

ANNEX 2

RESOLUTION MEPC.222(64)

Adopted on 5 October 2012

**2012 GUIDELINES FOR THE SURVEY AND CERTIFICATION
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 5 of the Hong Kong Convention prescribes that ships subject to survey and certification shall be surveyed and certified in accordance with the regulations in the Annex to the Hong Kong Convention,

NOTING ALSO that regulation 10.2 of the Annex to the Hong Kong Convention requires that surveys of ships for the purpose of enforcement of the provisions of the Hong Kong Convention shall be carried out taking into account the guidelines developed by the Organization,

NOTING FURTHER that regulations 11.1 and 11.11 of the Annex to the Hong Kong Convention require that the International Certificate on Inventory of Hazardous Materials and the International Ready for Recycling Certificate shall be issued taking into account the guidelines developed by the Organization,

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

1. ADOPTS the *2012 Guidelines for the survey and certification 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 survey and certification 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.

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ANNEX

2012 GUIDELINES FOR THE SURVEY AND CERTIFICATION OF SHIPS UNDER THE HONG KONG CONVENTION

1 INTRODUCTION

1.1 Objective of the guidelines

Article 5 of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, (hereafter referred to as "the Convention") prescribes that 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 to the Convention. The purpose of this document is to provide guidelines for the survey and certification of ships under the Convention (hereafter referred to as "the guidelines"), covered in "Part C – Survey and certification" of the annex to the Convention (regulations 10 to 14). These guidelines will assist Administrations and recognized organizations in the uniform application of the provisions of the Convention and help shipowners, shipbuilders, suppliers, ship recycling facilities and other interested parties to understand the process of conducting surveys and issuing and endorsing certificates.

1.2 Approach of the guidelines

These guidelines provide the procedures for conducting surveys to ensure that ships comply with the Convention, and the requirements for issuing and endorsing an International Certificate on Inventory of Hazardous Materials and issuing an International Ready for Recycling Certificate.

1.3 These guidelines apply to surveys of ships of 500 gross tonnage and above, as specified in article 3 of the Convention.

1.4 In the event that a new survey method is developed, or in the event that the use of a certain Hazardous Material is prohibited and/or restricted, or in the light of any other relevant experience gained, these guidelines may need to be revised in the future.

2 DEFINITIONS

The terms used in these guidelines have the same meaning as those defined in article 2 of the Convention and regulation 1 of the annex to the Convention, unless expressly provided otherwise.

2.1 "Date of Construction", as referred to in the forms of the International Certificate on Inventory of Hazardous Materials and the International Ready for Recycling Certificate, means the date used by the Administration to determine whether the ship is a "new ship" or an "existing ship" in accordance with the relevant provisions of regulations 1.3 and 1.4 of the Annex to the Convention.

3 SURVEYS

3.1 Initial survey

The aim of the initial survey is to verify whether part I of the Inventory of Hazardous Materials has been prepared in accordance with the Convention requirements. There are different requirements for the initial surveys of new ships and for those of existing ships.

3.1.1 Initial survey for new ships¹

3.1.1.1 In the case of a new ship, an initial survey should be conducted before the ship is put in service.

3.1.1.2 Prior to the initial survey for a new ship, a request for the initial survey should be submitted by the shipowner or shipyard to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials, as follows:

- .1 name of ship;
- .2 distinctive number or letters;
- .3 port of registry;
- .4 gross tonnage;
- .5 IMO number;
- .6 name and address of shipowner;
- .7 IMO registered owner identification number;
- .8 IMO company identification number; and
- .9 date of construction.

3.1.1.3 The request for an initial survey for a new ship should be supplemented by Part I of the Inventory of Hazardous Materials – which identifies Hazardous Materials contained in ship structure and equipment, their location and approximate quantities – along with the Material Declaration and Supplier's Declaration of Conformity in accordance with the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* (resolution MEPC.197(62), as amended), and all other documents used to develop the Inventory of Hazardous Materials.

3.1.1.4 The survey should verify that part I of the Inventory of Hazardous Materials identifies the Hazardous Materials contained in the ship structure and equipment, their location and approximate quantities, by checking the Material Declaration and Supplier's Declaration of Conformity, and should clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. The survey should also verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through onboard visual inspection.

3.1.1.5 The International Certificate on Inventory of Hazardous Materials should be issued either by the Administration or by any person or organization authorized by it, after successful completion of the initial survey, to any new ships to which regulation 10 of the annex to the Convention applies.

3.1.2 Initial survey for existing ships

3.1.2.1 In the case of an existing ship, an initial survey should be conducted before the International Certificate on Inventory of Hazardous Materials is issued and not later than five years after the entry into force of the Convention. The initial survey should be harmonized with the renewal surveys required by other applicable statutory instruments of the Organization, in line with regulations 5.2 and 10.5 of the annex to the Convention and with the principles established in resolution A.1053(27), as amended (*Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011*).

¹ In ascertaining whether a ship is a "new ship" or an "existing ship" according to the Convention, the term "a similar stage of construction" in regulation 1.4.2 of the annex to the Convention means the stage at which:

- .1 construction identifiable with a specific ship begins; and
- .2 assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

3.1.2.2 Prior to the initial survey for an existing ship, a request for the initial survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials as listed in paragraph 3.1.1.2 above.

3.1.2.3 The request for an initial survey for an existing ship should be supplemented by Part I of the Inventory of Hazardous Materials, and/or the visual/sampling check plan developed in accordance with the *2011 Guidelines for the development of the inventory of hazardous materials*.

3.1.2.4 Part I of the Inventory of Hazardous Materials – which identifies Hazardous Materials contained and/or potentially contained in ship structure and equipment, their location and approximate quantities – should be developed through a visual check and/or sampling check on board the ship, based on the visual/sampling check plan in accordance with the *2011 Guidelines for the development of the inventory of hazardous materials*. It should then be submitted by the shipowner to the Administration or a recognized organization along with supporting information such as the report of the visual/sampling check and/or any Material Declaration and Supplier's Declaration of Conformity.

3.1.2.5 The visual/sampling check plan and Part I of the Inventory of Hazardous Materials should be prepared by personnel with the requisite knowledge and experience to conduct the assigned task, in accordance with the *2011 Guidelines for the development of the inventory of hazardous materials*, as may be amended.

3.1.2.6 The survey should verify that Part I of the Inventory of Hazardous Materials identifies the Hazardous Materials contained and/or potentially contained in the ship structure and equipment, their location and approximate quantities, by checking supporting information such as the report of the visual check and/or sampling check and/or any Material Declaration and Supplier's Declaration of Conformity. The survey should also clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. Classification as "potentially containing hazardous materials" should be noted in the remarks column of the Inventory of Hazardous Materials. The survey should further verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through onboard visual inspection.

3.1.2.7 The International Certificate on Inventory of Hazardous Materials should be issued either by the Administration or by any person or organization authorized by it, after successful completion of the initial survey, to any existing ships to which regulation 10 of the annex to the Convention applies, except for existing ships for which an initial and a final survey are conducted at the same time; in such cases, only an International Ready for Recycling Certificate should be issued.

3.2 Renewal survey

3.2.1 A renewal survey should be carried out at intervals specified by the Administration not exceeding five years.

3.2.2 Prior to the renewal survey, a request for the renewal survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials as listed in paragraph 3.1.1.2 above.

3.2.3 The request for a renewal survey should be supplemented by the latest version of part I of the Inventory of Hazardous Materials, and Material Declaration and Supplier's Declaration of Conformity regarding any change, replacement or significant repair of structure, equipment, systems, fittings, arrangements and material since the last survey.

3.2.4 The survey should verify that part I of the Inventory of Hazardous Materials is properly maintained and updated to reflect changes in ship structure and equipment, by checking Material Declaration and Supplier's Declaration of Conformity, and should clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. The survey should also verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through on-board visual inspection. The survey should further verify that any decision by the shipowner to delete equipment, system and/or area previously classed as "potentially containing hazardous materials" from Part I of the Inventory of Hazardous Materials is based on clear grounds for believing that the equipment, system and/or area in question contain no Hazardous Materials.

3.2.5 A new International Certificate on Inventory of Hazardous Materials should be issued either by the Administration or by any person or organization authorized by it after successful completion of the renewal survey, in accordance with regulation 11 of the annex to the Convention.

3.3 Additional survey

3.3.1 An additional survey, either general or partial according to the circumstances, may be conducted at the request of the shipowner after change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the Inventory of Hazardous Materials.

3.3.2 Prior to the additional survey, a request for the additional survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials as listed in paragraph 3.1.1.2 above.

3.3.3 The request for an additional survey should be supplemented by the latest version of part I of the Inventory of Hazardous Materials, and Material Declaration and Supplier's Declaration of Conformity regarding any change, replacement or significant repair of structure, equipment, systems, fittings, arrangements and material since the last survey.

3.3.4 The survey should verify that Part I of the Inventory of Hazardous Materials is properly maintained and updated to reflect changes in ship structure and equipment, by checking Material Declaration and Supplier's Declaration of Conformity, and should clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. The survey should also verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through on-board visual inspection. The survey should further verify that any decision by the owner to delete equipment, system and/or area previously classed as "potentially containing hazardous materials" from Part I of the Inventory of Hazardous Materials is based on clear grounds for believing that the equipment, system and/or area in question contain no Hazardous Materials.

3.3.5 The International Certificate on Inventory of Hazardous Materials should be endorsed either by the Administration or by any person or organization authorized by it after successful completion of the additional survey, in accordance with regulation 11 of the annex to the Convention.

3.4 Final survey

3.4.1 A final survey should be conducted before a ship is taken out of service and before the recycling of the ship has started.

3.4.2 Prior to the final survey, a request for the final survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data listed in paragraph 3.1.1.2 above and the Ship Recycling Facility data required for the International Ready for Recycling Certificate as follows:

- .1 name of the Ship Recycling Facility(ies);
- .2 distinctive Recycling Company identity number (as listed on the Document of Authorization to conduct Ship Recycling (DASR));
- .3 full address; and
- .4 date of expiry of DASR.

In cases where multiple Ship Recycling Facilities are involved, the appropriate information for all the Facilities should be provided prior to the final survey.

3.4.3 The request for a final survey should be supplemented by:

- .1 the International Certificate on Inventory of Hazardous Materials, the Inventory of Hazardous Materials, and Material Declaration and Supplier's Declaration of Conformity regarding any change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and/or material since the last survey;
- .2 the approved Ship Recycling Plan; and
- .3 a copy of the DASR.

3.4.4 Prior to the final survey:

- .1 Part I of the Inventory of Hazardous Materials should be properly maintained and updated to reflect changes in ship structure and equipment, and Part II for operationally generated wastes and Part III for stores should be developed by the shipowner taking account of planned or expected operations before the arrival at the Ship Recycling Facility, and of the *2011 Guidelines for the development of the inventory of hazardous materials*, as may be amended; and
- .2 the Ship Recycling Plan should be developed by the authorized Ship Recycling Facility, taking account of information including the Inventory of Hazardous Materials provided by the shipowner; as required by regulation 9 of the annex to the Convention, the Ship Recycling Plan should be either explicitly or tacitly approved by the Competent Authority authorizing the Ship Recycling Facility.

3.4.5 The survey should verify the following:

- .1 that the Inventory of Hazardous Materials as required by regulation 5.4 of the annex to the Convention is in accordance with the requirements of the Convention, including that part I of the Inventory of Hazardous Materials is properly maintained and updated to reflect changes in ship structure and equipment since the last survey, and that parts II and III of the Inventory of Hazardous Materials identify the Hazardous Materials on board the ship, their location and approximate quantities; planned or expected operations during the period between the final survey and the arrival at the Ship Recycling Facility should be taken into consideration;
- .2 that the Ship Recycling Plan, as required by regulation 9 of the annex to the Convention, 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; in the case of tacit approval of the Ship Recycling Plan, the written acknowledgement of receipt of the Ship Recycling Plan sent by the Competent Authority in accordance with regulation 9.4 and the end date of the 14-day review period should also be verified;
- .3 that the Ship Recycling Facility(ies) where the ship is to be recycled holds a valid DASR in accordance with the Convention; and
- .4 that any decision by the shipowner to delete equipment, system and/or area previously classed as "potentially containing hazardous materials" from the Part I of the Inventory of Hazardous Materials is based on clear grounds for believing that the equipment, system and/or area in question contain no Hazardous Materials.

3.4.6 The International Ready for Recycling Certificate should be issued either by the Administration or by any person or organizations authorized by it, after successful completion of the final survey, to any ships to which regulation 10 of the annex to the Convention applies.

3.5 Flag transfer

3.5.1 The certificates cease to be valid when a ship transfers to the flag of another State and the Government of the State to which the ship transfers should not issue new certificates until it is fully satisfied that the Inventory of Hazardous Materials is being properly maintained and that there have been no unauthorized changes to the structure, machinery or equipment. When so requested, the Government of the State whose flag the ship was formerly entitled to fly is obliged to forward as soon as possible to the new Administration a copy of the certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports and records. When fully satisfied by an inspection that the Inventory of Hazardous Materials is being properly maintained and that there have been no unauthorized changes, the new Administration may, in order to maintain harmonization of the surveys, give due recognition to initial and subsequent surveys carried out by or on behalf of the former Administration and issue new certificates having the same expiry date as the certificates that ceased to be valid because of the change of flag.

3.5.2 The Government of the State to which the ship transfers should also make sure that the Inventory of Hazardous Materials complies with the legislation, guidelines and any additional requirements of this State.

3.5.3 If the flag transfer takes place after the final survey and after the International Ready for Recycling Certificate has been issued, the Government of the State to which the ship transfers should not issue the new certificate until fully satisfied that the conditions on the basis of which the International Ready for Recycling Certificate had been issued remain valid.

4 SURVEYS OF SHIPS PRIOR TO ENTRY INTO FORCE OF THE CONVENTION

4.1 Prior to the entry into force of the Convention, an Administration may conduct surveys of ships in accordance with these guidelines, and may then issue a statement of compliance to that effect.

4.2 Ships capable of documenting full compliance with the Convention through such a statement of compliance may be issued with a certificate on that basis upon entry into force of the Convention, subject to any additional requirements by the Administration. For the certificate to be issued, it may not be necessary for the ships to prepare the visual/sampling check plan required by regulation 5.2 of the annex to the Convention if the Inventory of Hazardous Materials has been developed in accordance with the process stipulated in either paragraph 4.1 or 4.2 of the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* and has been verified through the process of issuing the statement of compliance.

5 MARKET SURVEILLANCE

5.1 Each party may undertake market surveillance whereby sample analyses are conducted on equipment or materials which are on their market complete with Material Declaration and Supplier's Declaration of Conformity and which have not yet been placed on board, in order to ensure the appropriate enforcement of article 9 of the Convention and the accuracy of the Material Declaration and Supplier's Declaration of Conformity.

5.2 Where Material Declaration and Supplier's Declaration of Conformity are detected by market surveillance to be inaccurate, each party and the Organization should take the necessary measures by applying articles 10 and 12 of the Convention.

5.3 When conducting market surveillance and taking the necessary measures under these guidelines, all possible efforts should be made not to impose an excessive burden on suppliers, ships and ship recycling facilities.
