



Date: 28<sup>th</sup> of July 2020

Circular no.: 0043CTECH/TG/07/20

**To:** All Owners / Managers / Operators / Agents / Deputy Registrars /Recognized organizations certifying vessels on behalf of the Togolese Administration

**SUBJECT:** Statement of Compliance (SOC) for an Inventory of Hazardous Materials (IHM) under the E.U. Ship Recycling Regulation 1257/2013 (EU SRR). Compliance date 31.12.2020.

**Scope:** This Marine Circular aims to provide instructions on issuing a Statement of Compliance (SoC) for an Inventory of Hazardous Materials (IHM) under the European Union (EU) **Ship Recycling Regulation No 1257/2013 (EU SRR)**. From 31 December 2020, all ships of 500 GT and above – regardless of the flag they are flying – will be required to carry an inventory of hazardous materials (IHM) when calling a port or anchorage of a country that is a member of the European Union (EU) or European Economic Area (EEA). Failure to do so may result in penalization during Port State Control procedures. Notwithstanding the above result, 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. Therefore Togo flagged ships of 500 GT and above must comply from 31 December 2020 when calling at a port or anchorage of a Member State of the EU-EEA.

**References:**

- a. Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling, amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as amended.
  - b. European Maritime and Safety Agency (EMSA), Best Practice Guidance on the Inventory of Hazardous Materials, updated 5 June 2018.
  - c. Hong Kong Convention, Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, adopted 15 May 2009 (not yet in force).
  - d. IMO Resolution MEPC.269(68), 2015, Guidelines for the Development of the Inventory of Hazardous Materials, adopted 15 May 2015, as amended.
1. **The Hong Kong International Convention**, hereinafter refer to as “HKC”, for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Ship Recycling Convention or the Hong Kong Convention), was adopted in May 2009. After the entry into force of the Convention, the development and maintenance of an Inventory of Hazardous Materials hereinafter refer to as “IHM” (as asbestos, heavy metals, hydrocarbons, ozone depleting substances and others), which identifies the amount and location of hazardous materials onboard a ship, will be required for all ships over 500GT.
- Furthermore, ships shall only be recycled at ship recycling facilities authorized by the competent authority. The HKC covers the design, construction, operation and preparation of ships, to facilitate sustainable ship recycling without compromising safety and operational efficiency<sup>1</sup>. Upon entry into force, the Hong Kong Convention will require new ships and existing ships of 500 GT and above no later than 5 years after the entry into force of the Convention, or before going for recycling, if this is earlier, to have onboard a valid International Certificate of Compliance on IHM.

<sup>1</sup> The Convention is currently not in force, but this will occur 24 months after the date on which the conditions in Article 17 are met.

#





The objectives of the IHM under the Hong Kong Convention is to document ship-specific information on the actual hazardous materials present on board in order to protect health and safety of the crew, and to protect health and safety of workers at ship recycling facilities and avoid environmental pollution when the ship is going for recycling. EU SRR closely follows the text of HKC and is designed to facilitate early adoption of the Convention.

2. **Regulation (EU) No 1257/2013** hereinafter refer to as “EU SRR”, of the European Parliament and of the Council of 20 November 2013 ‘on ship recycling and amending Regulation (EC) 1013/2006 and Directive 2009/16/EC’<sup>2</sup> (EU SRR) was published in the Official Journal of the EU on 10 December 2013. It entered into force on 30 December 2013. EU SRR closely follows the text of HKC and is designed to facilitate early adoption of the Convention. Its articles will apply at various stages, as detailed in article 32 of the Regulation<sup>3</sup>. By the EU SRR, development of inventory of hazardous materials (IHMs), is required for both ships flying the flag of a EU Member State and ships of a third country calling at a port or anchorage of a EU Member State from 31 December 2020. The EU SRR applies to commercial ships on international voyages, of 500GT and above flying the flag of a EU Member State or the flag of a third country under the conditions of Article 12 of the EU SRR. The EU SRR applies to all vessels of any type whatsoever operating or having operated in the marine environment including submersibles, floating craft, floating platforms, self-elevating platforms, FSUs and FPSOs, as well as ships stripped of equipment or being towed.

3. By the EU SRR, development of inventory of hazardous materials (IHMs) requires foreign or **non-EU-flagged vessels**, for which the Regulation is applicable, calling at EU-EEA ports or anchorages, to have onboard a verified IHM, that identifies at least the hazardous materials required by the EU Regulation, and a Statement of Compliance at the earliest by 31 December 2020.

Keeping an up-to-date inventory (IHMs) on board a ship throughout its life-cycle is a key requirement laid down in both the HKC and the EU SRR. An IHM developed in accordance with the EU SRR must be compiled taking into account the relevant IMO guidelines.

4. **Classification Societies** may provide services for IHMs development and maintenance on Togo flagged ships. Togo Administration delegate to approved ROs survey and certification for the compliance with the EU Regulation under subject, in order to verify the IHMs part I and issue a Statement of Compliance, herein after refers to as “SoC”, irrespective of whether the RO is attending or not the vessel for the Classification and Statutory certification.

5. **Port State Control in accordance with the EU SRR:** the application of *port State control, in accordance with the provisions of the SRR*, i.e. the capability of a Member State to ask for respective documentation and, if appropriate, **perform detailed inspections** on board a foreign flagged ship to verify compliance with the EU SRR as applicable.<sup>4</sup> In this regard, a EU Member State as a port State may apply control provisions for foreign flagged ships when calling at a port or anchorage of that Member State. The control provisions should either be limited to checking the relevant documents on board or may be expanded to performing detailed inspections foreseen by the EU SRR. The detailed inspections are triggered either by ‘missing certificate’ or ‘invalid certificate’ or by ‘clear grounds’ taking into account the relevant IMO guidelines.<sup>5</sup>

<sup>2</sup> OJ L 330, 10-12-2013, p.1-20.

<sup>3</sup> See Annex A for the timeline of the application of the Regulation.

<sup>4</sup> EMSA’s Best Practice Guidance on the Inventory of Hazardous Materials IHM development and Maintenance in the context of the EU Ship Recycling Regulation, 28-10-2016.

<sup>5</sup> Resolution MEPC.223(64) “2012 Guidelines for the inspection of ships under the HKC”





6. Final Conclusions:

- i. Although the EU Ship Recycling Regulation closely follows the Hong Kong convention, there are differences. The EU SRR sets out a number of requirements for European ships, European ship owners, ship recycling facilities willing to recycle European ships, and the relevant competent authorities or administrations. It also requires the Commission to adopt a number of acts implementing the EU SRR (in particular the European List of ship recycling facilities authorized to recycle ships flying the EU flag). For the IHMs required by the EU SRR, there are additional substances listed as prohibited.
- ii. The EU SRR affects non-EU-flagged vessels calling at EU-EEA ports or anchorage earlier than the HK and force them to have onboard a verified IHMs, that identifies at least the hazardous materials required by the EU Regulation, and a Statement of Compliance at the earliest by 31 December 2020.
- iii. Togo flagged ships that intend to call at an EU-EEA Member State port or anchorage need to develop their IHMs and have it verified for compliance with the EU SRR. The applicable provisions of the IMO guidelines should also be implemented. This should be completed by 31 December 2020 or before calling at an EU-EEA Member State port or anchorage after that date. In addition, Togo flagged ships should plan for compliance with the HKC. This includes understanding how it will apply to new builds and existing ships, implementing the applicable provisions of the IMO guidelines and considering IHMs, part I certification.
- iv. It is important to note that, currently, any non-EU flagged vessel having a last voyage that either starts from an EU-EEA port, or transits through an EU-EEA port, is subject to EU Waste Shipment Regulation (and not the EU SRR). Therefore owners are advised to contact relevant EU-EEA port authorities well in advance of the last voyage their vessel for further information.
- v. Ship owners/ Ship operators/Managers and masters are required to take note of the above. It is strongly recommended that owners and operators of existing vessels with HMs start planning to comply with EU SRR well ahead of December 2020 in order to avoid delays.
- vi. **To sum up from 31 Dec 2020, all non-EU flagged ships of 500 GT and more which are calling at EU-EEA ports or anchorages would need an IHMs with a valid SoC onboard. The IHMs, verified by a Recognised Organization authorized by this Administration, accompanied by the relevant SoC must be on board. The IHMs shall be prepared taking into consideration the relevant IMO Guidelines (MEPC 269.(68) Guidelines).**

For the International Ship Registry of Togo



Vera N. Medawar  
Ship Registrar

For the Togolese Maritime Authority



MATCHONNAWE BAKAI  
Director