



European Union Network for the
Implementation and Enforcement
of Environmental Law

End-of-life ships – Guidance for relevant stakeholders on the EU’s Ship Recycling Regulation and Waste Shipment Regulation

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Disclaimer

This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.

List of abbreviations

COM . . .	Commission
EEA . . .	European Economic Area
EU	European Union
GT	Gross Tonnage
HKC . . .	The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships
IC	Inventory Certificate
IHM . . .	Inventory of Hazardous Materials
MS	Member State
PSC . . .	Port State Control
RfRC . .	Ready for Recycling Certificate
RO	Recognised Organisations
SoC . . .	Statement of Compliance
SRR . . .	Ship Recycling Regulation; Regulation (EU) No 1257/2013
WSR . . .	Waste Shipment Regulation; Regulation (EC) No 1013/2006

1 Background

The scrapping of hundreds of end-of-life seagoing ships per year worldwide is mostly done in recycling facilities in South Asia under varying, partly low or doubtful environmental, occupational health and safety standards. More than 70 % of the gross tonnage dismantled globally in the recent years has taken place in Bangladesh, India and Pakistan. Despite existing EU regulations, such as, Regulation (EU) No 1257/2013 ([Ship Recycling Regulation, EU SRR](#)) and the Regulation (EC) No 1013/2006 on shipments of waste ([Waste Shipment Regulation, EU WSR](#)), and international conventions such as the Basel Convention, and the not yet in force Hong Kong Convention (HKC)

a large proportion of formerly EU-flagged ships continue to be scrapped in Asia.

The EU SRR implements the requirements of the Hong Kong Convention for the safe and environmentally sound recycling of ships into EU law, but also contains additional safety and environmental requirements.

The aim of this guidance is to assist the relevant stakeholders in the application of the two EU Regulations – EU SRR and EU WSR – in relation to ship recycling, to set out the resulting responsibilities of each and to clarify processes.

2 Ship Recycling Regulation or Waste Shipment Regulation: Which requirements must be met?

The **EU SRR** has been applicable in the EU since 31.12.2018, it applies – with the exception of Art. 12 (Requirements of a ship flying the flag of a third country) – to **all ships flying the flag of an EU Member/EEA State**. However, there are the following **exceptions from the application of the EU SRR (Art 2(2))**:

- warships, naval auxiliaries or other ships owned or operated by a State and used for the time being only for non-commercial governmental services;
- Ships of less than 500 gross tonnage (GT);
- Ships which throughout their life cycle are operated only in waters under the sovereignty or jurisdiction of the Member State whose flag they fly.

All cases of ship recycling that are not covered by the scope of the EU SRR fall under the scope of the **EU WSR with the following exceptions**:

- The ship is **not located in territorial waters** of a Member State (MS) when the **decision of recycling** is taken. In these cases, the national or other international legislation will apply.
- The ship is destined to be **recycled in the country where the ship is located** at the time of the decision. Then national legislation applies and the ship must be recycled at a licensed recycling facility in the relevant country.

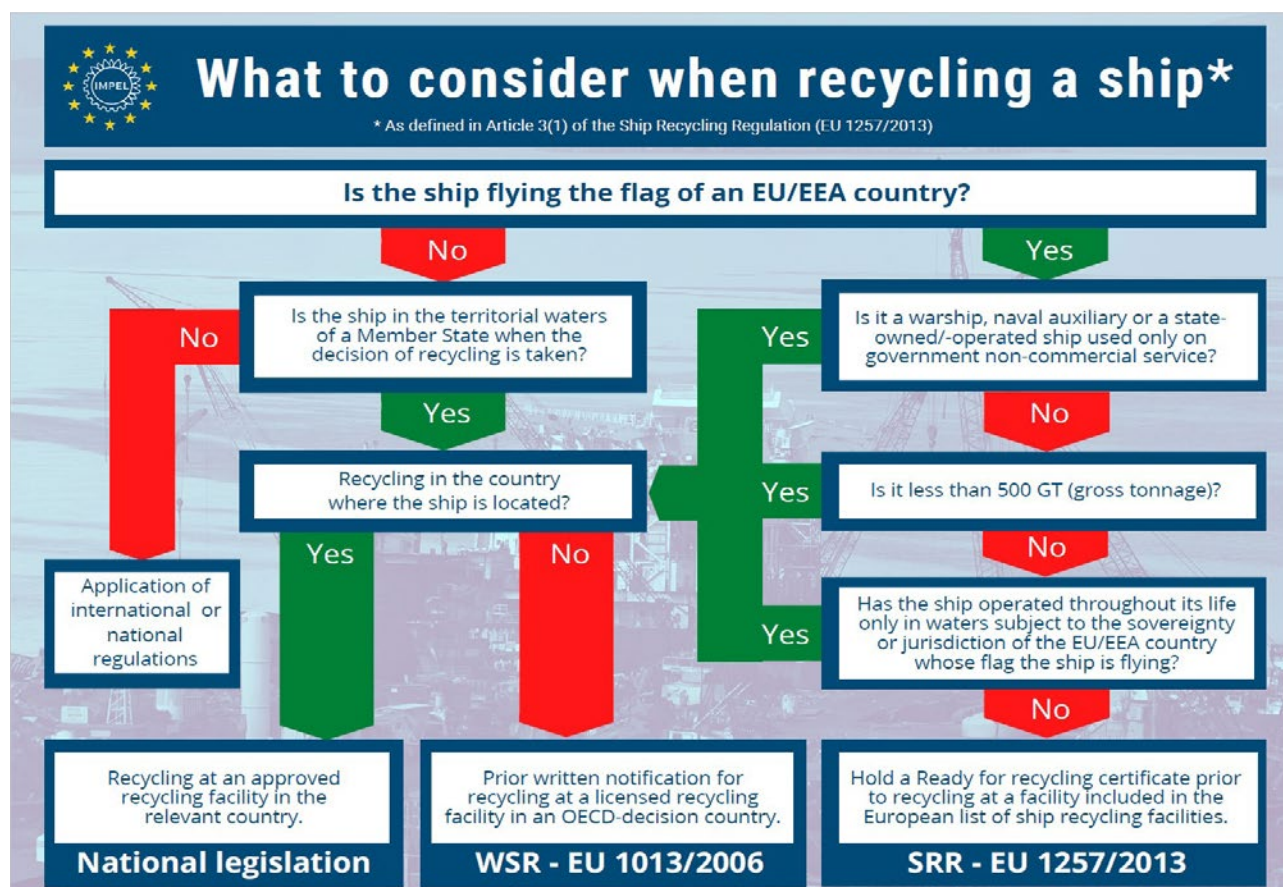


Figure 1: Overview of what to consider when recycling a ship as defined in Art. 3(1) of the EU SRR.

3 Ship Recycling Regulation

3.1 Relevant stakeholders and processes

Under the SRR, different stakeholders have various responsibilities. These are:

- the shipowner,
- the EU Flag State administration,
- the EU Port State administration,
- the operator of the recycling facility; and
- the competent authority of the state where the recycling facility is located.

Different processes can be distinguished under the SRR, in which the various stakeholders are involved in different ways and different certificates are required. To simplify matters, this guidance classifies five processes:

- (A) Ship operating in international trade,
- (B) Decision of recycling is made,
- (C) Two options of procedures depending on the type of approval of the ship recycling plan,
- (D) Preparation for recycling and finally
- (E) Ship arrival at an EU listed ship recycling facility.

The obligations each stakeholder must fulfil individually in the related process are outlined below.

3.1.1 Shipowner (with ships flying the flag of EU/EAA country)

- (A) Ship operating in international trade
 - *Prepare* and *update* an Inventory of Hazardous Materials (IHM), ensure surveys and certification
 - *Hold* an Inventory Certificate (IC) and verified IHM Part I, valid for maximum 5 years; regular updates are to be verified during surveys.

- (B) Decision of recycling is made

- *Prepare* and, update IHM Part I, ensure surveys and certification
- *Hold* an IC and verified IHM Part I, valid for maximum 5 years; regular update will be verified during surveys.
- *Provide* the recycling facility with ship related information
- *Notify* in writing the Flag State within a time-frame to be determined by the Flag State

- (C) As the competent authority of the state where the EU-listed recycling facility is located approve the ship recycling plan tacitly or explicitly, there are two options depending on the type of approval

Option 1: "Recycling State" implements explicit approval of the ship recycling plan:

- *Receive* approved plan from recycling facility and information on approval from „Recycling State“

Option 2: "Recycling State" implements tacit approval of the ship recycling plan:

- *Receive* approved plan from recycling facility

- (D) Preparation for recycling

Until issuance of the Ready for Recycling Certificate (RfRC):

- *Update* IHM to incorporate Part II and III, request final survey (anywhere, inside or outside EU)
- *Hold* a RfRC, supplemented by IHM Parts I, II and III and ship recycling plan, maximum validity 3 months

Maximum three months from issuance of the RfRC:

- *Submit* a copy of the RfRC to ship recycling facility
- *Conduct* operations to minimise the amount of fuel, waste and cargo residues

(E) Ship arrival at ship recycling facility

- In case of the recycling facility declining to accept the ship because the condition of the ship does not substantially correspond to the RfRC, the shipowner *retains* responsibility and *must inform* the Flag State administration;
- RfRC is not valid anymore.

(B) Decision of recycling is made

- *Surveys* for issuance and renewal of IC (may be delegated to RO)
- *Receives* the written notification of decision of recycling from the shipowner
- Optional (depending on the requirements of their MS): *Sends* information and ship data to competent authority of the state where the recycling facility is located

3.1.2 EU Flag State Administration

(A) Ship operating in international trade

- *Surveys* for issuance and renewal of IC (may be delegated to RO)

Shipowner – responsibilities and procedures

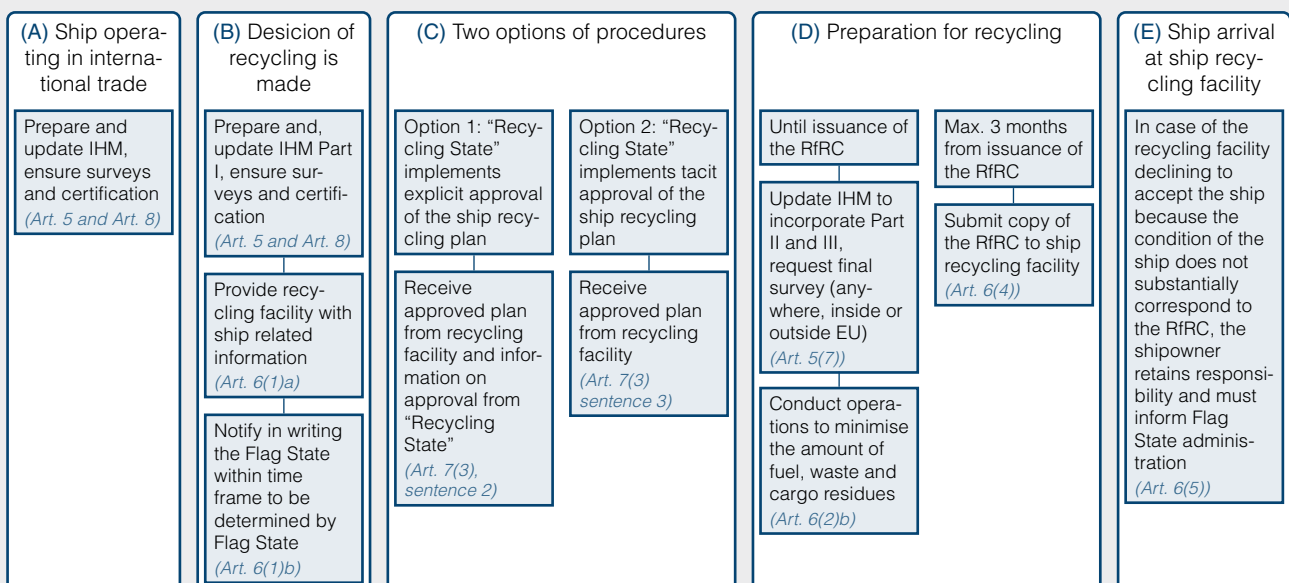


Figure 2: Shipowner (with ships flying the flag of EU/EAA country) – responsibilities and procedures.

(C) As the competent authority of the state where the EU-listed recycling facility is located approve the ship recycling plan tacitly or explicitly, there are two options depending on the type of approval

Option 1: "Recycling State" implements explicit approval of the ship recycling plan:

- Receive information on approval of ship recycling plan from competent authority of the recycling state
- Receive approved ship recycling plan from recycling facility

Option 2: "Recycling State" implements tacit approval of the ship recycling plan:

- Receive tacitly approved ship recycling plan from recycling facility

(D) Preparation for recycling

- Verify IHM Part I, II and III (may be delegated to RO)
- Conduct final survey (may be delegated to RO)
- Issue RfRC (may be delegated to RO)

Ship arrival at ship recycling facility:

- In case of the recycling facility declining to accept the ship because the condition of the ship does not substantially correspond to the RfRC, the Flag State administration *must* receive information from shipowner and *decides* on way forward.

(E) Ship recycling

- Receive report on readiness to start the recycling from ship recycling facility
- Receive notification from facility on completion of recycling within 14 days including a report on incidents and accidents

EU Flag State administration – responsibilities and control

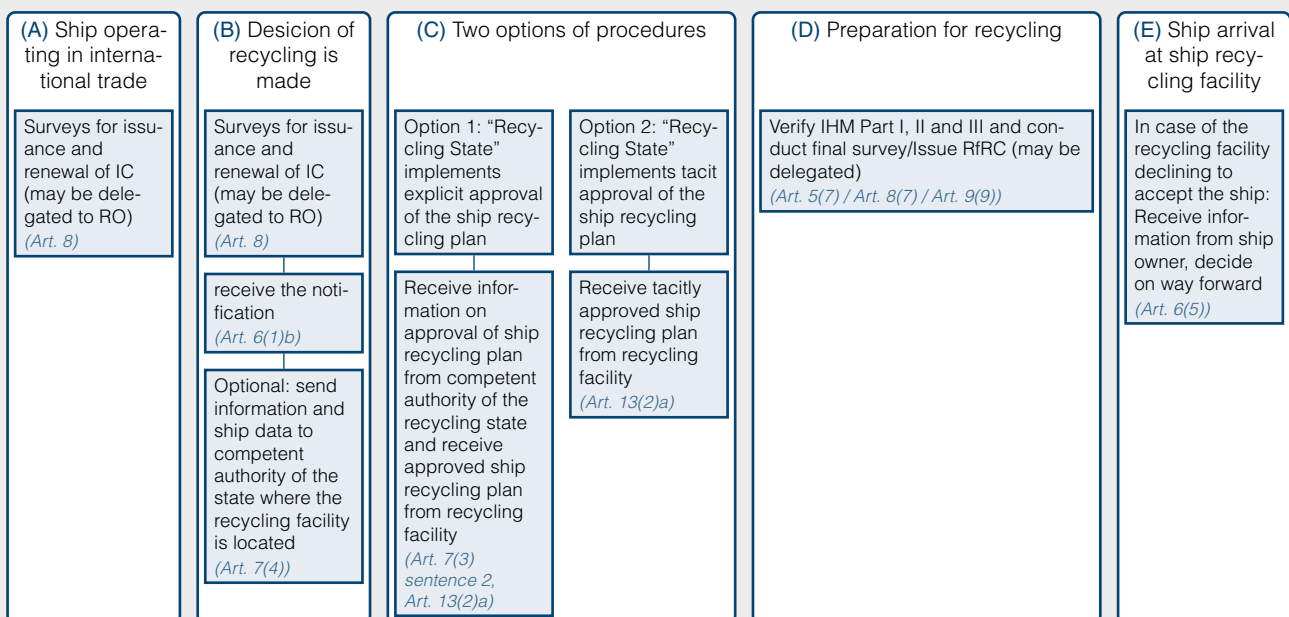


Figure 3: EU Flag State administration – responsibilities and control.

3.1.3 EU Port State Administration

For the EU, Port State administrations apply the control provisions in accordance with national law, having regard to Directive 2009/16 EC¹ (Art. 11) for the situation when:

- (A) The ship is operating in international trade (IC).
- (B) The decision of recycling is made by the shipowner (IC)
- (D) The ship is being prepared for recycling (RfRC)

The control provisions in accordance with national law, having regard to Directive 2009/16 EC (Art. 11, Art 12(5)) also apply to ships flying the flag of a third country, operating in international trade and calling at a port or anchorage of a Member State.

¹ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control

EU Port State administration – responsibilities and control

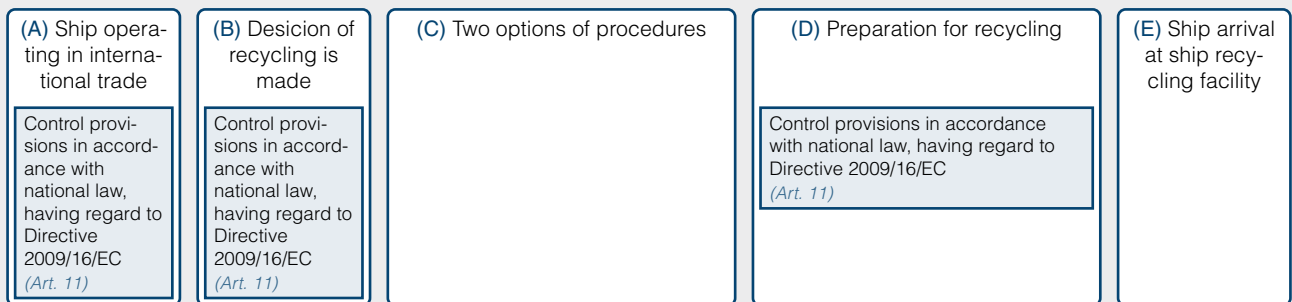


Figure 4: EU Port State administration – responsibilities and control.

3.1.4 Operator of the recycling facility

(A) Decision of recycling is made

- Develop ship recycling plan

(B) As the competent authority of the state where the recycling facility is located approve the ship recycling plan tacitly or explicitly. There are two options depending on the type of approval

Option 1: Explicit approval of the ship recycling plan:

- Receive information on approval of ship recycling plan from competent authority of the Recycling State
- Submit approved ship recycling plan to shipowner and Flag State

Option 2: Tacit approval of the ship recycling plan:

- Submit tacitly approved ship recycling plan to shipowner
- Submit tacitly approved ship recycling plan to Flag State

(C) Preparation for recycling

- Receives a copy of RfRC

Ship arrival at ship recycling facility:

- Regular situation: *accept* responsibility for the ship upon arrival

Option: *decline to accept* the ship if the condition of the ship does not substantially correspond to the RfRC

(D) Ship recycling

- Report to the Flag State on readiness to start the recycling
- Notify the Flag State on completion of recycling

Operator of the recycling facility – Obligation and procedure

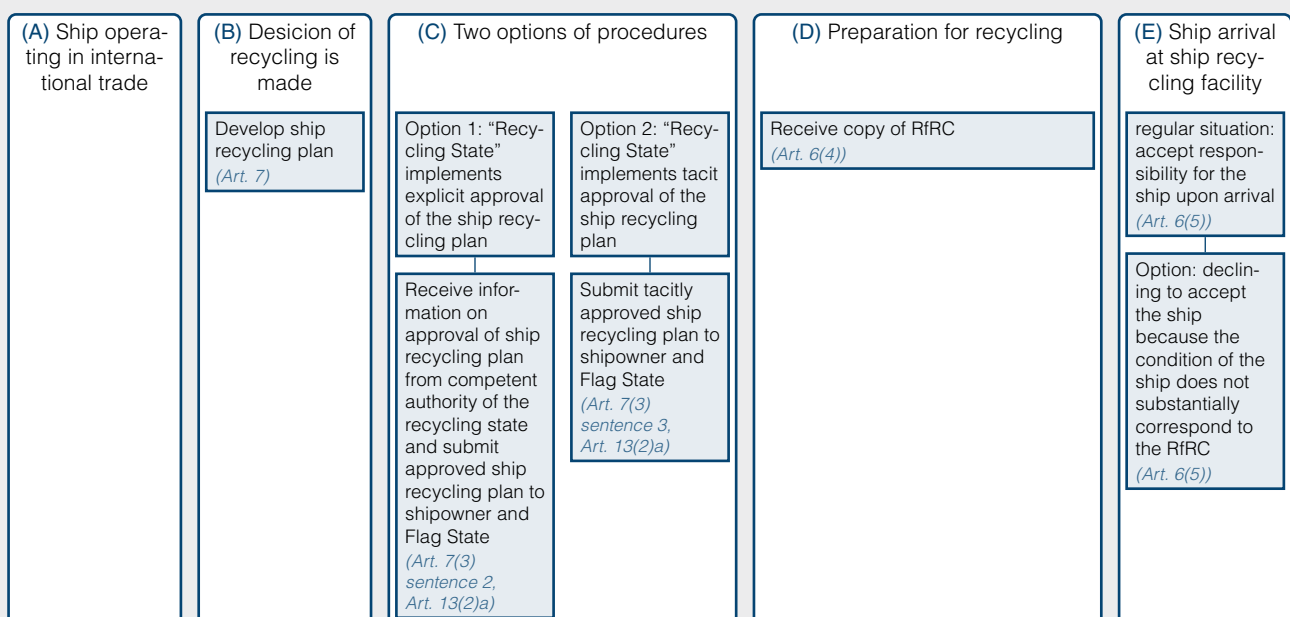


Figure 5: Operator of the recycling facility – Obligation and procedure.

3.1.5 Competent authority of the recycling facility

- (B) When the decision of recycling is made, the competent authority of the state where the EU-listed recycling facility is located *approves* the ship recycling plan either *explicitly* or *tacitly*. There is an option that the competent authority *receives* information and ship data from the responsible EU Flag State administration.
- (C) The next step depends on the type of approval in place for the competent authority where the facility is located.

Explicit approval of the ship recycling plan:

- *Notify* Flag State administration of the approval
- *Notify* ship recycling facility of the approval
- *Notify* shipowner of the approval

Tacit approval of the ship recycling plan:

- within a review period no written objection

3.1.6 Shipowner (with ships flying the flag of a third country)

- (A) Ship operating in international trade
 - *Prepare* and *update* IHM, ensure surveys and issuance of Statement of Compliance (SoC)
 - *Hold* a copy of the SoC and verified IHM Part I, valid for maximum 5 years

Competent authority of the state where the recycling facility is located – responsibilities

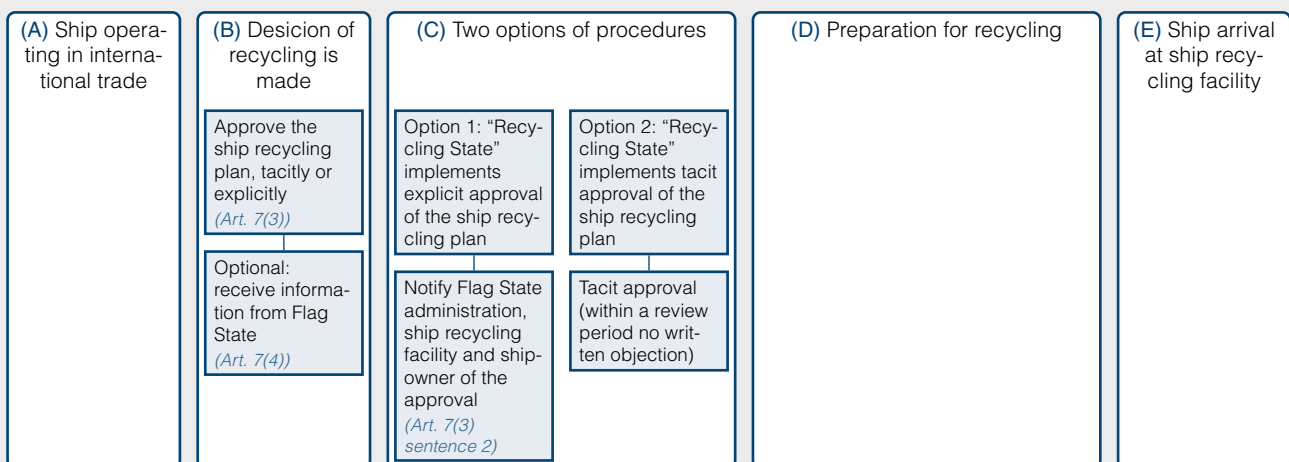
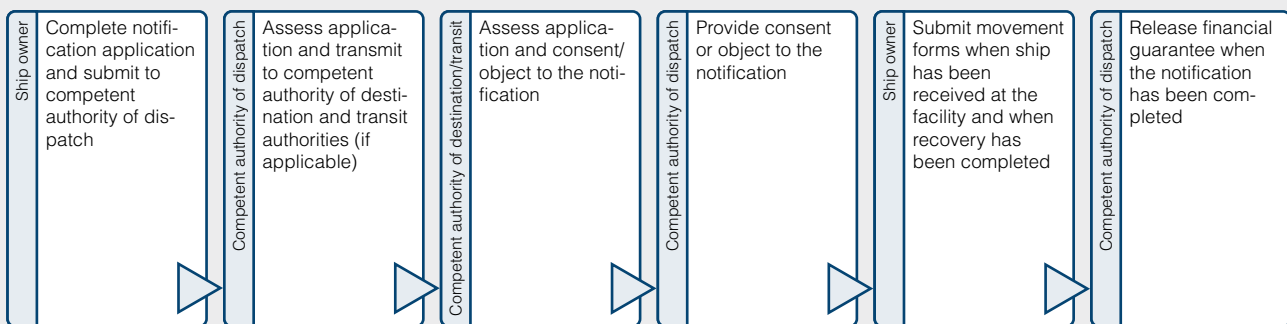


Figure 6: Competent authority of the state where the recycling facility is located – responsibilities.

4 Waste Shipment Regulation

Ships flying the flag of a non-EU/EEA country, or ships flying the flag of an EU/EEA state (but which are not under the scope of the EU SRR that is being moved internationally for recovery or disposal) are covered under the WSR.



If a ship is flying the flag of a non-EU/EEA country, the Waste Shipment Regulation 1013/2006/EC applies.

Assessment framework

A completed notification application should include:

- notification form,
- movement form,
- IHM parts I and II,
- NORM quantification survey (if applicable),
- Memorandum of Agreement (for Recycling),
- a contract between the notifier/exporter and the consignee/importer
- recovery information,
- recovery facility permit and downstream facility permits,
- list of intended carriers,
- intended route,
- P&I insurance and P&I cover note for intended carriers, and
- financial guarantee.

In accordance with Article 4(3) of the EU WSR any competent authorities concerned may request additional information.

Within 30 days of acknowledgment by the competent authority of destination, all competent authorities involved will consent or object to the notification (Article 9). If the recovery facility is pre-consented the time period is reduced to 7 days (Article 14(4)).

Completed movement forms must be provided to the competent authorities of dispatch and destination as evidence that the waste has been recovered or disposed of in accordance with the notification (Article 5(3c)).

As described in Article 6(8) the financial guarantee shall be released when the competent authorities concerned have received the appropriate certificates of recovery.

5 References

- [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 (SRR)
- [2] Commission Implementing Decision (EU) 2016/2325 of 19 December 2016 on the format of the certificate on the inventory of hazardous materials issued in accordance with Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling
- [3] Commission Implementing Decision (EU) 2016/2321 of 19 December 2016 on the format of the ready for recycling certificate issued in accordance with Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling
- [4] Commission Implementing Decision (EU) 2016/2324 of 19 December 2016 on the format of the report of planned start of ship recycling required under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling
- [5] Commission Implementing Decision (EU) 2016/2322 of 19 December 2016 on the format of the statement of completion of ship recycling required under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling
- [6] EMSA's Guidance on inspections of ships by the port States in accordance with Regulation (EU) 1257/2013 on ship recycling (2019)
- [7] EMSA's Best Practice Guidance on the Inventory of Hazardous Materials (2016)
- [8] Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (WSR)