obtained by complaints or reports from Member States, NGOs, possible AIS messages, crew's complaints etc. It should be noted in this case that there may be an additional need to consider if the ship is in possible breach of the provisions of the Waste Shipment Regulation (EC) 1013/2006.

6.2 On board inspection

A SR inspection may only be conducted on a ship which falls within the scope of the SRR referenced in section 5 "Scope".

The general application date of the SRR was 31 December 2018. From thereon, new EU ships[6] have to carry a the inventory certificate (IC) and EU ships going for recycling have to carry a ready for recycling certificate (RfRC).

However, it should be noted that existing EU ships[7] shall only carry a certificate on the inventory of hazardous materials (IC) **from 31 December 2020**.

Moreover, non-EU ships should only be requested to submit a statement of compliance (SoC), together with the inventory of hazardous materials, **from 31 December 2020**.

6.2.1 Initial inspection (under the PSC Directive or outside the scope of the PSC Directive)

After boarding and having been introduced to the master or responsible ship officer, the inspector should verify that there is on board the inventory Certificate (IC) or the ready for recycling certificate (RfRC) or the statement of compliance (SoC) as applicable.

Any such inspection shall be limited to checking that any of the three above-mentioned SR certificates is kept on board, which, if valid, shall be considered sufficient for the inspection to be approved.

It should be stressed that, in the context of an initial inspection the inspector should also satisfy himself of the overall condition of the ship and this should include the checking that the condition of the ship corresponds substantially with the particulars of the SR certificates.

The **validity** of the inventory Certificate(IC) or the ready for recycling certificate (RfRC) or the statement of compliance (SoC) should also be confirmed by verifying that the certificate is properly completed and signed, that surveys (if required[8]) have been performed, and that the identification/verification number on the Inventory of Hazardous Materials corresponds to that shown on the certificate(s).

For the validity of the SR certificates the following additional considerations should be taken into account depending on the flag of the ship:

[6] As per the SRR, "new ship" means a ship for which either: (a) the building contract is placed on or after the date of application of the SRR; (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 the SRR or thereafter; or (c) the delivery takes place thirty months after the date of application of the SRR or thereafter.
[7] "Existing ship" means a ship which is not a new ship
[8] N.B. For an IC according to Article 8(5) of the SRR the renewal survey shall be conducted at intervals specified by the administration, which shall not exceed five years. There is no requirement in the SRR for renewal surveys of the SoC but they may be required by the respective flag State.

6.2.1.1 Ships flying a flag of an EU Member State

Ships flying the flag of an EU Member State (EU ships) are expected to have an IC[9] or a RfRC as applicable. These documents shall be issued by or on behalf of the Flag State.

In accordance with Article 10 paragraph 2 of the SRR an inventory certificate (IC) 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[10];

(b) where the renewal survey is not completed within the intervals which shall not exceed five years as specified in Article 8(5) of the SRR.

In accordance with Article 10 paragraph 4 of the SRR a ready for recycling certificate (RfRC) shall cease to be valid where the condition of the ship does not correspond substantially with the particulars of the certificate.

6.2.1.2 Ships flying the flag of a third country

Non-EU ships are expected to have a SoC as from 31 Dec 2020. These documents shall be issued by or on behalf of the Flag state.

In accordance with Article 12 paragraph 4 of the SRR 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 of the SRR 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.

However, there is no provision in the SRR providing for the cease of the validity of the statement of compliance. Therefore, in this case, an inspector may apply only the general conditions of section 6.2.1 and the specific additional conditions for the validity of the statement of compliance of the flag State if any.

6.2.2 Clear grounds for further inspection or control actions

'Clear grounds' shall exist when the inspector finds evidence which in his professional judgement warrants a detailed inspection of an EU ship or a further control of the statement of compliance of a non-EU ship.

Examples of 'clear grounds' include:

1. evidence that a certificate required by the SRR is missing or clearly invalid;
2. evidence that a certificate required by the SRR has not been issued by the flag State or an appropriate organisation authorised by it[11];
3. evidence that the Inventory of Hazardous Materials required by the SRR is missing or clearly invalid;
4. evidence that the Inventory of Hazardous Materials required by the SRR is not specific to the ship;
5. evidence that the Inventory of Hazardous Materials required by the SRR has not been verified by the flag State or an appropriate organisation authorised by it[12].

[9] Existing ships as from 31 Dec 2020.
[10] Resolution MEPC.269(68).
[11] For ships flying the flag of an EU Member State the respective certificates may only be issued by the flag State or a recognised organisation authorised by it. A 'recognised organisation' means an organisation recognised in accordance with Regulation (EC) No 391/2009.
[12] For ships flying the flag of an EU Member State the IHM may only be verified by the flag State or a recognised organisation authorised by it. A 'recognised organisation' means an organisation recognised in accordance with Regulation (EC) No 391/2009.

6. the certificate (including the IHM and the recycling plan as appropriate) required by the SRR is not (originally or translated) into one of the following languages English, French or Spanish;

7. the absence of structure or equipment identified in part I of the Inventory of Hazardous Materials;

8. the absence of an entry in part I of the Inventory of Hazardous Materials for structure or equipment that the inspector suspects to contain Hazardous Materials listed in Annex I and II of the SRR;

9. no evidence of implementation of a procedure on board the ship for maintaining part I of the Inventory of Hazardous Materials;

10. the ship recycling plan does not properly reflect the information contained in the Inventory of Hazardous Materials;

11. for EU ships, going for recycling, evidence that the inventory of hazardous materials, in addition to the properly maintained and updated Part I, has not incorporated Part II for operationally generated waste and/or Part III for stores, and/or has not been verified by the administration or a recognised organisation authorised by it;

12. for EU ships going for recycling, evidence that the ship is heading to a ship recycling facility not included in the European list;

13. evidence that installation or use of hazardous materials referred to in Annex I of the SRR has been conducted not in accordance with the prohibitions or restrictions specified in Annex I of the SRR.

6.2.3 Detailed inspection (ships flying a flag of an EU Member State)

If, during the initial inspection, the inspector's general impressions or observations on board reveal clear grounds (see section 6.2.2) which in his professional judgement warrant a detailed inspection under the SRR of an EU ship, the inspector may proceed to further investigate if the ship substantially meets the relevant requirements of the SRR.

During a detailed inspection the inspector should verify that controls of Hazardous Materials listed in the Annex I of the SRR are effectively implemented, referring to relevant certificates or documents that may specify structure or equipment presumed to contain these Hazardous Materials.

In principle, the inspector should conduct a detailed inspection in the area(s) where clear grounds were established. However, the inspector should use his/her professional judgment to decide:

- whether or not to carry out a detailed inspection related to ship recycling in other ship areas at random;

- whether to request the flag State's intervention in order to confirm the ship's compliance with the SRR when in doubt; and

- whether to proceed with a sampling check for structure or equipment for which there is no entry in part I of the Inventory of Hazardous Materials but the inspector suspects to contain Hazardous Materials listed in Annex I and II of the SRR.

6.2.3.1 Sampling check during a detailed inspection

The inspector may have reasons to suspect that the ship's structure or equipment for which there is no entry in part I of the Inventory of Hazardous Materials still contains Hazardous Materials listed in Annex I and II of the SRR.

Such reasons may be information from the crew, inconsistencies with respective certificates[13] or other documents[14] found on board, “indicative” or “field” sampling tests[15] etc.

The inspector should use professional judgement to decide on how to proceed in this case. In general, the “specific sampling” activity involves certain risks to personnel involved or to other persons on board. Therefore, sampling should only be undertaken by competent personnel with the proper use of suitable equipment. Furthermore, analysis of the samples should only be carried out by suitably accredited laboratories (i.e. in accordance with ISO 17025) using qualified and trained personnel, suitable testing methods and the necessary equipment.

When the required professional expertise cannot be provided by the inspection Authority, the inspector of that Authority may be assisted by any person with the required expertise. The person assisting the inspector should have no commercial interest in the ships inspected, nor should be employed by or undertake work on behalf of non-governmental organizations which issue the SR related certificates or which carry out the surveys necessary for the issue of those certificates to ships.

If a decision is made to proceed with specific sampling, it is recommended that the sampling methodology described in EMSA’s Best Practice Guidance on the Inventory of Hazardous Materials is taken into account.

Nevertheless, before sampling, the inspector should assess if other actions (e.g. consulting with the flag State or instructing the Master on certain precautionary measures) may be sufficient to safeguard safe and healthy conditions on board.

It is also recommended that sampling should only be the last option and only if it is considered absolutely necessary by the inspector to safeguard safe and healthy conditions on board.

6.2.4 Control of the Statement of Compliance (ships flying the flag of a third country)

Reference can be made to sections 6.2.2 (which covers EU and non-EU ships) and 6.2.3 (including paragraph 6.2.3.1 for sampling check during a detailed inspection) by analogy in order to facilitate the control of the Statement of Compliance (SoC) for non-EU ships and for the inspector to decide on the proper actions to ascertain the ship’s compliance with the requirements of the SRR.

6.3 Enforcement actions

The inspector should be aware of the SRR provisions on enforcement particularly of Article 11 paragraph 3 and 4, Article 12 paragraph 1 and 5 and Article 22. Further explanatory notes follow below.

6.3.1 Ship recycling non compliances

A ship recycling non-compliance is a non-compliance with a requirement of the SRR. A non-exhaustive list of SR non-compliances is provided in Annex 2 of this guidance document.

It is stressed that a ‘SR non-compliance’ is not a deficiency in accordance with the PSC Directive and it has no implication or impact on the ship risk profile or any other effect within the context of the PSC Directive. **Therefore, a SR non-compliance can only be recorded in THETIS-EU**.

N.B. When during a SR inspection which has been initiated in the context of the PSC Directive, the PSCO detects SR non-compliances a reference shall be recorded in THETIS as “**non-compliance with the Regulation (EU) 1257/2013**”. The latter reference should not be construed as a recording of a deficiency in THETIS. For the reporting sequence please refer to Annex 1 of this guidance document.

[13] For example, the International Air Pollution Prevention (IAPP) Certificate refers to ozone-depleting substances which are not included in the IHM.
[14] For example, Supplier's Declaration of Conformity and the related Material Declarations collected indicate Hazardous Materials which have not been recorded as contained in the IHM.
[15] I.e. samples tested by "indicative" or "field” tests indicating containment of Hazardous Materials listed in Annex I and II of the SRR in the ship’s structure or equipment for which there is no entry in part I of the Inventory of Hazardous Materials.

6.3.2 Actions to be taken

If SR non-compliances are found the inspector should decide on the appropriate action to be taken. The inspector should be satisfied that any SR non-compliances confirmed or revealed by the inspection are, or will be, rectified in accordance with the SRR.

6.3.2.1 General considerations

The inspector should endeavour to secure the rectification of all SR non-compliances detected. However, the inspector should use professional judgement in order to decide the appropriate action(s) to be taken for any identified SR non-compliance.

In accordance with Article 11 paragraph 3 of the SRR an EU 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.

In accordance with Article 12 paragraph 5 a non-EU 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 statement of compliance, together with the inventory of hazardous materials, **as appropriate** and on request from those authorities.

In the light of the above, every SR non-compliance which renders the SR related certificate as missing, invalid incomplete, not as required or not updated **may** justify the application of any of the above actions (i.e. warning, detention, dismissal or exclusion).

However, it should be stressed that, for EU ships, failure to update the Inventory of Hazardous Materials is not a detainable SR deficiency (i.e. SR non-compliance), but any inconsistencies in the Inventory of Hazardous Materials should be reported to the flag State and should be rectified at the time of the next renewal, additional or final survey, whichever comes first. An alert message should be recorded in this case with an indication of the due time for the SR non-compliance to be rectified.

For non-EU ships, failure to update the Inventory of Hazardous Materials shall not constitute a detainable SR deficiency (i.e. SR non-compliance), but any inconsistencies in the inventory of hazardous materials should be reported to the flag State. An alert message should be recorded in this case.

6.3.2.2 Detainable SR non-compliances

The inspector should exercise professional judgment in determining whether to detain the ship until the SR non-compliances are rectified or to allow it to sail with SR non-compliances without unreasonable danger to the safety, health, or the environment, having regard to the particular circumstances of the intended voyage[16].

In doing so, the inspector should be guided by the principles and requirements of the SRR. Particularly the inspector should assess whether the ship and/or crew is able to:

- prevent pollution of the environment throughout the forthcoming voyage;
- provide safe and healthy conditions on board throughout the forthcoming voyage.

A general criterion to when exercising professional judgement as to whether or not a ship should be detained could be:

A ship should be detained if the detected SR non-compliances are sufficiently serious to merit an inspector returning to the ship to be satisfied that they have been rectified or that the necessary actions to be rectified have been undertaken before the ship sails.

[16] E.g. if the ship is destined to a Ship Recycling Facility etc.

In order to assist the inspector in the use of this guidance, there follows a non-exhaustive list of SR non-compliances which are considered to be of such a serious nature that they **may** warrant the detention of the ship involved:

1. **failure to carry a SR related certificate as appropriate**[17];

2. **failure to carry a valid SR related certificate as appropriate (see section 6.2.1 of this document)**; this includes cases where the condition of the ship does not correspond substantially with the particulars of the certificate[18], except when Part I of the Inventory of Hazardous Materials has not been properly maintained and updated;

3. **the Inventory of Hazardous Materials required by the SRR is not specific to the ship**;

4. **the Inventory of Hazardous Materials required by the SRR has not been verified by the flag State or an appropriate organisation authorised by it**;

5. **the ship recycling plan does not properly reflect the information contained in the Inventory of Hazardous Materials**;

6. **an EU ship is heading to a ship recycling facility not included in the European list of ship recycling facilities;**

7. **non-compliance with the control measures for Hazardous Materials listed in Annex I of the SRR**.

If an inspector decides to detain the ship in accordance with the SRR provisions he/she must immediately inform the flag State concerned.

In addition to any detention order, the inspector should also assess if further enforcement actions such as a penalty in accordance with Article 22 of the SRR should also be applied.

6.3.2.3 Non-detainable SR non-compliances

An identified non-compliance with a requirement of the SRR which does not warrant a detention (non-detainable SR non-compliance) should also be recorded in the inspection report and reported in THETIS-EU.

A list of possible actions to be taken if any SR non-compliance is identified by the inspector is provided in Annex 2 of this guidance document. In addition, the inspector should assess if multiple enforcement actions (e.g. also a penalty in accordance with Article 22 of the SRR) should be applied and should also report this in THETIS-EU.

If an inspector decides to warn, dismiss or exclude the ship, in accordance with the SRR he/she must immediately inform the flag State concerned.

7. Reporting of inspections

The business rules for reporting a SR inspection are included in this guidance document in Annex 1 and they follow the inspection sequence as described in the above sections.

[17] Including when a certificate required by the SRR has not been issued by the flag State or an appropriate organisation authorised by it.
[18] E.g. the absence of an entry in part I of the Inventory of Hazardous Materials for structure or equipment which contains Hazardous Materials listed in Annex I and II of the SRR.

List of Annexes

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Annex 5	Certificate on Inventory of Hazardous Materials

ANNEX 1 – INSPECTION FLOWCHART AND REPORTING

Selection and reporting in THETIS and THETIS-EU

Access Control

A National Administrator of THETIS-EU for the SR inspection regime must be nominated by national inspection Authority and communicated to EMSA. The National Administrator is responsible for managing the national inspector user accounts and for granting access to national inspectors to THETIS-EU. All PSCOs must be granted access to THETIS-EU.

SR Inspection Workflow

Inspectors when acting in their capacity as PSCOs carrying out an initial PSC inspection, including the checking of SR related certificates, should report the inspection results in THETIS. Otherwise, if the inspector is conducting an initial SR inspection outside the scope of the PSC Directive, then the inspector should report the inspection directly in THETIS-EU[19].

If, during an inspection under the PSC Directive regime, clear grounds have been established[20] then a SR "detailed"/control of the SoC inspection should be reported in THETIS-EU. Moreover, if the SR inspector does not act as a PSCO under the PSC Directive regime, then the SR inspection should also be reported in THETIS-EU.

The following flow-diagram indicates how a SR inspection may be conducted in respect to the applicable inspection regime and the reporting to THETIS/THETIS-EU:

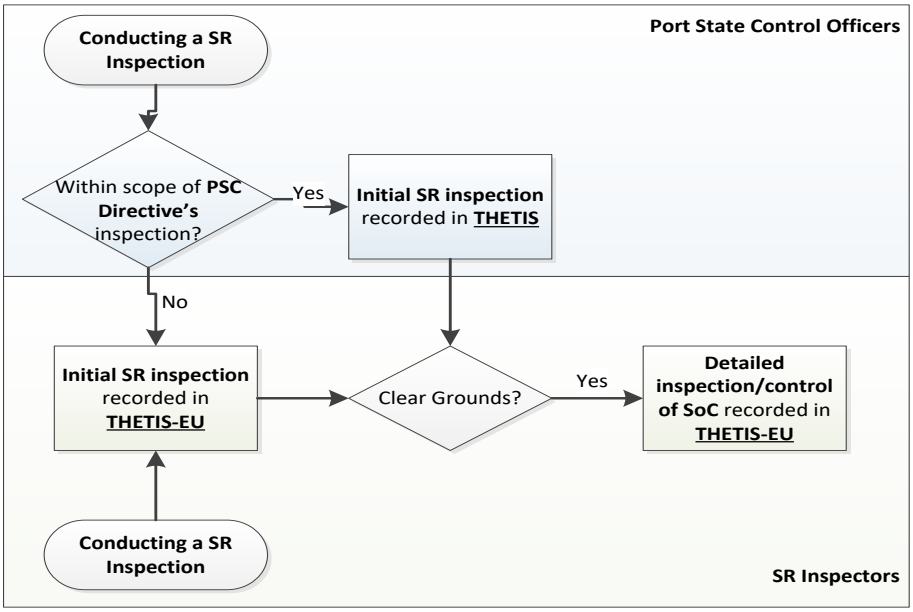


Figure 1 – SR Inspection workflow. Reporting in THETIS and THETIS-EU.

Reporting in THETIS (PSC Directive inspection regime)

When reporting any PSC inspection the inspector should report in THETIS if the applicable SR certificate has been found on board of the ship together with the relevant details: issue date, expiry date, issuing authority and surveying authority. The latter information – SR certificates and date of recording – will also be made available in THETIS-EU.

[19] For which access as "SR Inspector" to THETIS-EU needs to be granted by the National Administrator.
[20] As per section 6.2.2 of this guidance document.

In order to have information in THETIS if a "detailed"/control of the SoC inspection has been conducted, the inspector should complete in the system the following remark: '**A detailed inspection (or a control of the SoC inspection as appropriate) was conducted**'

The completion of the latter remark prompts the system to inform the PSCO that an inspection should be recorded in THETIS-EU.

Therefore, PSCOs will need to have the role 'SR Inspector', granted by the THETIS-EU National Administrator for SR, in order to record an inspection in THETIS-EU. Access to THETIS-EU from THETIS is possible while processing an initial inspection without the need to have separate user accounts.

The flow-diagram of a SR inspection initiated under the PSC Directive regime is the following:

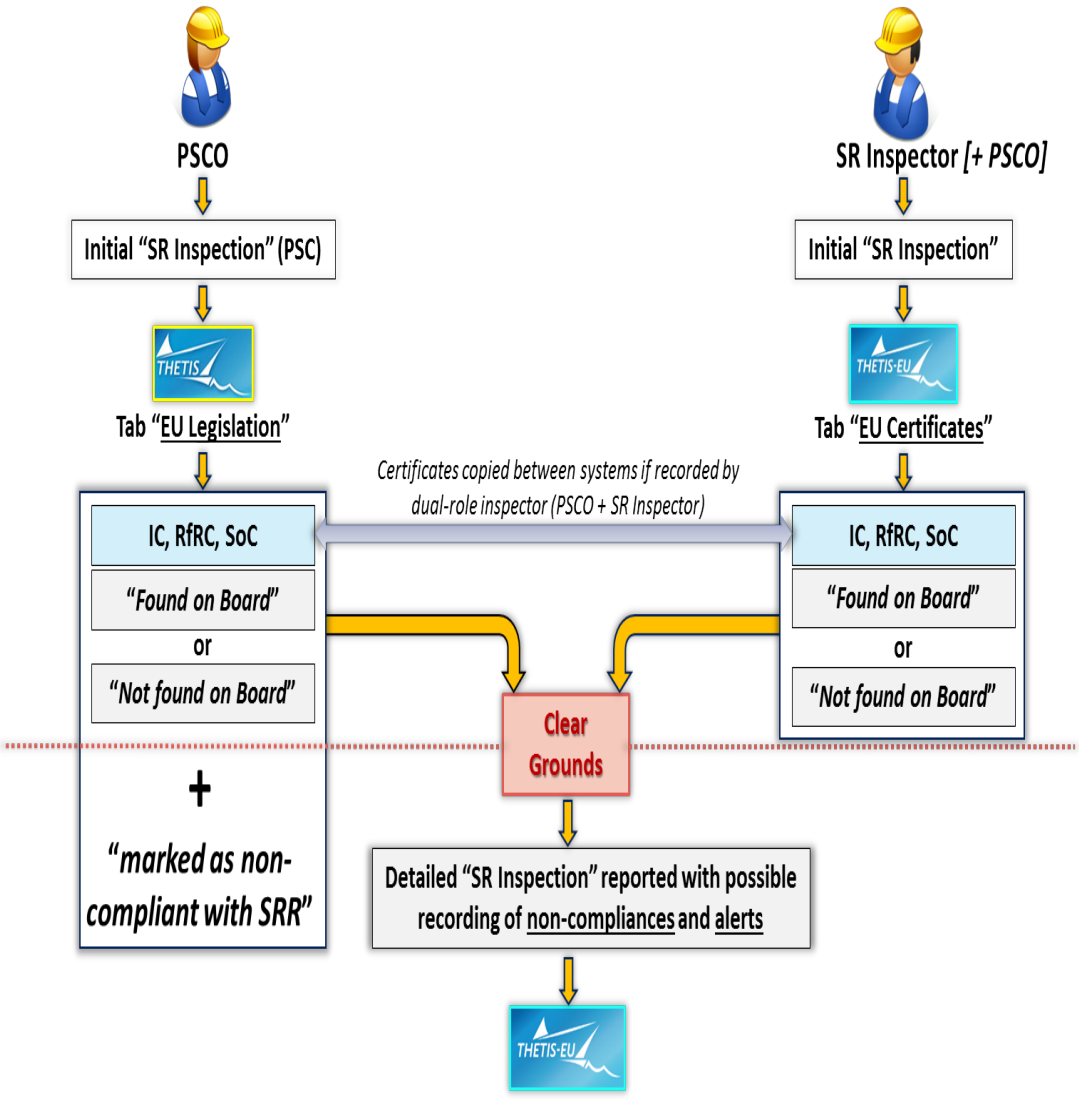


Figure 2 - Recording of inspection in THETIS and THETIS-EU/SRR

Reporting in THETIS-EU (SRR regime)

All inspections initiated under the SRR regime and all detailed SR inspections/Controls of SoC (see figure 2) should be reported in THETIS-EU. Along with the outcome of the inspection other ship specific information should be inserted in THETIS-EU which could be of relevance for future inspections.

An inspector reporting an inspection in THETIS-EU must indicate, as a minimum, the following:

- Inspection Type: “Initial SR Inspection” or “Detailed Inspection” or “Control of the SoC”,
- Inspection Team: SR Inspectors that have participated in the inspection,
- Update and amend if necessary the ship particulars: name, flag, type, etc.,
- Inspection Outcome: “Inspection On-Going”, “Inspected” .
- Record applicable inspection actions: Ship warned, detained (and detention lifted), dismissed, excluded or penalty applied.
- Record applicable Non-Compliances: the list of non-compliances is included in Annex 2.

Any SR inspections recorded in THETIS-EU are available for consultation by all Authorities in the inspection history.

THETIS-EU Alerts

Any alerts indicating potential non-compliance with the requirements of the SRR recorded by another Member State may be taken into account when selecting a ship for inspection and before the inspector conducts a SR inspection. Inspectors should also create alerts in THETIS-EU if information has been received on possible non-compliances warranting further investigation or if a follow-up inspection should be carried out. Alerts can be created while processing an inspection or outside of the scope of an inspection.

THETIS-EU allows the manual recording of the following type of alerts:

Alert Type	Examples of when to be recorded
Complaint by the ship	- Report from a crew member.
Complaint by a NGO/Other	- Complaint by a NGO or any other person or entity with a legitimate interest
Report by a Member State	- That the ship was found with a non-updated IHM; - For no implementation of a procedure on board the ship for maintaining part I of the Inventory of Hazardous Materials; - That an EU ship is heading for recycling to a SRF not included in the European List;- That a warning, dismissal or exclusion imposed on the ship.
Samples indicating containment of Hazardous Materials	- Samples tested by "indicative" or "field” tests indicating containment of Hazardous Materials listed in Annex I and II of the SRR in the ship’s structure or equipment for which there is no entry in part I of the Inventory of Hazardous Materials - Results of specific sampling tests demonstrate containment of Hazardous Materials listed in Annex I and II of the SRR in the ship’s structure or equipment for which there is no entry in part I of the Inventory of Hazardous Materials

If the ship is selected for an inspection, the alert that triggered its selection should be archived by the related competent authority following the inspection unless the alert refers to a non-updated IHM which remains non-updated.

ANNEX 2 – SUMMARY TABLE OF SHIP RECYCLING NON-COMPLIANCES

SR non-compliance	Description	Action Taken	SRR Reference
Inventory Certificate	Missing, invalid incomplete, not as required	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 1 in combination with any respective provisions
Inventory Certificate	IHM not updated	"Flag Administration consulted", "Master instructed to", "Warning issued", "Ship dismissed", "Ship excluded", "Rectified", "To be rectified at the time of the next survey", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 5 par 6 and Article 10 par 2 in combination with any respective provisions
Inventory Certificate	IHM not specific to the ship	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 1 and Article 5 par 3a
Inventory Certificate	IHM not verified	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 1 and Article 5 par 3d
Ready for Recycling Certificate	Missing, invalid incomplete, not as required	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 9 in combination with any respective provisions
Ready for Recycling Certificate	IHM not specific to the ship	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 9 and Article 5 par 3a
Ready for Recycling Certificate	IHM has not incorporated part II and/or III	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 9 and Article 5 par 7
Ready for Recycling Certificate	IHM not verified	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 9 and Article 5 par 3d
Ready for Recycling Certificate	SR Plan does not reflect the IHM	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 9 par 9 and Article 7 par 2a
Ready for Recycling Certificate	RfRC invalid as ship heading for recycling to a SRF not included in the European List	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 6 par 2a and Art 8 par 7c
Statement of Compliance	Missing, invalid incomplete, not as required	"Flag Administration consulted", "Master instructed to", "Warning issued", "Detention according to EU SRR", "Ship dismissed", "Ship excluded", "Rectified", "Penalty applied as per provisions pursuant to national legislation", "Other (free text)"	Article 12 par 1 and 5 in combination with any respective provisions

Statement of Compliance	IHM not updated	“Flag Administration consulted”, “Master instructed to”, “Warning issued”, “Ship dismissed”, “Ship excluded”, “Rectified”, “To be rectified at the time of the next survey”, “Penalty applieSd as per provisions pursuant to national legislation”, “Other (free text)”	Article 12 par 1, 4 and 5
Statement of Compliance	IHM not specific to the ship	“Flag Administration consulted”, “Master instructed to”, “Warning issued”, “Detention according to EU SRR”, “Ship dismissed”, “Ship excluded”, “Rectified”, “Penalty applied as per provisions pursuant to national legislation”, “Other (free text)”	Article 12 par 1, 3 and 5
Statement of Compliance	IHM not verified	“Flag Administration consulted”, “Master instructed to”, “Warning issued”, “Detention according to EU SRR”, “Ship dismissed”, “Ship excluded”, “Rectified”, “Penalty applied as per provisions pursuant to national legislation”, “Other (free text)”	Article 12 par 1 and 6
Control Measures for Hazardous Materials	Not as required	“Flag Administration consulted”, “Master instructed to”, “Warning issued”, “Detention according to EU SRR”, “Ship dismissed”, “Ship excluded”, “Rectified”, “Penalty applied as per provisions pursuant to national legislation”, “Other (free text)”	Art 5 par 3b and Annex I in combination with any respective provisions
Other	Other	“Flag Administration consulted”, “Master instructed to”, “Rectified”, “Penalty applied as per provisions pursuant to national legislation”, “Other (free text)”	-

ANNEX 3 – MODEL STATEMENT OF COMPLIANCE

In accordance with Article 12 paragraph 6 of the SRR the SoC may be modelled on the basis of Appendix 3 to the HKC:

STATEMENT OF COMPLIANCE

with the requirements of Article 12 of the Regulation (EU) 1257/2013 on ship recycling

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

(Official seal) *(State)*

Issued under the provisions of the Regulation (EU) 1257/2013 on ship recycling 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 Regulation (EU) 1257/2013*)

Particulars of the Ship

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
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: Part I of the Inventory of Hazardous Materials, as required by Article 12 paragraph 1 of the Regulation (EU) 1257/2013 is an essential part of the Statement of Compliance and must always accompany the Statement of Compliance. 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 International Maritime Organization, supplemented, where applicable, by guidelines on aspects specific to Regulation (EU) 1257/2013, such as the EMSA's Best Practice Guidance on the Inventory of Hazardous Materials.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with Article 12 paragraph 6 of Regulation (EU) 1257/2013; and
2. that the survey shows that Part I of the Inventory of Hazardous Materials fully complies with the applicable requirements of Regulation (EU) 1257/2013.

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*)

ENDORSEMENT TO EXTEND THE CERTIFICATE*

The ship complies with the relevant provisions of Regulation (EU) 1257/2013, and this certificate shall, in accordance with Article 12 of this Regulation, 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 FOR ADDITIONAL SURVEY*

At an additional survey by analogy of Article 8 paragraph 6 of Regulation (EU) 1257/2013, the ship was found to comply with the relevant provisions of this Regulation.

Signed: .....

(Signature of duly authorized official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

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

ANNEX 4 – READY FOR RECYCLING CERTIFICATE

READY FOR RECYCLING CERTIFICATE

under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling

(*Note*: This certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan)

(Official seal) *(State)*

Issued under the provisions of Regulation (EU) No 1257/2013 under the authority of the Government of

.....
(Name of State)

by .....
(Full designation of the person or organisation authorised under the provisions of Regulation (EU) No 1257/2013)

Particulars of the ship

Name of Ship	
Distinctive number or letters	
Port of registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification Number	
Date of construction	

Particulars of the ship recycling facility(ies)

Name of ship recycling facility	
Distinctive recycling company identity number ([1])	
Full address	
Date of expiry of the inclusion of the ship recycling facility on the European List	

([1]) Identity number as indicated in the European List.

Particulars of the inventory of hazardous materials

Inventory of hazardous materials identification/verification number: .....

Note: In accordance with Article 9(9) of Regulation (EU) No 1257/2013, the inventory of hazardous materials is annexed to the ready for recycling certificate. The inventory of hazardous materials should be compiled on the basis of the standard format shown in the guidelines developed by the International Maritime Organization, supplemented, where applicable, by guidelines on aspects specific to Regulation (EU) No 1257/2013, such as substances listed in that Regulation but not in the Hong Kong Convention.

Particulars of the ship recycling plan

Ship recycling plan identification/verification number: .....

Note: In accordance with Article 9(9) of Regulation (EU) No 1257/2013, the ship recycling plan is annexed to the ready for recycling certificate.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with Article 8 of Regulation (EU) No 1257/2013;
2. that the ship has a valid inventory of hazardous materials in accordance with Article 5(7) of Regulation (EU) No 1257/2013;
3. that the ship recycling plan was compiled in accordance with Article 7(2) of Regulation (EU) No 1257/2013; and
4. that the ship recycling facility(ies) where this ship is to be recycled is listed in the European list in accordance with Article 16 of Regulation (EU) No 1257/2013.

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

Issued at .....
(Place of issue of certificate)

(dd/mm/yyyy) ....
(Date of issue) *(Signature of duly authorised official issuing the certificate)*

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF THE SHIP RECYCLING FACILITY FOR A PERIOD OF GRACE WHERE ARTICLE 10(5) APPLIES (*)

This certificate shall, in accordance with Article 10(5) of Regulation (EU) No 1257/2013 on ship recycling, be accepted as valid for a single point to point voyage

from the port of: .....

to the port of: .....

Signed: .....

(Signature of duly authorised official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

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

ANNEX 5 – CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS

CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS

under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling

(*Note*: This certificate shall be supplemented by Part I of the inventory of hazardous materials)

(Official seal) *(State)*

Issued under the provisions of Regulation (EU) No 1257/2013 under the authority of the Government of

.....
(Name of State)

by .....
(Full designation of the person or organisation authorised under the provisions of Regulation (EU) No 1257/2013)

Particulars of the ship

Name of Ship	
Distinctive number or letters	
Port of registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification Number	
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: In accordance with Article 9(1) of Regulation (EU) No 1257/2013, Part I of the inventory of hazardous materials is annexed to this certificate. 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 International Maritime Organization, supplemented, where applicable, by guidelines on aspects specific to Regulation (EU) No 1257/2013, such as substances listed in that Regulation but not in the Hong Kong Convention.

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Article 8 of Regulation (EU) No 1257/2013; and that the survey shows that Part I of the inventory of hazardous materials fully complies with the applicable requirements of that Regulation.

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 authorised official issuing the certificate)*

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE ARTICLE 9(5) APPLIES (*)

The ship complies with the relevant provisions of Regulation (EU) No 1257/2013 on ship recycling, and this certificate shall, in accordance with Article 9(5) of that Regulation, be accepted as valid until

(dd/mm/yyyy): .....

Signed: .....
(Signature of duly authorised official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND ARTICLE 9(4) APPLIES (*)

The ship complies with the relevant provisions of Regulation (EU) No 1257/2013 on ship recycling, and this certificate shall, in accordance with Article 9(4) of that Regulation, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....
(Signature of duly authorised official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Article 8 of Regulation (EU) No 1257/2013; and that the survey shows that Part I of the inventory of hazardous materials fully complies with the applicable requirements of that Regulation.

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 authorised official issuing the certificate)*

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE ARTICLE 9(5) APPLIES (*)

The ship complies with the relevant provisions of Regulation (EU) No 1257/2013 on ship recycling, and this certificate shall, in accordance with Article 9(5) of that Regulation, be accepted as valid until

(dd/mm/yyyy): .....

Signed: .....
(Signature of duly authorised official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND ARTICLE 9(4) APPLIES (*)

The ship complies with the relevant provisions of Regulation (EU) No 1257/2013 on ship recycling, and this certificate shall, in accordance with Article 9(4) of that Regulation, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....
(Signature of duly authorised official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OR ANCHORAGE OF SURVEY OR FOR A PERIOD OF GRACE WHERE ARTICLE 9(7) OR 9(8) APPLIES (*)

This certificate shall, in accordance with Article 9(7) or 9(8) (**) of Regulation (EU) No 1257/2013 on ship recycling, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....

(Signature of duly authorised official)

Place: .....

Date: (dd/mm/yyyy) .....

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADDITIONAL SURVEY WHERE ARTICLE 9(2) APPLIES (*)

At an additional survey conducted in accordance with Article 8(6) of Regulation (EU) No 1257/2013 on ship recycling, the ship was found to comply with the relevant provisions of that Regulation.

Signed: .....

(Signature of duly authorised 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.

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