

GUIDANCE NOTE 02/2019 (Rev 2)

EU SHIP RECYCLING REGULATION “INVENTORY OF HAZARDOUS MATERIALS”

To: Builders, Owners, Managers and Masters of all Cayman Islands Ships (Including Private and Commercial Yachts).

1. PURPOSE

- 1.1 The purpose of this Guidance Notice is to remind Shipowners or Companies operating Cayman Islands registered ships of the need to comply with the EU Ship Recycling Regulation (EU SRR) ahead of 31 December 2020 if ships are intending to visit an EU member state.
- 1.2 This Guidance Note has been updated in light of the publication of European Commission Notice 2020/C 349/01 (*“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.”*)
- 1.3 Notice 2020/C 349/01 can be downloaded from:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2020_349_R_0001.

2. REQUIREMENT FOR AN INVENTORY OF HAZARDOUS MATERIALS

- 2.1 The EU SRR is aimed at facilitating ratification of IMO’s Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (‘the Hong Kong Convention’) which was adopted on 15 May 2009 and will have global applicability once in force.
- 2.2 Under the requirements of the EU SRR no.125/2013, every new-build ship of 500 GT and above, contracted on or after 31 December 2018, and flying the flag of an EU member state will need to be issued with a Certificate of Compliance supplemented by a verified Inventory of Hazardous Materials (IHM).
- 2.3 By 31 December 2020 any ship of 500 GT and above of any flag calling at an EU port or anchorage will need to have a Certificate of Compliance (if EU) or Statement of Compliance (if non-EU) supplemented by a verified IHM.

3. THE EU REGULATION AND GUIDANCE

3.1 The EU SRR no.125/2013 can be downloaded from:

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:330:0001:0020:EN:PDF>

3.2 The European Maritime Safety Agency (EMSA) has published '**Guidance on the Inventory of Hazardous Materials**' which can be downloaded from:

<http://www.emsa.europa.eu/implementation-tasks/environment/download/4683/3003/23.html>

or

<http://www.emsa.europa.eu/implementation-tasks/environment/150-ship-recycling.html>

4 VERIFICATION & CERTIFICATION

4.1 The Cayman Islands have delegated authority for the verification of compliance for both the HKC and EU SRR to its Recognized Organizations (i.e. Class Societies – ABS, BV, ClassNK, DNV-GL, LR and RINA).

4.2 Please contact an approved Recognized Organization for further advice.

5 EC Notice 2020/C439/01

5.1 This notice recognises that the lockdown measures and widespread travel restrictions which were introduced to control Covid-19 have prevented many ship owners (or their agents) from producing the IHM in the first instance, but also inhibited flag State surveyors and Recognized Organizations from verifying and certifying the IHMs.

5.2 Two scenarios are considered in the Notice –

5.2.1 **Vessels without a valid IHM and / or accompanying certificate.**

In all such cases where the failure to carry a valid IHM and/or the necessary certificate is involved, there is a burden of proof on the owner/master, who needs to provide evidence that all possible measures were taken to undertake the work and get the certification required.

5.2.2 ***Vessels with a semi-completed IHM with the Statement of Compliance (for non-EU Flagged ships), that does not contain on-board (either targeted or random) sampling.***

In this case the vessel may call at an EU port or anchorage after 31 December 2020 with an IHM and associated certificate on-board, but the IHM was prepared remotely without any on-board sampling. This situation may arise as the on-board surveys that should have been undertaken to support the IHM could not be done because of the restrictions on inspecting a vessel during the Covid-19 pandemic.

In all such cases where a certificate is based on an IHM without the on-board sampling element, the IHM should in principle not be acceptable as it is not

complete. However, considering that since March 2020 there has been little or no opportunity for surveyors to go on-board ships and undertake these surveys, such a remote survey/sampling could be exceptionally accepted, if there is evidence that the flag State has agreed to this.

- 5.3 **This Guidance Note may be presented as evidence that the Cayman Islands flag state agrees to remote survey/sampling subject to the agreement of the Recognized Organization responsible for verifying and certifying the IHM.**
- 5.4 A copy of the Recognized Organization's agreement should be kept with the documented plans and arrangements on board until such time as the qualified sampler attends the vessel to complete the IHM.