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THE EUROPEAN UNION**

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COM(2012) 118 final

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Subject: Proposal for a Regulation of the European Parliament and of the Council on ship recycling  
- Revised Presidency compromise text

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Delegations will find enclosed a revised compromise text prepared by the Presidency on the above-mentioned draft Regulation, based on the discussions held at the meetings of the Working Party on the Environment on 21 September, 10 October and 12 November 2012.

Changes to the Commission proposal are set out in ***bold italics***, while ***[...]*** indicates deletions. New modifications compared to the previous document 13697/12 are highlighted by ***underlining*** and ***strikethrough***.

The text contains some explanatory remarks by the Presidency (PCY) in footnotes.

**Proposal for a  
Regulation of the European Parliament and of the Council  
on ship recycling *and amending Regulation (EC) No 1013/2006***

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>1</sup>,

*After consulting the Committee of the Regions,*

Acting in accordance with the ordinary legislative procedure <sup>2</sup>,

[...] *p.m.*

HAVE ADOPTED THIS REGULATION:

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<sup>1</sup> ... [Not yet published in the Official Journal].

<sup>2</sup> *Position of the European Parliament of ... [Not yet published in the Official Journal] and decision of the Council of...*

## TITLE I - SCOPE AND DEFINITIONS

### *Article 1*

#### *Objective*

The purpose of this Regulation is 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 and enhance the protection of human health and the environment throughout an EU ship's operating life.*

~~*The Regulation is also intended to promote This Regulation aims also at facilitating the ratification of the Hong Kong Convention both within the EU and in third countries by applying proportionate relevant controls broadly in line with the Convention to ships and ship recycling facilities.*~~

### *Article 2*

#### *Definitions*

1. For the purposes of this Regulation, the following definitions shall apply:

*(-1) 'Convention' means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009;*

*(1) 'ship' means 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;*

*(1a) 'EU Ship' means a ship flying the flag of a Member State or operating under its authority;*

~~(1b) 'waste' means waste as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste;~~

~~(1c) 'treatment' means treatment as defined in Article 3(14) of Directive 2008/98/EC;~~

~~(1d) 'waste management' means waste management as defined in Article 3(9) of Directive 2008/98/EC;~~

(2) 'new EU ship' means *an EU ship*:

- (a) [...] for which the building contract is *placed* on the *date* of *application* of this Regulation or thereafter; *or*
- (b) [...] in the absence of a building contract, the keel *of which* is laid or *which* is at a similar stage of construction *six months after* the *date* of *application* of this Regulation or [...] thereafter; *or*
- (c) [...] whose delivery takes place *thirty months after* the *date* of *application* of this Regulation or [...] thereafter;

(3) 'tanker' means an oil tanker as defined in Annex I to the Convention for the Prevention of Pollution from Ships (MARPOL) or an NLS tanker as defined in Annex II to that Convention;

(4) 'hazardous material' means any material or substance which is liable to create hazards to human health or the environment [...];

(5) 'ship-recycling' means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing, *preparation for re-use* and re-use, whilst taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities;

- (6) ‘ship recycling facility’ means a defined area that is a site, yard or facility located in a Member State or in a third country and used for the recycling of ships;
- (7) ‘*ship* recycling company’ means, the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for the operation of ship recycling from the owner of the ship recycling facility;
- (8) ‘administration’ means a governmental authority designated by a *Member* State as responsible [...] for duties related to ships *flying* its flag or to ships operating under its authority;
- (9) ‘competent authority(*ies*)’ means a governmental authority *or authorities* designated by a State as responsible, within a specified geographical area(*s*) or area(*s*) of expertise, for duties related to ship recycling facilities operating within the jurisdiction of that State;
- (10) ‘gross tonnage’ means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, *1969*, or any successor convention;
- ~~(11) ‘competent person’ means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work;~~

[...]

- (13) ‘ship owner’ means the natural or legal person registered as the owner of the ship, including the natural or legal person owning the ship for a limited period pending its sale or handover to a ship recycling facility, or, in the absence of registration, the natural or legal person owning the ship or any other organisation or person, *such as the manager or the bareboat charterer*, who has assumed the responsibility for operation of the ship from the owner of the ship as well as a legal person operating a state-owned ship;

- (14) ‘new installation’ means the installation of systems, equipment, insulation or other material on a ship after the *date of application* of this Regulation;
- (15) ‘safe-for-entry’ means a space [...] that meets the following criteria:
- (a) the oxygen content of the atmosphere and the concentration of flammable vapours are within safe limits;
  - (b) any toxic materials in the atmosphere are within permissible concentrations;
  - (c) any residues or materials associated with the work authorised by the competent person will not produce uncontrolled release of toxic materials or an unsafe concentration of flammable vapours under existing atmospheric conditions while maintained as directed;
- (16) ‘safe-for-hot work’ means a space [...] that meets the following criteria:
- (a) a safe, non-explosive condition, including gas-free status, exists for the use of electric arc or gas welding equipment, cutting or burning equipment or other forms of naked flame, as well as heating, grinding, or spark-generating operations;
  - (b) the safe-for-entry criteria set out in point 15 are met;
  - (c) existing atmospheric conditions will not change as a result of the hot work;
  - (d) all adjacent spaces have been cleaned or treated sufficiently to prevent the start or spread of fire;
- ~~(17) ‘site inspection’ means an inspection of the ship recycling facility confirming the condition described by the verified documentation;~~
- (18) ‘statement of completion’ means a confirmatory statement issued by the ship recycling *company* that the ship recycling has been completed in accordance with this Regulation;
- ~~(19) ‘worker’ means any person who performs work, either regularly or temporarily, in the context of an employment relationship, including the personnel working for subcontractors;~~

(20) ‘recognised organisation’ means an organization recognized in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations <sup>3</sup>;

~~(20a) ‘environmentally sound management’ means taking all practicable steps to ensure that hazardous materials and wastes and other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such materials and wastes.~~

1a. For the purposes of Article 7(2)(c) and Title III the following definitions apply: <sup>4</sup>

(1) ‘waste’ means waste as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste;

(2) ‘treatment’ means treatment as defined in Article 3(14) of Directive 2008/98/EC;

(3) ‘waste management’ means waste management as defined in Article 3(9) of Directive 2008/98/EC;

(4) ‘site inspection’ means an inspection of the ship recycling facility confirming the condition described by the verified documentation;

(5) ‘worker’ means any person who performs work, either regularly or temporarily, in the context of an employment relationship, including the personnel working for subcontractors;

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<sup>3</sup> OJ L 131, 28.5.2009, p. 11.

<sup>4</sup> PCY: To make sure that the apparent contradiction between the waste and the ship definitions is solved and that the term waste as per EU waste directives refers to downstream operations from the recycling facility and downwards.

**(6) 'environmentally sound management' means taking all practicable steps to ensure that hazardous materials and wastes and other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such materials and wastes.**

~~2. For the purposes of point 11 of paragraph 1, a competent person may be a trained worker or a managerial employee capable of recognising and evaluating occupational hazards, risks, and employee exposure to potentially hazardous materials or unsafe conditions in a ship recycling facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks or exposures.~~

~~Without prejudice to Directive 2005/36/EC of the European Parliament and of the Council, the competent authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.~~

### *Article 3*

#### *Scope*

1. This Regulation shall apply to *EU ships and to ship recycling facilities operating under the jurisdiction of a Member State.*

*Articles 4, 5 (4)(a), 5(4)(b), 5(4)(d), 5(4)(f), 5(5), 5(6)(a), 5(7) and 11b of this Regulation also apply to non EU ships calling at a port or anchorage of a Member State to engage in a ship/port interface.*

~~2. With respect to any non-EU ships being dispatched from EU ports to be recycled, Member States shall apply the requirements of this Regulation as may be necessary to ensure that no more favourable treatment is given to such ships. Alternatively, the shipowner of a non-EU ship may chose to implement the requirements of Waste Shipment Regulation (EC) No 1013/2006, in which case, only Articles 4, 5, 10A, 11a and 23(3a) of this Regulation shall apply.~~



2. This Regulation shall not apply to:

- (a) any warships, naval auxiliary, or other ships owned or operated by a Member State and used, for the time being, only on government non-commercial service;
- (b) ships of less than 500 GT;
- (c) ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is *flying*.

**However, Member States shall ensure, by the adoption of appropriate measures, that such ships act in a manner consistent with this Regulation, so far as is reasonable and practicable.**<sup>5</sup>

## TITLE II - SHIPS

### Article 4

#### Control of hazardous materials

[...]

~~Member States shall **effectively ensure that without prejudice to the requirements of other EU legislation which may require further measures,** prohibit or restrict~~ The installation or use of hazardous materials referred to in *Annex I* on ships ***shall be prohibited or restricted as specified in Annex I, without prejudice to the requirements of other EU legislation which may require further measures and without prejudice to international law.***

[...]

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<sup>5</sup> PCY: As per Art 3(3) of the Hong Kong Convention (HKC).

*Article 5*

*Inventory of hazardous materials*

1. ***For new EU ships***, an inventory of hazardous materials shall be ***established and*** kept on board [...].
2. ***For existing EU ships***, an inventory of hazardous materials shall be established *and kept on board not later than five years from the date of application of this Regulation or* before ***going*** for recycling ***if this is earlier***.
3. ***As from 5 years after the date of application of this Regulation, non EU ships [...]*** applying to be registered under the flag of a Member State shall ensure that an inventory of hazardous materials is kept on board ***or is established within 6 months of the registration under the flag of a Member State or during the next periodical statutory survey, whichever comes first, without prejudice to paragraph 3 Article 11b(1)***.
- ~~3. ***For existing ships*** registered under the flag of a third country [...] ***entering a port or an anchorage of a Member State***, an inventory of hazardous materials ***shall be available presented and*** kept on board ***at that time. This provision applies as from five years from [the date of application of this Regulation]***. [moved to Art. 11b(1)]~~
4. The inventory of hazardous materials shall:
  - (a) be specific to each ship;
  - (b) provide evidence that the ship complies with the prohibition or restrictions on installing or using hazardous materials in accordance with Article 4;
  - (c) ***for new EU ships***, identify, at least, the hazardous materials referred to in Annex IA and contained in the structure or equipment of the ship, their location and approximate quantities;
  - (d) ***for existing ships, as far as practicable, identify, at least, the hazardous materials referred to in Annex I;***

(e) *for EU ships, be verified either by the administration or a recognised organisation authorized by it and acting on its behalf;*

~~(f) *for non EU ships, be verified by the vessel's classification society;*~~ [moved to Art. 11b(2)]

(f) *be compiled taking into account the International Maritime Organization (IMO) guidelines ~~developed~~.*

5. In addition to paragraph 4, for existing ships a plan shall be prepared describing the visual/sampling check by which the inventory of hazardous materials is developed.
6. The inventory of hazardous materials shall consist of three parts:
  - (a) a list of hazardous materials referred to in Annexes I *and IA, as appropriate*, and contained in the structure or equipment of the ship, their location and approximate quantities (Part I);
  - (b) a list of the *operationally generated* waste present on board the ship [...] (Part II);
  - (c) a list of the stores present on board the ship [...] (Part III).
7. Part I of the inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex IA and relevant changes in the structure and equipment of the ship.
8. Prior to recycling, the inventory shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated wastes and Part III for stores, and be verified by the *administration or a recognised organisation authorized by it and acting on its behalf*.

[...]

Article 6

*[...] General requirements for ship owners*

1. Ship owners shall ensure that *EU* ships **destined to be recycled**:

*[...]*

- (a) *[...]* are only recycled at ship recycling facilities that are included in the European List **as set up in accordance with Article 16**;
- (b) conduct operations in the period prior to entering the ship recycling facility in such a way as to minimise the amount of cargo residues, remaining fuel oil, and ship generated wastes remaining on board;
- (c) update and complete the inventory of hazardous materials in accordance with Article 5;
- (d) hold a ready for recycling certificate issued by the ***administration or a recognised organisation authorized by it and acting on its behalf*** prior to any recycling activity.

2. Ship owners shall *[...]* ensure that tankers arrive at the ship recycling facility with cargo tanks and pump rooms in a condition that is ready for certification as *[...]* safe-for-hot work.

3. ***When preparing to send a ship for recycling, ship owners shall notify in writing, in due time prior to the request for the final survey, the relevant administration of the intention to recycle the ship concerned in a specified ship recycling facility. The notification shall include at least the following details:***

- (i) *the date on which the ship was registered with that State;*
- (ii) *the ship's identification number (IMO number);*
- (iii) *the hull number on new-building delivery;*
- (iv) *the name and type of the ship;*
- (v) *the port at which the ship is registered;*
- (vi) *the name and address of the ship owner as well as the IMO registered owner identification number;*

- (vii) the name and address of the company as well as the IMO company identification number;*
- (viii) the name of all classification society(ies) with which the ship is classed;*
- (ix) the ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), Lightweight, Gross and Net tonnage, and engine type and rating);*
- (x) the inventory of hazardous materials; and*
- (xi) the draft ship recycling plan. <sup>6</sup>*

**4. Ship owners shall provide the ship recycling company with:**

- (a) all the ship-relevant information necessary for the development of the ship recycling plan required by Article 7; <sup>7</sup>*
- (b) a copy of the ready for recycling certificate issued in accordance with Article 10.*

**5. Ship owners shall take back the ship prior to the start of the recycling, where technically feasible, in case the content of hazardous materials on board does not substantially correspond with the inventory of hazardous materials and does not allow for appropriate recycling of the ship. <sup>8</sup> In any event, when the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, and/or Part I of the inventory of hazardous materials, the ship owner is responsible for the necessary additional arrangements for the proper treatment and any extra cost incurred.**

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<sup>6</sup> PCY: This new paragraph is based on Art. 9(4)(d) of the original proposal.

<sup>7</sup> PCY: Based on Art. 9(3)(b) of the original proposal.

<sup>8</sup> PCY: Based on Art. 9(3)(c) of the original proposal.

*Article 7*  
*Ship recycling plan*

1. A ship-specific ship recycling plan shall be developed prior to any recycling of *an EU* ship. **The ship recycling plan needs to address any ship-specific considerations that are not covered in the ship recycling facility plan or that will require special procedures.**<sup>9</sup>
  
2. The ship recycling plan shall:
  - (a) be developed by the ship recycling *company* taking into account **the relevant Convention provisions, IMO guidelines and** information provided by the ship owner in accordance with point (a) of Article 6(4) **so that it properly reflects the information contained in the inventory of hazardous materials**<sup>10</sup>;  
  
**(aa) clarify whether and to what extent any preparatory work – such as pre-treatment, identification of potential hazards and removal of stores – will take place at a location other than the ship recycling facility identified in the ship recycling plan. The ship recycling plan should include the location where the ship will be placed during recycling operations and a concise plan for the arrival and safe placement of the specific ship to be recycled;**<sup>11</sup>
  
  - [...] <sup>12</sup>
  
  - (b) include information concerning the establishment, maintenance and monitoring of the safe-for-entry and safe-for-hot work criteria **for the specific ship, taking into account of such features as its structure, configuration and previous cargo,**<sup>13</sup> and other necessary information;

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<sup>9</sup> PCY: As per point 3.2 of the relevant IMO guideline – Resolution MEPC .196(62)/15.7.2011.

<sup>10</sup> PCY: Inspired by point 3.4.5.2 of Resolution MEPC. 222 (64) / 5.10.2012.

<sup>11</sup> PCY: As per point 4.1 of the relevant IMO guideline – Resolution MEPC .196(62)/15.7.2011.

<sup>12</sup> PCY: Moved to a new paragraph 1 of Article 17.

<sup>13</sup> PCY: As per point 4.4 of the relevant IMO guideline – Resolution MEPC .196(62)/15.7.2011.

- (c) include information on the type and amount of hazardous materials and *of* waste generated by the *ship*-recycling of the specific ship, including those materials *and the waste* identified in the inventory of hazardous materials, and on how these hazardous materials and *this* waste will be managed in the facility as well as in subsequent waste management facilities;
- (d) where more than one ship recycling facility is used, identify the ship recycling facilities to be used and specify the recycling activities and the order in which they occur at each authorised ship recycling facility.

3. *The ship recycling plan has to be tacitly or explicitly approved by the competent authority in accordance with national requirements.*

4. *Member States may require the administration to send a written notification of the information provided by the ship owner pursuant to Article 6(3) to the competent authority of the recycling State.*

#### *Article 8*

#### *Surveys*

1. Surveys *of EU ships* shall be carried [...] out by officers of the administration or of a recognised organisation *authorized by it and* acting on *its* behalf ~~of the administration~~, *taking into account the relevant IMO guidelines.*

*1a. An administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 1 shall, as a minimum, empower such nominated surveyors or recognized organisations to:*

- *require a ship that they survey to comply with the provisions of this Regulation; and*
- *carry out surveys ~~and inspections~~<sup>14</sup> if requested by the appropriate authorities of a port Member State.*

2. *EU s*Ships shall be subject to the following surveys:

- (a) an initial survey;
- (b) a renewal survey;
- (c) an additional survey;
- (d) a final survey.

3. The initial survey shall be conducted before the *EU* ship is put in service, or before the inventory certificate is issued. The officers carrying out that survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.

4. The renewal survey shall be conducted at intervals specified by the administration, which however shall not exceed five years. The officers carrying out that survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.

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<sup>14</sup> PCY: According to Directive 2009/16/EC on port State control, Art. 22(3) those that are carrying out surveys are not allowed to carry out inspections.



5. The additional survey, either general or partial, *according to the circumstances*, may be conducted at the request of the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, ***which has an impact on the inventory of hazardous materials***<sup>15</sup>. The officers carrying out that survey shall ensure that any such change, replacement, or significant repair has been made in a manner that allows the ship to comply with the requirements of this Regulation, and they shall verify that Part I of the inventory of hazardous materials has been amended accordingly.
6. The final survey shall be conducted prior to the *EU* ship being taken out of service and before the recycling of the ship has started.

The officers carrying out that survey shall verify that:

- (a) the inventory of hazardous materials complies with the requirements of *Article 5*;
- (b) the ship recycling plan properly reflects the information contained in the inventory of hazardous materials ***and complies with the requirements of Article 7***;

[...]

- (c) the ship recycling facility where the *EU* ship is to be recycled is included in the European List.

7. For existing *EU* ships intended for *ship recycling*, the initial survey and the final survey *may* be conducted at the same time. ***In such cases, only a ready for recycling certificate shall be issued***<sup>16</sup>.

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<sup>15</sup> PCY: As per point 3.3.1 of the relevant IMO guidelines – Resolution MEPC.222(64)/5.10.2012.

<sup>16</sup> PCY: As per point 3.3.1 of the relevant IMO guidelines – Resolution MEPC.222(64)/5.10.2012.

Article 9

[...]

Article 10

Issuance and endorsement of certificates and statements of compliance

A. For non EU ships:

~~The vessel's classification society recognized by the competent authorities of the State whose flag the vessel is flying shall issue a statement of compliance with Articles 4 and 5.~~

B. For EU ships:

1. After *successful* completion of an initial or renewal survey [...] conducted at the request of the ship owner, *the administration or a recognised organisation authorized by it and acting on its behalf* shall issue an inventory certificate [...]. This certificate shall be supplemented by Part I of the inventory of hazardous materials.

The Commission shall [...] adopt *implementing acts* [...] *to establish* the format of the inventory certificate [...] *to ensure it is consistent with Appendix 3 to the Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.*

- 1a. An inventory certificate shall be endorsed at the request of the ship owner either by the administration or by a recognised organisation authorized by it and acting on its behalf after successful completion of an additional survey conducted in accordance with Article 8.*

**1b. The administration or recognised organisation authorized by it and acting on its behalf shall issue or endorse, as appropriate, an inventory certificate, if the renewal survey is successfully completed:**

- (a) completed within three months before the expiry of the existing certificate, to limit the validity of the new certificate to a date not exceeding five years from the date of expiry of the existing certificate;**
- (b) completed after the expiry of the existing certificate, to limit the validity of the new certificate to a date not exceeding five years from the date of expiry of the existing certificate;**
- (c) completed more than three months before the expiry of the existing certificate, to limit the validity of the new certificate to a date not exceeding five years from the date of completion of the renewal survey;**
- (d) completed and a new certificate cannot be issued or placed on board before expiry of the existing certificate, to extend the validity of the existing certificate for a period not exceeding five months from the expiry date.**

***In case of an inventory certificate issued for a period of less than five years, the administration may extend the validity of the existing certificate to a date not exceeding the maximum period under Article 8(4).***

***In special circumstances as determined by the administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by point (b) of paragraph 1b and paragraphs 1c and 1d. In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.***

- 1c. *Where a ship is not at a port or anchorage where it is to be surveyed when the inventory certificate expires, the administration may, if it is proper to do so, extend the period of validity of the certificate for a period not exceeding three months to enable the ship to complete its voyage to the port at which it is to be surveyed. Any extension granted shall be conditional on the survey being completed at that port before the ship leaves. A ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave the port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of the existing certificate before the extension was granted.*<sup>17</sup>
- 1d. *An inventory certificate for a ship engaged on short voyages which has not been extended under the aforementioned conditions may be extended by the administration for a period of grace of up to one month from its expiry. When the renewal is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.*
2. After successful completion of a final survey in accordance with Article 8(6), the administration *or a recognised organisation authorized by it and acting on its behalf* shall issue a ready for recycling certificate [...]. This certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan.
3. The Commission shall [...] adopt *implementing acts [...] to establish* the format of the ready for recycling certificate *to ensure it is consistent with Appendix 4 to the Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.* A ready for recycling certificate issued after a *final* survey [...] in accordance with *the previous* paragraph [...] shall be accepted by the other Member States and regarded for the purposes of this Regulation as having the same validity as a certificate issued by them.

[...]

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<sup>17</sup> PCY: As per Reg.11(8) of HKC.

*Article 11*

*Duration and validity of certificates*

1. **Subject to Article 10**, an inventory certificate shall be issued for a period specified by the administration, which shall not exceed five years.
  
2. An inventory certificate issued **or endorsed** under Article 10 of this Regulation shall cease to be valid in any of the following cases:
  - (a) where the condition of the ship does not correspond substantially with the particulars of the certificate, including where Part I of the inventory of hazardous materials is not properly maintained and updated, reflecting changes in ship structure and equipment;
  - (b) where the renewal survey is not completed **within the periods specified in Article 10**.  
[...]
  
3. A ready for recycling certificate issued under Article 10 of this Regulation shall cease to be valid where the condition of the ship does not correspond substantially with the particulars of the certificate.
  
4. A ready for recycling certificate shall be issued by the administration for a period not exceeding three months.
  
5. The ready for recycling certificate may be extended by the administration or by a recognised organisation **authorized by it and** acting on **its** behalf ~~of the administration~~ for a single point to point voyage to the ship recycling facility.

Article 11a  
Inspection of EU ships

1. An EU ship to which this Regulation applies may not be allowed to enter into ports or offshore terminals under the jurisdiction of a Member State unless it submits to the competent authority of the Port a copy of the Certificate on Inventory of Hazardous Materials or an Ready for Recycling Certificate as appropriate, without prejudice to the provisions of Article 10.<sup>18</sup>
- Member States shall apply control provisions for EU ships equivalent to those laid down in Directive 2009/16/EC, in accordance to their national legislation. Except as provided in paragraph 2, any such inspection is limited to verifying that there is on board either an inventory certificate or a ready for recycling certificate, which, if valid, shall be accepted.<sup>19</sup>
2. *Where an EU ship does not carry a valid certificate or there are clear grounds for believing that:*
- *the condition of the ship or its equipment does not correspond substantially with 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 the maintenance of Part I of the inventory of hazardous materials;*
- a detailed inspection may be carried out taking into account guidelines developed by the IMO.*

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<sup>18</sup> PCY: see paragraph 3 below.

<sup>19</sup> PCY: Inspired by Art.7 (Port State control) of Regulation 782/2003.

3. An EU ship to which this Regulation applies 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 port authorities a copy of the inventory certificate or the ready for recycling certificate, as appropriate, without prejudice to the provisions of Article 10. A Member State taking such action shall immediately inform the administration of the ship concerned. Failure to update the inventory of hazardous materials does not constitute a detainable deficiency, but any inconsistencies in the inventory must be reported to the administration of that ship and must be redressed at the time of next survey.<sup>20</sup>
- ~~3. A non EU ship may not be allowed to enter into ports or offshore terminals under the jurisdiction of a Member State unless it submits to the competent authority of the Port a copy of the a statement of compliance with the provisions of Articles 4 and 5 issued by the vessel's classification society recognized by the competent authorities of the state whose flag the vessel is flying flag. This provision applies as from [the date of application of this Regulation + five years]~~
4. The competent authority of a Port of a Member State may, subject to national provisions, allow, under exceptional circumstances, an individual ship which do not fulfill the provisions of Article 11a.1 to 11a.3, to enter the ports or offshore terminals under the jurisdiction of that Member State, when and in search of a place of refuge. Access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of such Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.<sup>21</sup>

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<sup>20</sup> PCY: As per par.2.2. of the relevant IMO guidelines – Resolution MEPC.223(64)/5.10.2012.

<sup>21</sup> PCY: Based on Art. 21.(6) of Port State Control Directive 2009/16/EC.

**Article 11b**

**Provisions applicable to non-EU ships**

- 1. As from 5 years from the date of application of this Regulation, a non EU ship shall not be allowed to enter into ports or anchoring in areas under the jurisdiction of a Member State unless it has established a inventory of hazardous materials.**
  
- 2. The inventory of hazardous materials shall fulfil the requirements set out in Articles 4, 5(4)(a), 5(4)(b), 5(4)(d), 5(4)(f), 5(5), 5(6)(a) and 5(7). It shall be kept on board and be available at the time of entrance into ports or anchorages under the jurisdiction of a Member State.**
  
- 3. A non EU ship shall submit to the port authorities a statement of compliance with the provisions referred to in the previous paragraph together with the inventory of hazardous materials.**
  
- 4. The statement of compliance shall be issued after verification of the inventory of hazardous materials by the relevant authorities of the State whose flag the ship is flying or any person or organization authorized by it, according to national requirements .<sup>22</sup>**
  
- 5. The statement of compliance and inventory of hazardous materials shall be drawn up in an official language of the issuing administration and where the language used is not English, French or Spanish, they shall be translated into one of those languages.**
  
- 6. Notwithstanding paragraph 1 of this article, paragraph 4 of Article 11a shall also apply to non EU ships.**

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<sup>22</sup> PCY: Moved from Art. 10.A and Art. 5.(4)(f).



### TITLE III - SHIP RECYCLING FACILITIES

#### Article 12

#### Requirements for ship recycling facilities

~~1. — EU ships shall only be recycled in ship recycling facilities which have been included in the European List.~~

1. In order to be included in the European List, a ship recycling facility shall comply with the following requirements, ***taking into account relevant IMO, International Labour Organization (ILO), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other international guidelines:***
- (i) *be authorised to conduct its operations by its competent authorities; [former point i]*
  - (ii) *be designed, constructed and operated in a safe and environmentally sound manner; [former point a]*
  - (iii) *establish management and monitoring systems, procedures and techniques which **ensure that no** health risks **are posed** to the workers concerned or to the population in the vicinity of the ship recycling facility and which will prevent, reduce, minimise and to the extent practicable eliminate adverse effects on the environment caused by ship recycling. [former point b]*
  - (iv) *develop ~~and adopt~~ a ship recycling facility plan **that shall be adopted by the board or the appropriate governing body of the recycling company**<sup>23</sup> [former point d];*
  - (v) *prevent adverse effects on human health and the environment [former point c], including the demonstration of the control of any leakage, in particular in intertidal zones [former point l];*

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<sup>23</sup> PCY: As per Reg.18 of HKC.

- (vi) *ensure safe and environmentally sound management of hazardous materials and waste [former point h], **including***
- *ensure the containment of all hazardous materials present on board of a ship during the recycling process so as to prevent any release of these hazardous materials into the environment [...]; [former point k]*
  - *handle hazardous materials and waste generated during the recycling only on impermeable floors with effective drainage systems; [former point m]*
  - *ensure that all wastes generated from the recycling activity are only transferred to waste management facilities authorised to deal with their treatment [...] without endangering human health and in an environmentally sound manner [former point n];*
- (vii) *establish and maintain an emergency preparedness and response plan [former point e], **including** ensuring access for emergency response equipment such as fire-fighting equipment and vehicles, ambulances and cranes to all areas of the ship recycling facility [former point j];*
- (viii) *provide for worker safety and training, including ensuring the use of personal protective equipment for operations requiring such use [former point f];*
- (ix) *establish records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, report any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers' safety, human health and the environment [former point g].*

[...]

2. ***A ship recycling facility is required:***
- (a) ***to report to the ship owner that the ship recycling facility is ready in every respect to start the recycling of the ship; <sup>24</sup>***
  - (b) ***when the partial or total recycling of a ship is completed in accordance with this Regulation, to send a statement of completion of the ship recycling to the administration <sup>25</sup> within 14 days. The statement of completion shall include a report on incidents and accidents damaging human health and/or the environment, if any. <sup>26</sup>***  
***A copy of the statement of completion shall be sent to the ship owner.***
3. ***The Commission shall adopt implementing acts to establish the format of:***
- (a) ***the report required by subparagraph (a) of paragraph 2 to ensure it is consistent with Appendix 6 to the Convention; and***
  - (b) ***the statement required by subparagraph (b) of paragraph 2 to ensure it is consistent with Appendix 7 to the Convention.***

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.***

[Article 13 moved to Article 15a]

#### *Article 14*

##### *Authorization of ship recycling facilities located in a Member State*

1. ***Without prejudice to other EU legislation on health and environment*** competent authorities shall authorise ship recycling facilities located on their territory that comply with the requirements set out in Article 12 to conduct ship recycling. That authorization may be given to the respective ship recycling facilities ~~and renewed~~ for a maximum period of five years ***and renewed accordingly.***

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<sup>24</sup> PCY: Based on Article 9(4)(b) of the original proposal.

<sup>25</sup> PCY: Based on Article 9(4)(f) of the original proposal.

<sup>26</sup> PCY: As per Reg. 25 of the HKC.

*Provided that the objectives of this Regulation and the requirements of this Article are complied with, any permit produced pursuant to other national or EU legislation may be combined with the authorisation under this Article to form a single permit, where such a format obviates the unnecessary duplication of information and the repetition of work by the operator or the competent authority. In these cases the authorisation may be extended in alignment with the permit regime referred to above.*

2. Member States shall establish and update a list of the ship recycling facilities that they have authorised in accordance with paragraph 1.
3. The list referred to in paragraph 2 shall be notified to the Commission without delay and not later than /15 months from the date of the entry into force of this Regulation/.
4. Where a ship recycling facility ceases to comply with the requirements set out in Article 12, the Member State shall **suspend or** withdraw the authorization given to the ship recycling facility concerned **or require corrective actions by the ship recycling company** and shall inform the Commission thereof without delay.
5. Where a new ship recycling facility has been authorised in accordance with paragraph 1, the Member State shall inform the Commission thereof without delay.

#### *Article 15*

##### *Ship recycling facilities located outside of the Union*

1. A **ship** recycling company **owning a facility** located outside the Union **which is** to recycle **EU** ships **[...]** shall submit an application to the Commission for inclusion of its ship recycling facility in the European List.
2. That request shall be accompanied by the information and supporting evidence required by Article **15a [...]** that the ship recycling facility complies with the requirements set out in Article 12.

The Commission shall be empowered to adopt [...] **implementing acts to specify information that it requires to identify the ship recycling facility. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.**

3. By applying for inclusion in the European List, ship recycling **companies** accept the possibility of being subject to [...] site inspections by the Commission or agents acting on its behalf prior or after their inclusion in the European List in order to verify their compliance with the requirements set out in Article 12. **The Commission shall cooperate with the competent authorities of the State where the facility is located in order to carry out these site inspections.**
4. Based on an assessment of the information and supporting evidence provided in accordance with paragraph 2, the Commission shall **adopt** implementing acts **to decide** whether to include a ship recycling facility located outside of the Union in the European List. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.
5. **For the purposes of Article 12, environmentally sound management may be assumed as regards the waste recovery or disposal operation concerned, where the ship recycling company can demonstrate that the waste management facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to relevant international and EU standards.**

*Article 15a (former 13)*

*Evidence to be provided by ship recycling companies to the Commission*

1. *The ship recycling **company** shall provide **all necessary** evidence that it complies with the requirements set out in Article 12 in order to conduct ship recycling and to be included in the European List.*

*In particular, the ship recycling facility company shall:*

- (a) *identify the permit, license or authorization granted by its competent authorities to conduct ship recycling and specify the size limitations (maximum length, breadth and lightweight) of the ships it is authorized to recycle as well as any applicable limitations;*
- (b) *certify that **an EU ship** will only **be accepted [...]** in accordance with the provisions of this Regulation;*
- (c) *provide evidence that the ship recycling facility is capable of establishing, maintaining and monitoring of the safe-for-hot work and safe-for-entry criteria throughout the ship recycling process;*
- (d) *attach a map of the boundary of the ship recycling facility and the location of ship recycling operations within it;*
- (e) *for each material referred to in Annex I and additional hazardous material which might be part of the structure of a ship specify:*
  - (i) *if the facility is authorized to carry out the removal of the hazardous material. In this case, the responsible personnel authorized to carry out the removal shall be identified and evidence of its competence shall be provided;*
  - (ii) *which waste management process will be applied within **or outside** the facility **such as** incineration, landfilling or other waste treatment method and provide evidence that the applied process will be carried out without endangering human health **and in an environmentally sound manner.***
- (f) **adopt a ship recycling facility plan that shall include the plans, training programmes, company policies as well as management, monitoring and record-keeping systems for ensuring implementation of the requirements set out in this Regulation.**<sup>27</sup>

[...]

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<sup>27</sup> PCY: As per Reg. 18 of HKC.

2. ***The ship recycling company shall provide updated evidence without delay in the event of any changes to the information provided to the Commission and shall, in any event, three months prior to expiry of each five year period of inclusion on the EU list, declare that:***
  - (a) ***the evidence that it has provided is complete and up-to-date;***
  - (b) ***the ship recycling facility continues and will continue to comply with the requirements of Article 12.***

#### *Article 16*

##### *Establishment and updating of the European List*

1. The Commission shall ***adopt*** implementing acts ***to establish [...]*** a European List of ***[...]*** ship recycling facilities (***hereinafter 'European List'***) which:
  - (a) are located in the Union and have been notified by the Member States in accordance with Article 14(3);
  - (b) are located outside the Union and whose inclusion has been decided in accordance with Article 15(4).

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.***

2. The European List shall be published in the Official Journal of the European Union and on the website of the Commission ***without delay***.

***The European List shall include the following information about the ship recycling facility:***

- (a) ***the method of recycling;***
- (b) ***the type and size of ships that can be recycled; and***
- (c) ***any limitation under which the facility operates, including as regards hazardous waste management.***

3. [...] The Commission shall ***adopt implementing acts to regularly*** update the European List [...]. ***Those implementing acts shall be adopted*** in accordance with the examination procedure referred to in Article 27:
- (a) to include a ship recycling facility in the European List in any of the following cases:
    - (i) where it has been authorised in accordance with Article 14;
    - (ii) where its inclusion in the European List has been decided in accordance with Article 15(4);
  - (b) to remove a ship recycling facility from the European List, ***or to refuse its inclusion***, in any of the following cases:
    - (i) where the ship recycling facility ceases to comply with the requirements set out in Article 12;
    - ~~(ii) where the ship recycling facility has been included in the list for more than five years and has not provided evidence that it still complies with the requirements set out in Article 12;~~
    - (iii) ***where the updated evidence is not provided three months prior to expiry of the five year period as set out in Article 15a(2);***
    - (iv) ***where the ship recycling facility is located in a State that applies prohibitions or discriminatory measures against any ships flying the flag of a Member State;***
    - (v) ***where, upon entry into force of the Convention, the ship recycling facility is located in a State that is not a Party to the Convention.***
4. Member States shall communicate to the Commission all information that may be relevant in the context of updating the European List. The Commission shall forward all relevant information to the other Member States.



## TITLE IV - GENERAL ADMINISTRATIVE PROVISIONS

### *Article 17*

#### *Language*

- 1. The ship recycling plan developed pursuant to Article 7 shall be drawn up in an official language of the country authorising the ship recycling facility and where the language used is not English, French or Spanish, the ship recycling plan shall be translated into one of those languages, except where the administration is satisfied that this is not necessary.***
- 2. The inventory certificate and the ready for recycling certificate issued pursuant to Article 10 shall be drawn up in an official language of the issuing administration and where the language used is not English, French or Spanish, they shall be translated into one of those languages, ~~except where the administration is satisfied that this is not necessary.~~***

### *Article 18*

#### *Designation of competent authorities and administrations*

- 1. Member States shall designate the competent authorities and administrations responsible for the application of this Regulation and shall notify the Commission of those designations.***
- 2. Member States shall immediately notify the Commission of any changes in this information.***
- 3. The Commission shall publish on its website lists of the designated competent authorities and administrations and shall update these lists as appropriate.***

*Article 19*

*Designation of contact persons*

1. Member States and the Commission shall each designate one or more contact persons responsible for informing or advising natural or legal persons making enquiries. The contact person of the Commission shall forward to the contact persons of the Member States any questions received which concern the latter, and vice versa.
2. Member States shall notify the Commission of the designation of contact persons.
3. ***Member States shall immediately notify the Commission of any changes in this information.***
4. ***The Commission shall publish on its website lists of the designated contact persons and shall update these lists as appropriate.***

*Article 20*

*Meeting of contact persons*

The Commission shall, if requested by Member States or where it considers it appropriate, periodically organize a meeting of the contact persons to discuss the questions raised by the implementation of this Regulation. Relevant stakeholders shall be invited to such meetings, or parts of meetings, where all Member States and the Commission are in agreement that this is appropriate.

## TITLE V - REPORTING AND ENFORCEMENT

### *Article 21*

#### *[...] Reporting requirements for ship owners*

A ship owner shall *ensure that*:

*[...]*

- (a) *[...] the report [...] established by the ship recycling **company** as required by Article 12(2)(a) is transmitted to the administration;*
- (b) *[...] the **statement** of the completion of the ship recycling established by the ship recycling **company** as required by Article 12(2)(b) is transmitted to the administration.*

### *Article 22*

#### *Reports by the Member States*

1. Each Member State shall send to the Commission a report containing the following *[...]*:
  - (a) a list of the ships flying their flag to which an inventory certificate has been issued, and the name of the *ship* recycling company and the location of the ship recycling facility as shown in the ready for recycling certificate;
  - (b) a list of the ships flying their flag for which a statement of completion has been received;
  - (c) information regarding illegal recycling and follow-up actions undertaken by the Member State.

2. Each Member State shall, *at three-year intervals, electronically* transmit the report *to the Commission within nine months of the end of the three-year period covered by it.*

*The first report shall cover the period from the date of application of this Regulation to [the end of the first regular three-year reporting period, specified in Article 5 of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment, falling after the starting date of the first reporting period].*

*The Commission shall publish a report on the application of this Regulation within nine months after receiving the reports from the Member States.*

[...]

#### Article 23

##### Enforcement in Member States

1. Member States shall *determine* penalties [...] applicable ~~to~~ *for infringements to the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented.* [...] The penalties ~~thus provided for must shall~~ be effective, proportionate and dissuasive.<sup>28</sup> ~~In particular, where a ship is sent for recycling in a ship recycling facility which is not included in the European List the applicable penalties shall, as a minimum, correspond to the price paid to the shipowner for its ship. and may include fines calculated in such a way as to make sure that the fines at least deprive those responsible of the economic benefits derived from their infringement and that they gradually increase for repeated infringements.~~

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<sup>28</sup> PCY: Inspired by Art. 50(1) of Waste Shipment Regulation No 1013/2006.

3. Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of potential circumvention and breach of this Regulation.

~~***3a. Ships which do not comply with this Regulation may be warned, fined, detained, dismissed or excluded from EU Ports/anchorages/offshore installations by Member States, in accordance with Directive 2009/16 and without prejudice to international law.***~~

4. Member States shall designate those members of their permanent staff responsible for the cooperation referred to in paragraph 3. That information shall be sent to the Commission, which shall distribute to those members a compiled list.

*[...]*

5. Member States shall *[...]* notify the Commission of their national legislation relating to the enforcement of this Regulation and the applicable penalties.

*Article 24*

*[...]*

*Article 25*

*[...]*

## **TITLE VI – FINAL PROVISIONS**

*Article 26*

*[...]*

*Article 27*  
*Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

***Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.***

*Article 28*  
[...]

*Article 29*  
*Amendment to Regulation (EC) No 1013/2006*

In [...] Regulation (EC) No 1013/2006, the following point is added **to Article 1(3)**:

'(i) **EU** ships falling under the scope of Regulation (EU) No XX [*insert full title of this Regulation*](\*) **without prejudice to Article 3(2) of that Regulation.**'

\_\_\_\_\_  
(\*) OJ L [...], [...], p. [...]

*Article 30*

*Review*

1. The Commission shall review this Regulation not later than **18 months prior to** the date of entry into force of the Hong Kong Convention **and submit at the same time any appropriate legislative proposals to that effect**. This review shall consider the inclusion of **ship recycling** facilities authorised by the [../] Convention in the European List of ship recycling facilities in order to avoid duplication of work and administrative burden.

**1a. On the entry into force of Decision COP III/1 of the Basel Convention, the Commission shall immediately review this Regulation and make any appropriate proposals.**

2. ***Notwithstanding to paragraph 1 the Commission shall, by five years after the date of application of this Regulation, submit a report to the European Parliament and the Council on the compliance with this Regulation, accompanied, if appropriate, by legislative proposals to ensure that its objectives are being met and its impact is ensured and justified.***

*Article 31*

***Entry into force***

This Regulation shall enter into force on the **twentieth** day **following that of** its publication in the *Official Journal of the European Union*.

*Article 31a*

*Application*

- 1. *This Regulation shall apply from the earlier of the following two dates, but not earlier than [the date of entry into force of this Regulation + two years]:***
  - (a) [6 months] after the date that the combined maximum annual ship recycling volume output of the ship recycling facilities included in the European list during the preceding 10 years constitutes not less than 3,8 million lightweight tons (LDT) <sup>29</sup> 3 per cent of the gross tonnage of the combined merchant shipping of the EU Member States, but not earlier than [the date of entry into force of this Regulation + two years]. The annual ship recycling output of a ship recycling facility is calculated as the sum of the weight of ships falling under the scope of this Regulation expressed in LDT that have been recycled in a given year in that facility. The maximum annual ship recycled output is determined by selecting the highest value occurring in the 10-year period for each recycling facility; or***  
***[b) on [the date of entry into force of this Regulation + five years].]***<sup>30</sup>
- 2. *By way of derogation from paragraph 1, Title III shall apply as from 12 months after the date of entry into force of this Regulation.***

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<sup>29</sup> PCY: The text deviates from the exact wording of the HKC that refers to the recycling capacity in gross tonnage of ships because these data are only available for countries, but not for single recycling facilities. We have to take into account that non EU ships will also be recycled in the same yards, so the required output has been estimated as double the 1,9 LDT estimated in the Commission's IA, to make sure that there is enough capacity left for EU ships. For information on approximate relations between LDT, GT and DWT, CY Presidency has distributed a relevant brief on ship recycling capacity issues by Dr. N. Mikelis, Head of Marine Pollution Prevention and Ship Recycling Section of Marine Environment Division of IMO (November 2012).

<sup>30</sup> PCY: Possible solution based on the request of several delegations to include a fixed deadline as incentive for ship recycling facilities to apply for their inclusion in the European List. Other delegations strongly oppose this idea.



3. *The Commission shall publish in the Official Journal a notice concerning the date of application of this Regulation when the conditions referred to in paragraph 1 have been fulfilled.*
  
4. *If a Member State has closed its national ship register or, during a three year period, has had no ships registered under its flag and as long as no ship is registered under its flag, that Member State may derogate from the provisions of this Regulation, except for Articles 4, 5(~~3~~), 11a, 11b, 12, 14, 16(4), 18, 19, 20 and 23. Where a Member State intends to avail itself of this derogation, it shall notify the Commission at the latest on the date of application of this Regulation. Any subsequent change shall also be notified to the Commission.*

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**ANNEX I**  
**CONTROLS OF HAZARDOUS MATERIALS**

<i>Hazardous Material</i>	<i>Definitions</i>	<i>Control measures</i>
<i>Asbestos</i>	Materials containing asbestos	<b><i>For all ships, new installation of materials which contain asbestos shall be prohibited.</i></b>
Ozone-depleting <i>substances</i>	Controlled substances defined in Article 1(4) of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A,B,C or E to <b><i>the said</i></b> Protocol in force at the time of application or interpretation of this Annex. Ozone-depleting substances that may be found on board ships include, but are not limited to: Halon 1211 Bromochlorodifluoromethane Halon 1301 Bromotrifluoromethane Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2) CFC-11 Trichlorofluoromethane CFC-12 Dichlorodifluoromethane CFC-113 1,1,2-Trichloro-1,1,2,2-trifluoroethane CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane CFC-115 Chloropentafluoroethane	<b><i>New installations which contain ozone-depleting substances shall be prohibited on all ships.</i></b>

	<b>HCFC-22</b> <b>Chlorodifluoromethane</b>	
<b>Perfluorooctane sulfonic acid (PFOS)</b> <sup>31</sup>	<b>“perfluorooctane sulfonic acid” (PFOS) means perfluorooctane sulfonic acid and its derivatives</b>	<b>New installations which contain perfluorooctane sulfonic acid (PFOS) and its derivatives shall be prohibited in accordance with Regulation (EC) No 850/2004</b> <sup>32</sup> .
<b>Anti-fouling compounds and systems</b>	Anti-fouling compounds and systems regulated under Annex I to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS Convention) <b>in force at the time of application or interpretation of this Annex.</b>	<ol style="list-style-type: none"> <li><b>1. No ship may apply anti-fouling systems containing organotin compounds as a biocide or any other anti-fouling system whose application or use is prohibited by the AFS Convention.</b></li> <li><b>2. No new ship or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.</b></li> </ol>

<sup>31</sup> **Not applicable for non EU ships.**

<sup>32</sup> **Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants, OJ L 158, 30.4.2004, p. 7.**

**ANNEX IA**

**LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS**

- 1. Any hazardous materials listed in Annex I**
  - 2. Cadmium and Cadmium Compounds**
  - 3. Hexavalent Chromium and Hexavalent Chromium Compounds**
  - 4. Lead and Lead Compounds**
  - 5. Mercury and Mercury Compounds**
  - 6. Polybrominated Biphenyl (PBBs)**
  - 7. Polybrominated Diphenyl Ethers (PBDEs)**
  - 8. Polychlorinated Naphthalenes (more than 3 chlorine atoms)**
  - 9. Radioactive Substances**
  - 10. Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)**
  - 11. Brominated Flame Retardant (HBCDD)**
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**ANNEXES II to VI**

**Deleted**

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