

## **GUIDANCE NOTE 02/2019 (Rev 3)**

### **EU SHIP RECYCLING REGULATION, “INVENTORY OF HAZARDOUS MATERIALS” AND CONTROL OF ASBESTOS UNDER SOLAS II-1**

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

#### **1. PURPOSE**

- 1.1 The purpose of this Guidance Notice is to remind Shipowners or Companies operating Cayman Islands registered ships of the need to comply with the EU Ship Recycling Regulation (EU SRR) ahead of 31 December 2020 if ships are intending to visit an EU member state.
- 1.2 This Guidance Note has been updated in light of the publication of European Commission Notice 2020/C 349/01 (*“Guidelines on the enforcement of obligations under the EU Ship Recycling Regulation relating to the Inventory of Hazardous Materials of vessels operating in European waters.”*)
- 1.3 Notice 2020/C 349/01 can be downloaded from:  
[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC\\_2020\\_349\\_R\\_0001](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2020_349_R_0001).
- 1.4 This Guidance Note also gives information on the control of asbestos and “asbestos containing materials” (ACM) under SOLAS II-1/3-5.

#### **2. REQUIREMENT FOR AN INVENTORY OF HAZARDOUS MATERIALS**

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

- 2.3 By 31 December 2020 any ship of 500 GT and above of any flag calling at an EU port or anchorage will need to have a Certificate of Compliance (if EU) or Statement of Compliance (if non-EU) supplemented by a verified IHM.

### 3. THE EU REGULATION AND GUIDANCE

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

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

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

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

or

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

### 4 VERIFICATION & CERTIFICATION

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

### 5 EC NOTICE 2020/C439/01

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

- 5.2 Two scenarios are considered in the Notice –

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

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

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

In this case the vessel may call at an EU port or anchorage after 31 December 2020 with an IHM and associated certificate on-board, but the IHM was prepared

remotely without any on-board sampling. This situation may arise as the on-board surveys that should have been undertaken to support the IHM could not be done because of the restrictions on inspecting a vessel during the Covid-19 pandemic.

In all such cases where a certificate is based on an IHM without the on-board sampling element, the IHM should in principle not be acceptable as it is not complete. However, considering that since March 2020 there has been little or no opportunity for surveyors to go on-board ships and undertake these surveys, such a remote survey/sampling could be exceptionally accepted, if there is evidence that the flag State has agreed to this.

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

## **6 ASBESTOS CONTAINING MATERIALS ('ACMs') – SOLAS II-1/3-5**

- 6.1 SOLAS Regulations permit ACMs to be on board a vessel depending on their date of installation, as follows:
- Ships constructed before 1st July 2002 are permitted to have existing ACMs installations on board.
  - Between 1st July 2002 and 31st December 2010, new installations of ACMs are only permitted on ships for the following specified purposes:
    - Vanes used in rotary compressors and rotary vane vacuum pumps;
    - Watertight joints and linings used for the circulation of fluids when, at high temperature (in excess of 350°C) or pressure (in excess of 7 x 10<sup>6</sup> Pa), there is a risk of fire, corrosion or toxicity; and
    - Supple and flexible thermal insulation assemblies used for temperatures above 1000°C.
  - From 1st January 2011, new installation of ACMs on board all ships is prohibited.
- 6.2 Two scenarios are considered in the Notice –

### **Scenario 1 - ACM installation in compliance with the regulations**

- 6.2.1 If the ACM installation was made in compliance with the above regulations then it is not necessary to remove the ACM as long as it does not pose a risk to health and no exemption is required. However, the ACM should be managed and crew should be aware of the dangers of asbestos and should know how to deal with asbestos in case disturbance of the ACM cannot be avoided.

## **Scenario 2 - ACM installation not in compliance with the regulations**

- 6.2.2 If the ACM installation is not in compliance with above regulations, action should be taken to have it removed. The removal – assigned to professional asbestos removal companies – should take place at the next scheduled drydocking but no later than *3 years from the date when the contravention is found*.
- 6.2.3 In such cases the Recognized Organization (i.e. Class Society) that has/or is issuing the vessels Statement of Compliance with the EU SRR should review the Owner/Operators action plan for the management/removal of the ACM, and if satisfied, present this under cover of a '[CISR Exemption Certificate & Equivalency Application Form](#)' (CISR 526) for final endorsement by CISR. In such cases the Class Society should record a statutory SAFCON memo item against the vessel stating that an exemption has been agreed and the expiry date.

## **7 FURTHER INFORMATION ON ASBESTOS**

Please see the following IMO circulars for further information:

- MSC/Circ.1045 – Guidelines for Maintenance and Monitoring of On-Board Materials Containing Asbestos
- MSC.1/Circ.1374 – Information on Prohibiting the use Asbestos on Board Ships (includes how to manage asbestos found on ships not in compliance with SOLAS)
- MSC.1/Circ.1379 – Unified Interpretation of SOLAS Regulation II-1/3-5 (concerning asbestos in stores)
- MSC.1/Circ.1426 - Unified Interpretation of SOLAS Regulation II-1/3-5 (concerning likely components, evidence and documentation)