

ANNEX 3

RESOLUTION MEPC.223(64)

Adopted on 5 October 2012

**2012 GUIDELINES FOR THE INSPECTION OF SHIPS
UNDER THE HONG KONG CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on the Safe and Environmentally Sound Recycling of Ships held in May 2009 adopted the *Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009* (the Hong Kong Convention) together with six Conference resolutions,

NOTING that article 8 of the Hong Kong Convention prescribes that a ship to which the Hong Kong 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 the Convention, taking into account the guidelines developed by the Organization,

HAVING CONSIDERED, at its sixty-fourth session, the draft 2012 Guidelines for Inspection of Ships under the Hong Kong Convention developed by the Working Group on Ship Recycling,

1. ADOPTS the *2012 Guidelines for the inspection of ships under the Hong Kong Convention*, as set out in the annex to this resolution;
2. INVITES Governments to apply the *2012 Guidelines for the inspection of ships under the Hong Kong Convention* upon the entry into force of the Convention; and
3. REQUESTS the Committee to keep the Guidelines under review.

* * *

ANNEX

2012 GUIDELINES FOR THE INSPECTION OF SHIPS UNDER THE HONG KONG CONVENTION

1 GENERAL

1.1 This document is intended to provide basic guidance for conducting port State control inspections in compliance with the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, (hereafter referred to as "the Convention") and to afford consistency in conducting these inspections, recognizing deficiencies and applying control procedures.

1.2 The regulations of the Convention contain the following compliance provisions:

- .1 an International Certificate on Inventory of Hazardous Materials is required for all ships, except ships of less than 500 gross tonnage, 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, and existing ships for which both an initial survey and a final survey are conducted at the same time, in which case the International Ready for Recycling Certificate is issued after the survey;
- .2 Administrations may establish appropriate alternative measures to demonstrate compliance by ships of less than 500 gross tonnage and/or 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; and
- .3 an International Ready for Recycling Certificate is required for all ships of 500 gross tonnage or above being taken out of service and before the recycling of the ship has started.

1.3 Article 8 of the Convention provides for control procedures to be followed by a State party with regard to foreign ships visiting its ports. The *Procedures for Port State Control, 2011*, adopted through Assembly resolution A.1052(27), apply in addition to these guidelines.

2 INSPECTIONS OF SHIPS REQUIRED TO CARRY AN INTERNATIONAL CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS OR INTERNATIONAL READY FOR RECYCLING CERTIFICATE

2.1 Initial inspections

2.1.1 After boarding and having been introduced to the master or responsible ship's officer, the port State control officer (PSCO) should verify that there is on board the International Certificate on Inventory of Hazardous Materials (regulation 11.1)¹ or the International Ready for Recycling Certificate (regulation 11.11), both supplemented by the Inventory of Hazardous Materials, and examine reports of previous port State control inspections.

¹ As required by regulations 5.2 and 11.1, for existing ships, an International Certificate on Inventory of Hazardous Materials, accompanied by the verified Inventory of Hazardous Materials, shall be issued not later than five years after the entry into force of the Convention, except for those ships for which both an initial survey and a final survey are conducted at the same time.

2.1.2 The validity of the International Certificate on Inventory of Hazardous Materials or International Ready for Recycling Certificate should also be confirmed by verifying that the certificate is properly completed and signed and that the required surveys have been performed, and that the identification/verification number on the Inventory of Hazardous Materials corresponds to that shown on the certificate(s).

2.1.3 If the certificate and the Inventory of Hazardous Materials are valid and appropriate, and the PSCO's general impressions and visual observations on board confirm compliance with the Convention, the PSCO should generally confine the inspection to any reported deficiencies.

2.1.4 If, however, the PSCO's general impressions or observations on board reveal clear grounds (see paragraph 2.1.5) for believing that the condition of the ship, or its structure or equipment, do not correspond substantially with the particulars of the certificate or with the Inventory of Hazardous Materials, the PSCO may proceed to a more detailed inspection.

2.1.5 Clear grounds to conduct a more detailed inspection include:

- .1 evidence that a certificate required by the Convention is missing or clearly invalid;
- .2 evidence that the Inventory of Hazardous Materials required by the Convention is missing or clearly invalid;
- .3 the absence of structure or equipment identified in part I of the Inventory of Hazardous Materials;
- .4 the absence of an entry in part I of the Inventory of Hazardous Materials for structure or equipment that the PSCO believes to contain Hazardous Materials listed in appendices 1 and 2 to the Convention²; and
- .5 no evidence of implementation of a procedure on board the ship for maintaining part I of the Inventory of Hazardous Materials.

2.2 More detailed inspections

The PSCO should verify that controls of Hazardous Materials listed in appendix 1 to the Convention are effectively implemented, referring to relevant certificates³ or documents that may specify structure or equipment presumed to contain these Hazardous Materials. The PSCO should note that detailed inspections are limited to confirming whether effective controls of Hazardous Materials listed in appendix 1 to the Convention are in place. Failure to update the Inventory of Hazardous Materials should not, therefore, constitute a detainable deficiency, but any inconsistencies in the Inventory should be reported to the flag Administration of that ship, and should be redressed at the time of the next survey.

² For this purpose, a reference should be made to the indicative list that identifies any equipment, system and/or area on board that is presumed to contain Hazardous Materials, as noted in section 2.2 of appendix 5 of the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* (resolution MEPC.197(62), as amended).

³ For example, the International Air Pollution Prevention (IAPP) Certificate should be referred to for ozone-depleting substances.

2.3 Detainable deficiencies

2.3.1 In exercising its functions, the PSCO should use professional judgment to determine whether to detain a ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies that do not pose an unreasonable threat to the safe and environmentally sound recycling of ships. In doing so, the PSCO should be guided by the principles and requirements of the Convention.

2.3.2 In order to assist the PSCO in the use of these guidelines, there follows a list of deficiencies which are considered to be of such a serious nature that they may warrant the detention of the ship involved:

- .1 failure to carry a valid International Certificate on Inventory of Hazardous Materials, or, if appropriate, a valid International Ready for Recycling Certificate;
- .2 non-compliance with the control measures for Hazardous Materials listed in appendix 1 to the Convention.

3 INSPECTIONS OF NON-PARTY SHIPS

3.1 Ships of non-Parties to the Convention are not entitled to be issued with an International Certificate on Inventory of Hazardous Materials or an International Ready for Recycling Certificate. Therefore, the PSCO should ask for documentation that contains the same information as in the above certificates supplemented by the Inventory of Hazardous Materials and take this into account in determining compliance with the relevant requirements of the Convention.

3.2 In all other aspects the PSCO should be guided by the procedures for ships required to carry a certificate.

3.3 The PSCO should ensure that, in accordance with article 3.4 of the Convention, no more favourable treatment is applied to ships of non-Parties to the Convention.
