



Date: 14th December 2020

Circular no.: 0051C/TG/12/20

To: Representatives of Togo flagged vessels// Deputy Registrars// Ship owners/ managers/operators// Masters//Port State and Flag State Surveyors//Recognized organizations.

Subject: “EU Ship Recycling Regulation: Port State Control Enforcement Of Inventory Of Hazardous Materials (I.H.M.) – European Commission Guidelines For E.U. Member States PSC harmonization”

Scope: This Circular complements the below c Circular and aims to inform interested parties upon the recent issuance by the European Commission of guidelines on the enforcement of the requirement for ships to carry an Inventory of Hazardous Materials (IHM) and appropriate certification under the European Union (EU) Ship Recycling Regulation (SRR). The guidance is for use by EU Port State Control (PSC) beginning 1 January 2021.

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 Commission “Guidelines on the enforcement of obligations under the EU Ship Recycling Regulation relating to the Inventory of Hazardous Materials of vessels operating in European waters” (2020/C 349/01), 20.10.20
- c. Circular 0043CTECH/TG/07/20, “Statement of Compliance (SOC) for an Inventory of Hazardous Materials (IHM) under the E.U. Ship Recycling Regulation 1257/2013 (EU SRR)”

Applicability: All Togo flag vessels above 500 G.T. calling at EU/EEA ports & anchorages

1. Marine Circular 0043CTECH/TG/07/20 as per reference c., has provided 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). As of 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 to 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.
2. European Commission, considering the exceptional circumstances linked to Covid-19 crisis, has issued as per reference b., guidelines on the enforcement of the obligations under the EU Ship Recycling Regulation relating to the Inventory of Hazardous Materials of vessels operating in European waters. The guidance is for use by EU member States Port State Control (PSC) beginning 1 January 2021. It should be underlined that the guidance does not change the date for compliance as prescribed by the EU SRR. ✍

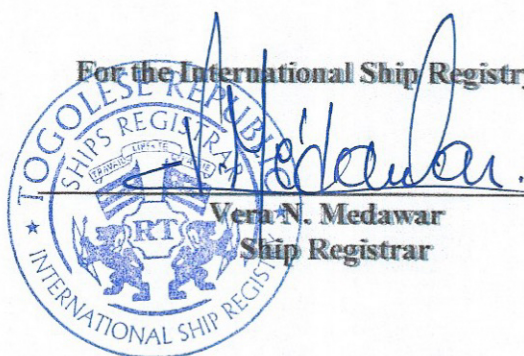


3. The European Commission (EC) has recommended to EU member states to apply a harmonized approach for six months after the entry 31st December 2020 into the application of the IHM-related obligations for existing EU flagged ships and non-EU flagged ships calling at EU ports or anchorages. In this harmonized approach, the following guidance is provided:

- In all cases of non-compliance, including a semi-completed IHM, the burden of proof is on the shipowner/shipmaster, who should provide evidence of all the measures taken to undertake the IHM work and obtain the required certification and documentation. In this context generally to invoke force-majeure is not an option.
- Port State control (PSC) inspectors are advised to assess the evidence provided on a case-by-case basis depending on the specific circumstances of the ship in question and decide accordingly. In case of acceptance, shipowners/shipmasters have months after the PSC inspection to complete the IHM.
- If the agreed plans are changed due to the Covid-19 travel and access restrictions, the shipowner/master shall gather sufficient written evidence from the IHM inspectors on why the IHM is not completed for checking by the next PSC inspector.

4. Shipowners/operators/managers, representatives, Recognized organizations, masters of Togo flagged vessels above 500 G.T. calling at EU/EEA ports & anchorages are instructed to be guided in accordance with this circular and the enclosed European Commission Guidelines.

For the International Ship Registry of Togo



Vera N. Medawar
Ship Registrar

For the Togolese Maritime Authority



MATCHONNAWE BAKAI
Director

Encl.: European Commission "Guidelines on the enforcement of obligations under the EU Ship Recycling Regulation relating to the Inventory of Hazardous Materials of vessels operating in European waters" (2020/C 349/01), 20.10.20