



MGN 633 (M+F) Amendment 1

SHIP RECYCLING: Requirements in relation to Hazardous Materials on Ships (Amendment etc.) Regulations 2018

Notice to all Owners, Ship Operators and Managers, Charterers, Master and Officers of Merchant Ships, Skippers of Fishing Vessels, Shipbuilders, Port Authorities, Operators of Fixed and Floating Platforms and Drilling Rigs and Recognised Organisations

This notice replaces MGN 633 and should be read in conjunction with the following:

The Ship Recycling Facilities Regulations (SI) 2015 No.430 (2015 UK Regulations)

The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc) Regulations (SI) 2018 No.1122 (2018 UK Regulations)

The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations (SI) 2019 No. 277 (2019 EU exit Regulations)

The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations (SI) 2020 No.1429 (2020 EU exit Regulations)

For the sake of clarity, the 2018 UK Regulations, the 2019 EU Exit Regulations and 2020 EU Exit Regulations will all be referred to as the UK Ship Recycling Regulations henceforth throughout this document).

Regulation (EU) No. 1257/2013 on Ship Recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (the EU Regulation¹)

¹ Unless otherwise indicated, this refers to the retained EU Regulation in UK law, rather than the EU Regulation as it has effect in EU law.



Summary

This MGN has been revised to provide additional information on the Ship Recycling regime from 1st January 2021 – These changes can be found in:

- Sections 4: Inventory of Hazardous Materials - UK ships which are 500GT or over and subject to EU Port State Control may need to carry a Statement of Compliance.
- Section 6: Ship recycling facilities – UK ships required to be recycled at facilities on the 'United Kingdom' List. Facilities located in Northern Ireland will be treated as EU facilities because of the Northern Ireland Protocol.
- Section 6: Ship recycling facilities – Ship recycling facilities may require UK ships to comply with the Waste Shipment Regulation and have its associated documentation in order to be recycled at such facilities.
- Section 11 - Provides contact details for relevant Competent Authorities²

1. Introduction/ Background

- 1.1 This Marine Guidance Note provides guidance and clarification on certain aspects of both the EU Regulation and the UK Ship Recycling Regulations.
- 1.2 The EU Regulation aims to prevent, reduce, minimise and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling. It is designed to enhance safety, the protection of human health and of the marine environment throughout a ship's life cycle; in particular, to ensure that hazardous waste from such ship recycling is subject to environmentally sound management. The EU Regulation lays down rules to ensure the proper management of hazardous materials on ships.
- 1.3 The main purpose of the UK Ship Recycling Regulations is to establish the appropriate powers for survey and certification, inspection, enforcement and offences to give effect to the EU Regulation. At the end of the UK's transition period with the EU, the UK Ship Recycling Regulations³ retain the provisions of the EU Regulation within UK Law, to ensure that the UK Ship Recycling regime remains legally operable after 31st December 2020. The UK Ship Recycling Regulations⁴ also give effect to the Northern Ireland Protocol, which allows the EU Regulation to continue to apply to ship recycling facilities in Northern Ireland as it has effect in EU law.

2. Application

- 2.1 The UK Ship Recycling Regulations⁵ apply to all UK ships, excluding:
 - Ships of less than 500 gross tonnage (GT);
 - UK ships operating throughout their life only in UK waters; and
 - Any warships, naval auxiliary, or other ships owned or operated by a state and used, for the time being, only on government non-commercial service.

² These contact details have been provided as ship recycling facilities and the Waste Shipment Regulations are beyond the remit of MCA. Competent authorities have overall responsibility for these.

³ The 2019 EU exit Regulations.

⁴ The 2015 UK Regulations as amended by the 2020 EU exit Regulations.

⁵ The 2018 UK Regulations as amended by the 2019 UK regulations and 2020 UK Regulations.



3. Definitions

3.1 Definition of a Ship: A ship is defined as “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), as well as a vessel stripped of equipment or being towed”. There are no exemptions for these types of ship, therefore, the UK Regulations will apply.

4. Inventory of Hazardous Materials (IHM)

4.1. The following provision will apply from 1st January 2021:

4.2 The requirement for all UK ships which fall within the scope of the UK Ship Recycling Regulations, is to develop and hold a verified IHM. During the operational life of the ship the IHM only needs to cover ‘Part I’, the hazardous materials contained in the structure and equipment of the ship, which can be found in Annex I and II of the EU Regulation⁶.

4.3 The IHM must be specific to each UK ship, and provide evidence that the ship complies with the prohibition or restriction on installing or using hazardous materials in accordance with Article 5 of the EU Regulation, and be compiled taking into account relevant EU and IMO guidelines. The IHM must be maintained and updated throughout the operational life of the ship. More information on producing an IHM can be found in the guidance produced by the European Maritime Safety Agency which can be found here: <http://emsa.europa.eu/about/financial-regulations/items.html?cid=280&id=3003>, and in *the 2015 IMO Guidelines for the Development of the Inventory of Hazardous Materials (Resolution MEPC.269(68))* which can be found here: [https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/02-1%20RESOLUTION%20MEPC%20269\(68\)%20IHM%20Guidelines.pdf](https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/02-1%20RESOLUTION%20MEPC%20269(68)%20IHM%20Guidelines.pdf)

4.4 The IHM can be developed by the ship owner or a specialist company can be used. However, it is a statutory requirement that the IHM for UK ships must be verified by a surveyor from a UK authorised Recognised Organisation (RO) or Maritime and Coastguard Agency (MCA) surveyor. Once the IHM has been verified, an Inventory Certificate (IC) will be issued.

4.5 If a UK ship is going for recycling, it will need to obtain an IHM beforehand, otherwise the ship will not be able to obtain the Ready for Recycling Certificate (RfRC) allowing it to go for recycling (further information can be found below in Section 9). In addition to Part I of the IHM, the ship will need to have Part II (the operational waste present on board the ship) and Part III (the stores present onboard the ship) of the IHM, before it can be recycled.

4.6 From the 1st January 2021, UK flagged ships will be classed as third country ships by EU member states. Therefore, EU member states may require UK ships which are subject to EU Port State Control, to carry a Statement of Compliance (SoC) onboard, as required under the EU Regulation. Consequently, UK flagged ships of 500GT and over, which are subject to Port State Control at EU ports, may wish to carry a SoC in addition to an IC onboard.

4.7 Affected ship owners/operators are advised to contact their ROs if they intend to carry a SoC as advised. Owners/operators of UK ships which are not classed can also approach any of the UK authorised ROs or their local Marine Office with regards to obtaining a SoC.

⁶ Regulation (EU) No. 1257/2013



5 Surveys

5.1 UK ships within scope shall be subject to the following surveys:

- An initial survey;
- A 5-year renewal survey;
- An additional survey;
- A final survey.

5.2 'Initial' and 'renewal' surveys must verify that the IHM Part I (hazardous materials contained in the ship's structure and equipment) complies with the requirements of the UK Ship Recycling Regulation⁷. An IC will be issued if the IHM is verified as meeting the required standard.

5.3 'Additional' surveys shall be conducted, at the request of the shipowner, when there has been a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material in the vessel, which has an impact on the validity of the current IHM. Part I of the IHM should be amended to ensure that the ship continues to comply with the necessary requirements.

5.4 With regard to 'additional' surveys, if there is a dispute as to whether a repair or renewal effected or intended to be effected is a "significant" repair or renewal, and the ship owner or master wishes to seek advice, the inquiries should be sent to the MCA, by post or email using the MCA contact details provided at the end of this document.

5.5 'Final' surveys must be conducted prior to the ship being taken out of service before the ship goes for recycling. The survey shall ensure that the IHM and Ship Recycling Plan comply with the requirements and that the recycling facility is included in the 'United Kingdom List'⁸ of approved ship recycling facilities. In addition to Part I, the IHM should include Part II (a list of operationally generate waste) and Part III (any remaining ship stores), for the final survey. On successful completion of a final survey the administration or RO authorised by it shall issue a RfRC, which will be supplemented by the IHM and the authorised Ship Recycling Plan.

5.6 Survey and Certification of UK ships under the Ship Recycling regime has been delegated to UK authorised ROs and will refer to the Merchant Shipping (Survey and Certification) Regulations 2015.

5.7 UK ships which are not classed by one of the UK authorised ROs should approach any UK authorised ROs or the MCA for a survey.

- A list of UK authorised ROs and contact details can be found here: <https://www.gov.uk/guidance/uk-authorised-recognised-organisations-ros>
- A list of MCA offices and contact details can be found here: <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/access-and-opening>

⁷ Provisions of the EU Regulation which are retained in UK law by the 2018 Regulations as amended by the 2019 EU exit Regulations and the 2020 EU exit Regulations.

⁸ The UK list of Ship Recycling Facilities is being finalised by the DfT/MCA and expected to be published early 2021.



6 Ship Recycling Facilities

- 6.1 From the 1st January 2021 a UK ship must be recycled at a ship recycling facility (and obtain a Ship Recycling Plan) which is on the United Kingdom List⁹ (UK List) of approved facilities. The standard and criteria for approved ship recycling facilities on the UK List is similar to that used by the EU for its European List of approved facilities. Consequently, both the UK and European lists will include the same non-UK facilities. However, the UK List will also include all facilities located in the UK (including those in Northern Ireland) which have a valid Ship Recycling permit, even if the facility is not on the EU's European List. The Secretary of State also has the discretion to include other non-UK facilities in the UK List even if the facility is not on the EU's European List, but only if they meet the required standard.
- 6.2 As well as being on the UK List, ship recycling facilities in Northern Ireland will be treated in the same way as an EU ship recycling facility as a consequence of Article 5(4) of [The Northern Ireland Protocol](#) (NI Protocol). Thus, any facility in Northern Ireland will remain under Part A (facilities in the European Economic Area) of the European List, providing it continues to have a valid Ship Recycling permit. Facilities on the UK mainland will have to reapply for inclusion on the European List under Part B, which lists approved facilities in third countries.
- 6.3 Ship recycling facilities on the UK List can also apply for inclusion on the EU's European List. If successful, such facilities will need to comply with EU regulatory requirements for ship recycling facilities as they apply in the EU.
- 6.4 UK ships going for recycling at a ship recycling facility, which is on the UK List but outside the UK, may be asked to provide documentation needed for compliance with the Waste Shipment Regulations (WSR) (EC) No 1013/2006. Please note, WSR is not within the MCA's remit and guidance on the WSR requirements and its associated documentation can be sought from the relevant Competent Authorities set out in Section 11.

7 Ship Recycling Plan

- 7.1 UK ships which are about to go for recycling need a verified IHM which lists:
- the hazardous materials listed in Annex I and II contained in the structure and equipment of the ship (Part I);
 - the operational waste present on board the ship (Part II), and;
 - the stores present onboard the ship (Part III).
- 7.2 The Ship Recycling Plan shall be developed by the ship recycling facility, according to the relevant provisions of the Hong Kong Convention and the *2011 Guidelines for the Development of the Ship Recycling Plan* (MEPC.196(62)) which can be found here: [http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-\(MEPC\)/Documents/MEPC.196\(62\).pdf](http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Marine-Environment-Protection-Committee-(MEPC)/Documents/MEPC.196(62).pdf). The plan must consider the relevant IMO guidelines and ensure that the contents are consistent with the information contained in the vessel's IHM. The ship recycling facility is responsible for developing the Ship Recycling Plan and getting authorisation from its national competent authority.
- 7.3 Shipowners are required to assist by supplying the most recent version of the IHM (including Parts II and III if these are available) and any other ship relevant information which the facility will need to produce the Ship Recycling Plan.

⁹ The "United Kingdom list" will be published as soon as it is available.



8 Notification of Intent to Recycle

8.1 Before a UK ship is sent for recycling, shipowners are required to notify the MCA of their intention to recycle a ship at an approved ship recycling facility. The documentation submitted to the MCA should include the following:

- Part 1 of the IHM and Parts II and III if these are available at the time
- All relevant information which the shipowner has sent to the ship recycling facility which would be used to produce a Ship Recycling Plan.
- The Ship Recycling Plan can also be provided if this is available at the time.

8.2 This information should be submitted to the MCA by post to Clean Seas Operation Team, Maritime and Coastguard Agency, Bay 2/23, Spring Place, 105 Commercial Road, Southampton, SO15 1EG or by email to environment@mcga.gov.uk and should be received **at least 20 working days before the vessel goes for recycling.**

9 Ready for Recycling Certificate (RfRC)

9.1 Before going to be recycled, a UK ship must have in place a RfRC. Where a RfRC is required, the MCA has delegated this authority to the UK's authorised RO's for classed and unclassified ships. Unclassed ships can also contact the MCA for issuance of a RfRC.

9.2 Before the RfRC can be issued, Part II and Part III of the IHM must be completed by the shipowner. After the ship has received the RfRC from the UK's authorised RO's, the ship owner and Master continue to be responsible for maintaining the ship and ensuring that no changes are made that may affect the authorised Ship Recycling Plan.

10 Enforcement and Sanctions

10.1 Regulation 9 of the UK Ship Recycling Regulations¹⁰ sets out the offences and penalties for contravention of the IHM requirements.

10.2 A UK ship owner is guilty of an offence if any of the following apply:

- Annex I hazardous material is installed or used on the ship in a manner contrary to the Annex I control measures;
- The ship does not have on board a verified IHM;
- The ship owner does not comply with any requirement of Article 6(1) to (4) of the retained EU Regulation.
- The ship has not been submitted for an initial, renewal or final survey when one is required under Article 8 of the retained EU regulation.

10.3 A ship owner or master who is guilty of an offence on summary conviction will be liable to a fine, and on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both

¹⁰ Regulation 9 of 2018 UK Regulations as amended by regulation 5(3) of the 2019 EU exit Regulations.



11 Contact details for relevant Competent Authorities.

Ship owners who require further information regarding UK ship recycling facilities and/or guidance on WSR requirements or certification should contact their relevant authorities as below:

- **For UK ships normally located in England:** Contact Environment Agency - enquiries@environment-agency.gov.uk
- **For UK ships normally located Scotland:** Contact SEPA - <https://www.sepa.org.uk/contact/>
- **For UK ships normally located Wales:** Contact Natural Resources Wales - enquiries@naturalresourceswales.gov.uk
- **For UK ships normally located Northern Ireland:** Contact DAERA - <https://www.daera-ni.gov.uk/contact> and Health and Safety Executive (HSE) - <https://www.hse.gov.uk/contact/index.htm>

More Information

Clean Ship Operations Team
Maritime and Coastguard Agency
Bay 2/23
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel: +44 (0) 203 817 2511

e-mail: environment@mcga.gov.uk

Website Address: www.gov.uk/government/organisations/maritime-and-coastguard-agency

General Enquiries: infoline@mcga.gov.uk

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