

# **Workshop on the Inventory of Hazardous Materials**

**21 – 22.09.2016**

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## List of Abbreviations

EMSA	European Maritime Safety Agency
EU	European Union
GT	Gross Tonnage
HM	Hazardous Material
HBCDD	Brominated Flame Retardant
HKC	Hong Kong International Convention for the Safe and Sound Recycling of Ships
IC	Inventory Certificate
IHM	Inventory of Hazardous Materials
IMO	International Maritime Organization
PFOS	Perfluorooctane sulfonic acid
PSC	Port State Control
RfRC	Ready for Recycling Certificate
SoC	Statement of Compliance
SRF	Ship Recycling Facility
SRR	Ship Recycling Regulation

## 1. Introduction

The European Maritime Safety Agency has been established under Regulation (EC) 1406/2002 (as amended) of the European Parliament and of the Council for the purpose of ensuring a high, uniform and effective level of maritime safety, maritime security, prevention of and response to pollution caused by ships, as well as response to marine pollution caused by oil and gas installations.

Articles 1 and 2 (d) of the amended Founding Regulation foresee that the Agency shall assist the Commission in the performance of tasks assigned in legislative acts of the Union, including the ones in the field of prevention of pollution caused by ships.

Under this framework, EMSA has assisted the European Commission at international meetings, inter alia in IMO meetings (MEPC, ship recycling Working Groups, Hong Kong Diplomatic Conference), Basel Convention meetings, international conferences on ship recycling, etc. The Agency commissioned a study (finalised in September 2008), which provided a model of an integrated management system (IMS) for the certification of ship recycling facilities addressing safety, health and environmental issues.

EMSA has also organised workshops in its premises in Lisbon, in order to stimulate an exchange of views among experts on developments with regard to ship dismantling and as such to improve the level of information on current practices and solutions at EU level and provide a platform for discussion on the safe and environmentally sound recycling of ships.

Among others, a Workshop on Ship Recycling/SRR/Title II was held at EMSA premises in Lisbon, on 19 – 20 November 2015. This workshop identified a number of gaps and weaknesses in relation to the development and maintenance of a credible and qualitative Inventory of Hazardous Materials in the context of the Ship Recycling Regulation while it stressed the need for a harmonised implementation and enforcement of the relevant provisions. The outcome of this workshop was the starting point for EMSA to work on the development of the “Best Practice Guidance document on the Inventory of Hazardous Materials” to address the need for a qualitative and reliable IHM providing best practices both for the industry and for the maritime administrations when applying the respective provisions of the SRR.

In this regard, after compiling a first draft of the Best Practice Guidance document taking also valuable input from experts from the industry and the Member States, **EMSA held a Workshop on the Inventory of Hazardous Materials** on 21 -22 September to review the said draft guidance document. The workshop also tackled the contributions from Member States and the European Commission as well as gave the floor to the industry representatives to present their views. The meeting was opened by Mr. Georgios Christofi, Head of Unit B.3 Environment and Capacity Building and by Mr Emilien Gasc (DG ENV). Thirty six (36) participants from twenty three (23) EU Member States discussed and exchanged views about the development and maintenance of the Inventory of Hazardous Materials, implementation and enforcement of the relevant provisions of the SRR and on the draft document “EMSA’s Best Practice Guidance on the IHM”. In addition, a set of technical questions for the implementation of SRR in relation to the Inventory of Hazardous Materials was also put on the table for exchange of views. Interventions from selected speakers completed the agenda which can be found attached in Appendix A to this report.

The workshop contributed to highlight the challenges for the development of a credible IHM on board a ship and concluded the review of the whole document “EMSA’s Best Practice Guidance on the IHM”.

## 2. Background

Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling ('the SRR') was published in the Official Journal of the EU on Tuesday 10 December 2013. It entered into force on 30 December 2013. Its articles will apply at various stages, all detailed in article 32 of the Regulation.

The objective of the SRR is to reduce the negative impacts linked to the recycling of EU-flagged ships, without creating unnecessary economic burdens. It brings into force an early implementation of the requirements of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (HKC), therefore contributing to its global entry into force.

EMSA's activities are generally related to ships in operation in the marine environment and in this respect the Agency currently only addresses issues related to Title II of the SRR.

### 3. Discussions

At the beginning of the meeting DG ENV informed on the progress made with regard to the publication of the European List of Ship Recycling Facilities and the developments with regard to the implementation of the EU SRR.

Some representatives plead for more information on the "EU specific" requirements above the "Hong Kong" requirements. In replying to this, EMSA informed the Member States that a proposal for a study on the two additional Hazardous Materials of the EU SRR (PFOS and HBCDD) will be discussed within the EMSA's Administrative Board and, if approved, it will allow for a more in-depth and ship-specific knowledge on these two Hazardous Materials.

#### 3.1 Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials' (Development and Maintenance of the IHM)

The participants benefitted from presentations which covered relevant topics and stimulated a further exchange: Introduction to the "EMSA's Best Practice Guidance on the IHM", compiling an Inventory of Hazardous Materials - sampling on board ships - IHM experts – training & qualifications - state of play as regards IHM experts, securing a level playing field and a credible Inventory of Hazardous Materials - challenges for the shipowners and verification of an Inventory of Hazardous Materials - Inventory & Ready for Recycling certificates - Statements of Compliance - state of play in shipping.

#### 3.2 Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials' (Enforcement)

The participants benefitted from an EMSA presentation which covered relevant topics and stimulated a further exchange: enforcement of the provisions of the Ship Recycling Regulation on the Inventory of Hazardous Materials - control by the port State.

#### 3.3 Discussion on technical questions for the implementation of SRR in relation to the Inventory of Hazardous Materials

The participants exchanged views on a number of technical questions for the implementation of SRR in relation to the Inventory of Hazardous Materials based on a working document which can be found attached in Appendix C to this report.

### 4. Summary and Conclusions

The participants generally welcomed the draft document "EMSA's Best Practice Guidance on the IHM" and provided additional input during the review of the whole text.

The discussion was lively and fruitful and highlighted some basic considerations on the need for a balanced approach between cost and quality and for a workable and comprehensive guidance both for the industry and for the Member States.

In this regard, it was noted that the industry needs a clear guide for the development of the IHM in the context of the EU SRR as soon as possible in order to safeguard quality and a level playing field. It was also noted that the Member States would prefer a simplified approach with regard to the enforcement guidance, particularly on the port State control provisions of section seven (07) of the best practice guidance document.

As a summary, there was general consensus on the need to finalise as soon as possible a revised version of the document to accommodate the proposals from the Member States reflecting the outcome of the discussions during

the workshop. In this context, the **final revised version of the document “EMSA’s Best Practice Guidance on the Inventory of Hazardous Materials”**, reflecting the Member States views and comments, is attached to this report and will be published by EMSA as the official final version of the aforementioned document.

## Appendix A Agenda:

Wednesday, 21 September 2016

Time	Agenda Item	Speakers
08:45 – 09:15	Registration	
09:15 – 09:45	Welcome & Introduction	<b>G. Christofi</b> (HoU B.3 EMSA) & <b>Emilien Gasc</b> (DG ENV)
09:45 – 10:15	Compiling an Inventory of Hazardous Materials (IHM): Sampling on board ships. IHM experts – training & qualifications. State of play as regards IHM experts	Invited speaker – <b>Henning Gramman</b> (GSR Services GmbH)
10:15 – 10:30	Coffee break	
10:30 – 11:00	EMSA's Best Practice Guidance on the Inventory of Hazardous Materials (Introduction).	<b>Ioannis Mispinas</b> (EMSA)
11:00 – 13:00	Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials'.  Focus on the development and maintenance of the IHM (Hazardous Materials included in the IHM, Threshold Values, PFOS & HBCDD, Overarching Principles, Accreditation and Certification, Sampling & Analysis, Training & Qualifications).	
13:00 – 14:00	Lunch break.	
14:00 – 14:30	Securing a level playing field and a credible Inventory of Hazardous Materials. Challenges for the shipowners.	Invited speaker – <b>Benoît Loicq</b>  (European Community Shipowners' Associations)
14:30 – 15:15	Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials'.  Focus on the development and maintenance of the IHM (Hazardous Materials included in the IHM, Threshold Values, PFOS & HBCDD, Overarching Principles, Accreditation and Certification, Sampling & Analysis, Training & Qualifications).	

Time	Agenda Item	Speakers
15:15 – 15:45	Coffee break.	
15:45 – 16:15	Ship Recycling Regulation: Verification of an Inventory of Hazardous Materials. Inventory & Ready for Recycling certificates, Statements of Compliance. State of play in shipping	Invited speaker - <b>Jim Heath</b> (Lloyd's Register)
16:15 – 17:15	Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials'.  Focus on the development and maintenance of the IHM (Hazardous Materials included in the IHM, Threshold Values, PFOS & HBCDD, Overarching Principles, Accreditation and Certification, Sampling & Analysis, Training & Qualifications).	
17:15 – 17:30	Wrap up of the first day	

#### Thursday, 22 September 2016

Time	Agenda Item	Speakers
09:00 – 09:30	Enforcement of the provisions of the Ship Recycling Regulation on the Inventory of Hazardous Materials. Control by the port State.	<b>Sergio Alda</b> (EMSA)
09:30 – 10:15	Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials'.  Focus on the Enforcement provisions.	
10:15 – 10:45	Coffee break.	
10:45 – 11:30	Discussion on the draft document 'EMSA's Best Practice Guidance on the Inventory of Hazardous Materials'.  Focus on the enforcement provisions.	
11:30 – 12:30	Discussion on technical questions for the implementation of SRR in relation to the Inventory of Hazardous Materials	
12:30 – 13:30	Closure of the Meeting - Wrap up and presentation of the final outcome.	

## Appendix B Participants

Country	First name	Last name	Organization
Belgium	Gudrun	Janssens	OVAM
Belgium	Sarah	Goossens	FOD Mobiliteit en Vervoer - DG Scheepvaart
High Level Expert	Benoit	Loicq	ECSA
Bulgaria	Vladimir	Mihaylov	Executive Agency Maritime Administration
Bulgaria	Georgi	Stoyanov	Executive Agency Maritime Administration
Croatia	Milivoj	Andraka	Ministry of Maritime,transport and Infrastructure
Croatia	Ivan	Paušić	Ministry of Maritime Affairs, Transport and Infrastructure
Cyprus	Marios	Stephanides	Department of Merchant Shipping
Czech Republic	Irena	Sedláčková	Ministry of the Environment
Denmark	Lissie	Jørgensen	Danish EPA
Denmark	Martin	John	Danish Maritime Authority
Estonia	Agnes	Pilv	Ministry of the Environment
Finland	Thomas	Lundström	Finnish Transport Safety Agency
Finland	Ville-Veikko	Intovuori	Finnish Transport Safety Agency
France	Marc	Lebas	French Administration
France	Guillaume	Maes	Direction des Affaires Maritimes
High Level Expert	Henning	Gramann	GSR Services GmbH
Germany	Horst	Beck	Federal Ministry of Transport and Digital Infrastructur
Greece	Aikaterini	Stamou	Hellenic Ministry of Maritime Affairs and Insular Policy/Hellenic Coast Guard
Greece	Alexandra	Karpodini	Ministry of Environment
Ireland	Michael	Kennedy	Irish Maritime Administration, MSO
Italy	Domenico	Impagliazzo	Ministry of Infrastructure and Transport
Latvia	Valters	Veits	Latvian Maritime Administration
Lithuania	Justina	Grigaraviciene	Ministry of Environment
Lithuania	Linas	Kasparavičius	Lithuanian Maritime Safety Administration
Luxembourg	Joel	Mathieu	Commissariat aux affaires maritimes
Malta	Keon	Vella	Transport Malta - Merchant shipping directorate
Malta	David	Testa	Transport Malta - Merchant Shipping Directorate
Malta	Darren	Cordina	Environment & Resources Authority
Poland	Jan	Scieszka	Maritime Office Slupsk
Poland	Ewa	Makowska	Ministry of Maritime Economy and Inland Navigation
Portugal	Leonor	Freitas	IMT, I.P.
Portugal	Ana	Cardoso	DGRM
Romania	Daniel	Ionas	Romanian Naval Authority
Spain	Pablo	Pedrosa Rey	Direccion General De La Marina Mercante
The Netherlands	Cornelis	Oudshoorn	Min of Infrastructure & the Environment
The Netherlands	Joop	Westers	Netherlands Shipping Inspectorate
United Kingdom	Christian Bjorn	Emtage	Maritime & Coastguard Agency
High Level Expert	Jim	Heath	Lloyd's Register Group Limited

## Appendix C Technical Questions

### EMSA's Workshop on the Inventory of Hazardous Materials

Lisbon, 21 - 22 September 2016

#### Technical questions for the implementation of SRR in relation to the Inventory of Hazardous Materials

- 1) **After the application of the SRR:**
  - How to deal with a 'new'<sup>1</sup> ship which, for any reason has not been provided with an IHM compiled at the design and construction stage?
  
- 2) Reference is made to the accreditation and certification of laboratories and institutions. Some specific requirements (see EMSA's Best Practice Guidance/para 4.2) are formulated with regard to experts (*such as 10 years of experience*<sup>2</sup> and ISO 9000, ISO 17020 and 14000). However, the draft decisions and the international certificates refer to the state of registered organizations on behalf of the government.
  - How to deal with non EU vessels having (international) certificates issued by the competent authority of that country or a Recognized Organization but not prepared by an ISO certified Laboratory?
  
- 3) **SRR indicates:** "Member States shall apply control provisions for ships in accordance with their national law having regard to Directive 2009/16/EC. Subject to paragraph 2, any such inspection shall be limited to checking that either an inventory certificate or a ready for recycling certificate is kept on board".
  - Does that mean that two different regimes might be applied for ships entering ports of MS?
  
- 4) According to SRR article 11 para 3, a ship may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the IC, SoC or RfRC on request of those authorities.
  - Can the authorities request a copy of the IC, SoC or RfRC before the ship enters the port? Or is this request only to be made on board the ship during the inspection?
  - Can the authorities freely choose between the 4 listed interventions (warning, detainment etc.)?
  - Under what circumstances the different interventions should be used?
  - What a 'warning' might entail?
  
- 5) The possibility for authorities to warn, detain, dismiss etc. can, according to SRR/article 11 para 3, only be evoked if the ship doesn't submit a IC, SoC or RfRC.
  - What options does the authority have if they, during a detailed inspection, find out that there are inconsistencies in the inventory of hazardous materials?
  - Is their only option to report to the administration concerned?

<sup>1</sup> I.e. a ship which either: (a) the building contract is placed on or after the date of application of the Regulation; (b) in the absence of a building contract, the keel is laid or the ship is at a similar stage of construction six months after the date of application of the Regulation or thereafter; or (c) the delivery takes place thirty months after the date of application of the Regulation or thereafter.

<sup>2</sup> Quoted. (10 HM surveys)

- 6) SRR/Article 12 ('Requirements for ships flying the flag of a third country') lacks any reference to the PSC Directive<sup>3</sup> or to 'detailed inspections' while Article 11 ('Port State Control') refers to both.
- Having regard to the scope of the SRR (see Article 2.1), can a 'detailed inspection' be conducted on board a ship flying the flag of a third country or the control would be limited to checking that a Statement of Compliance is kept on board<sup>4</sup>?

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<sup>3</sup> Directive 2009/16/EC.

<sup>4</sup> SRR/Article 28 amending the PSC Directive/Annex IV.



**European Maritime Safety Agency**

Praça Europa 4  
1249-206 Lisbon, Portugal  
Tel +351 21 1209 200  
Fax +351 21 1209 210  
[emsa.europa.eu](http://emsa.europa.eu)

