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**Konu** : Avrupa Birliği Gemi Geri Dönüşüm Yönetmeliği  
ve Tehlikeli Madde Envanteri'ne Yönelik Sektör  
Rehberleri Hk.

Sirküler No: 785

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odası (International Chamber of Shipping-ICS) tarafından gönderilen 29 Haziran 2020 tarihli, Ek'te sunulan yazıda;

2018 yılında yürürlüğe giren ve 31 Aralık 2020 tarihinden itibaren AB limanlarına ve demir sahalarına gidecek tüm gemiler için geçerli olacak Avrupa Birliği Gemi Geri Dönüşüm Yönetmeliği'nin (European Union Ship Recycling Regulation -EUSRR), AB ve üçüncü ülke bayraklı 500 GT'den büyük gemileri kapsadığı, AB/Avrupa Ekonomik Alanı (European Economic Area-EEA) devletleri limanına sefer yapacak gemilerin 31 Aralık 2020 tarihinden itibaren "Tehlikeli Madde Envanteri (Inventories of Hazardous Materials-IHM)" bulundurması gerektiği bildirilmektedir.

Yazıda devamla, COVID-19 pandemisinin, "Tehlikeli Maddeler Envanteri"nin toplanması ve belgelendirilmesine ilişkin prosedürlerde ciddi aksaklıklara sebep olduğu, belirtilen tarihten sonra Avrupa limanlarına gidecek gemilerin uyumsuzluk risklerinin arttığı, yaşanan bu aksaklıklar neticesinde Armatör Dernekleri Yuvarlak Masası tarafından, EUSRR uyum konusu ile Ek'te bulunan tehlikeli madde envanterinin geliştirilmesi hususlarında Rehberler hazırlandığı belirtilmiştir.

Uygulamalar sonucunda elde edilen deneyimler çerçevesinde bahse konu rehberle ilgili olarak ortaya çıkacak soru ve önerilerin john.stawpert@ics-shipping.org adresine iletilmesi istenmektedir.

Bilgilerinize arz/rica ederim.

Saygılarımla,

*e-imza*  
İsmet SALİHOĞLU  
Genel Sekreter

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## **Avrupa Birliđi Gemi Geri Dönüşüm Yönetmeliđi'ne Uyum ve Tehlikeli Madde Envanterinin Geliştirilmesine Yönelik Sektör Rehberleri**

### **Giriş ve Amaç**

COVID-19 pandemisi, denizcilik sektöründe önemli zorluklar meydana getirmiştir. 6 ay süresince gemi personeli deđişimi ve gemilere erişim büyük ölçüde etkilenmiş olup bu süreç dünyanın birçok bölgesinde devam etmektedir. Bu aksaklıkların etkisinin, pandeminin pik yapmasından uzun süre sonra hissedilmesi beklenmekte olup rutin faaliyetlerin yeniden programlanması gerekmekte ve yapılması zorunlu sorveylerin belirli bir süre boyunca önemli ölçüde aksaması ön görülmektedir. Bu durum, gemilerin ve armatörlerin yasal yükümlülüklerini normal şekilde yerine getirmeleri sürecine COVID-19'un etkisi hususunda rehber yayınlamış olan IMO ve iki büyük Liman Devleti Kontrolü Momerandumu tarafından kabul edilmiştir.

Ancak mevcut durumda, 31 Aralık 2020 tarihinden itibaren tamamen geçerli olacak Avrupa Birliđi Gemi Geri Dönüşüm Yönetmeliđi (European Union Ship Recycling Regulation-EUSRR) bahse konu muafiyet çerçevesinin dışında kalmaktadır. Sorveyörlerin ve diđer uzmanların gemilere erişiminde yaşanan zorluklar, denizcilik şirketlerinin EUSRR'ye uygun olarak Tehlikeli Madde Envanteri (Inventories of Hazardous Materials-IHM) geliştirme süreçlerini önemli ölçüde etkilemiştir. Bahse konu eksikliđin, uygulama tarihinden sonra da devam etmesi beklenmekte olup bu doğrultuda Liman Devleti Kontrolü (Port State Control-PSC) denetimlerinde olası karışıklıklar ve uygunsuzluk nedeniyle ceza verilmesi ön görülmektedir.

Sektör birlikleri bu sorunu Avrupa Komisyonu ile ele almaya çalışırken, denizcilik şirketleri ve gemiler de yasal yükümlülüklerini yerine getirmek için gerekli tedbirleri aldıklarını düzenleyicilere göstererek, en kısa sürede uyum sağlamak adına azami ölçüde çaba sarfettiklerini belirtmelidir. Yukarıdaki bilgiler ışığında bu doküman, COVID-19'un olumsuz etkilerine rağmen, EUSRR'ye uyum kapsamında denizcilik şirketlerinin en uygun fırsatta almaları gereken tedbirler konusunda rehberlik sağlamaktadır.

### **1. Avrupa Birliđi Gemi Geri Dönüşüm Yönetmeliđi ve Tehlikeli Madde Envanteri**

EUSRR, 2018 yılında yürürlüğe girmiş olup 31 Aralık 2020 tarihinden itibaren AB limanlarına gidecek tüm gemiler için geçerli olacaktır. Yönetmelik, Hong Kong Konvansiyonu'nun gerekliliklerini geniş ölçüde yansıtırken, belirli alanlarda konvansiyonun dışında kalmaktadır.

Yönetmeliđin temel gerekliliđi, gemilerin Hong Kong Konvansiyonu ve rehberlerine uygun olarak envanter geliştirmesidir. Bunun yanı sıra, envantere dahil edilecek AB malzeme listesinin, Hong Kong Konvansiyonu çerçevesinde zorunlu tutulan iki ilave malzeme içerdiđi göz önünde bulundurulmalıdır.

Avrupa Birliđi Üye Devlet bayraklı gemiler, EUSRR uyarınca bir IHM oluşturmalı ve bulundurmalıdır. AB limanlarına gidecek ancak AB üyesi olmayan devlet bayraklı gemilerin, mümkün olduđu ölçüde Yönetmeliđin mevcut gemiler için belirttiđi gerekliliklere uygun bir envantere sahip olması gerekmektedir. Bahse konu envanterlere ilave olarak, geminin bayrađını taşıdıđı ülkenin ilgili idareleri veya idare tarafından yetkilendirilmiş kuruluşca verilen bir uyum beyanı da bulundurulmalıdır.

## **2. COVID-19 Nedeniyle Meydana Gelen Gecikmeler**

Yönetmeliğe tabi olan gemilerin büyük bir kısmının, 31 Aralık 2020 tarihine kadar onaylı bir IHM bulundurması gerekliliğini tam olarak karşılayamayacağı ön görülmektedir. Bazı durumlarda bunun nedeni yeterince hazırlık yapılmamasıdır. Ancak çoğunlukla, sörvey süreçleri ve planlanan IHM programlarındaki gecikmeler COVID-19 pandemisinin sebep olduğu aksaklıklardan kaynaklanmış olup yönetmeliğe uyum sağlanması adına iki yıldan uzun süredir devam eden programlar takvimden çıkartılmıştır. Bu süreçte gecikmeli programların telafi edilmesine yönelik hafifletici tedbirler bulunsa da, 2020 yılının son altı ayında mevcut kapasitenin olası talep artışını karşılayıp karşılayamayacağı belirsizliğini korumaktadır. Bu nedenle, Yönetmelik yürürlüğe girdikten sonra, en azından Avrupa limanlarına gidecek bazı gemiler şartlara tam anlamıyla uymayacak ve bu neticede muhtemel olarak liman devleti kontrol kısıtlamalarına tabi tutulacaklardır. Bu nedenle, gemi sahiplerinin aşağıda belirtilen önlemleri takip etmeleri ve 1 Ocak 2021 tarihinden itibaren gemileri Avrupa Limanlarına gideceği zaman, uyum sağlamak adına filolarını yönetmeye önem göstermeleri şiddetle tavsiye edilmektedir.

## **3. EUSR R Uyum Sürecinin Yönetimi**

Armatörler, EUSR R uygulama tarihi için herhangi geçiş dönemi ya da hafifletme gibi bir durumun söz konusu olmadığını ve EUSR R'ye tam olarak uyum sağlamayan gemilerin, AB Üye Devletleri ulusal liman devleti kontrol rejimleri dahilinde ceza uygulanması riskiyle karşılaşacağını göz önünde bulundurmalıdır. Yönetmeliğin nasıl uygulanacağı konusunda birçok belirsizlik bulunsa da, en kötü senaryoya göre hareket etmek, en yüksek düzeyde hazırlıklı olmayı ve AB Üye Devlet limanlarına gidecek gemilerin kontrol önlemlerine ve cezalara maruz kalma riskini en aza indirmeyi sağlayacaktır.

### **3.1. Filo Planlaması**

Planlama perspektifinden bakıldığında denizcilik şirketleri, filolarını EUSR R'ye azami ölçüde uygun olduğunu veya uyum gösterebileceğini belirtmek için en erken fırsatta aşağıda yer alan faaliyetleri gerçekleştirmelidir.

- Faaliyetlerin, 2021 yılının ilk altı ayında Avrupa limanlarına gidilecek gibi planlanması.
- Acil ihtiyaç duyacak gemilere öncelik verilerek, IHM'lerin oluşturulması için strateji geliştirilmesi.
- Programa ilişkin gerekliliklerin, sörvey ve sertifikasyon için olası alternatif düzenlemelerin belirlenmesi için ilgili bayrak devletlerine başvurulması.
- Sörvey ve sertifikasyon için olası alternatif düzenlemeler de dahil olmak üzere, IHM'lerin gerçekçi bir şekilde oluşturulabileceği program sürecinin değerlendirilmesi için Klas Kuruluşları ve IHM servis sağlayıcıları ile iletişime geçilmesi.

### **3.2. Tehlikeli Madde Envanterlerinin Geliştirilmesi**

Geri Dönüşüm İçin Gemi Satan Armatörlere Yönelik Geçici Tedbirler Hakkında Denizcilik Sektörü Rehberi, IMO'nun Tehlikeli Maddeler Envanteri (IHM) Geliştirme Rehberi (MEPC kararı 269(68)) ve Avrupa Deniz Emniyeti Ajansı'nın (European Maritime Safety Agency – EMSA) Tehlikeli Maddeler Envanteri Hakkında En İyi Uygulama Rehberi, AB ticaret gemilerinin IHM uyumluluğuna (sörvey ve sertifikasyon) yönelik izlenmesi gereken adımlar için yapılabilecek hazırlıkları göstermektedir. En erken fırsatta IHM gerekliliklerine gemilerini

hazırlamaları, EUSRRC çerçevesinde gerekli olan sörvey, onay ve sertifikasyon süreçlerini hızlandırmaları ve yürürlüğe giriş tarihinde uygun olmayan gemiler için uyumun sağlanmasına yönelik gerekli tedbirlerin alındığının göstermeleri adına armatörlerin aşağıda yer alan hususları gerçekleştirme amacıyla tam eğitilmiş ve donanımlı firma ve gemi kaynakları ile çalışmaları önerilmektedir. Özellikle, görsel / örnekleme kontrol planının hazırlanması da dahil olmak üzere tüm aşamaların tamamlanması sağlanmalıdır. Çünkü uzmanlar bu hususları gerçekleştirmeye hazır olduğunda sörvey, örnekleme ve onay süreçlerini hızlandıracaktır.

### **3.2.1. Gerekli Bilgilerin Toplanması**

IHM'nin geliştirilmesinin ilk aşaması, geminin inşasıyla ilgili mevcut bilgilerin toplanmasını içermektedir. Bu süreç bir dokümantasyon incelemesi, görsel kontroller ve gerekirse örnekleme kontrollerinden oluşmaktadır. Bakım, dönüştürme ve onarım belgeleri, sertifikalar, rehberler, gemi planları ve çizimleri, teknik özellikler, malzeme beyanları, aynı şekilde dizayn edilen ve yapılan gemilerin (sister ships) eşdeğer IHM'leri gibi bir dizi kaynaktan yararlanılmaktadır. Bir gemi hakkındaki bilgilerin, önceki faaliyetine (örneğin, önceki sahiplerin ve sınıf değişikliğinin sayısı) bağlı olarak değişeceği göz önünde bulundurulmalıdır. Bazı durumlarda, inşa sürecinde tersaneye teslim edilen, parça ve ekipman tedarikçileri tarafından sağlanan Malzeme Beyan (Material Declarations-MD) ve Tedarikçinin Uygunluk Beyan (Supplier's Declarations of Conformity-SDoC) formları mevcut olabilir.

### **3.2.2. Elde Edilen Bilgilerin Değerlendirilmesi**

Bilgi toplandıktan sonra, gemide bulunabilecekleri yerleri belirlemek için IHM Bölüm 1 Tablo A ve B'de belirtilen tüm materyalleri kapsayan değerlendirme yapılmalıdır. Bu değerlendirmenin sonuçları görsel / örnekleme kontrol planını geliştirmek için kullanılmalıdır.

### **3.2.3. Görsel / Örnekleme Kontrol Planının Hazırlanması**

Görsel / örnekleme kontrol planı, envanter oluşturulmasının ilk adımında toplanan bilgilerin değerlendirilmesi ve envanteri oluşturan kişi / kişilerin uzmanlığı temelinde geliştirilmelidir. Yeni yapılar için nokta kontrolleri ve örnekleme tavsiye edilirken, görsel / örnekleme kontrol planı ağırlıklı olarak mevcut gemilerin envanterlerinin geliştirilmesi içindir. Geminin yapısı ve ekipmanı dahilinde tehlikeli malzemelerin yerini ve yaklaşık miktarını göstereceği ve gemideki kontrollerin ve örneklemenin temelini oluşturacağı için görsel / örnekleme kontrol planına uygun nitelikli bir tehlikeli madde uzmanının yardımcı olması tavsiye edilmektedir. Bazı durumlarda klas kuruluşları, herhangi bir gemide inceleme veya numune alma yapılmadan önce görsel / örnekleme kontrol planının onaylanmasını isteyebilir.

COVID-19'un etkisi göz önüne alındığında, yerleşik görsel / örnekleme kontrolü ve ilgili sörveylerin ve nitelikli uzmanların bulunamaması nedeniyle ertelenmesi ön görülmektedir.

### **3.3. Ömrünü Tamamlamış Gemiler**

Denizcilik şirketleri, geri dönüşüm amacıyla gemi satarken Geçici Önlemleri uygulaması ve ilgili düzenlemelere uymaları önemle tavsiye edilmektedir. Geçerli yönetmelikler geminin bayrağı ve faaliyet alanı gibi faktörlere bağlı olarak değişebileceğinden, ilgili klas kuruluşlarından daha fazla rehberlik almak, ömrünü tamamlamış gemiler için bilinçli ve sorumlu kararlar verilmesine yardımcı olabilir.



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29 June 2020

**ENV(20)08**

**To: ENVIRONMENT SUB-COMMITTEE**

**Copy: All Full and Associate Members (for information)**

**INDUSTRY GUIDELINES ON EUROPEAN UNION SHIP RECYCLING REGULATION COMPLIANCE AND DEVELOPING INVENTORIES OF HAZARDOUS MATERIALS**

***Action Required: Members are invited to consider and circulate the Industry Guidelines on EUSRR compliance and developing inventories of hazardous materials, and to note the action taken in raising concerns to the European Commission. Members are also invited make their relevant national authorities aware of the action taken by the international shipowner associations, and the difficulties faced by industry with respect to compliance with the IHM requirements this regard due to COVID 19***

Members will recall that the EU Ship Recycling Regulation (EUSRR) requires ships of EU and third country flags greater than 500 GT and calling at a port or anchorage of an EU/EEA State to carry on-board an Inventory of Hazardous Materials (IHM) from 31 December 2020. However, the COVID 19 pandemic has resulted in severe disruptions to procedures for gathering and certifying an Inventory of Hazardous Materials, risking non-compliance by ships calling at European ports after the deadline. As a consequence of this disruption, the Round Table of Shipowner Associations, ECSA, ASA, CLIA and IMCA have developed Guidelines on EUSRR compliance and developing inventories of hazardous materials, provided at **Annex A**. The document provides guidance on measures that companies should take at the earliest opportunity, to demonstrate appropriate actions have been taken comply with the EUSRR despite the impact of COVID 19. Members are invited to circulate the document.

Members are also advised that the international shipowner associations have raised concerns with the European Commission on the impact of COVID 19 on EUSRR compliance, through the correspondence provided at **Annex B**. The letter requests a time-limited grace period of 12 months in which ships that have taken steps to comply with the IHM requirements, but have been unable to complete the process due to the COVID 19 pandemic can continue trading in the EU and EEA without penalty.

ICS members located in the EU or EEA are invited to make their relevant national authorities aware of the difficulties faced by industry in developing IHMs in accordance with the regulation due to COVID 19, the action taken by the international shipowner associations on the IHM requirements, and to stress the need for pragmatism in

enforcement of the EUSRR for IHMs from 1 January 2021. Non-European members are invited to make their relevant national authorities similarly aware of the action and impact, since the EUSRR will also affect non-European shipping and interests.

Members are advised that this is an ongoing process, and that further dialogue with the European Commission and other relevant authorities and parties is anticipated. Similarly, the guidelines are a living document and may be changed subject to experience. In this respect, any questions or comments should be provided to the undersigned ([john.stawpert@ics-shipping.org](mailto:john.stawpert@ics-shipping.org)).

ICS will continue to be actively involved in discussions concerning the application and impact of the EUSRR, and the Sub-Committee will be updated as appropriate.

**John Stawpert**  
**Manager (Environment and Trade)**



## **INDUSTRY GUIDELINES ON EUROPEAN UNION SHIP RECYCLING REGULATION COMPLIANCE AND DEVELOPING INVENTORIES OF HAZARDOUS MATERIALS**

### **Introduction and Purpose**

The COVID-19 crisis has presented significant challenges to the shipping industry. For a period of at least 6 months, crew changes and shipboard access has been severely affected and this is continuing in most parts of the world. The impact of this disruption is likely to be felt long after the peak of the pandemic has passed, with routine operations requiring rescheduling, and statutory surveys significantly disrupted for some time. This has been recognised by IMO and the two major Port State Control Memorandums of Understanding, which have issued clear guidance on exemptions and waivers which will apply as a consequence of the impact of COVID-19 on ships' and shipowners' ability to meet their statutory obligations in the normal manner.

However, one regulation which currently falls outside this exemption framework is the European Union Ship Recycling Regulation (EUSRR) which will fully apply from 31 December 2020. The challenges for surveyors and other external experts to access ships has significantly impacted on the ability of companies to develop Inventories of Hazardous Materials (IHM) in compliance with the European Ship Recycling Regulation (EUSRR), and this shortfall is likely to persist beyond the application date, with possible confusion in Port State Control (PSC) inspections and penalties for non-compliance following as a consequence.

Whilst industry associations are working to address this problem with the European Commission, companies and ships will need to ensure that they do their utmost to comply at the earliest opportunity, demonstrating to regulators that they are taking measures to meet their statutory obligations. This document therefore provides guidance on measures that companies should take at the earliest opportunity to demonstrate actions have been taken comply with the EUSRR within the appropriate schedule despite the impact of COVID 19.

### **1. European Union Ship Recycling Regulation and Inventories of Hazardous Materials**

The EUSRR came into force in 2018 and is effective for all ships calling at EU ports from 31 December 2020. Whilst the instrument broadly mirrors the requirements of the Hong Kong Convention, it exceeds it in certain areas.

A fundamental requirement of the regulation is that ships develop inventories in accordance with the Hong Kong Convention and its guidelines. However, it should be noted that the EU



list of materials to be included in the inventory contains two additional materials to those required by the Hong Kong Convention.

Ships flying the flag of an EU Member State must develop and maintain an IHM in accordance with the EUSRR . Ships flying the flag of a non-EU State which call at EU ports must have on board an inventory which complies, as far as practicable, with the Regulation's requirements for existing ships. Such inventories should be accompanied by a statement of compliance issued by the relevant authorities of the country whose flag the ship flies or an organisation authorised by them.

## **2. Delays due to COVID-19**

It is likely that a significant proportion of ships subject to the regulation will not have fully met the requirements to have a certified IHM on board by 31 December 2020. Whilst in some cases this may be due to a failure to prepare adequately, in many others, delays to survey cycles and scheduled IHM programmes have resulted from the disruptions of the COVID-19 pandemic, and programmes that have been in place for two years or more to ensure compliance have been severely put off schedule. Whilst there are some mitigation measures that will allow delayed schedules to catch up in the interim, it is uncertain whether existing capacity will be able to meet the likely surge in demand in the final six months of 2020. As such, at least some ships calling at European ports after entry into force will not be fully compliant with the requirements and potentially subject to port state control restrictions as a consequence. It is therefore strongly recommended that shipowners follow the measures outlined below and endeavour to manage their fleets to ensure compliance when their ships call at European Ports from 1 January 2021.

## **3. Managing Compliance with the EUSRR**

Shipowners should assume that the application date for the EUSRR will stand without a transition period or relaxation, and that ships that are not fully compliant with the EUSRR will risk penalisation under national Port State Control regimes in EU Member States. Whilst there is much that is uncertain about how the regulation will be applied in practice, preparing for a worst case scenario will ensure maximum preparedness and minimise the exposure of ships calling at ports of EU Member States to control measures and penalties.

### **3.1. Fleet Planning**

From a planning perspective, companies should undertake the following activities at the earliest opportunity to maximise the readiness of their fleet to comply or, demonstrate compliance, with the EUSRR:

- Assess planned operations on the basis of the likelihood of European port calls for at least the first six months of 2021.
- Develop a strategy for the development of IHMs, prioritising those ships that will need them most urgently.
- Contact relevant flag States so as to identify their requirements with respect to timetables, and possible alternative arrangements for survey and certification.

- Contact Class Societies and IHM service providers to assess the timetable in which IHMs can be realistically developed, including and possible alternative arrangements for survey and certification.

### **3.2. Development of Inventories of Hazardous Materials**

The Shipping Industry Guidelines on Transitional Measures for Shipowners Selling Ships for Recycling', IMO's Guidelines for Developing the Inventory of Hazardous Materials (IHMs) (MEPC resolution.269(68), and the EMSA Best Practice Guidance on the Inventory of Hazardous Materials demonstrate preparations that can be undertaken to prepare EU-trading vessels for IHM compliance (survey and certification). It is recommended that shipowners undertake the following actions using fully trained and qualified company and shipboard resources to begin preparing IHMs for their ships at the earliest opportunity, as doing so will speed up the survey, approval and certification processes required by the EUSR and, for ships not compliant by the application date, clearly demonstrate that measures have been taken to achieve compliance. In particular, it should be ensured that all stages are completed up to and including the preparation of the visual/sampling check plan, since this will accelerate the survey, sampling and approval processes when experts are available to carry them out.

#### **3.2.1. Collection of Necessary Information**

The first stage of the development of an IHM involves the collection of available information relevant to the ship's construction. This process consists of a documentation review, visual checks and, if necessary, sampling checks. It draws on a number of potential sources such as maintenance, conversion and repair documents, certificates, manuals, ship plans and drawings, technical specifications, material declarations, and equivalent IHMs from sister ships. It should be recognised that the availability of information about a ship will vary depending on its previous operation e.g. age, number of previous owners, number of changes of class, etc. In some cases, Material Declarations (MD) and Supplier's Declarations of Conformity (SDoC) forms, provided by the suppliers of parts and equipment delivered to the shipyard at construction may be available.

#### **3.2.2. Assessment of Information**

Once information has been collected it should be assessed, covering all materials listed in Table A and B of Part 1 of the IHM, to identify locations where they may be present on the ship. The results of this assessment should be used to develop the visual/sampling check plan.

#### **3.2.3. Preparation of Visual/Sampling Check Plan**

The visual/sampling check plan should be developed on the basis of the assessment of information collected in the first step of the inventory's development and the expertise of the person/persons developing the inventory. While spot checks and sampling are recommended for new buildings, the visual/sampling check plan is predominantly for the development of inventories for existing ships. It is recommended that a suitably qualified

hazardous materials expert assists with the visual/sampling check plan, as this will form the basis of the on board checks and sampling of materials which will, in turn, indicate the location and approximate quantity of hazardous materials throughout the ship's structure and equipment. In some cases, classification societies may request approval of the visual/sampling check plan before any on board inspection or sampling is carried out.

Given the impact of COVID-19, it is likely that the onboard visual/sampling check and associated survey will be delayed due to shortfalls in the availability of qualified experts.

### **3.3. End of Life Ships**

It is strongly recommended that companies apply the Transitional Measures when selling ships for recycling, and ensure compliance with the relevant regulations. Further guidance from respective classification societies can also be helpful to make informed and responsible decisions for end of life ships because the applicable regulations can vary depending on factors including ship flag and area of operation.

## **4. Useful References**

Shipping Industry Guidelines on Transitional Measures for Shipowners Selling Ships for Recycling (2<sup>nd</sup> Edition): <https://www.ics-shipping.org/docs/default-source/resources/environmental-protection/shipping-industry-guidelines-on-transitional-measures-for-shipowners-selling-ships-for-recycling.pdf?sfvrsn=8>

IMO's Guidelines for Developing the Inventory of Hazardous Materials (IHMs) (MEPC resolution.269(68): [http://www.imo.org/en/OurWork/Environment/ShipRecycling/Documents/02-1%20RESOLUTION%20MEPC%20269\(68\)%20IHM%20Guidelines.pdf](http://www.imo.org/en/OurWork/Environment/ShipRecycling/Documents/02-1%20RESOLUTION%20MEPC%20269(68)%20IHM%20Guidelines.pdf)

Best Practice Guidance on the Inventory of Hazardous Materials:  
<http://www.emsa.europa.eu/implementation-tasks/environment/ship-recycling/items.html?cid=150&id=3003>

## **5. Supporting Organisations**

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|------------|---|
| ASA        | <a href="http://www.asianshipowners.org/">http://www.asianshipowners.org/</a> |
| BIMCO      | <a href="http://www.bimco.org">www.bimco.org</a>                              |
| CLIA       | <a href="http://www.cruising.org">www.cruising.org</a>                        |
| ECSA       | <a href="http://www.ecsa.eu">www.ecsa.eu</a>                                  |
| ICS        | <a href="http://www.ics-shipping.org">www.ics-shipping.org</a>                |
| IMCA       | <a href="http://www.imca-int.com">www.imca-int.com</a>                        |
| Intercargo | <a href="http://www.intercargo.org">www.intercargo.org</a>                    |
| Intertanko | <a href="http://www.intertanko.com">www.intertanko.com</a>                    |

Brussels, 29 June 2020

## **EU Ship Recycling Regulation - Inventory of Hazardous Materials: challenges to comply with imminent deadline due to COVID-19**

Dear Mr Virginijus Sinkevičius,

The undersigned represent a group of International Shipping Associations. Together, and on behalf of our respective Member companies, we write to raise concerns about the shipping community's ability to comply with the Inventory of Hazardous Materials (IHM) requirements of the EU Ship Recycling Regulation (EUSRR) (1257/2013) due to operational challenges presented by COVID-19.

The EU Ship Recycling Regulation requires ships of 500 GT and above and flying the flag of countries in the EU and all other ships regardless of the flag they are flying, to carry on-board an IHM from 31 December 2020 when calling at a port or anchorage of a country that is a member of the EU<sup>1</sup>.

The purpose is to compile a detailed inventory of the hazardous materials on-board, which is maintained during the ship's operational life, to support safe and responsible recycling when the ship is taken out of service - which the shipping industry is fully committed to. To best preserve human health and the environment, it is imperative that the IHM is prepared and maintained as comprehensively as possible. Severe disruptions to planned operations due to COVID-19 have had a significant impact on procedures for gathering and certifying the IHM, risking non-compliance by the deadline. To ensure quality and to meet the intended purpose, the undersigned shipping associations believe the extent of the problem requires a coordinated response at European level.

### **Impact of COVID-19 on compliance procedures**

For ships currently in service, shipping companies must compile a list of hazardous materials contained in the structure or equipment of the ships they own or manage, which identifies their location and approximate quantities. This should be complete with sampling and analysis, statements of conformity from equipment suppliers, and a verification survey from the ship's Flag State or a Recognised Organisation acting on their behalf. In normal times, the compilation procedures may last several months per ship, but the unprecedented challenges posed by COVID-19 make full compliance by the deadline especially difficult. Lockdown and quarantine measures implemented

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<sup>1</sup> EEA ports and flagged ships are also covered by the Regulation's requirements on the basis of the EEA Agreement



in most countries since the outbreak of COVID-19 have caused wide-spread disruptions for the shipping industry. Unprecedented numbers of ships are in lay-up, trading areas and schedules have been adapted or cancelled last-minute, and restrictions on movement have impeded the exchange of crew and external third-party personnel.

Consultations with shipping companies represented by the undersigned associations indicate that several thousands of ships are likely to be unable to comply with the Regulation by the entry into force date due to events outside their control. Many report that planned or requested sampling from hazardous materials experts or inspections from surveyors have been put on hold due to restrictions on external personnel coming on board, reduced availability of flights, port closures and social distancing measures put in place around the world. Others cite bottlenecks in obtaining sampling results from accredited laboratories, lack of availability of accredited experts in new ports of call or location of ship lay-up, and difficulties in obtaining Material Declarations and other documents from equipment suppliers to prepare the IHM.

These difficulties are combined with an overall uncertainty as to when travel and economic life may begin to normalise and how economic realities may impact the operation or trading pattern of ships. Even when lockdown and restrictions gradually ease, we are unlikely to see a consistent normalisation across countries and wider regions for some time. The problems discussed above may thus persist, with shipping companies continuing to face difficulties completing the compilation procedures in their areas of operation.

### **Ongoing efforts from shipowners**

It should be stressed that non-compliance is not due to a lack of effort from shipowners. For many of those that face the prospect of being unable to fully comply with the Regulation by 31 December 2020, planning was initiated well before the outbreak of the virus. To the extent that compliance steps can be taken remotely, such steps are being undertaken as are efforts to organise sampling and inspections when circumstances allow. Of the consulted shipping companies who have not yet achieved a certificate or statement of compliance, the majority are in the process of doing so pending i.a. the availability of expert support and laboratory analysis results. A smaller number of shipping companies have completed the preparation and are awaiting only the survey verification from the Flag Administration/Recognised Organisation.

The industry has also issued best management guidance to companies on how to manage their fleets with respect to compliance in the face of the challenges presented by COVID-19 (See annex A). However, the ongoing disruption resulting from the

pandemic makes it unlikely that these processes will be completed by the compliance deadline, since the necessary service providers may not have the capacity to meet demand in the timeframe remaining and in the face of likely ongoing restrictions.

## **EU policy and guidance throughout COVID-19 outbreak**

The far-reaching effects of the COVID-19 pandemic on the maritime transport sector overall have been well recognised in EU guidelines<sup>2</sup> which have helped to keep trade flowing whilst maintaining safety. Amendments to EU regulations have also sought to provide relief to the transport sector by addressing practical problems and increasing flexibility<sup>3</sup>, noting the pervasive impact of COVID-19 which is likely to continue to have a profound and lasting impact for some time. In some cases, regulation deadlines have been extended to provide transport operators more time to comply with requirements given the unforeseeable obstacles from COVID-19<sup>4</sup>. The exceptional circumstances have also been reflected internationally via – for instance – the Paris MoU on Port State Control, which produced temporary guidance<sup>5</sup> to participating maritime administrations and supports a pragmatic approach to ship inspections by providing certain time-limited flexibilities with respect to ship certificate requirements and survey/audit intervals. The latter also makes reference to flexibilities for regulatory requirements<sup>6</sup>, provided the ship carries evidence of a plan towards compliance. Unfortunately, none of this existing guidance fully reflect the challenges of the imminent IHM deadline which we believe merits consideration.

## **Desired flexibility**

An IHM is a crucial document to enhance safety and the protection of human life and the environment. To ensure quality and to meet the intended purpose, the undersigned shipping associations emphasise the challenges posed by COVID-19 and believe the extent of the problem requires a coordinated response at European level. We therefore request a time-limited implementation or grace period of 12 months which would enable shipping companies to make up for lost time caused by COVID-19 restrictions and interruptions.

Such flexibility may be best achieved at the level of Port State Control, harmonised fully across EU ports to ensure equal treatment. In the interim period, EU guidance

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<sup>2</sup>Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships <https://ec.europa.eu/transport/sites/transport/files/legislation/c20203100.pdf> / Communication from the Commission on the implementation of the Green Lanes [https://ec.europa.eu/transport/sites/transport/files/legislation/c20201897\\_en.pdf](https://ec.europa.eu/transport/sites/transport/files/legislation/c20201897_en.pdf)

<sup>3</sup> Package of measures to support transport sector, Proposal for amending Regulation 2017/352 [https://ec.europa.eu/transport/sites/transport/files/legislation/com\\_2020\\_0177.pdf](https://ec.europa.eu/transport/sites/transport/files/legislation/com_2020_0177.pdf)

<sup>4</sup> Coronavirus: extended deadline to equip planes with surveillance technology: [https://ec.europa.eu/transport/modes/air/news/2020-04-29-coronavirus-extended-deadline-equip-planes-surveillance-technology\\_en](https://ec.europa.eu/transport/modes/air/news/2020-04-29-coronavirus-extended-deadline-equip-planes-surveillance-technology_en)

<sup>5</sup> Paris MoU on Port State Control, Temporary Guidance Related To Covid-19 For Port State Control Authorities (Rev.2) <https://www.parismou.org/system/files/PSCIRC97%20-%20TEMPORARY%20GUIDANCE%20RELATED%20TO%20COVID-19%20REV.2.pdf>

<sup>6</sup> Paragraph 9: Installation of Ballast Water Management System



could be issued clarifying what could be considered acceptable evidence of compliance efforts (such as a service contract for sampling or a survey). Moreover, in accordance with the Regulation, ships taken out of service for recycling during this period and beyond should remain subject to a completed IHM Part II (operationally-generated waste) and Part III (stores), together with verifications from the Flag Administration.

The undersigned respectfully ask your attention to the topic and the proposed way forward and stand ready to discuss more in detail the topic and proposed way forward.

Yours sincerely,

Martin Dorsman  
Secretary General  
European Community Shipowners'  
Associations

Guy Platten  
Secretary General  
International Chamber of Shipping

Yuichi Sonoda  
Secretary General  
Asian Shipowners' Association

Angus Frew  
Secretary General and CEO  
BIMCO

Tom Boardley  
Secretary General  
CLIA Europe

Margaret Fitzgerald  
Head of Policy & Regulatory Affairs  
International Maritime Contractors  
Association

Kostas G. GKONIS, PhD  
Secretary General  
INTERCARGO

Katharina Stanzel  
Managing Director  
INTERTANKO

## **Annex A: Industry Guidelines On European Union Ship Recycling Regulation Compliance And Developing Inventories Of Hazardous Materials**

### **Introduction and Purpose**

The COVID-19 crisis has presented significant challenges to the shipping industry. For a period of at least 6 months, crew changes and shipboard access has been severely affected and this is continuing in most parts of the world. The impact of this disruption is likely to be felt long after the peak of the pandemic has passed, with routine operations requiring rescheduling, and statutory surveys significantly disrupted for some time. This has been recognised by IMO and the two major Port State Control Memorandums of Understanding, which have issued clear guidance on exemptions and waivers which will apply as a consequence of the impact of COVID-19 on ships' and shipowners' ability to meet their statutory obligations in the normal manner.

However, one regulation which currently falls outside this exemption framework is the European Union Ship Recycling Regulation (EUSRR) which will fully apply from 31 December 2020. The challenges for surveyors and other external experts to access ships has significantly impacted on the ability of companies to develop Inventories of Hazardous Materials (IHM) in compliance with the European Ship Recycling Regulation (EUSRR), and this shortfall is likely to persist beyond the application date, with possible confusion in Port State Control (PSC) inspections and penalties for non-compliance following as a consequence.

Whilst industry associations are working to address this problem with the European Commission, companies and ships will need to ensure that they do their utmost to comply at the earliest opportunity, demonstrating to regulators that they are taking measures to meet their statutory obligations. This document therefore provides guidance on measures that companies should take at the earliest opportunity to demonstrate actions have been taken comply with the EUSRR within the appropriate schedule despite the impact of COVID 19.

### **1. European Union Ship Recycling Regulation and Inventories of Hazardous Materials**

The EUSRR came into force in 2018 and is effective for all ships calling at EU ports from 31 December 2020. Whilst the instrument broadly mirrors the requirements of the Hong Kong Convention, it exceeds it in certain areas.

A fundamental requirement of the regulation is that ships develop inventories in accordance with the Hong Kong Convention and its guidelines. However, it should be



noted that the EU list of materials to be included in the inventory contains two additional materials to those required by the Hong Kong Convention.

Ships flying the flag of an EU Member State must develop and maintain an IHM in accordance with the EUSRR. Ships flying the flag of a non-EU State which call at EU ports must have on board an inventory which complies, as far as practicable, with the Regulation's requirements for existing ships. Such inventories should be accompanied by a statement of compliance issued by the relevant authorities of the country whose flag the ship flies or an organisation authorised by them.

## **2. Delays due to COVID-19**

It is likely that a significant proportion of ships subject to the regulation will not have fully met the requirements to have a certified IHM on board by 31 December 2020. Whilst in some cases this may be due to a failure to prepare adequately, in many others, delays to survey cycles and scheduled IHM programmes have resulted from the disruptions of the COVID-19 pandemic, and programmes that have been in place for two years or more to ensure compliance have been severely put off schedule. Whilst there are some mitigation measures that will allow delayed schedules to catch up in the interim, it is uncertain whether existing capacity will be able to meet the likely surge in demand in the final six months of 2020. As such, at least some ships calling at European ports after entry into force will not be fully compliant with the requirements and potentially subject to port state control restrictions as a consequence. It is therefore strongly recommended that shipowners follow the measures outlined below and endeavour to manage their fleets to ensure compliance when their ships call at European Ports from 1 January 2021.

## **3. Managing Compliance with the EUSRR**

Shipowners should assume that the application date for the EUSRR will stand without a transition period or relaxation, and that ships that are not fully compliant with the EUSRR will risk penalisation under national Port State Control regimes in EU Member States. Whilst there is much that is uncertain about how the regulation will be applied in practice, preparing for a worst case scenario will ensure maximum preparedness and minimise the exposure of ships calling at ports of EU Member States to control measures and penalties.

### **3.1. Fleet Planning**

From a planning perspective, companies should undertake the following activities at the earliest opportunity to maximise the readiness of their fleet to comply or, demonstrate compliance, with the EUSRR:

- Assess planned operations on the basis of the likelihood of European port calls for at least the first six months of 2021.
- Develop a strategy for the development of IHMs, prioritising those ships that will need them most urgently.
- Contact relevant flag States so as to identify their requirements with respect to timetables, and possible alternative arrangements for survey and certification.
- Contact Class Societies and IHM service providers to assess the timetable in which IHMs can be realistically developed, including possible alternative arrangements for survey and certification.

### **3.2. Development of Inventories of Hazardous Materials**

The Shipping Industry Guidelines on Transitional Measures for Shipowners Selling Ships for Recycling', IMO's Guidelines for Developing the Inventory of Hazardous Materials (IHMs) (MEPC resolution.269(68)), and the EMSA Best Practice Guidance on the Inventory of Hazardous Materials demonstrate preparations that can be undertaken to prepare EU-trading vessels for IHM compliance (survey and certification). It is recommended that shipowners undertake the following actions using fully trained and qualified company and shipboard resources to begin preparing IHMs for their ships at the earliest opportunity, as doing so will speed up the survey, approval and certification processes required by the EUSR and, for ships not compliant by the application date, clearly demonstrate that measures have been taken to achieve compliance. In particular, it should be ensured that all stages are completed up to and including the preparation of the visual/sampling check plan, since this will accelerate the survey, sampling and approval processes when experts are available to carry them out.

#### **3.2.1. Collection of Necessary Information**

The first stage of the development of an IHM involves the collection of available information relevant to the ship's construction. This process consists of a documentation review, visual checks and, if necessary, sampling checks. It draws on a number of potential sources such as maintenance, conversion and repair documents, certificates, manuals, ship plans and drawings, technical specifications, material declarations, and equivalent IHMs from sister ships. It should be recognised that the availability of information about a ship will vary depending on its previous operation e.g. age, number of previous owners, number of changes of class, etc. In some cases, Material Declarations (MD) and Supplier's Declarations of Conformity (SDoC) forms, provided by the suppliers of parts and equipment delivered to the shipyard at construction may be available.

### **3.2.2. Assessment of Information**

Once information has been collected it should be assessed, covering all materials listed in Table A and B of Part 1 of the IHM, to identify locations where they may be present on the ship. The results of this assessment should be used to develop the visual/sampling check plan.

### **3.2.3. Preparation of Visual/Sampling Check Plan**

The visual/sampling check plan should be developed on the basis of the assessment of information collected in the first step of the inventory's development and the expertise of the person/persons developing the inventory. While spot checks and sampling are recommended for new buildings, the visual/sampling check plan is predominantly for the development of inventories for existing ships. It is recommended that a suitably qualified hazardous materials expert assists with the visual/sampling check plan, as this will form the basis of the on board checks and sampling of materials which will, in turn, indicate the location and approximate quantity of hazardous materials throughout the ship's structure and equipment. In some cases, classification societies may request approval of the visual/sampling check plan before any on board inspection or sampling is carried out.

Given the impact of COVID-19, it is likely that the onboard visual/sampling check and associated survey will be delayed due to shortfalls in the availability of qualified experts.

### **3.3. End of Life Ships**

It is strongly recommended that companies apply the Transitional Measures referenced below when selling ships for recycling, and ensure compliance with the relevant regulations. Further guidance from respective classification societies can also be helpful to make informed and responsible decisions for end of life ships because the applicable regulations can vary depending on factors including ship flag and area of operation.

## **4. Useful References**

Shipping Industry Guidelines on Transitional Measures for Shipowners Selling Ships for Recycling (2<sup>nd</sup> Edition):

<https://www.ics-shipping.org/docs/default-source/resources/environmental-protection/shipping-industry-guidelines-on-transitional-measures-for-shipowners-selling-ships-for-recycling.pdf?sfvrsn=8>

IMO's Guidelines for Developing the Inventory of Hazardous Materials (IHM) (MEPC resolution.269(68):



[http://www.imo.org/en/OurWork/Environment/ShipRecycling/Documents/02-1%20RESOLUTION%20MEPC%20269\(68\)%20IHM%20Guidelines.pdf](http://www.imo.org/en/OurWork/Environment/ShipRecycling/Documents/02-1%20RESOLUTION%20MEPC%20269(68)%20IHM%20Guidelines.pdf)

Best Practice Guidance on the Inventory of Hazardous Materials:  
<http://www.emsa.europa.eu/implementation-tasks/environment/ship-recycling/items.html?cid=150&id=3003>

## 5. Supporting Organisations

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|------------|--|
| ASA        | <a href="http://www.asianshipowners.org">www.asianshipowners.org</a> |
| BIMCO      | <a href="http://www.bimco.org">www.bimco.org</a>                     |
| CLIA       | <a href="http://www.cruising.org">www.cruising.org</a>               |
| ECSA       | <a href="http://www.ecsa.eu">www.ecsa.eu</a>                         |
| ICS        | <a href="http://www.ics-shipping.org">www.ics-shipping.org</a>       |
| IMCA       | <a href="http://www.imca-int.com">www.imca-int.com</a>               |
| Intercargo | <a href="http://www.intercargo.org">www.intercargo.org</a>           |
| Intertanko | <a href="http://www.intertanko.com">www.intertanko.com</a>           |