



Gibraltar Maritime Administration

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Shipping Guidance Notice – 089

SHIP RECYCLING: Requirements in relation to Hazardous Materials on Ships

To: Ship Owners, Operators, Master's, Classification Societies and Recognised Organisations

Related legislation or information: -

- EU Regulation 1257/2013
- Gibraltar Merchant Shipping (Application of United Kingdom Provisions and Standards) Regulations 1997
- Gibraltar Merchant Shipping (Safety, etc.) Act 1993
- UK Statutory Instrument (SI) 2018 No.1122, The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) Amendment etc.) Regulations 2018

1. Purpose

- 1.1 This Shipping Guidance Note provides guidance and clarification on certain aspects of both the UK/Gibraltar and EU Regulation.
- 1.2 The main purpose of the Regulations is to establish the appropriate powers for survey and certification, inspection, enforcement and offences to give effect to the EU regulation into Gibraltar Law.
- 1.3 The EU Regulation aims 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. It is designed to enhance safety, the protection of human health and of the 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 EU Regulation lays down rules to ensure the proper management of hazardous materials on ships.

2. Application

- 2.1 The EU Regulation applies to all Gibraltar ships, excluding;
 - Ships of less than 500 gross tonnage (GT);
 - Ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the member state whose flag the ship is flying; and
 - 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.

Gibraltar registered ships covered by the EU regulation are excluded from scope of the Waste Shipment Regulations (EC) 1023/2006.

3. Definitions

3.1 Definition of a Ship.

- 3.1.1 In the EU regulation a ship is defined as “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”. There are no exemptions for these types of ship and the requirements of the EU Regulation, and the UK Regulations will apply.

4. Definitions

- 4.1 The main requirements under the EU regulation came into force on 31 December 2018. The following provision in the EU Regulation will apply from 31 December 2020:

3

- 4.1.1 The requirement for all existing Gibraltar registered ships which fall in the application of the EU Regulation should develop and hold a verified Inventory of Hazardous Materials (IHM) (further information regarding verification can be found within Section 4.3).

- 4.2 The IHM must be specific to each Gibraltar registered ship, and provide evidence that the ship complies with the prohibition or restriction on installing or using hazardous materials in accordance with Article 5 of the EU regulation, and be compiled taking into account relevant EU and IMO guidelines. The IHM must be maintained and updated throughout the operational life of the ship. More information on producing an IHM can be found in the guidance produced by the European Maritime Safety Agency which can be found here:

<http://www.emsa.europa.eu/implementation-tasks/environment/ship-recycling/items.html?cid=150&id=2874>

and in the 2015 IMO Guidelines for the Development of the Inventory of Hazardous Materials (Resolution MEPC.269(68)) which can be found here: <http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/MEPC%20Resolutions/>

- 4.3 The IHM can be developed by the ship owner or a specialist company can be used. However, it is a statutory requirement that the IHM must be verified by a surveyor from an ~~UK~~ authorised Recognised Organisation (RO), or GMA surveyor for unclassified ship. Once the IHM has been verified an Inventory Certificate will be issued.
- 4.4 All new Gibraltar ships that are within the scope of the EU Regulation must have an IHM before coming into service.
- 4.5 If an existing Gibraltar ship is going for recycling before the 31st December 2020, it will need to obtain an IHM beforehand, otherwise the ship will not be able to obtain the Ready for Recycling Certificate (RfRC) allowing it to go for recycling (further information can be found below in Section 9).

5. Surveys

- 5.1 Gibraltar ships to which the EU Regulation applies shall be subject to the following surveys:
- An initial survey;
 - A renewal survey;
 - An additional survey;
 - A final survey.
- 5.2 'Initial' and 'renewal' surveys must verify that the IHM Part I complies with the requirements of the Regulation; for existing Gibraltar ships the initial survey shall be conducted by 31 December 2020. On verification of the IHM an Inventory Certificate will be issued.
- 5.3 'Additional' surveys must ensure that any change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the IHM, has been made in a manner that ensures that the ship continues to comply with the requirements of the EU Regulation, and that Part I of the IHM is amended as necessary.
- 5.4 'Final' surveys must be conducted prior to the ship being taken out of service before the recycling of the ship. The survey shall ensure that the IHM and ship recycling plan comply with the EU regulation and that the recycling yard is included in the approved list of recycling yards. On successful completion of a final survey the administration or RO authorised by it shall issue a RfRC, which will be supplemented by the IHM and the authorised ship recycling plan.
- 5.5 For existing Gibraltar ships intended for ship recycling prior to 31st December 2020, the initial survey and the final survey may be conducted at the same time.
- 5.6 Survey and Certification of the EU Regulation has been delegated to Gibraltar authorised Recognised Organisations (RO).
- 5.7 Gibraltar ships which are not classed by one of the authorised RO's should approach the Administration.
- 5.8 Under the circumstance of a significant repair or renewal which may affect the IHM, an additional survey must be conducted to ensure compliance with the IHM is continued or to amend the IHM to reflect the changes, as set out in Article 8.6 of the EU regulation.

6. Ship Recycling Facilities

- 6.1 At the end of its operational life, a Gibraltar registered ship must be recycled at (and obtain a Ship Recycling Plan from) a Ship Recycling Facility which is currently on the '*European List*' of approved facilities. These facilities comply with the requirements in the EU regulation as well as the relevant Hong Kong Convention provisions. The list contains several non-EU facilities. The latest version of the list is at: <https://ec.europa.eu/environment/waste/ships/>

7. Ship Recycling Plan

- 7.1 Gibraltar registered ships which are about to go for recycling need a verified IHM which lists:
- the hazardous materials listed in Annex I and II contained in the structure and equipment of the ship (Part I);
 - the operational waste present on board the ship (Part II), and;
 - the stores present on board the ship (Part III).
- 7.2 The Ship Recycling Plan shall be developed by the Ship Recycling Facility, according to the relevant provisions of the Hong Kong Convention and the *2011 Guidelines for the Development of the Ship Recycling Plan* (MEPC.196(62) which can be found here: [http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-\(MEPC\)/Documents/MEPC.196\(62\).pdf](http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-(MEPC)/Documents/MEPC.196(62).pdf).
- 7.2.1 The plan must consider the relevant IMO guidelines and ensure that the contents are consistent with the information contained in the vessel's IHM. The Ship Recycling Facility is responsible for developing the Ship Recycling Plan and getting authorisation from its national competent authority.
- 7.3 Ship-owners are required to assist by supplying the most recent version of the IHM (including Parts I, II and III) and any other ship relevant information which the facility will need to produce the Ship Recycling Plan.

8. Notification of Intent to Recycle

- 8.1 Before a Gibraltar ship is sent for recycling, ship-owners are required to notify the Administration of their intention to recycle a ship at an approved ship recycling facility. The documentation submitted to the Administration should include the following:
- Part 1 of the IHM and Parts II and III if these are available at the time
 - All relevant information which the ship-owner has sent to the ship recycling facility/facilities which would be used to produce a ship recycling plan.
 - The ship recycling plan can also be provided if this is available at the time.
- 8.2 This information should be emailed to maritime.survey@gibraltar.gov.gi

9. Ready for Recycling Certificate

- 9.1 Before going to be recycled, a Gibraltar ship must have in place a 'Ready for Recycling Certificate'(RfRC). Where a RfRC is required, the Administration has delegated this authority to the authorised RO's.
- 9.2 Before the RfRC can be issued, Part II and Part III of the IHM must be completed by the ship-owner. After the ship has received the RfRC from the authorised RO, the Owner and Master continue to be responsible for maintaining the ship and ensuring that no changes are made that may affect the authorised ship recycling plan.

10. Enforcement and Sanctions

- 10.1 The Regulations detail the offences and penalties for contravention of the EU Regulation.
- 10.2 A Gibraltar ship owner is guilty of an offence if any of the following apply:
- 10.2.1 Annex I hazardous material is installed or used on the ship in a manner contrary to the Annex I control measures;
 - 10.2.2 The ship does not have on board a verified IHM;
 - 10.2.3 The ship owner does not comply with any requirement of Article 6(1) to (4) of the EU regulation;
 - 10.2.4 The ship has not been submitted for an initial, renewal or final survey when one is required under Article 8 of the EU regulation.
 - 10.2.5 A ship owner or master who is guilty of an offence on summary conviction will be liable to a fine, and on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Steve Gomez – Chief Surveyor (Ag)
For & on behalf of the Maritime Administrator

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