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CIRCULAR

Notice of immediate actions in compliance with the IHM for ships calling at EU ports

The EC has released guidelines to ensure a harmonised approach towards the EU SRR enforcement by the EU port States authorities during ship inspections as of 1 January 2021.

[Notice to: Ship Owners/ Managers/ Operators | Surveyors/Auditors](#)

[C21003 | 07 January 2021](#)

As of 31 December 2020, Regulation (EU) 1257/2013 (hereinafter referred as “EU SRR”) requires all existing EU flagged ships and non-EU flagged ships calling to an EU port or anchorage to carry on-board an Inventory of Hazardous Materials (IHM) with a Certificate or Statement of Compliance, respectively.

The Commission has received reports from industry stakeholders that Covid-19 restrictions have led to significant difficulties in surveying ships and producing certified IHMs and as a consequence, industry stakeholders estimate that several thousand ships are likely to be unable to comply with the IHM obligations and might not have the required certification by the deadline of 31 December 2020.

Therefore, considering the disruptions caused by Covid-19, the EC has established [Guidelines](#) to ensure a harmonised approach towards enforcement by the EU port States authorities during ship inspections as of 1 January 2021.

[Specific scenarios due to Covid-19](#)

In relation to the enforcement of the Ship Recycling Regulation, the EU port States authorities are likely to be confronted with two specific Covid-19 related scenarios that may require a more harmonised approach during inspections building on the general guiding principles referred to above. It is suggested to apply this harmonised approach temporarily for a limited period of 6 months after the entry into application of the IHM-related obligations for existing EU flagged vessels and non-EU flagged vessels calling at EU ports (i.e. until 30 June 2021).

[1. Vessels without a valid IHM and/or accompanying certificate](#)

In this case the vessel may arrive at an EU port after 31 December 2020 without carrying on board a valid IHM and/or accompanying certificate (Inventory Certificate or Ready for Recycling certificate for EU flagged vessel or Statement of

Compliance for non-EU flagged vessel) and the ship owner/master claims that this non-compliance is due to the Covid-19 situation.

In all such cases where the failure to carry a valid IHM and/or the necessary certificate is involved, there is a burden of proof on the owner/master, who needs to provide evidence that all possible measures were taken to undertake the work and get the certification required. Such evidence of compliance efforts may include e.g. a service contract for sampling or a survey. It may also include a justification why it was not possible to obtain a semi-completed IHM and associated certificate, including evidence of impossibility to comply with other elements of the certification than the on-board inspection. It is then for the inspector to decide whether this is acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

If the inspector decides to accept the evidence provided by the owner/master, then for the Inventory Certificate or Statement of Compliance the inspector should specify that the documents should be completed and approved within 4 months after the inspection. In addition, a warning should be given to the vessel and the inspection result and warning should be registered in the ship recycling module of THETIS – EU.

If these plans have to be amended further after the inspection, due to continuing travel or access restrictions, then the owner/master needs to provide sufficient written evidence from the IHM inspectors that it has not been feasible to meet the initial plans. Again, it is then for the inspector undertaking the next inspection to decide whether this evidence is acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

For the Ready for Recycling Certificate, if the inspector accepts the evidence after evaluation on a case-by-case basis, the owner/master of the vessel should be warned that they are required to obtain the Ready for Recycling Certificate before entering the ship recycling facility. As the Ready for Recycling Certificate is only valid for 3 months, it should be completed and approved at the earliest possible opportunity prior to the vessel undertaking its last voyage. The inspection result and warning should be registered in the ship recycling module of THETIS – EU.

2. Vessels with a semi-completed IHM with an associated approved Inventory Certificate or Ready for Recycling Certificate (for EU flagged ships) or the Statement of Compliance (for non-EU Flagged ships), that does not contain on-board (either targeted or random) sampling

In this case the vessel may call at an EU port or anchorage after 31 December 2020 with an IHM and associated certificate on-board, but the IHM was prepared remotely without any on-board sampling. This situation may arise as the on-board surveys that should have been undertaken to support the IHM could not be done because of the restrictions on inspecting a vessel during the Covid-19 pandemic.

In all such cases where a certificate is based on an IHM without the on-board sampling element, the IHM should in principle not be acceptable as it is not complete. However, considering that since March 2020 there has been little or no opportunity for surveyors to go on-board ships and undertake these surveys, such a remote survey/sampling could be exceptionally accepted, if there is evidence that the flag State has agreed to this. Furthermore, in this case, there would also have to be documented plans and arrangements kept on-board the ship indicating when it will be feasible for qualified samplers to complete the IHM with respect to limitations caused by the Covid-19 pandemic. It is then for the inspector to decide whether this evidence is acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

If the inspector does accept the evidence provided by the owner/master, then for the Inventory Certificate or Statement of Compliance the inspector should specify that the IHM should be completed and approved within 4 months after the inspection. In addition, a warning should be given to the vessel and the inspection result and warning should be registered in the ship recycling module of THETIS – EU.

If these plans have to be amended further after the inspection, due to continuing travel or access restrictions, then the owner/master needs to provide sufficient written evidence from the IHM inspectors that it has not been feasible to meet the initial plans. Again, it is then for the inspector undertaking the next inspection to decide whether this evidence is

acceptable on a case-by-case basis depending on the specific circumstances of the vessel in question and using his professional judgement.

For the Ready for Recycling Certificate, if the inspector does accept this evidence after evaluation on a case-by-case basis, the owner/master of the vessel should be warned that it is required to complete the IHM and obtain an updated Ready for Recycling Certificate before entering the ship recycling facility. The inspection result and warning should be registered in the ship recycling module of THETIS – EU.

BREXIT and the EU SRR

The United Kingdom (UK) has released a [Marine Information Note](#) to inform on what certification may be required in relation to the EU SRR from 1st January 2021, when vessels of non-UK flag visit Great Britain.

Any vessel flying a non-UK flag when calling at a Great Britain port or anchorage needs to have either:

- an EU SRR Statement of Compliance (SoC) on board issued by or on behalf of Flag; or
- an EU SRR SoC on board issued on behalf of their Recognised Organisation (RO) along with a letter (or equivalent) on board from Flag advising that this is their practice.

Act now

Ship Owners / Managers / Operators shall need to provide evidence that all possible measures were taken to undertake the work and get the certification required. Such evidence of compliance efforts may include a service contract for sampling or a survey. It may also include a justification for why it was not possible to obtain a semi-completed IHM and associated certificate. Where the IHM has been semi-completed, a conditional statement of compliance valid for 3 months shall be issued by the RO responsible.

Ship Owners / Managers / Operators should take into consideration above information to prevent any Port State Control detention both in EU and UK, covering all above requirements.