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RECYCLING OF SHIPS

Comments on the report of the Correspondence Group on Ship Recycling Guidelines – Guidelines for Inspection of Ships under the Hong Kong Convention

Submitted by ICS, INTERTANKO, INTERCARGO and IPTA

SUMMARY

Executive summary: This submission comments on the report of the intersessional Correspondence Group on Ship Recycling Guidelines – *Guidelines for inspection of ships under the Hong Kong Convention*

Strategic direction: 7

High-level action: 7.1.2

Planned output: 7.1.2.1

Action to be taken: Paragraph 9

Related document: MEPC 64/3/2

Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.4/Rev.2) and provides comments on document MEPC 64/3/2 – Report of the intersessional Correspondence Group on Ship Recycling Guidelines – *Guidelines for inspection of ships under the Hong Kong Convention*.

2 It is noted that the guidelines in their present form extend the role of the PSCO with respect to enforcement of the Hong Kong Convention in general and the Inventory of Hazardous Materials (IHM) provisions in particular, far beyond what is either necessary or practical, particularly in the context of what constitutes "clear grounds" and what constitutes detainable deficiencies under the terms of the Convention. It is firmly believed that these inconsistencies should be remedied in order to avoid unnecessary delays to ships during PSC inspections, as well as to recognize what a PSCO can realistically achieve under the terms of the Convention.

Discussion

3 The sponsors observe that, although lifetime requirements apply to the IHM under the Convention, its main purpose is as a tool to facilitate safe and environmentally sound ship recycling at the end of the ship's life, and that comprehensive oversight exists within the Convention with consequences for non-compliance at this important stage. Furthermore, the IHM does not directly affect the safety or environmental performance of a vessel during its operational life, recognized in section 2.2 of the draft *Guidelines for inspection of ships under the Hong Kong Convention* (the Inspection Guidelines), and it therefore seems unrealistic to apply the potentially stringent penalties that are currently detailed in certain parts of the draft Inspection Guidelines, as noted below. It is felt that recognition of these principles will assist in shaping the guidelines and increasing their practicability for both PSCOs and ships. It should also be recognized that the capacity of the PCSO to verify or check the details of an IHM will be severely limited during an inspection, particularly when their obligations with respect to other important instruments are taken into account.

Comment and proposals

4 Article 8 of the Convention stipulates the extent of control measures applicable by PSC, limiting them to verifying that there is on board, either an international certificate of IHM and/or and IRRC and if these are valid they shall be accepted. The exceptions to this are where the ship does not carry a valid certificate, or where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially to the particulars of the certificate and/or part I of the Inventory of Hazardous Materials, or there is no procedure implemented on board the ship for maintenance of part I of the IHM. When the latter potential non-compliances are identified, a detailed inspection may be carried out. The article is clear as to what PSC may inspect and specifically limiting in this regard. The exception to this is what constitutes "clear grounds" and what would constitute grounds for detaining a vessel. However, these become clearer with reference to the IHM requirements themselves, as stated below. With reference to this article, the co-sponsors make the following observations and proposals on the draft Inspection Guidelines.

5 Section 2.1.1.2 of the Inspection Guidelines exceeds the terms of the Convention and should be deleted, since under article 8 of the Convention, part I of a ship's IHM will only become relevant to a PSCO when the international certificate on IHM or the IRRC is invalid, and therefore it will be a consequential action rather than a preliminary consideration. Similarly, it is felt that the term "As a preliminary check" should be deleted from the start of paragraph 2.1.2 since, under ordinary circumstances, this will be the only check that PSC will need to carry out.

6 It is recommended that 2.1.3 be deleted in its entirety, since there is no comparable requirement in the Convention. Furthermore, PSCO are extremely unlikely to be able to undertake such checks as they will not have the requisite knowledge of ship recycling procedures for the action, nor the capacity to fulfil them during the course of their duties.

7 Sections 2.1.6.3 and 2.1.6.4 should be deleted as these exceed the terms of the Convention. Whilst the Convention requires that Inventories must be updated to reflect the materials found on board throughout the operational life of a ship, the only mandatory requirement for survey and certification is at the five-yearly renewal survey and the final survey. Additional surveys at the time of modification are possible under the Convention, but as an option to the shipowner. It is clear therefore that the Convention's intent is that the IHM should be updated and maintained at the time of renewal and at the final survey and that updating in the interim falls at the behest of the shipowner in accordance with their maintenance procedures. As such it is possible that a PSCO might well identify apparent

anomalies with respect to the materials and equipment listed in the IHM that in no way invalidate the IRRC or international certificate on IHM, so long as the ship has a procedure on board to update the document which satisfies its administration. By way of example, a ship with two years left until its next renewal survey may have undergone a refit of equipment containing listed materials, which has not yet been recorded in the IHM. This would only constitute a non-compliance in the event that they remain unrecorded at the time of the next renewal survey, and remedial action would then be required to correct this. This is also true in the case of 2.3.2.3 which should also be deleted for the same reasons.

8 The scope of section 2.3 is unclear, and could lead to confusion when applied in practice. The terms of the first sentence of 2.3.1 can only apply to a ship after the final survey, and it is questioned whether it is necessary to spell this out given the substantial controls that exist within the Convention with respect to a ship in such circumstances. The vague language of the second sentence of 2.3.1 presents the potential for confusion and misapplication of controls at the stage of final delivery, as it will require non-experts to make judgement calls on the basis of theoretical rather than practical knowledge. Similarly, section 2.3.2.3 would only come into effect under certain circumstances, e.g. where the IHM is found not to have been maintained since before the last renewal survey, and even in such a situation the corrective action necessary would vary depending whether it occurred during the delivery of the ship or during its normal operations. All in all, it is felt that this section should be substantially revised in order to apply it to the PSC requirements for the lifetime of a ship as specified in article 8 of the Convention.

Action requested of the Committee

9 The Committee is invited to note the proposals and take action as appropriate.
