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MERCHANT SHIPPING (SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS) REGULATIONS, 2011

A Legislation Drafting Project submitted in partial fulfillment of the requirements for the award of the Degree of Master of Laws (LL.M.) at the IMO International Maritime Law Institute

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To Abigail

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PART I – THE CONVENTION AT A GLANCE

The shipbreaking¹ industry has long been a concern to the environmentally-conscious and the subject of strong public debate. In the recent years the number of ships sent for breaking surged as a result of the worldwide ban on single-hulled oil tankers, and the recent recession in the world economy which has left ship operators facing a market where the capacity outweighed the demand.

The management of wastes and in particular that of hazardous wastes has become even more of a pressing environmental issue. Following several decades of unbridled activities during which developed States have used developing States as dumping grounds, a number of international policies and legal initiatives have been devised to ensure that hazardous wastes are not simply dumped wherever it is cheaper or more convenient but that they are handled in a suitable manner.

In terms of shipbreaking, however, the first tangible measure was only brought about by the *Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships* (hereinafter referred to as “Hong Kong Convention”), adopted in May 2009, which is designed to ensure that ships, when being recycled at the end of their operational lives, do not pose an unnecessary risk to human health and safety of the environment.

1 Introduction

Shipbreaking is a multi-faceted subject, with as much merits as demerits. Developing States, with their feeble economies, thrive on such activities which ultimately prove essential for the livelihoods of thousands of families. Such developing economies lack investment capital but are seriously in need of employment and the earnings derived from shipbreaking and the

¹ The terms ‘shipbreaking’, ‘ship scrapping’, ‘ship decommissioning’ are used interchangeably to denote the process of tearing down the hull for its steel components and other parts which are, thereafter, recycled. Interestingly, the ILO uses the term ‘shipbreaking’ while the Basel Convention describes the process as ‘ship dismantling’. A new entrant into the debate is ‘ship recycling’ endorsed by the International Maritime Organization. See ‘A Note on Terminology’, Puthucherril, Tony George; *From Shipbreaking to Sustainable Ship Recycling*, Martinus Nijhoff Publishers, Leiden, 2010, p. 7.

associated activities such as remanufacturing, re-usage and recycling are of essence for their survival.

The shipbreaking industry is predominantly located in less-developed States in the Indian subcontinent or South-East Asia. Bangladesh, at 65 per cent, is the leading recycling State in terms of tonnage, followed by India at 21 per cent, and then China, Pakistan and Turkey, which account for the remaining 10 to 15 per cent.² The geographical migration of breaking locations mirrors global industrial economic development. In brief, this industry seeks areas providing:

- a demand for scrap steel for reprocessing;
- a demand for second-hand equipment; and
- a supply of low-cost labour to carry out the labour-intensive extraction process.

From a resource utilisation viewpoint, shipbreaking may be considered as a sustainable activity since reusable equipment can be sold whilst scrap steel is reprocessed. In addition, shipbreaking may also be regarded as an effective alternative to steel production from ore, representing a saving of around 70 per cent from an energy consumption perspective.³

Nevertheless the advantages aforementioned come at a price, and a hefty one indeed. The breaking of ships has a devastating effect on occupational health and safety, and the environment. Accidents, damage to workers' health as well as long-term contamination of the environment are in fact all normal consequences of the industry. These issues necessitate to be dealt with in more detail.

1.1 Occupational Health and Safety

The dismantling of ships poses serious hazards to the health and safety of workers. As a matter of fact, beached vessels are cut up by workers who are often exposed to deadly toxins, exploding gases, falling steel plates and other dangers. No access is given to treatment and

² Statistics drawn from DNV Website, <http://www.dnv.com/industry/maritime/publicationsanddownloads/publications/dnvtbulletcarrierupdate/2009/2009/environmentallysoundshiprecycling.asp>, accessed on 16 November 2010.

³ Working Paper by ILO, '*Worker safety in the ship-breaking industries*', <http://www.ilo.org/public/english/dialogue/sector/papers/shpbreak/wp-167.pdf>, accessed on 16 November 2010.

emergency services, with the result that many workers have been killed and thousands injured.⁴

Those workers fortunate enough to survive such dire working conditions uninjured are still prone to suffer from long-term damage to their health. Environmental non-governmental organisations have to this effect suggested that 16 per cent of all shipyard workers employed in shipbreaking in India suffer from asbestosis.⁵ Moreover, in many yards, such as those present in Bangladesh, workers must endure extensive hours of work with no right to overtime, sick or annual leave.⁶

Matters are made even worse, and concern is further heightened, when one considers that many of these yards employ children as workers. Children work primarily as gas cutters assistants and move small iron pieces from one place to another. No education is provided and no recreational facilities are available.⁷ It comes as no surprise then that children are the primary victims of such despicable working conditions.

1.2 Pollution of the Environment

Unregulated shipbreaking is also highly detrimental to the environment. Older ships contain many hazardous materials, including asbestos, polychlorinated biphenyls (PCBs), tributyltin and large quantities of oils and oil sludge.⁸ As a result of such procedures, these substances are released into the atmosphere, the ground and the marine environment.

The problem is further exacerbated by the fact that no waste management is provided and disposal sites or receptacles are scarce and often inadequate.

⁴ Shipbreaking in Bangladesh, <http://www.shipbreakingbd.info/Rights%20violation.html>, accessed on 17 November 2010.

⁵ Report by Prasanna Srinivasan; '*The Basel Convention of 1989 – A developing country's perspective*', p. 19, www.libertyindia.org/pdfs/basel_convention_srinivasan.pdf, accessed on 17 November 2010.

⁶ Ibid.

⁷ ILO Paper by Aage Bjørn Andersen; '*Worker safety in the ship-breaking industries*', February 2001, <http://www.ilo.org/public/english/dialogue/sector/papers/shpbreak/wp-167.pdf>, accessed on 17 November 2010.

⁸ <http://ec.europa.eu/environment/waste/ships/index.htm>, accessed on 17 November 2010.

Nonetheless shipbreaking is essential for the contribution to sustainable development. If decommissioned ships were not to be broken and then recycled, they would be either abandoned, in a port or at sea, or else scuttled, which would bring about the uncontrolled release of hazardous materials in the environment with more risks involved.⁹

Ship recycling is to be encouraged, but with adequate regulations in place to reduce the risk of pollution to the environment and occupational health and safety. This is precisely the objective of the newly adopted Hong Kong Convention which, in essence, is set to regulate:

- the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling, without compromising their safety and operational efficiency;
- the operation of ship recycling facilities in a safe and environmentally sound manner; and
- the establishment of an appropriate enforcement mechanism for ship recycling, by means of certification and reporting.

2 Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships

From the outset regard is to be given to the fact that the Hong Kong Convention draws upon the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*, adopted in 1989 (hereinafter referred to as ‘Basel Convention’), which provides the general framework for the reduction of international movement and the environmentally safe management of hazardous wastes.¹⁰ This was followed by the 1995 Ban Amendments which proscribe exports of hazardous wastes for final disposal and recycling from OECD countries¹¹ to non-OECD countries.

⁹ Puthucherril, Tony George; ‘*From Shipbreaking to Sustainable Ship Recycling*’, Martinus Nijhoff Publishers, Leiden, 2010, p. 14.

¹⁰ For further information on the Basel Convention visit, <http://www.basel.int>.

¹¹ The Organisation for Economic Co-operation and Development is an international economic organisation of 34 countries founded in 1961 to stimulate economic progress and world trade.

Ships destined for ship dismantling fall within the definition of 'wastes' under the Basel Convention and consequently may not be exported for such purpose unless environmentally sound management can be ascertained at the State of breaking.

The Hong Kong Convention may be said to support the Basel Convention by adopting general principles of law and devising a system of control and standards for the ship construction and the ship recycling industry.

The text of the Hong Kong Convention is supplemented by the Annex containing the regulations for the environmentally safe recycling of ships. The Annex applies to the design, construction, survey and certification of ships. The implementation of the Annex is to be done in conjunction with relevant International Labour Organization standards, and the relevant and applicable recommendations and guidance developed under the Basel Convention.¹²

2.1 Objectives

The Hong Kong Convention is said to provide a 'cradle-to-grave approach', meaning a system of control and enforcement over a ship's lifetime from design, through construction, operation and up to the recycling stage.

The Convention establishes at a global level mandatory requirements to ensure the safe and environmentally sound recycling of ships in an efficient and effective manner. In order to raise the level of standards in the ship recycling industry, the Convention relies on the survey and certification of ships, the authorisation of ship recycling facilities, and specific requirements such as the obligation for shipowners to establish an inventory of hazardous materials on board their ships, for ship recycling facilities to establish a ship recycling plan and for the flag States to conduct a final survey in order to issue a recycling certificate.

¹² Hong Kong Convention, Regulation 3.

Of paramount importance is the call upon contracting States to reduce the use of hazardous materials in shipbuilding, and also enhance ship safety, protection of human health and the environment throughout a ship's operating life.¹³

2.2 Scope of the Convention

The Hong Kong Convention applies mostly to privately owned and commercial ships, covering any type of vessel operating or having operated in the marine environment, including submersibles, floating crafts, floating platforms, self elevating platforms, Floating Storage Units (FSU), and Floating Production Storage and Offloading Units (FPSO), and also including a vessel stripped of equipment or being towed.¹⁴

The Convention, however, does not apply to small ships, i.e. less than 500GT, warships, naval auxiliary or other State-owned or operated vessels which are used only on non-commercial service or ships for domestic transport.¹⁵ Nevertheless, the Convention requires that these ships act in a manner consistent with the Convention, as far as reasonable and practicable.

The Hong Kong Convention also applies to ship recycling facilities which means "*a defined area that is a site, yard or facility used for the recycling of ships*".¹⁶ Ship recycling is deemed to cover the activity of dismantling ships in order to recover components and materials for reprocessing and re-use, including on-site storage and treatment of components and materials at the recycling site. Interim operations, further processing, disposal or management of waste in separate facilities are not covered.¹⁷

¹³ Puthucherril, Tony George; supra. p. 149.

¹⁴ Hong Kong Convention, Article 2.

¹⁵ Ibid, Article 3.

¹⁶ Ibid, Article 2.

¹⁷ Ibid.

2.3 Applicability

Each State Party shall ensure that ships flying its flag or operating under its authority are surveyed and certified in accordance with the Convention.¹⁸ The shipowner is required to notify in due time and in writing his flag State administration of his intention to recycle a ship in order to enable the administration to prepare for the survey and certification.¹⁹

Ship recycling facilities operating under the jurisdiction of a State Party shall comply with the requirements of the Convention and be authorised in accordance with the Convention. Ship recycling facilities must prepare a ‘Ship Recycling Facility Plan’ which must include information on safe-for-entry and safe-for-hot-work conditions and how the hazardous materials will be managed.²⁰ The Convention contains provisions on exchange of information between State Parties, inspections of ships and violations.

Recycling facilities should be managed so as to prevent adverse effects to human health and the environment, and to ensure safe and environmentally sound management of hazardous materials, emergency preparedness and response and worker safety and training.

Facilities shall establish and use procedures taking into account specific Guidelines to be developed by the International Maritime Organization (hereinafter referred to as “IMO”). At present the following Guidelines²¹ are being developed to assist in the Convention's implementation:

- Guidelines for the development of the Inventory of Hazardous Materials;²²
- Guidelines for safe and environmentally sound ship recycling;
- Guidelines for the development of the ship recycling plan;
- Guidelines for the authorization of ship recycling facilities;

¹⁸ Ibid, Article 5.

¹⁹ Ibid, Regulation 24.

²⁰ Puthucherril, Tony George; supra. p. 158.

²¹ Information from IMO Website, <http://www.imo.org/OurWork/Environment/ShipRecycling/Pages/Default.aspx>, accessed on 5 December 2010.

²² IMO Resolution MEPC.179(59), adopted by the IMO Marine Environment Pollution Committee on 17 July 2009, [http://www5.imo.org/SharePoint/blastDataOnly.asp/data_id=26464/179\(59\).pdf](http://www5.imo.org/SharePoint/blastDataOnly.asp/data_id=26464/179(59).pdf), accessed on 5 December 2010.

- Guidelines for survey and certification;
- Guidelines for inspection of ships; and
- Other guidelines or circulars or may be identified by the IMO Marine Environment Protection Committee.

2.4 Hazardous Materials

As for the design, construction and maintenance of ships, the Convention stipulates that the hazardous materials listed in Appendix 1 are prohibited in new and old ships. Contracting States must ensure that ships operating under their authority and ports, ship yards or other facilities in their jurisdiction involved in the building, repair, maintenance and operation of ships would also comply with the prohibition or restricted use permitted under the Convention.²³

The recycling of ships is further regulated by ensuring that the hazardous materials on the ship are well documented and marked and that the ship recycling facility is properly authorised in order to conduct the recycling operation. This is provided by virtue of the ‘International Inventory of Hazardous Materials Certificate’ issued by the flag State or a recognised organisation or surveyor.²⁴ Contracting States are bound to recognise each other’s certificates as equally valid in terms of Regulation 11.

New ships must carry this certificate onboard from the time of their construction, whilst each authorised ship recycling facility will be issued a certificate which will include contact details, and a supplement which will certify a number of aspects of the operation of the recycling facility. Thus, the authorisation document of the ship recycling facility should have all the necessary information for a State or a shipowner to assess whether a ship recycling facility is authorised to remove and dispose of the hazardous materials as required under the Convention.

²³ Hong Kong Convention, Regulation 4.

²⁴ Ibid, Regulation 11.

2.5 Health and Safety of Workers

The Convention provides for each authorised ship recycling facility to establish and utilise adequate hot-work procedures to prevent fires, explosions and other unsafe conditions. Similar dangerous atmospheres and other unsafe conditions are to be avoided by ensuring safe-for-entry conditions in ship spaces, including confined spaces and enclosed spaces, throughout the entire dismantling process. Furthermore, adequate measures are to be in place to prevent accidents, occupational diseases and injuries or other adverse effects on human health.²⁵

Authorised ship recycling facilities are required to maintain an ‘Emergency Preparedness and Response Plan’ that balances the location and environment of the facility with the size and nature of the activities.²⁶ This plan is to ensure that the necessary equipments and procedures are in place, and that drills are conducted on a regular basis. First-aid and medical assistance, fire-fighting and evacuation of all people at the facility are also necessitated.²⁷

The safety of the workers is further safeguarded through the requirement for facilities to supply personnel with protective equipment and clothing for all ship recycling operations. Ship recycling facilities are to ensure that training programmes are provided to enable workers to safely undertake all operations they are tasked to do. In addition, all workers have to be provided with appropriate training and familiarisation prior to perform any ship recycling operation.²⁸

2.6 Enforcement

The Convention provides for State Parties to prohibit any violation of the Regulations within their jurisdiction and to further discourage such violations by establishing adequate sanctions.

²⁵ Ibid, Regulation 20.

²⁶ Puthucherril, Tony George; *‘From Shipbreaking to Sustainable Ship Recycling’*, Martinus Nijhoff Publishers, Leiden, 2010, p. 157.

²⁷ Hong Kong Convention, Regulation 21.

²⁸ Ibid, Regulation 22.

Parties are also required to cooperate with each other in the detection of violations and the enforcement of the Convention.

A ship in any port or offshore terminal of another Party may be subject to inspections to determine whether it is in compliance with the Convention. Such inspections are limited to verifying that relevant certificates are onboard.²⁹ All possible efforts are to be made to avoid a ship being unduly detained or delayed, as otherwise the vessel may be entitled to compensation for any loss or damage suffered.³⁰

If the ship is detected to be in violation of the Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. In this case, it shall immediately inform the flag State administration of the ship concerned and the IMO.³¹

The Convention requires each Party to establish a mechanism for ensuring compliance of its recycling facilities, including the establishment and effective use of inspection, monitoring and enforcement provisions and powers of entry and sampling. In terms of Regulation 15, this may include audit schemes. Following a substantiated request from another Party for an investigation, a State Party should investigate the ship or the ship recycling facility and make a report. This report shall be sent to the Party requesting it, including information on action taken or to be taken, if any, and to the IMO for appropriate action.

2.7 Civil liability

As to the question of civil liability, the Hong Kong Convention does not impose any liability for damages arising from the final voyage of ships destined for recycling. This is presumably so since other international conventions already in place at present cover liability arising from some of the materials that may be considered as part of hazardous wastes onboard a ship, irrespective of whether the ship itself is considered waste.

²⁹ Ibid, Article 8.

³⁰ Ibid, Article 11.

³¹ Ibid, Article 10.

PART II – THE IMPORTANCE OF THE CONVENTION TO MALTA

It is recognised that the European Union (hereinafter referred to as ‘EU’), with 25 per cent of the world merchant ships flying the flags of EU Member States and about 40 per cent of ships owned by European companies, should play a major role in the implementation of the Hong Kong Convention.³² In October 2009, few months following the adoption of the Hong Kong Convention, the Council drew upon conclusions on an EU Strategy for better ship dismantling. To this effect, Swedish Minister for the Environment Andreas Carlgren said “*It is good news that the EU has adopted Council conclusions on the ship recycling as the EU is a key actor in the shipping industry. This shows that the EU is taking the issue very seriously and that methods that are safe for the environment and for workers can be promoted*”.³³

In a statement issued by the Swedish Government in the same year whilst retaining the presidency of the EU, it was stated that the environment ministers of EU consider it to be important that the Hong Kong Convention swiftly enters into force.³⁴ The ministers urged the European Commission to review how rules on ship recycling could be introduced at EU level. In addition, the EU had at the time urged all actors in the shipping industry to engage in global cooperation and voluntary measures for the furtherance of the Convention’s objectives.

The EU acknowledges that the level of control and enforcement established by the Hong Kong Convention will depend on economic factors and regulatory and enforcement actions by State Parties, and that the legal obligations of the Convention could require significant capacity building to be successfully implemented by all States. The EU therefore underlines the need to actively support through technical and other cooperation, the implementation and

³² <http://ec.europa.eu/environment/waste/ships/index.htm>, accessed on 21 December 2010.

³³ Statement taken from the Swedish Presidency of the European Union Website, http://www.se2009.eu/en/meetings_news/2009/10/21/decision_on_ship_recycling, accessed on 21 December 2010.

³⁴ Ibid.

enforcement of the Convention by other States, in particular those developing countries which have or intend to create recycling facilities.³⁵

Malta in particular stands to benefit from developing and implementing comprehensive national strategies to ensure environmentally sound recycling of ships, in accordance with its national sustainable development strategies and relevant international commitments and obligations.

Although at present Malta has no ship recycling facilities, yet it has the potential to take on such a capacity, particularly in view of the development that ship recycling is increasingly being performed in existing ship yards as an additional service. To this effect, the Convention would contribute to improve occupational safety and health and to reduce the environmental impacts of ship recycling.

More importantly, however, Malta may play an even more vital role in reducing hazards relating to ship recycling by virtue of the ships registered under its flag. As a matter of fact, Malta has the seventh largest fleet worldwide and the implementation of the Hong Kong Convention would bring change at an international level and effectively contribute to phase out unsafe and environmentally harmful working methods, including the unsafe practice of beaching end-of-life ships.

At present Malta has in place legislation to regulate the movement of hazardous waste across international frontiers through the implementation of the Basel Convention. Malta has in fact ratified the Basel Convention through the deposit of its instrument of accession on 19 June 2000 and its obligations under the Convention are implemented by the *Environment Protection (Control of Transboundary Movement of Toxic and other Substances) Regulations, 2000*, as published by Legal Notice 205 of 2000, which are presently in force.

At an EU level, Malta is already bound by the *EU Waste Shipment Regulation*, Council Regulation (EC) No 1013/2006/EC of the European Parliament and of the Council of 14 June 2006, which is designed to ensure the protection of the environment when waste is subject to shipment. This Regulation implements the Basel Convention at EU level, as well as the Basel

³⁵ Council of the European Union, ‘*Conclusions on an EU strategy for better ship dismantling*’, <http://register.consilium.europa.eu/pdf/en/09/st14/st14890.en09.pdf>, accessed on 23 December 2010.

'ban' by banning all exports of waste for disposal, whether hazardous or not, except to EFTA countries.³⁶ Exemptions are not allowed, and as a result all waste shipped within the EU as well between the EU and third countries should be managed without endangering human health and in an environmentally sound manner throughout the period of shipment and during its recovery and disposal.

In addition, Malta is also bound by other EU legislation, such as that on health and safety of workers or that regarding the specific management of certain materials including asbestos, which are in force at EU level and which to a large extent provide thorough regulations in their respective areas of law.

Yet, the Hong Kong Convention provides additional benefits in setting up a comprehensive system of control and enforcement from 'cradle-to-grave'. Its implementation would be beneficial to Malta and to the international community as a whole as the clear and relatively simple system of rules embodied in the Convention satisfy the public demand for safe and environmentally sound ship recycling without creating unnecessary burdens for shipowners and administrations. It is desired that Malta implements the Hong Kong Convention as early as possible so as to generate a real and effective change on the ground.

³⁶ The European Free Trade Association (EFTA) is an intergovernmental organisation set up for the promotion of free trade and economic integration to the benefit of its four Member States: Iceland, Liechtenstein, Norway and Switzerland.

PART III – PROCEDURE FOR THE IMPLEMENTATION OF THE CONVENTION INTO MALTESE LAW

The implementation of the Hong Kong Convention into the Maltese legislative framework entails two stages:

- Accession to the Convention
- Transposition of the Convention into Domestic Law

As a dualist country, Malta must not only accede to the Convention, but must also enact locally a separate legal instrument in order to transpose the Convention into domestic law.

Stage 1: Accession to the Convention

The Hong Kong Convention was open for signature by any State between 1 September 2009 and the 31 August 2010. During this period the Convention was signed, subject to ratification or acceptance, by France, Italy, the Netherlands, Saint Kitts and Nevis, and Turkey.

Since 1 September 2010, the Convention is open for accession by any State.

The Convention provides that it will enter into force twenty-four months after the date on which fifteen States, representing forty per cent of world merchant shipping by gross tonnage, have either signed it without reservation as to ratification, acceptance or approval, or have deposited instruments of ratification, acceptance, approval or accession with the IMO Secretary-General. The combined maximum annual ship recycling volume of those States during the preceding ten years must constitute not less than three per cent of their combined merchant shipping tonnage.³⁷

The manner and procedure for the ratification of international conventions is regulated by the *Ratification of Treaties Act*.³⁸ In terms of Article 3(4) of this Act, the instrument of ratification shall be issued under the signature of the Minister responsible for foreign affairs.

³⁷ Hong Kong Convention, Article 17.

³⁸ Chapter 304 of the Laws of Malta.

Therefore for accession to the Convention, an instrument of accession is to be deposited by the Government of Malta under signature of the Minister of Foreign Affairs as laid out in Article 3(4) of the same Act. This serves to signify the intention of the Government of Malta to adhere to the Convention.

Upon the accession to the Convention, the Minister shall publish a notice in the Gazette stating the date on which such Convention shall come into force with regard to Malta.

Stage 2: Transposition of the Convention into Domestic Law

Mere accession to the Hong Kong Convention is however not sufficient. For the Convention to have the force of law in Malta it must necessarily be transformed into domestic law.

In terms of **Article 3(3)** of the *Ratification of Treaties Act*, no provision of a treaty shall become, or be enforceable as, part of the law of Malta except by or under an Act of Parliament. A separate legislative instrument in the form of an Act of Parliament is thus required for the rules of international law to have effect domestically.

The transposition of the Hong Kong Convention necessitates that, through an Act of Parliament, **Article 375** of the *Merchant Shipping Act*³⁹ be amended to include the Hong Kong Convention in the extensive list of treaties or conventions that the Government is empowered to ratify, or accede to.

Ordinarily, amendments to legislation are brought about through legislative acts which must go through a number of parliamentary procedures. Each of these acts would in fact be passed by means of a Bill presented by the Minister concerned who pilots the Bill through Parliament. This procedure generally takes place in three distinct stages, in the form of readings, with each stage requiring the assent of the House of Representatives provided by simple majority. If approved, the Bill is then presented to the President of Malta for his assent and thereafter published in the Government Gazette, thus becoming a Parliamentary Act.

³⁹ Chapter 234 of the Laws of Malta.

Article 375(4) of the *Merchant Shipping Act* however specifically provides that additions to the list of treaties or conventions may be done by a Resolution of the House of Representatives. This effectively means that a formal legislative act, with its multiple reading, is not required and that relative addition may be brought about by means of a Resolution. This is essentially nothing more than a simplistic presentation of a motion to the House. The motion must set out the additions being sought, following which it is put to the vote and declared by the Speaker of the House as being either unanimously approved (nem. con.) or carried.

Once the Resolution is approved and the addition to the list of treaties or conventions in Article 375 of the Merchant Shipping Act becomes effective, the Minister is then empowered to implement the Hong Kong Convention domestically by virtue of a subsidiary legislation in the form of a legal notice.

The procedure for the subsidiary legislation is outlined in Article 11 of the *Interpretation Act* which provides that any such legislation must be laid on the Table of the House of Representatives and if, within the period of twenty-eight days after it is so laid, the House does not resolve that it be annulled or amended, the same shall become law upon publication in the Government Gazette.

In the present instance, the Hong Kong Convention is to be implemented by means of a legal notice entitled “**Merchant Shipping (Safe and Environmentally Sound Recycling of Ships) Regulations, 2011**”. The legal notice contains a number of enabling provisions in order to render the Hong Kong Convention enforceable in Malta.

In essence these provisions provide for the date of commencement of the Regulations – set to enter into force on such a date as the Minister responsible for shipping may by notice in the Gazette establish – and lay down interpretation clauses to provide for a coherent reading of the Convention. In Article 3, the Regulations expressly confer the force of law to the Convention and empower the Registrar-General to determine, prescribe, set, specify or extend any of the provisions of the Convention and to issue the prescribed certificates. The duties to ensure compliance with the Hong Kong Convention are embodied in Article 4 which also establishes a sanction for any violation of the requirements of the Convention. The legal notice draws to a conclusion with Article 5 which lays down that any rule or

regulation inconsistent with the Convention shall, to the extent of such inconsistency, have no effect.

The legal notice contains no provisions in relation to the regulatory requirements of ship recycling facilities since Guidelines for the development of the ship recycling plan and for the authorisation of such facilities, as well as the Guidelines for survey and certificates and for the inspection of ships, are still being developed by IMO.

The Hong Kong Convention is included as a Schedule to the legal notice. In line with similar legislation issued under the Merchant Shipping Act, such as the '*Limitation of Liability For Maritime Claims Regulations*'⁴⁰ which provides for the implementation of the *Convention on Limitation of Liability for Maritime Claims* as amended by the *Protocol of 1996*, no alternation to the Convention is being made. It is felt that this approach preserves the integrity of the Hong Kong Convention, deemed as an important step in furtherance to a uniform implementation of the Convention into domestic law.

It is worth pointing out that a number of legislative instruments, such as those relating to the implementation of the *International Convention on Civil Liability for Bunker Oil Pollution Damage*,⁴¹ the *Convention on the International Regulations for Preventing Collisions at Sea*,⁴² and the *International Convention on Load Lines*,⁴³ all give force of law to the respective conventions without however including these conventions as a schedule to the legal notices. Such a method of implementation is particularly beneficial in ensuring that any amendments affected to the conventions are directly applicable locally without the need of amending any text in the domestic legislation.

Whilst such a method of implementation is desirable, in the present case the Hong Kong Convention is being included as a Schedule to the Legal Notice in order to provide a comprehensive source of law with all provisions for the safe and environmentally sound

⁴⁰ Legal Notice 361 of 2003.

⁴¹ Legal Notice 40 of 2009.

⁴² Legal Notice 340 of 2003.

⁴³ Legal Notice 21 of 2003.

recycling of ships being embodied in one legislative instrument. Any subsequent amendment to the Convention will however call for a corresponding amendment to the legal notice.

This procedure as outlined above effectively brings into being the transposition of the Hong Kong Convention into Maltese Law. Once the Convention acquires the force of law and becomes binding, the Minister responsible for shipping may by notice in the Gazette bring into operation the proposed Legal Notice, thus finalising the implementation process and rendering the Hong Kong Convention enforceable in Malta.

**RESOLUTION OF THE HOUSE OF
PARLIAMENT**

Motion No. ____ - Ratification of Treaties and Conventions to the Merchant Shipping Act CAP 234

____. **THE HONORABLE DR. AUSTIN GATT MP**, Minister for Infrastructure, Transport and Communications proposes:-

Since by virtue of Article 375(1) of the Merchant Shipping Act (Chapter 234 of the Laws of Malta), for the purposes of the Ratification of Treaties Act (Chapter 304 of the Laws of Malta), the Government of Malta is empowered to ratify, or accede to the treaties or conventions (including protocols, annexes and appendices thereto) referring to merchant shipping listed in subarticle (2) of Article 375;

Since there is the need that the Government of Malta ratifies or accedes to a convention (including protocols, annexes and appendices thereto) referring to merchant shipping that is not listed in subarticle (2) of Article 375;

Since subarticle (4) of Article 375 provides that “The House of Representatives may by resolution add to the list of treaties or conventions in subarticle (2)”;

Since the convention not listed in subarticle (2) of Article 375 is the following:

1) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, signed in London on 19 May 2009.

The House resolves that it forthwith authorises that after subarticle (2) (kk) of Article 375 of the Merchant Shipping Act, Chapter 234, the afore-mentioned convention is added under the enumeration (ll) as shown in the Annex to this resolution.

(date)

ANNEX

(ll) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, signed in London on 19 May 2009.

(date)

LEGAL NOTICE

MERCHANT SHIPPING ACT (CAP. 234)

**Merchant Shipping (Safe and Environmentally Sound
Recycling of Ships) Regulations, 2011**

IN exercise of the powers conferred by articles 308A, 374 and 375 of the Merchant Shipping Act, the Minister for Infrastructure, Transport and Communications has made the following regulations:

1. (1) The title of these regulations is the Merchant Shipping (Safe and Environmentally Sound Recycling of Ships) Regulations, 2011. Citation and Commencement.

(2) These regulations shall come into force on such a date as the Minister responsible for shipping may by notice in the Gazette establish.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

“the Act” means the Merchant Shipping Act; Cap. 234

“Hong Kong Convention” means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 signed in London on 19 May 2009, including any amendment or Protocol related thereto as may from time to time be ratified, acceded to or accepted by the Government of Malta and other instruments, standards and specifications of a mandatory nature related thereto adopted or developed by the International Maritime Organization;

"Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago;

“territorial waters of Malta” shall have the same meaning as is assigned to the term in the Territorial Waters and Contiguous Zone Act. Cap. 226

(2) Unless otherwise defined in the Act or in these regulations, or unless the context so requires, words and expressions used in these regulations shall have the same meaning assigned to them in the Hong Kong Convention.

(3) The term "Administration" as used in the Hong Kong Convention shall, for the purposes of these regulations, mean the Registrar-General.

(4) Any reference in these regulations to an international convention or its related annex or appendixes shall also include reference to any amendment to such convention, annex or appendixes ratified, acceded to or accepted by the Government of Malta.

3. (1) The Hong Kong Convention as may from time to time be amended and as it is in force, shall, unless otherwise provided in these regulations and notwithstanding the provisions of any other law, form part of and be enforceable as part of the Laws of Malta and shall apply to all Maltese ships wherever they may be and to Ship Recycling Facilities under the jurisdiction of Malta as determined by the said Convention subject to the exceptions as contained therein.

Hong Kong
Convention given
force of law in
Malta.

(2) The Registrar-General may either on a case by case basis or through the issue of Merchant Shipping Notices –

- (a) determine, lay down, prescribe, set or specify what may be required to be determined, laid down, prescribed, set or specified by these regulations or by the Hong Kong Convention, or expound on the requirements of these regulations or of such Convention or clarify their applicability or interpretation; and
- (b) extend any of the provisions of the Hong Kong Convention to other classes of Maltese ships, or, to other classes of ships when they are in Maltese waters;

and in so doing, and without prejudice to the generality of the foregoing, the Registrar-General shall be guided by the circulars, clarifications, codes, decisions, directives, guidelines, instruments, interpretations, manuals, notices, publications, recommendations, regulations, resolutions, rules or any other similar medium of the International Maritime Organization or any other body or organization with an appropriate knowledge or competence on the subject matter.

(3) The Registrar-General for the purposes of issuing certificates in terms of the Hong Kong Convention shall, subject to the provisions of these regulations and such Convention, determine the conditions of issue and validity of such certificates.

4. (1) It shall be the duty of the registered owner of the ship and of the master to ensure that the ship is in compliance with the provisions of these regulations and such person, if in fault, shall be liable to the penalties provided for in the Act, and if no such penalty is provided, such person shall for each offence be liable to a fine (*multa*) not exceeding 500 units.

Duty to ensure
compliance.

(2) Sub-article (1) shall apply *mutatis mutandis* to Ship Recycling Facilities under the jurisdiction of Malta.

(3) The installation or use on Maltese ships of Hazardous Materials listed in Appendix 1 of the Schedule is prohibited. The installation or use of such materials on any other ship whilst in any port, shipyard, ship repair yard, or offshore terminal in Malta is also prohibited.

5. Save as provided for in these regulations, where any provisions of any rules and regulations made under the Act are inconsistent with the provisions of the Hong Kong Convention, the provisions of that Convention shall, unless specifically provided for in such rules or regulations, apply.

Provisions of rules and regulations inconsistent with Hong Kong Convention.

SCHEDULE

HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009

[Preamble removed]

ARTICLE 1 General obligations

1 Each Party to this Convention undertakes to give full and complete effect to its provisions in order to prevent, reduce, minimize and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by Ship Recycling, and enhance ship safety, protection of human health and the environment throughout a ship's operating life.

2 No provision of this Convention shall be interpreted as preventing a Party from taking, individually or jointly, more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimize any adverse effects on human health and the environment.

3 Parties shall endeavour to co-operate for the purpose of effective implementation of, compliance with and enforcement of this Convention.

4 The Parties undertake to encourage the continued development of technologies and practices which contribute to safe and environmentally sound Ship Recycling.

5 The Annex to this Convention forms an integral part of it. Unless expressly provided for otherwise, a reference to this Convention constitutes at the same time a reference to its Annex.

ARTICLE 2 Definitions

For the purposes of this Convention, unless expressly provided otherwise:

1 "Convention" means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

2 "Administration" means the Government of the State whose flag the ship is entitled to fly, or under whose authority it is operating.

3 "Competent Authority(ies)" means a governmental authority or authorities designated by a Party as responsible, within specified geographical area(s) or area(s) of expertise, for duties related to Ship Recycling Facilities operating within the jurisdiction of that Party as specified in this Convention.

4 "Organization" means the International Maritime Organization.

5 "Secretary-General" means the Secretary-General of the Organization.

6 “Committee” means the Marine Environment Protection Committee of the Organization.

7 “Ship” means 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), including a vessel stripped of equipment or being towed.

8 “Gross tonnage” means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention.

9 “Hazardous Material” means any material or substance which is liable to create hazards to human health and/or the environment.

10 “Ship Recycling” means the activity of complete or partial dismantling of a ship at a Ship Recycling Facility in order to recover components and materials for reprocessing and re-use, whilst taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities.

11 “Ship Recycling Facility” means a defined area that is a site, yard or facility used for the recycling of ships.

12 “Recycling Company” means the owner of the Ship Recycling Facility or any other organization or person who has assumed the responsibility for operation of the Ship Recycling activity from the owner of the Ship Recycling Facility and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by this Convention.

ARTICLE 3

Application

1 Unless expressly provided otherwise in this Convention, this Convention shall apply to:

- .1 Ships entitled to fly the flag of a Party or operating under its authority;
- .2 Ship Recycling Facilities operating under the jurisdiction of a Party.

2 This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.

3 This Convention shall not apply to ships of less than 500 GT or to ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly. However, each Party shall ensure, by the adoption of appropriate measures, that such ships act

in a manner consistent with this Convention, so far as is reasonable and practicable.

4 With respect to ships entitled to fly the flag of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 4

Controls related to Ship Recycling

1 Each Party shall require that ships entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

2 Each Party shall require that Ship Recycling Facilities under its jurisdiction comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

ARTICLE 5

Survey and certification of ships

Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are surveyed and certified in accordance with the regulations in the Annex.

ARTICLE 6

Authorization of Ship Recycling Facilities

Each Party shall ensure that Ship Recycling Facilities that operate under its jurisdiction and that recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4 of this Convention, are authorized in accordance with the regulations in the Annex.

ARTICLE 7

Exchange of information

For the Ship Recycling Facilities authorized by a Party, such Party shall provide to the Organization, if requested, and to those Parties which request it, relevant information, in regard to this Convention, on which its decision for authorization was based. The information shall be exchanged in a swift and timely manner.

ARTICLE 8

Inspection of ships

1 A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2, any such inspection is limited to verifying that there is on board either an International Certificate on Inventory of Hazardous Materials or an International Ready for Recycling Certificate, which, if valid, shall be accepted.

2 Where a ship does not carry a valid certificate or there are clear grounds for believing that:

- .1 the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, and/or Part I of the Inventory of Hazardous Materials; or
 - .2 there is no procedure implemented on board the ship for the maintenance of Part I of the Inventory of Hazardous Materials;
- a detailed inspection may be carried out taking into account guidelines developed by the Organization.

ARTICLE 9

Detection of violations

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.

2 When there is sufficient evidence that a ship is operating, has operated or is about to operate in violation of any provision in this Convention, a Party holding the evidence may request an investigation of this ship when it enters the ports or offshore terminals under the jurisdiction of another Party. The report of such an investigation shall be sent to the Party requesting it, to the Administration of the ship concerned and to the Organization, so that action may be taken as appropriate.

3 If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. A Party taking such action shall immediately inform the Administration of the ship concerned and the Organization.

4 If a request for an investigation is received from any Party, together with sufficient evidence that a Ship Recycling Facility is operating, has operated or is about to operate in violation of any provision of this Convention, a Party should investigate this Ship Recycling Facility operating under its jurisdiction and make a report. The report of any such investigation shall be sent to the Party requesting it, including information on action taken or to be taken, if any, and to the Organization for appropriate action.

ARTICLE 10

Violations

1 Any violation of the requirements of this Convention shall be prohibited by national laws and:

- .1 in the case of a ship, sanctions shall be established under the law of the Administration, wherever the violation occurs. If the Administration is informed of such a violation by a Party, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within one year after receiving the information, it shall inform the Party which reported the alleged violation, and the Organization, of the reasons why no action has been taken;

- .2 in the case of a Ship Recycling Facility, sanctions shall be established under the law of the Party having jurisdiction over the Ship Recycling Facility. If the Party is informed of such a violation by another Party, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Party is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Party shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Party has not taken any action within one year after receiving the information, it shall inform the Party which reported the alleged violation, and the Organization, of the reasons why no action has been taken.

2 Any violation of the requirements of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established under the law of that Party. Whenever such a violation occurs, that Party shall either:

- .1 cause proceedings to be taken in accordance with its law; or
- .2 furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 The sanctions provided for by the laws of a Party pursuant to this Article shall be adequate in severity to discourage violations of this Convention wherever they occur.

ARTICLE 11

Undue delay or detention of ships

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 8, 9 or 10 of this Convention.

2 When a ship is unduly detained or delayed under Article 8, 9 or 10 of this Convention, it shall be entitled to compensation for any loss or damage suffered.

ARTICLE 12

Communication of information

Each Party shall report to the Organization and the Organization shall disseminate, as appropriate, the following information:

- .1 a list of Ship Recycling Facilities authorized in accordance with this Convention and operating under the jurisdiction of that Party;
- .2 contact details for the Competent Authority(ies), including a single contact point, for that Party;
- .3 a list of the recognized organizations and nominated surveyors which are authorized to act on behalf of that Party in the administration of matters relating to the control of Ship Recycling in accordance with this Convention, and the specific responsibilities and conditions of the authority delegated to the recognized organizations or nominated surveyors;
- .4 an annual list of ships flying the flag of that Party to which an International Ready for Recycling Certificate has been issued,

- including the name of the Recycling Company and location of the Ship Recycling Facility as shown on the certificate;
- .5 an annual list of ships recycled within the jurisdiction of that Party;
- .6 information concerning violations of this Convention; and
- .7 actions taken towards ships and Ship Recycling Facilities under the jurisdiction of that Party.

ARTICLE 13

Technical assistance and co-operation

1 Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the safe and environmentally sound recycling of ships, to provide support for those Parties which request technical assistance:

- .1 to train personnel;
- .2 to ensure the availability of relevant technology, equipment and facilities;
- .3 to initiate joint research and development programmes; and
- .4 to undertake other actions aimed at the effective implementation of this Convention and of guidelines developed by the Organization related thereto.

2 Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of management systems and technology in respect of the safe and environmentally sound recycling of ships.

ARTICLE 14

Dispute settlement

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation or any other peaceful means agreed upon by them, which may include enquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional agencies or arrangements.

ARTICLE 15

Relationship with international law and other international agreements

1 Nothing in this Convention shall prejudice the rights and obligations of any State under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.

2 Nothing in this Convention shall prejudice the rights and obligations of Parties under other relevant and applicable international agreements.

ARTICLE 16

Signature, ratification, acceptance, approval and accession

1 This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 September 2009 to 31 August 2010 and shall thereafter remain open for accession by any State.

2 States may become Parties to this Convention by:

- .1 signature not subject to ratification, acceptance, or approval; or
- .2 signature subject to ratification, acceptance, or approval, followed by ratification, acceptance or approval; or

.3 accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

5 A declaration under paragraph 4 shall be notified to the Secretary-General in writing and shall state expressly the territorial unit or units to which this Convention applies.

6 A State at the time it expresses its consent to be bound by this Convention shall declare whether it requires explicit or tacit approval of the Ship Recycling Plan before a ship may be recycled in its authorized Ship Recycling Facility(ies). This declaration may be revised thereafter by notification to the Secretary-General. Such revision shall specify the effective date of the revision.

ARTICLE 17 **Entry into force**

1 This Convention shall enter into force 24 months after the date on which the following conditions are met:

- .1 not less than 15 States have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 16;
- .2 the combined merchant fleets of the States mentioned in paragraph 1.1 constitute not less than 40 per cent of the gross tonnage of the world's merchant shipping; and
- .3 the combined maximum annual ship recycling volume of the States mentioned in paragraph 1.1 during the preceding 10 years constitutes not less than 3 per cent of the gross tonnage of the combined merchant shipping of the same States.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention, or three months after the date of deposit of the instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to this Convention is deemed to have been accepted under Article 18, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention, as amended.

ARTICLE 18

Amendments

- 1 This Convention may be amended by either of the procedures specified in the following paragraphs.
- 2 Amendments after consideration within the Organization:
 - .1 Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.
 - .2 An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
 - .3 Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
 - .4 Amendments adopted in accordance with subparagraph 3 shall be communicated by the Secretary-General to the Parties for acceptance.
 - .5 An amendment shall be deemed to have been accepted in the following circumstances:
 - .5.1 An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
 - .5.2 An amendment to the Annex shall be deemed to have been accepted at the end of a period to be determined by the Committee at the time of its adoption, which period shall not be less than ten months after the date of adoption. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
 - .6 An amendment shall enter into force under the following conditions:
 - .6.1 An amendment to an article of this Convention shall enter into force, for those Parties that have declared that they have accepted it, six months after the date on which it is deemed to have been accepted in accordance with subparagraph .5.1.
 - .6.2 An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
 - .6.2.1 notified its objection to the amendment in accordance with subparagraph .5.2 and that has not withdrawn such objection; or
 - .6.2.2 notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
 - .6.3 A Party that has notified an objection under subparagraph .6.2.1 may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
 - .6.4 If a Party that has made a notification referred to in subparagraph .6.2.2 notifies the Secretary-General of its acceptance with

respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

3 Amendment by a Conference:

- .1 Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
- .2 An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
- .3 Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2.5 and 2.6 respectively.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this Article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

- .1 any amendment that enters into force and the date of its entry into force generally and for each Party; and
- .2 any notification made under this Article.

ARTICLE 19 Denunciation

1 This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

2 Denunciation shall be effected by written notification to the Secretary-General, to take effect one year after receipt or such longer period as may be specified in that notification.

ARTICLE 20 Depositary

1 This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

2 In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

- .1 inform all States that have signed this Convention, or acceded thereto, of:
 - .1.1 each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - .1.2 the date of entry into force of this Convention;

- .1.3 the deposit of any instrument of denunciation from this Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
- .1.4 other declarations and notifications received pursuant to this Convention; and
- .2 as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations, for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 21
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT HONG KONG, CHINA, this fifteenth day of May, two thousand and nine.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Convention.

* * *

ANNEX

REGULATIONS FOR SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS

CHAPTER 1 – GENERAL PROVISIONS

Regulation 1 – Definitions

For the purposes of this Annex:

- 1 “Competent person” means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work. Specifically, a Competent person may be a trained worker or a managerial employee capable of recognizing and evaluating occupational hazards, risks, and employee exposure to potentially Hazardous Materials or unsafe conditions in a Ship Recycling Facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks, or exposures. The Competent Authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.
- 2 “Employer” means a natural or legal person that employs one or more workers engaged in Ship Recycling.
- 3 “Existing ship” means a ship which is not a new ship.
- 4 “New ship” means a ship:
 - .1 for which the building contract is placed on or after the entry into force of this Convention; or
 - .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after six months after the entry into force of this Convention; or
 - .3 the delivery of which is on or after 30 months after the entry into force of this Convention.
- 5 “New installation” means the installation of systems, equipment, insulation, or other material on a ship after the date on which this Convention enters into force.
- 6 “Safe-for-entry” means a space that meets the following criteria:
 - .1 the oxygen content of the atmosphere and the concentration of flammable vapours are within safe limits;
 - .2 any toxic materials in the atmosphere are within permissible concentrations; and
 - .3 any residues or materials associated with the work authorized by the Competent person will not produce uncontrolled release of toxic materials or an unsafe concentration of flammable vapours under existing atmospheric conditions while maintained as directed.
- 7 Safe-for-hot work means a space that meets the following criteria:
 - .1 a safe, non-explosive condition, including gas-free status, exists for the use of electric arc or gas welding equipment, cutting or burning

- equipment or other forms of naked flame, as well as heating, grinding, or spark generating operations;
- .2 Safe-for-entry requirements of regulation 1.6 are met;
- .3 existing atmospheric conditions will not change as a result of the hot work; and
- .4 all adjacent spaces have been cleaned, or inerted, or treated sufficiently to prevent the start or spread of fire.

8 “Shipowner” means the person or persons or company registered as the owner of the ship or, in the absence of registration, the person or persons or company owning the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship’s operator, “owner” shall mean such company. This term also includes those who have ownership of the ship for a limited period pending its sale or handing over to a Ship Recycling Facility.

9 “Site inspection” means an inspection of the Ship Recycling Facility confirming the condition described by the verified documentation.

10 “Statement of Completion” means a confirmatory statement issued by the Ship Recycling Facility that the Ship Recycling has been completed in accordance with this Convention.

11 “Tanker” means an oil tanker as defined in MARPOL Annex I or an NLS tanker as defined in MARPOL Annex II.

12 “Worker” means any person who performs work, either regularly or temporarily, in the context of an employment relationship including contractor personnel.

Regulation 2 – General applicability

Unless expressly provided otherwise, the design, construction, survey, certification, operation and recycling of ships shall be conducted in accordance with the provisions of this Annex.

Regulation 3 – Relationship with other standards, recommendations and guidance

Parties shall take measures to implement the requirements of the regulations of this Annex, taking into account relevant and applicable standards, recommendations and guidance developed by the International Labour Organization and the relevant and applicable technical standards, recommendations and guidance developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

CHAPTER 2 – REQUIREMENTS FOR SHIPS

Part A – Design, construction, operation and maintenance of ships

Regulation 4 – Controls of ships’ Hazardous Materials

In accordance with the requirements specified in Appendix 1 to this Convention each Party:

- .1 shall prohibit and/or restrict the installation or use of Hazardous Materials listed in Appendix 1 on ships entitled to fly its flag or operating under its authority; and
- .2 shall prohibit and/or restrict the installation or use of such materials on ships, whilst in its ports, shipyards, ship repair yards, or offshore terminals, and shall take effective measures to ensure that such ships comply with those requirements.

Regulation 5 – Inventory of Hazardous Materials

1 Each new ship shall have on board an Inventory of Hazardous Materials. The Inventory shall be verified either by the Administration or by any person or organization authorized by it taking into account guidelines, including any threshold values and exemptions contained in those guidelines, developed by the Organization. The Inventory of Hazardous Materials shall be specific to each ship and shall at least:

- .1 identify as Part I, Hazardous Materials listed in Appendices 1 and 2 to this Convention and contained in ship's structure or equipment, their location and approximate quantities; and
- .2 clarify that the ship complies with regulation 4.

2 Existing ships shall comply as far as practicable with paragraph 1 not later than 5 years after the entry into force of this Convention, or before going for recycling if this is earlier, taking into account the guidelines developed by the Organization and the Organization's Harmonized System of Survey and Certification. The Hazardous Materials listed in Appendix 1, at least, shall be identified when the Inventory is developed. For existing ships a plan shall be prepared describing the visual/sampling check by which the Inventory of Hazardous Materials is developed, taking into account the guidelines developed by the Organization.

3 Part I of the Inventory of Hazardous Materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing Hazardous Materials listed in Appendix 2 and relevant changes in ship structure and equipment, taking into account the guidelines developed by the Organization.

4 Prior to recycling the Inventory shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated wastes and Part III for stores, and be verified either by the Administration or by any person or organization authorized by it, taking into account the guidelines developed by the Organization.

Regulation 6 - Procedure for proposing amendments to Appendices 1 and 2

1 Any Party may propose an amendment to Appendix 1 and/or Appendix 2 in accordance with this regulation. The proposed amendment shall be considered within the Organization under Article 18 paragraph 2 and this regulation.

2 When the Organization receives a proposal, it shall also bring the proposal to the attention of the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and

non-governmental organizations in consultative status with the Organization and shall make it available to them.

3 The Committee shall establish a technical group in accordance with regulation 7 to review proposals submitted in accordance with paragraph 1 of this regulation.

4 The technical group shall review the proposal along with any additional data, including decisions adopted by other international bodies regarding their lists of materials or hazardous substances, submitted by any interested entity, and shall evaluate and report to the Committee whether the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment such that the amendment of Appendix 1 or Appendix 2 is warranted. In this regard:

- .1 The technical group's review shall include:
 - .1.1 an evaluation of the association between the Hazardous Material in question and the likelihood, in the context of this Convention, that it will lead to significant adverse effects on human health or the environment based on the submitted data or other relevant data brought to the attention of the group;
 - .1.2 an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the technical group;
 - .1.3 consideration of available information on the technical feasibility of control measures;
 - .1.4 consideration of available information on other effects arising from the introduction of such control measures relating to:
 - the environment;
 - human health and safety including that of seafarers and workers; and
 - the cost to international shipping and other relevant sectors.
 - .1.5 consideration of the availability of suitable alternatives to the Hazardous Material to be controlled, including a consideration of the potential risks of alternatives;
 - .1.6 consideration of the risks posed by the Hazardous Material during the recycling process; and
 - .1.7 consideration of suitable threshold values and any useful or necessary exemptions.
- .2 If the technical group finds that the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment, lack of full scientific certainty shall not be used as a reason to prevent the group from proceeding with an evaluation of the proposal.
- .3 The technical group's report shall be in writing and shall take into account each of the evaluations and considerations referred to in subparagraph .1, except that the technical group may decide not to proceed with the evaluations and considerations described in subparagraphs .1.2 to .1.7 if it determines after the evaluation in subparagraph .1.1 that the proposal does not warrant further consideration.
- .4 The technical group's report shall include, *inter alia*, a recommendation on whether international controls pursuant to this Convention are warranted on the Hazardous Material in question, on the suitability of the specific control measures suggested in the

comprehensive proposal, or on other control measures which it believes to be more suitable.

5 The Committee shall decide whether to approve any proposal to amend Appendix 1 or Appendix 2, and any modifications thereto, if appropriate, taking into account the technical group's report. Any proposed amendment shall specify the application of the amendment for ships certified in accordance with this Convention before the entry into force of the amendment. If the report finds that the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment, lack of full scientific certainty shall not be used as a reason to prevent a decision from being taken to list a Hazardous Material in Appendix 1 or Appendix 2. A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular Hazardous Material if new information comes to light.

Regulation 7 – Technical Groups

1 The Committee may establish one or more technical groups pursuant to regulation 6 as needed. The technical group may comprise representatives of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization, and non-governmental organizations in consultative status with the Organization, which should preferably include representatives of institutions and laboratories with expertise in environmental fate and effects of substances, toxicological effects, marine biology, human health, economic analysis, risk management, shipbuilding, international shipping, occupational health and safety or other fields of expertise necessary to objectively review the technical merits of a proposal.

2 The Committee shall decide on the terms of reference, organization, participation and operation of the technical groups. Such terms shall provide for protection of any confidential information that may be submitted. Technical groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other media as appropriate.

3 Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to regulation 6. A technical group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the technical group shall communicate any minority views of such representatives.

Part B – Preparation for Ship Recycling

Regulation 8 – General requirements

Ships destined to be recycled shall:

- .1 only be recycled at Ship Recycling Facilities that are:
 - .1 authorized in accordance with this Convention; and
 - .2 fully authorized to undertake all the ship recycling which the Ship Recycling Plan specifies to be conducted by the identified Ship Recycling Facility(ies);

- .2 conduct operations in the period prior to entering the Ship Recycling Facility in order to minimize the amount of cargo residues, remaining fuel oil, and wastes remaining on board;
- .3 in the case of a tanker, arrive at the Ship Recycling Facility with cargo tanks and pump room(s) in a condition that is ready for certification as Safe-for-entry, or Safe-for-hot work, or both, according to national laws, regulations and policies of the Party under whose jurisdiction the Ship Recycling Facility operates;
- .4 provide to the Ship Recycling Facility all available information relating to the ship for the development of the Ship Recycling Plan required by regulation 9;
- .5 complete the Inventory required by regulation 5; and
- .6 be certified as ready for recycling by the Administration or organization recognized by it, prior to any recycling activity taking place.

Regulation 9 – Ship Recycling Plan

A ship-specific Ship Recycling Plan shall be developed by the Ship Recycling Facility(ies) prior to any recycling of a ship, taking into account the guidelines developed by the Organization. The Ship Recycling Plan shall:

- .1 be developed taking into account information provided by the shipowner;
- .2 be developed in the language accepted by the Party authorizing the Ship Recycling Facility, and if the language used is not English, French or Spanish, the Ship Recycling Plan shall be translated into one of these languages, except where the Administration is satisfied that this is not necessary;
- .3 include information concerning *inter alia*, the establishment, maintenance, and monitoring of Safe-for-entry and Safe-for-hot work conditions and how the type and amount of materials including those identified in the Inventory of Hazardous Materials will be managed;
- .4 in accordance with the declaration deposited pursuant to Article 16.6, be either explicitly or tacitly approved by the Competent Authority authorizing the Ship Recycling Facility. The Competent Authority shall send written acknowledgement of receipt of the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration within three (3) working days of its receipt in accordance with regulation 24. Thereafter:
 - .1 where a Party requires explicit approval of the Ship Recycling Plan, the Competent Authority shall send written notification of its decision to approve or deny the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration; and
 - .2 where a Party requires tacit approval of the Ship Recycling Plan, the acknowledgment of receipt shall specify the end date of a 14-day review period. The Competent Authority shall notify any written objection to the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration within this 14-day review period. Where no such written objection has been notified, the Ship Recycling Plan shall be deemed to be approved.
- .5 once approved in accordance with paragraph .4, be made available for inspection by the Administration, or any nominated surveyors or organization recognized by it; and
- .6 where more than one Ship Recycling Facility is used, identify the Ship Recycling Facilities to be used and specify the recycling activities and

the order in which they occur at each authorized Ship Recycling Facility.

Part C – Surveys and certification

Regulation 10 – Surveys

1 Ships to which this Convention applies shall be subject to the surveys specified below:

- .1 an initial survey before the ship is put in service, or before the International Certificate on Inventory of Hazardous Materials is issued. This survey shall verify that Part I of the Inventory required by regulation 5 is in accordance with the requirements of this Convention;
- .2 a renewal survey at intervals specified by the Administration, but not exceeding five years. This survey shall verify that Part I of the Inventory of Hazardous Materials required by regulation 5 complies with the requirements of this Convention;
- .3 an additional survey, either general or partial, according to the circumstances, may be made at the request of the shipowner after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material. The survey shall be such as to ensure that any such change, replacement, or significant repair has been made in the way that the ship continues to comply with the requirements of this Convention, and that Part I of the Inventory is amended as necessary; and
- .4 a final survey prior to the ship being taken out of service and before the recycling of the ship has started. This survey shall verify:
 - .1 that the Inventory of Hazardous Materials as required by regulation 5.4 is in accordance with the requirements of this Convention taking into account the guidelines developed by the Organization;
 - .2 that the Ship Recycling Plan, as required by regulation 9, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot work conditions; and
 - .3 that the Ship Recycling Facility(ies) where the ship is to be recycled holds a valid authorization in accordance with this Convention.

2 Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration, taking into account the guidelines developed by the Organization. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

3 An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 2 shall, as a minimum, empower such nominated surveyors or recognized organizations to:

- .1 require a ship that they survey to comply with the provisions of this Convention; and
- .2 carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party.

4 In every case, the Administration concerned shall be responsible to ensure the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

5 The initial and renewal surveys should be harmonized with the surveys required by other applicable statutory instruments of the Organization.

Regulation 11 – Issuance and endorsement of certificates

1 An International Certificate on Inventory of Hazardous Materials shall be issued either by the Administration or by any person or organization authorized by it after successful completion of an initial or renewal survey conducted in accordance with regulation 10, to any ships to which regulation 10 applies, except for existing ships for which both an initial survey and a final survey are conducted at the same time, taking into account the guidelines developed by the Organization.

2 The International Certificate on Inventory of Hazardous Materials issued under paragraph 1, at the request of the shipowner, shall be endorsed either by the Administration or by any person or organization authorized by it after successful completion of an additional survey conducted in accordance with regulation 10.

3 Notwithstanding regulation 14.2 and the requirements of regulation 10.1.2, when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

4 When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

5 When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

6 If a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in regulation 10.1.2.

7 If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

8 If a ship at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a ship to which an

extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

9 A certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

10 In special circumstances, as determined by the Administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraph 4, 8 or 9 of this regulation. In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

11 An International Ready for Recycling Certificate shall be issued either by the Administration or by any person or organization authorized by it, after successful completion of a final survey in accordance with the provisions of regulation 10, to any ships to which regulation 10 applies, taking into account the authorization of the Ship Recycling Facility and the guidelines developed by the Organization.

12 A certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a certificate issued by them. Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

Regulation 12 – Issuance or endorsement of a certificate by another Party

1 At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that the provisions of this Convention are complied with, shall issue or authorize the issuance of a certificate to the ship, and where appropriate, endorse or authorize the endorsement of that certificate on the ship, in accordance with this Annex.

2 A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a certificate issued by the Administration.

4 No certificate shall be issued to a ship entitled to fly the flag of a State which is not a Party.

Regulation 13 – Form of the certificates

The certificates shall be drawn up in an official language of the issuing Party, in the form set forth in Appendices 3 and 4. If the language used is not English,

French or Spanish, the text shall include a translation into one of these languages. The Administration may, however, issue the International Certificate on Inventory of Hazardous Materials drawn up only in an official language of the issuing Party to ships not engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to this Convention and the International Ready for Recycling Certificate drawn up only in an official language of the issuing Party to ships recycled in Ship Recycling Facilities under the jurisdiction of the issuing Party.

Regulation 14 – Duration and validity of the certificates

1 An International Certificate on Inventory of Hazardous Materials issued under regulation 11 or 12 shall cease to be valid in any of the following cases:

- .1 if the condition of the ship does not correspond substantially with the particulars of the certificate, including where Part I of the Inventory of Hazardous Materials is not properly maintained and updated, reflecting changes in ship structure and equipment, in accordance with the guidelines developed by the Organization;
- .2 upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Party issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of regulation 10. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
- .3 if the renewal survey is not completed within the periods specified under regulations 10.1 and 11; or
- .4 if the certificate is not endorsed in accordance with regulation 11 or 12.

2 An International Certificate on Inventory of Hazardous Materials shall be issued for a period specified by the Administration, which shall not exceed five years.

3 An International Ready for Recycling Certificate shall be issued for a period specified by the Administration that shall not exceed three months.

4 An International Ready for Recycling Certificate issued under regulation 11 or 12 shall cease to be valid if the condition of the ship does not correspond substantially with the particulars of the certificate.

5 The International Ready for Recycling Certificate may be extended by the Administration or by any person or organization authorized by it for a single point to point voyage to the Ship Recycling Facility.

CHAPTER 3 – REQUIREMENTS FOR SHIP RECYCLING FACILITIES

Regulation 15 – Controls on Ship Recycling Facilities

1 Each Party shall establish legislation, regulations, and standards that are necessary to ensure that Ship Recycling Facilities are designed, constructed, and

operated in a safe and environmentally sound manner in accordance with the regulations of this Convention.

2 Each Party shall establish a mechanism for authorizing Ship Recycling Facilities with appropriate conditions to ensure that such Ship Recycling Facilities meet the requirements of this Convention.

3 Each Party shall establish a mechanism for ensuring that Ship Recycling Facilities comply with the requirements of this chapter including the establishment and effective use of inspection, monitoring and enforcement provisions, including powers of entry and sampling. Such a mechanism may include an audit scheme to be carried out by the Competent Authority(ies) or an organization recognized by the Party, taking into account guidelines developed by the Organization, and the results of these audits should be communicated to the Organization.

4 Each Party shall designate one or more Competent Authorities and the single contact point to be used by the Organization, Parties to this Convention and other interested entities, for matters related to Ship Recycling Facilities operating within the jurisdiction of that Party.

Regulation 16 – Authorization of Ship Recycling Facilities

1 Ship Recycling Facilities which recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4, shall be authorized by a Party taking into account the guidelines developed by the Organization.

2 The authorization shall be carried out by the Competent Authority(ies) and shall include verification of documentation required by this Convention and a site inspection. The Competent Authority(ies) may however entrust the authorization of Ship Recycling Facilities to organizations recognized by it.

3 The Party shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the recognized organizations, for circulation to Parties. In every case, the Competent Authority(ies) retains full responsibility for the authorization issued.

4 The authorization shall be drawn up in the form set forth in Appendix 5. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages.

5 The authorization shall be valid for a period specified by the Party but not exceeding five years. The Party shall identify the terms for which the authorization will be issued, withdrawn, suspended, amended and renewed, and communicate these terms to the Ship Recycling Facilities. If a Ship Recycling Facility refuses inspection by the Competent Authority(ies) or the recognized organization operating on its/their behalf, the authorization shall be suspended or withdrawn.

6 If incidents or actions taken at the Ship Recycling Facility have the effect that the conditions for the authorization are no longer fulfilled, the Ship Recycling Facility shall inform the Competent Authority(ies). The Competent Authority(ies) may accordingly decide to suspend or withdraw the authorization, or require corrective actions by the Ship Recycling Facility.

Regulation 17 – General requirements

1 Ship Recycling Facilities authorized by a Party shall establish management systems, procedures and techniques which do not pose health risks to the workers concerned or to the population in the vicinity of the Ship Recycling Facility and which will prevent, reduce, minimize and to the extent practicable eliminate adverse effects on the environment caused by Ship Recycling, taking into account guidelines developed by the Organization.

2 Ship Recycling Facilities authorized by a Party shall, for ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4:

- .1 only accept ships that:
 - .1 comply with this Convention; or
 - .2 meet the requirements of this Convention;
- .2 only accept ships which they are authorized to recycle; and
- .3 have the documentation of its authorization available if such documentation is requested by a shipowner that is considering recycling a ship at that Ship Recycling Facility.

Regulation 18 – Ship Recycling Facility Plan

Ship Recycling Facilities authorized by a Party shall prepare a Ship Recycling Facility Plan. The Plan shall be adopted by the board or the appropriate governing body of the Recycling Company, and shall include:

- .1 a policy ensuring workers' safety and the protection of human health and the environment, including the establishment of objectives that lead to the minimization and elimination to the extent practicable of the adverse effects on human health and the environment caused by Ship Recycling;
- .2 a system for ensuring implementation of the requirements set out in this Convention, the achievement of the goals set out in the policy of the Recycling Company, and the continuous improvement of the procedures and standards used in the Ship Recycling operations;
- .3 identification of roles and responsibilities for employers and workers when conducting Ship Recycling operations;
- .4 a programme for providing appropriate information and training of workers for the safe and environmentally sound operation of the Ship Recycling Facility;
- .5 an emergency preparedness and response plan;
- .6 a system for monitoring the performance of Ship Recycling;
- .7 a record-keeping system showing how Ship Recycling is carried out;
- .8 a system for reporting discharges, emissions, incidents and accidents causing damage, or with the potential of causing damage, to workers' safety, human health and the environment; and
- .9 a system for reporting occupational diseases, accidents, injuries and other adverse effects on workers' safety and human health, taking into account guidelines developed by the Organization.

Regulation 19 – Prevention of adverse effects to human health and the environment

Ship Recycling Facilities authorized by a Party shall establish and utilize procedures to:

- .1 prevent explosions, fires, and other unsafe conditions by ensuring that Safe-for-hot work conditions and procedures are established, maintained and monitored throughout Ship Recycling;
- .2 prevent harm from dangerous atmospheres and other unsafe conditions by ensuring that Safe-for-entry conditions and procedures are established, maintained, and monitored in ship spaces, including confined spaces and enclosed spaces, throughout Ship Recycling;
- .3 prevent other accidents, occupational diseases and injuries or other adverse effects on human health and the environment; and
- .4 prevent spills or emissions throughout Ship Recycling which may cause harm to human health and/or the environment, taking into account guidelines developed by the Organization.

Regulation 20 – Safe and environmentally sound management of Hazardous Materials

1 Ship Recycling Facilities authorized by a Party shall ensure safe and environmentally sound removal of any Hazardous Material contained in a ship certified in accordance with regulation 11 or 12. The person(s) in charge of the recycling operations and the workers shall be familiar with the requirements of this Convention relevant to their tasks and, in particular, actively use the Inventory of Hazardous Materials and the Ship Recycling Plan, prior to and during the removal of Hazardous Materials.

2 Ship Recycling Facilities authorized by a Party shall ensure that all Hazardous Materials detailed in the Inventory are identified, labelled, packaged and removed to the maximum extent possible prior to cutting by properly trained and equipped workers, taking into account the guidelines developed by the Organization, in particular:

- .1 hazardous liquids, residues and sediments;
- .2 substances or objects containing heavy metals such as lead, mercury, cadmium and hexavalent chromium;
- .3 paints and coatings that are highly flammable and/or lead to toxic releases;
- .4 asbestos and materials containing asbestos;
- .5 PCB and materials containing PCBs, ensuring that heat inducing equipment is avoided during such operations;
- .6 CFCs and halons; and
- .7 other Hazardous Materials not listed above and that are not a part of the ship structure.

3 Ship Recycling Facilities authorized by a Party shall provide for and ensure safe and environmentally sound management of all Hazardous Materials and wastes removed from the ship recycled at that Ship Recycling Facility. Waste management and disposal sites shall be identified to provide for the further safe and environmentally sound management of materials.

4 All wastes generated from the recycling activity shall be kept separate from recyclable materials and equipment, labelled, stored in appropriate conditions that do not pose a risk to the workers, human health or the environment and only transferred to a waste management facility authorized to deal with their treatment and disposal in a safe and environmentally sound manner.

Regulation 21 – Emergency preparedness and response

Ship Recycling Facilities authorized by a Party shall establish and maintain an emergency preparedness and response plan. The plan shall be made having regard to the location and environment of the Ship Recycling Facility, and shall take into account the size and nature of activities associated with each Ship Recycling operation. The plan shall furthermore:

- .1 ensure that the necessary equipment and procedures to be followed in the case of an emergency are in place, and that drills are conducted on a regular basis;
- .2 ensure that the necessary information, internal communication and coordination are provided to protect all people and the environment in the event of an emergency at the Ship Recycling Facility;
- .3 provide for communication with, and information to, the relevant Competent Authority(ies), the neighbourhood and emergency response services;
- .4 provide for first-aid and medical assistance, fire-fighting and evacuation of all people at the Ship Recycling Facility, pollution prevention; and
- .5 provide for relevant information and training to all workers of the Ship Recycling Facility, at all levels and according to their competence, including regular exercises in emergency prevention, preparedness and response procedures.

Regulation 22 – Worker safety and training

1 Ship Recycling Facilities authorized by a Party shall provide for worker safety by measures including:

- .1 ensuring the availability, maintenance and use of personal protective equipment and clothing needed for all Ship Recycling operations;
- .2 ensuring that training programmes are provided to enable workers to safely undertake all Ship Recycling operations they are tasked to do; and
- .3 ensuring that all workers at the Ship Recycling Facility have been provided with appropriate training and familiarization prior to performing any Ship Recycling operation.

2 Ship Recycling Facilities authorized by a Party shall provide and ensure the use of personal protective equipment for operations requiring such use, including:

- .1 head protection;
- .2 face and eye protection;
- .3 hand and foot protection;
- .4 respiratory protective equipment;
- .5 hearing protection;
- .6 protectors against radioactive contamination;
- .7 protection from falls; and
- .8 appropriate clothing.

3 Ship Recycling Facilities authorized by a Party may co-operate in providing for training of workers. Taking into account the guidelines developed by the Organization, the training programmes set forth in paragraph 1.2 of this regulation shall:

- .1 cover all workers including contractor personnel and employees in the Ship Recycling Facility;

- .2 be conducted by Competent persons;
- .3 provide for initial and refresher training at appropriate intervals;
- .4 include participants' evaluation of their comprehension and retention of the training;
- .5 be reviewed periodically and modified as necessary; and
- .6 be documented.

Regulation 23 – Reporting on incidents, accidents, occupational diseases and chronic effects

1 Ship Recycling Facilities authorized by a Party shall report to the Competent Authority(ies) any incident, accident, occupational diseases, or chronic effects causing, or with the potential of causing, risks to workers safety, human health and the environment.

2 Reports shall contain a description of the incident, accident, occupational disease, or chronic effect, its cause, the response action taken and the consequences and corrective actions to be taken.

CHAPTER 4 – REPORTING REQUIREMENTS

Regulation 24 – Initial notification and reporting requirements

1 A shipowner shall notify the Administration in due time and in writing of the intention to recycle a ship in order to enable the Administration to prepare for the survey and certification required by this Convention.

2 A Ship Recycling Facility when preparing to receive a ship for recycling shall notify in due time and in writing its Competent Authority(ies) of the intent. The notification shall include at least the following ship details:

- .1 name of the State whose flag the ship is entitled to fly;
- .2 date on which the ship was registered with that State;
- .3 ship's identification number (IMO number);
- .4 hull number on new-building delivery;
- .5 name and type of the ship;
- .6 port at which the ship is registered;
- .7 name and address of the Shipowner as well as the IMO registered owner identification number;
- .8 name and address of the company as well as the IMO company identification number;
- .9 name of all classification society(ies) with which the ship is classed;
- .10 ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), Lightweight, Gross and Net tonnage, and engine type and rating);
- .11 Inventory of Hazardous Materials; and
- .12 draft ship recycling plan for approval pursuant to regulation 9.

3 When the ship destined to be recycled has acquired the International Ready for Recycling Certificate, the Ship Recycling Facility shall report to its Competent Authority(ies) the planned start of the Ship Recycling. The report shall be in accordance with the reporting format in Appendix 6, and shall at least include a copy of the International Ready for Recycling Certificate. Recycling of the ship shall not start prior to the submission of the report.

Regulation 25 – Reporting upon completion

When the partial or complete recycling of a ship is completed in accordance with the requirements of this Convention, a Statement of Completion shall be issued by the Ship Recycling Facility and reported to its Competent Authority(ies). This report must be compiled as shown in appendix 7. The Competent Authority(ies) shall send a copy of the Statement to the Administration which issued the International Ready for Recycling Certificate for the ship. The Statement shall be issued within 14 days of the date of partial or completed Ship Recycling in accordance with the Ship Recycling Plan and shall include a report on incidents and accidents damaging human health and/or the environment, if any.

APPENDIX 1

CONTROLS OF HAZARDOUS MATERIALS

Hazardous Material	Definitions	Control measures
Asbestos	Materials containing asbestos	For all ships, new installation of materials which contain asbestos shall be prohibited.
Ozone-depleting substances	<p>Ozone-depleting substances means controlled substances defined in paragraph 4 of article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A,B,C or E to the said Protocol in force at the time of application or interpretation of this Annex.</p> <p>Ozone-depleting substances that may be found on board ship include, but are not limited to:</p> <p>Halon 1211 Bromochlorodifluoromethane Halon 1301 Bromotrifluoromethane Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2) CFC-11 Trichlorofluoromethane CFC-12 Dichlorodifluoromethane CFC-113 1,1,2-Trichloro-1,2,2-trifluoroethane CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane CFC-115 Chloropentafluoroethane</p>	New installations which contain ozone-depleting substances shall be prohibited on all ships, except that new installations containing hydrochlorofluorocarbons (HCFCs) are permitted until 1 January 2020.
Polychlorinated biphenyls (PCB)	“Polychlorinated biphenyls” means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms	For all ships, new installation of materials which contain Polychlorinated biphenyls shall be prohibited.
Anti-fouling compounds and systems	Anti-fouling compounds and systems regulated under Annex I to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS Convention) in force at the time of application or interpretation of this Annex.	<ol style="list-style-type: none"> 1. No ship may apply anti-fouling systems containing organotin compounds as a biocide or any other anti-fouling system whose application or use is prohibited by the AFS Convention. 2. No new ships or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.

APPENDIX 2

MINIMUM LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS

Any Hazardous Materials listed in Appendix 1
Cadmium and Cadmium Compounds
Hexavalent Chromium and Hexavalent Chromium Compounds
Lead and Lead Compounds
Mercury and Mercury Compounds
Polybrominated Biphenyl (PBBs)
Polybrominated Diphenyl Ethers (PBDEs)
Polychlorinated Naphthalenes (more than 3 chlorine atoms)
Radioactive Substances
Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)

APPENDIX 3

**FORM OF THE INTERNATIONAL CERTIFICATE ON INVENTORY OF
HAZARDOUS MATERIALS**

INTERNATIONAL CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS

(Note: This certificate shall be supplemented by Part I of the Inventory of Hazardous Materials)

(Official seal)

(State)

Issued under the provisions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) under the authority of the Government of

.....
(Full designation of the country)

by
*(Full designation of the person or organization authorized
under the provisions of the Convention)*

Particulars of the Ship

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

Particulars of Part I of the Inventory of Hazardous Materials

Part I of the Inventory of Hazardous Materials identification/verification number:

Note: Part I of the Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Certificate on Inventory of Hazardous Materials and must always accompany the International Certificate on Inventory of Hazardous Materials. Part I of the Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention; and
2. that the survey shows that Part I of the Inventory of Hazardous Materials fully complies with the applicable requirements of the Convention.

Completion date of survey on which this certificate is based: (dd/mm/yyyy)

This certificate is valid until (dd/mm/yyyy)

Issued at
(Place of issue of certificate)

(dd/mm/yyyy)
(Date of issue) (Signature of duly authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR
LESS THAN FIVE YEARS WHERE REGULATION 11.6 APPLIES***

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.6 of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:

(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND
REGULATION 11.7 APPLIES***

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.7 of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:

(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 11.8 OR 11.9 APPLIES*

This certificate shall, in accordance with regulation 11.8 or 11.9** of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADDITIONAL SURVEY*

At an additional survey in accordance with regulation 10 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention.

Signed:
(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

** Delete as appropriate.

APPENDIX 4

FORM OF THE INTERNATIONAL READY FOR RECYCLING CERTIFICATE

INTERNATIONAL READY FOR RECYCLING CERTIFICATE

(Note: This certificate shall be supplemented by the Inventory of Hazardous Materials and the Ship Recycling Plan)

(Official seal)

(State)

Issued under the provisions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) under the authority of the Government of

.....
(Full designation of the country)

by
(Full designation of the person or organization authorized under the provisions of the Convention)

Particulars of the Ship

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

Particulars of the Ship Recycling Facility(ies)

Name of Ship Recycling Facility	
Distinctive Recycling Company identity number*	
Full address	
Date of expiry of DASR	

* This number is based on the Document of Authorization to conduct Ship Recycling (DASR).

Particulars of the Inventory of Hazardous Materials

Inventory of Hazardous Materials identification/verification number:

Note: The Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Ready for Recycling Certificate and must always accompany the International Ready for Recycling Certificate. The Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

Particulars of the Ship Recycling Plan

Ship Recycling Plan identification/verification number:

Note: The Ship Recycling Plan, as required by regulation 9 of the Annex to the Convention, is an essential part of the International Ready for Recycling Certificate and must always accompany the International Ready for Recycling Certificate.

THIS IS TO CERTIFY:

- 1 that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention;
- 2 that the ship has a valid Inventory of Hazardous Materials in accordance with regulation 5 of the Annex to the Convention;
- 3 that the Ship Recycling Plan, as required by regulation 9, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot work conditions; and
- 4 that the Ship Recycling Facility(ies) where this ship is to be recycled holds a valid authorization in accordance with the Convention.

This certificate is valid until (dd/mm/yyyy)
(Date)

Issued at
(Place of issue of certificate)

(dd/mm/yyyy)
(Date of issue)
(Signature of duly authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL
REACHING THE PORT OF THE SHIP RECYCLING FACILITY FOR A PERIOD OF
GRACE WHERE REGULATION 14.5 APPLIES***

This certificate shall, in accordance with regulation 14.5 of the Annex to the Convention, be accepted as valid for a single point to point voyage

from the port of:

to the port of:

Signed:

(Signature of duly authorized official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

* This page of the endorsement shall be reproduced and added to the certificate as considered necessary by the Administration.

APPENDIX 5

FORM OF THE AUTHORIZATION OF SHIP RECYCLING FACILITIES

Document of Authorization to conduct Ship Recycling (DASR) in accordance with the requirements of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009

Issued under the provision of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) under the authority of the Government of:

.....
(Full designation of the country)

by.....
(Full designation of the Competent Authority under the Convention)

Name of Ship Recycling Facility	
Distinctive Recycling Company identity No.	
Full address of Ship Recycling Facility	
Primary contact person	
Phone number	
E-mail address	
Name, address, and contact information of ownership company	
Working language(s)	

This is to verify that the Ship Recycling Facility has implemented management systems, procedures and techniques in accordance with Chapters 3 and 4 to the Annex to the Convention.

This authorization is valid until and is subject to the limitations identified in the attached supplement.

This authorization is subject to amendment, suspension, withdrawal, or periodic renewal in accordance with regulation 16 of the Annex to the Convention.

Issued at
(Place of issue of the authorization)

(dd/mm/yyyy)
(Date of issue) *(Signature of duly authorized official issuing the authorization)*

.....
(Typed name and title of duly authorized official issuing the authorization)

(Seal or stamp of the authority, as appropriate)

SUPPLEMENT TO:

Document of Authorization to undertake Ship Recycling (DASR) in accordance with the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009

Notes:

- 1 This record shall be permanently attached to the DASR. The DASR shall be available at the Ship Recycling Facility at all times.
- 2 All procedures, plans and other documents produced by the Ship Recycling Facility and required under the terms to which the DASR has been issued shall be available in the working language of the Ship Recycling Facility and in either English, French or Spanish.
- 3 The authorization is subject to the limitations defined by this supplement.

1 GENERAL TERMS

1.1 Requirements of the Convention

The Ship Recycling Facility meets the requirements that it be designed, constructed, and operated in a safe and environmentally sound manner in accordance with the Convention, including meeting the relevant requirements of:

- Regulation 16 – Authorization of Ship Recycling Facilities
- Regulation 17 – General requirements
- Regulation 18 – Ship Recycling Facility Plan
- Regulation 19 – Prevention of adverse effects to human health and the environment
- Regulation 20 – Safe and environmentally sound management of Hazardous Materials
- Regulation 21 – Emergency preparedness and response
- Regulation 22 – Worker safety and training
- Regulation 23 – Reporting on incidents, accidents, occupational diseases and chronic effects
- Regulation 24 – Initial notification and reporting requirements
- Regulation 25 – Reporting upon completion

These requirements are imposed on the Ship Recycling Facility by way of

.....
(Identify the permit, licence, authorization, legal standards, or other mechanism that applies)

Ship Recycling Facility Plan identification/verification number:

1.2 Acceptance of ships

For ships to which the Convention applies and ships treated similarly pursuant to Article 3.4 of the Convention, the Ship Recycling Facility can only accept a ship for recycling in accordance with regulation 17 of the Annex to the Convention.

1.3 Safe-for-hot work and Safe-for-entry conditions

The Ship Recycling Facility is capable of establishing, maintaining and monitoring Safe-for-hot work and Safe-for-entry conditions throughout the Ship Recycling process.

1.4 Management of Hazardous Materials

The Ship Recycling Facility is designed, constructed, operated, and required to ensure that all Hazardous Materials' management shall be safe and environmentally sound in compliance with the Convention and with all relevant local or national regulations/requirements.

1.5 Map and location of Ship Recycling operations

A map of the boundary of the Ship Recycling Facility and the location of Ship Recycling operations within it, is attached.

2 CAPABILITY OF SHIP RECYCLING FACILITY

2.1 Size of ships

The Ship Recycling Facility is authorized to accept a ship for recycling subject to the following size limitations:

Maximum Size		Other Limitations
Length		
Breadth		
Lightweight		

2.2 Safe and Environmentally Sound Management of Hazardous Materials

The Ship Recycling Facility is authorized to accept a ship for recycling that contains Hazardous Materials as specified in the following table subject to the conditions noted below:

Hazardous Material(*4)	Management of Hazardous Materials			Authorization/Limitations
	Removal	Storage	Process (*1)	
	Y/N (*2)	Y/N	Y/N (*3)	
Asbestos				
Ozone-depleting substances				
Polychlorinated biphenyls (PCB)				
Anti-fouling compounds and systems				
Cadmium and Cadmium Compounds				
Hexavalent Chromium and Hexavalent Chromium Compounds				
Lead and Lead Compounds				
Mercury and Mercury Compounds				
Polybrominated Biphenyl (PBBs)				
Polybrominated Diphenyl Ethers (PBDEs)				
Polychlorinated Naphthalenes (more than 3 chlorine atoms)				
Radioactive substances				
Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)				
Hazardous liquids, residues and sediments				
Paints and coatings that are highly flammable and/or lead to toxic release				
Other Hazardous Materials not listed above and that are not a part of the ship structure (specify)				

- Notes: *1 Process means the processing of Hazardous Materials in the Ship Recycling Facility, such as:
- a. incineration of Hazardous Materials;
 - b. reclamation of Hazardous Materials; and
 - c. treatment of oily residues.
- *2 If Yes (Y), indicate in the Ship Recycling Facility Plan the responsible personnel authorized to carry out the removal, with the certificate number or other relevant information.
- *3 If No (N), describe in the Ship Recycling Plan where the Hazardous Materials are to be processed/disposed.
- *4 These Hazardous Materials are specified in Appendices 1 and 2 and regulation 20 of the Convention.

APPENDIX 6

FORM OF REPORT OF PLANNED START OF SHIP RECYCLING

The
(Name of Ship Recycling Facility)

located at
(Full Ship Recycling Facility address)

Authorized in accordance with the requirements of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) to conduct Ship Recycling under the authority of the Government of:

.....
(Full designation of country)

as indicated in the Document of Authorization to conduct Ship Recycling issued at
.....
(Place of authorization)

by
(Full designation of the Competent Authority under the Convention)

on (dd/mm/yyyy)
(Date of issue)

Hereby reports that the Ship Recycling Facility is ready in every respect to start the recycling of the vessel
(IMO number)

The International Ready for Recycling Certificate issued under the provisions of the Convention under the authority of the Government of
.....
(Full designation of country)

by
(Full designation of the person or organization authorized under the provisions of the Convention)

on (dd/mm/yyyy)
(Date of issue)

is enclosed.

Signed

APPENDIX 7

FORM OF THE STATEMENT OF COMPLETION OF SHIP RECYCLING

STATEMENT OF COMPLETION OF SHIP RECYCLING

This document is a statement of completion of Ship Recycling for

.....
(Name of the ship when it was received for recycling/at the point of deregistration)

Particulars of the Ship as received for recycling

Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

THIS CONFIRMS THAT:

The ship has been recycled in accordance with the Ship Recycling Plan as part of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) at

.....
(Name and location of the authorized Ship Recycling Facility)

and the recycling of the ship as required by the Convention was completed on:

(dd/mm/yyyy)
(Date of completion)

Issued at
(Place of issue of the Statement of Completion)

(dd/mm/yyyy)
(Date of issue)

.....
(Signature of the owner of the Ship Recycling Facility or a representative acting on behalf of the owner)

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Publications:

- ❖ Puthucherril, Tony George; *'From Shipbreaking to Sustainable Ship Recycling'*, Martinus Nijhoff Publishers, Leiden, 2010.

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- ❖ Guidelines For The Development Of The Inventory Of Hazardous Materials - Resolution MEPC.179(59) - Adopted on 17 July 2009
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- ❖ ILO Paper on worker safety in the shipbreaking industries, Aage Bjørn Anderse, February 2001
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http://ec.europa.eu/environment/waste/ships/pdf/bio_ship%20dismantling.pdf
- ❖ Communication from the European Commission to the Council, 'An assessment of the link between the IMO Hong Kong Convention for the safe and environmentally sound recycling of ships, the Basel Convention and the EU waste shipment regulation', Brussels, 12 March 2010
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Websites:

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<http://www.imo.org/OurWork/Environment/ShipRecycling/Pages/Default.aspx>

- ❖ European Commission Website - Ship Dismantling
<http://ec.europa.eu/environment/waste/ships/index.htm>
 - ❖ Greenpeace Website - Shipbreaking
<http://www.greenpeace.org.uk/taxonomy/term/463>
 - ❖ Basel Convention Website
<http://www.basel.int/>
 - ❖ Basel Action Network
<http://www.ban.org/>
 - ❖ Robin des Bois Website: Global Statement 2008 of shipping vessels Sent to Demolition
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