INTERNATIONAL MARITIME ORGANIZATION

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INTERNATIONAL CONFERENCE ON THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS
Hong Kong, China, 11-15 May 2009

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

Text examined and approved by the Drafting Committee

THE PARTIES TO THIS CONVENTION,

NOTING the growing concerns about safety, health, the environment and welfare matters in the ship recycling industry,

RECOGNIZING that recycling of ships contributes to sustainable development and, as such, is the best option for ships that have reached the end of their operating life,

RECALLING resolution A.962(23), adopted by the Assembly of the International Maritime Organization (Guidelines on Ship Recycling); amendments to the Guidelines adopted by resolution A.980(24); Decision VI/24 of the Sixth Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which adopted Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships; and the Guidelines approved by the 289th session of the Governing Body of the International Labour Office (Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey),

RECALLING ALSO resolution A.981(24), by which the Assembly of the International Maritime Organization requested the Organization's Marine Environment Protection Committee to develop a legally-binding instrument on ship recycling,

NOTING ALSO the role of the International Labour Organization in protecting the occupational safety and health of workers involved in ship recycling,

NOTING FURTHER the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in protecting human health and the environment against the adverse effects which may result from such wastes,

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

CLIMATE CHANGE: A CHALLENGE FOR IMO TODAY

MINDFUL of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

MINDFUL ALSO of the need to promote the substitution of hazardous materials in the construction and maintenance of ships by less hazardous, or preferably, non-hazardous materials, without compromising the ships' safety, the safety and health of seafarers and the ships' operational efficiency,

RESOLVED to effectively address, in a legally-binding instrument, the environmental, occupational health and safety risks related to ship recycling, taking into account the particular characteristics of maritime transport and the need to secure the smooth withdrawal of ships that have reached the end of their operating lives,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention for the Safe and Environmentally Sound Recycling of Ships,

HAVE AGREED as follows:

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, so far as is reasonable and practicable, with this Convention.

3 This Convention shall not apply 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 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 onboard either an International Certificate on Inventory of Hazardous Materials or an International Ready for Recycling Certificate, which, if valid, shall be accepted.

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 a 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 so 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 Recycling Company name 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

(Text as in SR/CONF/DC/1/Add. 1)

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 burning equipment or other forms of naked flame, as well as heating, grinding, or spark generating operations;

.2 Safe-for-entry requirements of regulation 1.4 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 of 500 GT and above 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 onboard 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 comprize 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 neither English, French nor 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 authorising 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 neither English, French nor 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 neither English, French nor 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 5 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 responsibilitilies 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 equiped 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 co-ordination 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	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. Ozone-depleting substances that may be found on board ship include, but are not limited to: 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	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.	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 bv 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 Y/N (*2)	Storage Y/N	Process (*1) 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.

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)*