

EC Guidelines on the EU SRR for vessels that might not be certified on time due to Covid-19

The EC has published guidelines on the Ship Recycling Regulation (EU SRR) compliance since the deadline approaches and vessels might not get certified due to COVID-19.

Notice to: Ship Owners/ Managers/ Operators | Surveyors/Auditors

URC20044 | 01 October 2020

As of 31 December 2020, the EU Ship Recycling Regulation (EU SRR) requires all existing EU flagged ships and non-EU flagged ships calling to an EU port or anchorage to carry on-board an **Inventory of Hazardous Materials (IHM)** with a Certificate or Statement of Compliance, respectively.

The European Commission (EC) has received reports from industry stakeholders that Covid-19 restrictions have led to significant difficulties in surveying ships and producing certified IHMs. The lockdown measures and widespread travel restrictions which were introduced to control Covid-19 have reportedly prevented many Ship Owners from producing the IHM in the first instance, but also inhibited flag State Surveyors and ROs from verifying and certifying the IHMs.

As a consequence, industry stakeholders estimate that several thousand ships are likely to be unable to comply with the IHM obligations and may not have the required certification by **the deadline of 31 December 2020**.

Therefore, considering the disruptions caused by Covid-19, it is desirable to establish some common guidelines in order to ensure a harmonised approach towards enforcement by the EU port States authorities during ship inspections **as of 1 January 2021**.

Specific scenarios due to Covid-19

In relation to the enforcement of the EU SRR, the EU port States authorities are likely to be confronted with two specific Covid-19 related scenarios that may require a more harmonised approach during inspections building on the general guiding principles referred to above. It is suggested to apply this **harmonised approach temporarily for a limited period of 6 months after the entry into application** of the IHM-related obligations for existing EU flagged vessels and non-EU flagged vessels calling at EU ports (i.e. until 30 June 2021).

1. Vessels without a valid IHM and/or accompanying Certificate

In this case the vessel may arrive at an EU port after 31 December 2020 without carrying on board a valid IHM and/or accompanying Inventory Certificate or Ready for Recycling certificate for EU flagged vessel or Statement of Compliance for non-EU flagged vessel, and the ship owner/master claims that this non-compliance is due to the Covid- 19 situation.

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**. Such evidence of compliance efforts may include e.g. a service contract for sampling or a survey. It may also include a justification why it was not possible to obtain a semi-completed IHM and associated certificate, including evidence of impossibility to comply with other elements of the certification than the on-board inspection. It is then for the inspector to decide whether this is acceptable on a case- by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

If the inspector decides to accept the evidence provided by the owner/master, then for the Inventory Certificate or Statement of Compliance the inspector should specify that **the documents should be completed and approved within 4 months after the inspection**. In addition, **a warning should be given to the vessel** and the inspection result and warning should be registered in the ship recycling module of THETIS – EU.

If these plans have to be amended further after the inspection, due to continuing travel or access restrictions, then the owner/master needs to provide sufficient written evidence from the IHM inspectors that it has not been feasible to meet the initial plans. Again, it is then for the inspector undertaking the next inspection to decide whether this evidence is acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

For the Ready for Recycling Certificate, if the inspector accepts the evidence after evaluation on a case-by-case basis, the owner/master of the vessel should be warned that they are required to obtain the Ready for Recycling Certificate before entering the ship recycling facility. As the Ready for Recycling Certificate is only valid for 3 months, it should be completed and approved at the earliest possible opportunity prior to the vessel undertaking its last voyage. The inspection result and warning should be registered in the ship recycling module of THETIS – EU.

2. Vessels with a semi-completed IHM with an associated approved Inventory Certificate or Ready for Recycling Certificate or the Statement of Compliance, that does not contain on-board 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. Furthermore, in this case, there would also have to be documented plans and arrangements kept on-board the ship indicating when it will be feasible for qualified samplers to complete the IHM with respect to limitations caused by the Covid-19 pandemic. It is then for the inspector to decide whether this evidence is acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

If the inspector does accept the evidence provided by the owner/master, then for the Inventory Certificate or Statement of Compliance the inspector should specify that the IHM should be **completed and approved within 4 months after the inspection**. In addition, a warning should be given to the vessel and the inspection result and warning should be registered in the ship recycling module of THETIS – EU.

If these plans have to be amended further after the inspection, due to continuing travel or access restrictions, then the owner/master needs to provide sufficient written evidence from the IHM inspectors that it has not been feasible to meet



the initial plans. Again, it is then for the inspector undertaking the next inspection to decide whether this evidence is acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

For the Ready for Recycling Certificate, if the inspector does accept this evidence after evaluation on a case-by-case basis, the owner/master of the vessel should be warned that it is required to complete the IHM and obtain an updated Ready for Recycling Certificate before entering the ship recycling facility. The inspection result and warning should be registered in the ship recycling module of THETIS – EU.

Act now

Ship Owners / Managers / Operators of vessels calling EU ports should urge to comply with the EU SRR prior 31 December 2020, in order to avoid any complexities with the EU Port State Controls.

Source: EC

