
Inventory of Hazardous Materials - Statements of Compliance

Notice to ship owners, managers, Masters, Approved Nautical Inspectors, Recognised Organisations and surveyors

1. Purpose

- 1.1. This Marine Notice (MN) provides instructions on the issue of Statements of Compliance on Inventory of Hazardous Materials (IHM) under the [Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009](#) (Hong Kong Convention) and the European Union (EU) Ship Recycling Regulation ([EU No. 1257/2013](#) (EU SRR)).

2. Application

- 2.1. This Marine Notice applies to any ship requesting a Statement of Compliance on IHM under the Hong Kong Convention or EU SRR.

3. General

- 3.1. On request by the Company¹, a Statement of Compliance may be issued by any Bahamas Recognised Organisation, as listed in [Marine Notice 002](#), after satisfactory initial survey including verification that the IHM Part I meets the relevant requirements.
- 3.2. The IHM shall be ship-specific and take into account IMO Resolution [MEPC.269\(68\)](#). For an existing ship it shall identify, as a minimum, the hazardous materials listed in Appendix I of the Convention or Annex I of the EU SRR, as appropriate.
- 3.3. A plan shall be established by the Company describing the visual/sampling check by which the IHM is developed. Any laboratory used to carry out specific tests shall take into consideration the guidance in MEPC.269(68), Appendix 9.
- 3.4. The IHM shall be properly maintained and updated throughout the ship's operational life. It must reflect new installations that contain hazardous materials referred to in

¹ The "Company" is the entity responsible for the management of the ship in accordance with the ISM Code. For ships which the ISM Code is not applicable, the Company is the Managing Owner in accordance with section 52 of the Merchant Shipping Act (Ch.268).

Appendix II of the Convention or Annex II of the SRR, as appropriate, and relevant changes in the ship's structure and equipment, taking into account the exemptions and transitional arrangements applicable to those materials under international law.

- 3.5. Separate Statements of Compliance shall be issued for the EU SRR and Hong Kong Convention.

4. Hong Kong Convention

- 4.1. The Hong Kong Convention was adopted in 2009, however it has not yet reached the conditions for entry into force².
- 4.2. The Bahamas is not a signatory to the Hong Kong Convention at this time, however Bahamas Recognised Organisations have been authorised to survey ships and issue voluntary Statements of Compliance on behalf of The Bahamas when requested by the Company.
- 4.3. Ships shall be surveyed in accordance with Regulation 10 of the Convention.
- 4.4. A Statement of Compliance may be issued following an initial or renewal survey. The renewal survey shall take place at intervals not exceeding five years.
- 4.5. The initial and renewal surveys should be harmonised³.
- 4.6. The issuance and endorsement of the Statement of Compliance shall be in accordance with Regulation 11 of the Convention and the Statement of Compliance shall be based on the format of the International Certificate specified in Appendix 3 of the Convention.
- 4.7. An additional survey may be conducted at the request of the shipowner to ensure that any change, replacement, or significant repair made to the structure, equipment, systems, fittings, arrangements and material continues to comply with the Convention requirements.
- 4.8. A final survey shall be conducted prior to the ship being taken out of service and before the recycling of the ship has started. In accordance with Regulation 11.1, the initial and final surveys for existing ships are conducted at the same time.

² Convention requires ratifications by 15 States, representing 40% of the world merchant shipping by gross tonnage, and on average 3% of recycling tonnage for the previous ten years

³ Refer to A.1140(31) *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019*

- 4.9. The validity of a Statement of Compliance is five years, subject to the conditions set out in Regulation 14 of the Convention.

5. EU SRR

- 5.1. Article 12 of the EU SRR requires ships flying the flag of a third country (i.e. a non-Member State), when calling at a port or anchorage of an EU Member State, to have on board a Statement of Compliance and IHM from **31 December 2020**.
- 5.2. Bahamas Recognised Organisations have been authorised to survey ships and issue voluntary Statements of Compliance on behalf of The Bahamas when requested by the Company.
- 5.3. A ship flying the flag of a third country may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of an EU Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the Statement of Compliance in accordance with paragraphs 6 and 7 of Article 12, together with the IHM, as appropriate and on request from those authorities.
- 5.4. Failure to update the IHM shall not constitute a detainable deficiency, but any inconsistencies in the IHM will be reported to the BMA by the Member State.
- 5.5. The EU SRR does not establish a period of validity for the Statement of Compliance, unless so specified by the flag State. The BMA has concluded that the validity of Statements of Compliance with the Hong Kong Convention and EU SRR shall have a five year validity, therefore initial, renewal and additional surveys, as applicable, will need to be conducted for Bahamian ships under the EU SRR.
- 5.6. The Statement of Compliance shall be in the format specified in Annex 3 of the European Maritime Safety Agency document "[Guidance on inspection of ships by the port States in accordance with Regulation \(EU\) 1257/2013 on ship recycling, inspections from the EU port States to enforce provisions of the ship recycling Regulation](#)" dated 27 September 2019.

6. Enforcement of the EU Ship Recycling Regulation relating to the IHM in European waters

- 6.1. As noted above, the EU SRR enters into force on 31 December 2020. However, travel restrictions imposed due to COVID-19 may result in the Company being unable to fulfil the requirements for survey and production of a certified IHM.

- 6.2. Accordingly, the European Commission has published Commission Notice "[Guidelines on the enforcement of obligations under the EU Ship Recycling Regulation relating to the Inventory of Hazardous Materials of vessels operating in European waters \(2020/C 349/01\)](#)".
- 6.3. The Notice considers two specific scenarios, as summarised below.
- 6.4. **Vessels without a valid IHM and/or accompanying certificate**
- 6.4.1. In this case the vessel may arrive at an EU port after 31 December 2020 without carrying on board a valid IHM and/or Statement of Compliance, where the non-compliance is due to the Covid-19 situation.
- 6.4.2. 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, for example, 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 Port State Control Officer (PSCO) 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 or her professional judgement.
- 6.4.3. If the PSCO decides to accept the evidence provided by the owner/master, then for the Statement of Compliance the inspector should specify that the documents should be completed and approved within 4 months after the inspection. A warning may be given to the vessel and the inspection result and warning recorded.
- 6.4.4. 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 PSCO 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 or her professional judgement.
- 6.4.5. For a Ready for Recycling Certificate, if the PSCO 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.

- 6.5. **Vessels with a semi-completed IHM with an associated approved Statement of Compliance, that does not contain on-board (either targeted or random) sampling**
- 6.5.1. Where a vessel calls 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, the IHM is regarded in principle by the EC as not acceptable as it is not complete.
- 6.5.2. However, considering that since March 2020 there has been little or no opportunity for surveyors to go on-board ships and undertake these surveys, remote survey/sampling could be exceptionally accepted, if there is evidence that the BMA has agreed to this. Please refer to BMA Technical Alert 20-03.
- 6.5.3. Documented plans and arrangements should be 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 PSCO 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 or her professional judgement.
- 6.5.4. If the PSCO accepts 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. A warning may be given to the vessel and the inspection result and warning recorded.
- 6.5.5. 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 PSCO 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 or her professional judgement.
- 6.5.6. For a Ready for Recycling Certificate, if the PSCO accepts the 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.

