



HRVATSKI SABOR

KLASA: 022-03/20-01/151

URBROJ: 65-20-02

Zagreb, 3. prosinca 2020.



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# P.Z. br. 81

ZASTUPNICAMA I ZASTUPNICIMA  
HRVATSKOGA SABORA

PREDSJEDNICAMA I PREDSJEDNICIMA  
RADNIH TIJELA

Na temelju članaka 178. i 192., a u svezi članka 207.a Poslovnika Hrvatskoga sabora u prilogu upućujem *Konačni prijedlog zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.*, koji je predsjedniku Hrvatskoga sabora podnijela Vlada Republike Hrvatske, aktom od 3. prosinca 2020. godine.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila ministra mora, prometa i infrastrukture Olega Butkovića i državne tajnike Josipa Bilavera, Tomislava Mihotića i dr. sc. Alena Gospočića

PREDSJEDNIK

Gordan Jandroković



**VLADA REPUBLIKE HRVATSKE**

KLASA: 022-03/20-11/36  
URBROJ: 50301-05/16-20-6

Zagreb, 3. prosinca 2020.

**PREDSJEDNIKU HRVATSKOGA SABORA**

**PREDMET:** Konačni prijedlog zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.

Na temelju članka 85. Ustava Republike Hrvatske (Narodne novine, br. 85/10 – pročišćeni tekst i 5/14 – Odluka Ustavnog suda Republike Hrvatske) i članka 207.a Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17, 29/18, 53/20, 119/20 – Odluka Ustavnog suda Republike Hrvatske i 123/20), Vlada Republike Hrvatske podnosi Konačni prijedlog zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila ministra mora, prometa i infrastrukture Olega Butkovića i državne tajnike Josipa Bilavera, Tomislava Mihotića i dr. sc. Alena Gospočića.



**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU  
MEĐUNARODNE KONVENCIJE IZ HONG KONGA ZA SIGURNO I  
OKOLIŠNO PRIHVATLJIVO RECIKLIRANJE BRODOVA IZ 2009.**

# **KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU MEĐUNARODNE KONVENCIJE IZ HONG KONGA ZA SIGURNO I OKOLIŠNO PRIHVATLJIVO RECIKLIRANJE BRODOVA IZ 2009.**

## **I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA**

Ustavna osnova za donošenje Zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. sadržana je u članku 140. stavku 1. Ustava Republike Hrvatske (Narodne novine, br. 85/10 – pročišćeni tekst i 5/14 – Odluka Ustavnog suda Republike Hrvatske).

## **II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI**

Međunarodna konvencija iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. (u daljnjem tekstu: Konvencija) donesena je pod okriljem Međunarodne pomorske organizacije na Diplomatskoj konferenciji u Hong Kongu, Kini, održanoj od 11. do 15. svibnja 2009. Konvencija predstavlja novi međunarodnopravni instrument, koji u duhu zaštite okoliša i zdravlja ljudi te sigurnosti plovidbe, propisuje unificirana pravila o recikliranju brodova – procesu rastavljanja brodova koji su izvan upotrebe, odnosno više nisu sposobni za sigurnu plovidbu; i to u materijale od kojih se ponovno izgrađuju novi brodovi ili koji se kao sirovina koriste u nekoj drugoj industriji. S obzirom na to da se prilikom postupka recikliranja brodova rukuje materijalima opasnim za okoliš i zdravlje radnika koji rade na takvim poslovima, Konvencijom se nastoji na međunarodnopravnoj razini takve okolišne, zdravstvene i sigurnosne rizike svesti na minimum.

Slijedom navedenog, Konvencijom se uređuje pravni okvir za postupak recikliranja brodova koji plove pod zastavama država stranaka Konvencije kao i pravni okvir za rad postrojenja za recikliranje koja djeluju pod njihovom nadležnošću.

Na razini Europske unije također je prepoznata važnost ove tematike te je 2013. donesena Uredba (EU) br. 1257/2013 Europskog parlamenta i Vijeća od 20. studenoga 2013. o recikliranju brodova i o izmjeni Uredbe (EZ) br. 1013/2006 i Direktive 2009/16/EZ (u daljnjem tekstu: Uredba) koja zapravo sadržajno odgovara tekstu Konvencije i čiji je primaran cilj olakšati i ubrzati njenu ratifikaciju i to od strane država članica Europske unije obzirom da ista još nije stupila na snagu (trenutne države ugovornice Konvencije su kako slijede: Kraljevina Belgija, Demokratska Republika Kongo, Kraljevina Danska, Republika Estonija, Francuska Republika, Savezna Republika Njemačka, Republika Indija, Republika Gana, Japan, Republika Malta, Kraljevina Nizozemska, Kraljevina Norveška, Republika Panama, Republika Srbija i Republika Turska). Republika Hrvatska je slijedom navedenog, već donijela i Zakon o provedbi Uredbe (EU) br. 1257/2013 Europskog parlamenta i Vijeća od 20. studenoga 2013. o recikliranju brodova i o izmjeni Uredbe (EZ) br. 1013/2006 i Direktive 2009/16/EZ (Narodne novine, broj 96/19).

Naime, za stupanje na snagu Konvencije, potrebno je da ju potpiše, ratificira, prihvati, odobri ili joj pristupi najmanje 15 država čije trgovačke flote čine najmanje 40% svjetske bruto tonaže uz uvjet da najveća godišnja stopa recikliranja brodova u istima u proteklih deset godina nije manja od 3% njihove kombinirane bruto tonaže.

Europska unija upravo sa spomenutom Uredbom čiji je cilj olakšavanje rane ratifikacije Konvencije od strane njenih država članica (obzirom da su iste, svoja zakonodavstva, i prije ratificiranja Konvencije, već morale uskladiti s njenim standardima obzirom su jednaki propisani i samom Uredbom, sve kako je naprijed već pojašnjeno), doprinosi bržem stupanju na snagu Konvencije i unifikaciji navedene problematike, ne samo na europskoj, već i na globalnoj razini koja i odgovara međunarodnom karakteru plovidbe i recikliranja brodova.

Vijeće Europske unije donijelo je i Odluku Vijeća od 14. travnja 2014. o ratifikaciji Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. od strane država članica ili pristupanju država članica toj Konvenciji u interesu Europske unije (2014/241/EU), kojom je ovlastilo države članice da istu ratificiraju, odnosno da joj pristupe i u dijelovima koji su u isključivoj nadležnosti Europske unije.

Važno je za istaknuti i kako će, u skladu s odredbama Konvencije, od njene primjene biti izuzeti svi ratni, pomoćni ratni ili drugi brodovi u vlasništvu ili pod upravljanjem bilo koje države članice Konvencije (uključujući i Republiku Hrvatsku), a koji se koriste isključivo u javne trgovačke svrhe, svi brodovi manji od 500 BT (bruto tona) te svi oni koji plove isključivo u vodama pod suverenitetom ili jurisdikcijom države čiju zastavu viju; čime bi od njene primjene bili izuzeti i svi hrvatski brodari u nacionalnoj plovidbi. Svi ostali hrvatski brodari na koje se Konvecija odnosi, već imaju usklađeno poslovanje sa standardima Konvencije obzirom je sadržaj Konvencije već preuzet Uredbom koja je na snazi.

Po stupanju na snagu Konvencije u odnosu na Republiku Hrvatsku, hrvatska nadležna tijela (ministarstvo nadležno za poslove pomorstva i priznate organizacije koje ovlasti) provodit će preglede i inspekcije brodova i izdavati im svjedodžbe u skladu s njenim odredbama. Potvrđivanje Konvencije od strane Republike Hrvatske ubrzo će postupak stupanja na snagu Konvencije, a njezino stupanje na snagu doprinijet će zaštiti morskog okoliša kao i osiguranju poštenije tržišne utakmice i jednakosti tržišnih uvjeta brodara na svjetskoj razini (obzirom da zasad ovi kriteriji, temeljem Uredbe, vrijede samo za europske brodare i područje Europske unije).

Republika Hrvatska će, kao pomorska zemlja, potvrđivanjem ovoga međunarodnog ugovora postati dijelom skupine zemalja koje se odgovorno odnose prema morskome okolišu kao i uvjetima rada osoba koje su uključene u proces recikliranja brodova.

### **III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM**

Ovim Zakonom potvrđuje se Konvecija, kako bi njezine odredbe, u smislu članka 141. Ustava Republike Hrvatske postale dijelom unutarnjeg pravnog poretka Republike Hrvatske.

Ovim se Zakonom želi osigurati primjena odredaba Konvencije koja stvara pravni okvir koji se odnosi već na fazu projektiranja, građenja, upravljanja i održavanja brodovima, prvenstveno propisujući materijale od kojih brod ne smije biti izgrađen, odnosno koji mogu samo ograničeno biti korišteni prilikom izgradnje broda te; pravne sigurnosti radi, kao i olakšavanja poslovanja brodara, radi razliku između uvjeta kojima trebaju udovoljiti stari i uvjeta kojima trebaju udovoljiti novi brodovi (odnosno na trenutak stupanja na snagu Konvencije).

Konvencija stvara okvir i za siguran i okolišno prihvatljiv način rada postrojenja za recikliranje brodova i sam proces recikliranja, propisujući tijek istog i preglede kojima brod prije recikliranja mora udovoljiti, kao i svjedodžbe koje mora posjedovati.

Radi eliminacije sigurnosnih, okolišnih i zdravstvenih rizika, Konvencija propisuje pravila kojima se na siguran način, u prvom redu, stari i podstandardni brodovi koji više nisu podobni za sigurnu plovidbu, uklanjaju iz upotrebe i recikliraju u sirovine spremne za ponovno korištenje.

Ujedno, ovim se Zakonom, sukladno članku 16. stavku 6. Konvencije, propisuje obveza odobrenja plana recikliranja broda prije započinjanja takvog postupka u nekom odobrenom postrojenju za reciklažu u Republici Hrvatskoj (u Republici Hrvatskoj trenutno nema postrojenja za recikliranje ovakvih brodova).

Slijedom navedenog, objavljuje se i tekst Konvencije, u izvorniku na engleskom i u prijevodu na hrvatski jezik, utvrđuje sadržaj izjave koju će Republika Hrvatska priopćiti prilikom polaganja isprave o pristupu te se određuje način objave i stupanje na snagu Konvencije u odnosu na Republiku Hrvatsku.

#### **IV. OCJENA I IZVORI SREDSTAVA POTREBNIH ZA PROVOĐENJE ZAKONA**

Za provedbu ovoga Zakona nije potrebno osigurati dodatna financijska sredstva iz državnog proračuna Republike Hrvatske.

#### **V. ZAKONI KOJIMA SE POTVRĐUJU MEĐUNARODNI UGOVORI**

Temelj za donošenje ovoga Zakona nalazi se u članku 207.a Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17, 29/18, 53/20, 119/20 - Odluka Ustavnog suda Republike Hrvatske i 123/20), prema kojem se zakoni kojima se, u skladu s Ustavom Republike Hrvatske, potvrđuju međunarodni ugovori, donose u pravilu u jednom čitanju, a postupak donošenja pokreće se podnošenjem konačnog prijedloga zakona o potvrđivanju međunarodnog ugovora.

Stoga, s obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već sklopljenim međunarodnim ugovorom, kao i činjenicu da se u ovoj fazi postupka, u pravilu, ne mogu vršiti izmjene i dopune teksta međunarodnog ugovora, predlaže se ovaj Prijedlog zakona raspraviti i prihvatiti u jednom čitanju.

**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU  
MEĐUNARODNE KONVENCIJE IZ HONG KONGA ZA SIGURNO I  
OKOLIŠNO PRIHVATLJIVO RECIKLIRANJE BRODOVA IZ 2009.**

**Članak 1.**

Potvrđuje se Međunarodna konvencija iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. sastavljena u Hong Kongu 15. svibnja 2009. u izvorniku na arapskom, kineskom, engleskom, francuskom, ruskom i španjolskom jeziku.

**Članak 2.**

Tekst Konvencije iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

**MEĐUNARODNA KONVENCIJA IZ HONG KONGA ZA  
SIGURNO I OKOLIŠNO PRIHVATLJIVO RECIKLIRANJE  
BRODOVA IZ 2009.**

**STRANKE OVE KONVENCIJE,**

**PRIMJEĆUJUĆI** sve veću zabrinutost zbog sigurnosnih, zdravstvenih, okolišnih pitanja i pitanja dobrobiti u industriji recikliranja brodova,

**PREPOZNAJUĆI** da se recikliranjem brodova doprinosi održivom razvoju i da je recikliranje kao takvo najbolje rješenje za brodove koji su dosegli kraj svog operativnog vijeka trajanja,

**PODSJEĆAJUĆI** na Rezoluciju A.962(23) koju je usvojila Skupština Međunarodne pomorske organizacije (Smjernice za recikliranje brodova); izmjene Smjernica usvojene u okviru Rezolucije A.980(24); Odluku VI/24 sa Šestog sastanka Konferencije stranaka Baselske konvencije o nadzoru prekograničnog prometa opasnog otpada i njegova odlaganja, kojom su usvojene Tehničke smjernice za upravljanje potpunim ili djelomičnim rastavljanjem brodova na okolišno prihvatljiv način; i na smjernice odobrene na 289. zasjedanju upravljačkog tijela Međunarodnog ureda rada (Sigurnost i zaštita zdravlja kod rastavljanja brodova: Smjernice za azijske zemlje i Tursku),

**PODSJEĆAJUĆI TAKOĐER** na Rezoluciju A.981(24), kojom je Međunarodna pomorska organizacija zatražila od svog Odbora za zaštitu morskog okoliša da izradi pravno obvezujući instrument za recikliranje brodova,

**PRIMJEĆUJUĆI TAKOĐER** ulogu Međunarodne organizacije rada u zaštiti zdravlja i sigurnosti na radu radnika uključenih u recikliranje brodova,

**PRIMJEĆUJUĆI NADALJE** ulogu Baselske konvencije o nadzoru prekograničnog prometa opasnog otpada i njegova odlaganja u zaštiti ljudskog zdravlja i okoliša od štetnog djelovanja takvog otpada,

**SVJESNE** pristupa opreznosti izloženog u načelu 15. Deklaracije iz Rija o okolišu i razvoju i na kojeg se upućuje u Rezoluciji MEPC.67(37), koju je 15. rujna 1995. usvojio Odbor za zaštitu morskog okoliša Organizacije,

**SVJESNE TAKOĐER** potrebe promicanja zamjene opasnih materijala u gradnji i održavanju broda manje opasnim ili, po mogućnosti, bezopasnim materijalima, a da se pritom ne ugrozi sigurnost broda, sigurnost i zdravlje pomoraca i učinkovitost rada broda,

**ODLUČNE** da pravno obvezujućim instrumentom djelotvorno odgovore na rizike za okoliš, sigurnost i zdravlje na radu povezane s recikliranjem brodova, uzimajući pritom u obzir posebna obilježja pomorskog prometa i potrebu osiguravanja nesmetanog povlačenja iz uporabe brodova koji su dosegli kraj svog operativnog vijeka trajanja,



**UZIMAJUĆI U OBZIR** da se te ciljeve može najbolje ostvariti sklapanjem međunarodne konvencije za sigurno i okolišno prihvatljivo recikliranje brodova,

**SPORAZUMJELE SU SE** kako slijedi:

### **ČLANAK 1.** **Opće obveze**

1 Svaka stranka Konvencije obvezuje se osigurati puni i cjeloviti učinak njezinih odredbi u cilju sprečavanja, smanjivanja, svodenja na najmanju moguću mjeru te, koliko je to izvedivo, uklanjanja vjerojatnosti nezgoda, ozljeda i drugih štetnih učinaka na zdravlje ljudi i okoliš prouzročenih recikliranjem brodova, te u cilju povećanja sigurnosti brodova, zaštite zdravlja ljudi i okoliša tijekom operativnog vijeka trajanja broda.

2 Nijedna se odredba ove Konvencije ne tumači na način da sprečava stranku u samostalnom ili zajedničkom poduzimanju strožih mjera u skladu s međunarodnim pravom u pogledu sigurnog i okolišno prihvatljivog recikliranja brodova kako bi se spriječili, ublažili ili sveli na najmanju moguću mjeru štetni učinci na zdravlje ljudi i okoliš.

3 Stranke nastoje surađivati u svrhu djelotvorne provedbe, izvršenja i pridržavanja ove Konvencije.

4 Stranke se obvezuju poticati trajni razvoj tehnologija i praksi kojima se doprinosi sigurnom i okolišno prihvatljivom recikliranju brodova.

5 Prilog ovoj Konvenciji njezin je sastavni dio. Osim ako je izričito utvrđeno drukčije, upućivanje na ovu Konvenciju ujedno predstavlja upućivanje na njezin Prilog.

### **ČLANAK 2.** **Definicije**

Za potrebe ove Konvencije, ako nije izričito drukčije navedeno:

1 „Konvencija” znači Međunarodna konvencija iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.

2 „Uprava” znači vlada države čiju je zastavu brod ovlašten vijati ili pod čijom nadležnošću brod plovi.

3 „Nadležno(a) tijelo(a)” znači vladino tijelo ili tijela imenovana od stranaka kao odgovorno/a, u okviru određenog(ih) geografskog(ih) područja ili stručnosti za dužnosti u vezi s postrojenjima za recikliranje brodova koja posluju u okviru nadležnosti te stranke kako je to utvrđeno u ovoj Konvenciji.

4 „Organizacija” znači Međunarodna pomorska organizacija.

- 5 „glavni tajnik” znači glavni tajnik Organizacije.
- 6 „Odbor” znači Odbor za zaštitu morskog okoliša Organizacije.
- 7 „Brod” znači plovilo bilo koje vrste koje plovi ili je plovilo u morskome okruženju i uključuje podmornice, plutajuće objekte, plutajuće platforme, samopodizne platforme, plutajuće objekte za skladištenje tekućih tereta (FSU) te plutajuće objekte za proizvodnju i skladištenje tekućih tereta (FPSO) kao i plovilo bez opreme ili koje se tegli.
- 8 „Bruto tonaža” znači bruto tonaža (BT) izračunana u skladu s propisima o baždarenju brodova iz Priloga I. Međunarodnoj konvenciji o baždarenju brodova iz 1969. ili bilo koje sljedeće konvencije.
- 9 „Opasni materijal” znači svaki materijal ili tvar koji može predstavljati opasnost za zdravlje ljudi i/ili za okoliš.
- 10 „Recikliranje brodova” znači potpuno ili djelomično rastavljanje broda u postrojenju za recikliranje brodova kako bi se prikupili sastavni dijelovi i materijali za preradu ili ponovnu uporabu, istodobno zbrinjavajući opasne i druge materijale, te uključuje druge povezane radnje, kao što su uskladištenje i obrada sastavnih dijelova i materijala u postrojenju, ali ne i njihovu daljnju obradu ili odlaganje u odvojenim postrojenjima.
- 11 „Postrojenje za recikliranje brodova” znači definirano područje koje predstavlja lokaciju, brodogradilište ili postrojenje koje se koristi za recikliranje brodova.
- 12 „Poduzeće za recikliranje brodova” znači vlasnik postrojenja za recikliranje brodova ili svaka druga organizacija ili osoba koja je od vlasnika postrojenja za recikliranje brodova preuzela odgovornost za provedbu operacija recikliranja broda i koja je preuzimanjem te odgovornosti prihvatila preuzeti sve dužnosti i odgovornosti koje nalaže ova Konvencija.

### **ČLANAK 3. Primjena**

- 1 Osim ako ovom Konvencijom nije drukčije određeno, Konvencija se primjenjuje na:
- .1 brodove koji su ovlaštene vijati zastavu stranke ili koji plove pod njenom nadležnošću;
  - .2 postrojenja za recikliranje brodova koja posluju u okviru nadležnosti stranke.
- 2 Konvencija se ne primjenjuje na ratne brodove, pomoćne ratne brodove ili druge brodove koji su u vlasništvu ili pod upravom stranke i koji se u danom trenutku upotrebljavaju samo u državne netrgovačke svrhe. Međutim, svaka stranka osigurava, prihvaćajući prikladne mjere koje ne diraju u djelatnost niti u djelatnu sposobnost takvih brodova čiji je ona vlasnik ili koje ona koristi, da ti brodovi plove u skladu s ovom Konvencijom u mjeri u kojoj je to razumno i izvedivo.
- 3 Ova Konvencija ne primjenjuje se na brodove bruto tonaže manje od 500 ili na brodove koji tijekom vijeka trajanja plove samo u vodama pod suverenom ili

jurisdikcijom države čiju su zastavu ovlašteni vijati. Međutim, svaka stranka će osigurati, usvajanjem odgovarajućih mjera koje ne umanjuju djelatnost niti djelatnu sposobnost takvih brodova čiji je ona vlasnik ili koje ona koristi, kako bi zajamčila da ti brodovi plove u skladu s ovom Konvencijom u mjeri u kojoj je to razumno i izvedivo.

4 U slučaju brodova koji su ovlašteni vijati zastavu država koje nisu stranke ove Konvencije, stranke primjenjuju potrebne zahtjeve ove Konvencije kako bi zajamčile da se s takvim brodovima ne postupa na povlašteniji način.

#### **ČLANAK 4.**

##### **Kontrole povezane s recikliranjem brodova**

1 Svaka stranka zahtijeva da brodovi koji su ovlašteni vijati njezinu zastavu ili koji plove pod njenom nadležnošću ispunjavaju zahtjeve utvrđene u ovoj Konvenciji te poduzima djelotvorne mjere kako bi zajamčila ispunjavanje tih zahtjeva.

2 Svaka stranka zahtijeva da postrojenja za recikliranje brodova u okviru njezine nadležnosti ispunjavaju zahtjeve utvrđene u ovoj Konvenciji te poduzima djelotvorne mjere kako bi zajamčila ispunjavanje tih zahtjeva.

#### **ČLANAK 5.**

##### **Pregledi i izdavanja svjedodžbi za brodove**

Svaka stranka će osigurati pregled i izdavanje svjedodžbi u skladu s pravilima iz Priloga brodovima koji su ovlašteni vijati njezinu zastavu ili koji plove pod njenom nadležnošću te podliježu pregledima i izdavanju svjedodžbi.

#### **ČLANAK 6.**

##### **Odobrenje postrojenja za recikliranje brodova**

Svaka stranka jamči da postrojenja za recikliranje brodova koja posluju pod njezinom nadležnošću i koja recikliraju brodove na koje se ova Konvencija primjenjuje ili brodove koji se obrađuju na sličan način u skladu s člankom 3.4. ove Konvencije, imaju odgovarajuće odobrenje u skladu s pravilima iz Priloga.

#### **ČLANAK 7.**

##### **Razmjena informacija**

Kad su u pitanju postrojenja za recikliranje brodova, stranka koja ih je odobrila dostavlja relevantne informacije Organizaciji, ako ona to zatraži, i strankama koje to zatraže, u pogledu ove Konvencije, na temelju kojih je donijela odluku o odobrenju. Informacije se razmjenjuju brzo i pravodobno.

#### **ČLANAK 8.**

##### **Inspekcijski pregled brodova**

1 Brod na koji se ova Konvencija primjenjuje može se u bilo kojoj luci ili odobalnom terminalu druge stranke podvrgnuti inspekcijskom pregledu časnika koje je ta stranka propisno ovlastila u svrhe utvrđivanja usklađenosti broda s ovom Konvencijom. Osim kako je predviđeno stavkom 2., svakim takvim inspekcijskim pregledom samo se provjerava posjeduje li brod međunarodnu svjedodžbu o popisu opasnih materijala ili

međunarodnu svjedodžbu o spremnosti broda za recikliranje, koje se prihvaća ako su valjane.

2 U slučajevima u kojima brod ne posjeduje valjanu svjedodžbu ili u kojima postoje opravdani razlozi za mišljenje da:

- .1 stanje broda ili njegove opreme bitno ne odgovara podacima navedenima u svjedodžbi i/ili dijelu I. popisa opasnih materijala; ili
- .2 da na brodu nije proveden postupak za održavanje iz dijela I. popisa opasnih materijala;

može se provesti detaljan inspekcijski pregled, uzimajući u obzir smjernice izrađene u okviru Organizacije.

### **ČLANAK 9. Otkrivanje slučajeva povreda**

1 Stranke surađuju u otkrivanju slučajeva povreda i izvršenju odredbi ove Konvencije.

2 U slučajevima dostatnih dokaza o tome da neki brod plovi, da je plovio ili se sprema ploviti protivno bilo kojoj odredbi ove Konvencije, stranka koja posjeduje dokaz može zahtijevati pokretanje istrage o tom brodu nakon njegova ulaska u luke ili odobalne terminale pod nadležnošću druge stranke. Izvješće o takvoj istrazi dostavlja se stranci koja ga zatraži, upravi predmetnoga broda i Organizaciji kako bi se, prema potrebi, poduzele odgovarajuće mjere.

3 Ako se otkrije da je brod u povredi ove Konvencije, stranka koja provodi inspekcijski pregled može poduzeti korake kako bi upozorila, zadržala, protjerala ili zabranila uplovljenje broda u svoje luke. Stranka koja poduzima te mjere smjesta obavješćuje upravu predmetnog broda i Organizaciju.

4 U slučaju zaprimanja zahtjeva bilo koje stranke za pokretanje istrage, zajedno s dostatnim dokazima o tome da neko postrojenje za recikliranje brodova radi, da je radilo ili se sprema raditi protivno bilo kojoj odredbi ove Konvencije, stranka treba provesti istragu o tom postrojenju za recikliranje brodova koje radi pod njezinom nadležnošću i treba sastaviti izvješće. Izvješće o svakoj takvoj istrazi dostavlja se stranci koja ga zatraži, uključujući informacije o mjerama koje se poduzimaju ili se namjeravaju poduzeti, ako one postoje, te se to izvješće također dostavlja Organizaciji kako bi se poduzela odgovarajuće mjere.

### **ČLANAK 10. Povrede**

1 Svaka povreda zahtjeva ove Konvencije zabranjena je nacionalnim pravom te se:

- .1 u slučaju broda, sankcije određuju u skladu s pravom uprave svaki put kada se dogodi povreda. Ako stranka prijavi takav slučaj povrede upravi,

uprava istražuje slučaj i može od stranke koja joj je prijavila povredu zatražiti da joj dostavi dodatne dokaze o navodnoj povredi. Ako uprava smatra da su dostavljeni dokazi dostatni za pokretanje postupka zbog navodne povrede, ona u skladu

sa svojim pravom u najkraćem mogućem roku potiče pokretanje tog postupka. Uprava odmah obavješćuje stranku koja je prijavila slučaj navodne povrede, kao i Organizaciju, o svim poduzetim mjerama. Ako uprava nije poduzela nikakve mjere u roku od godine dana nakon primitka obavijesti, ona obavješćuje stranku koja joj je prijavila slučaj navodne povrede i Organizaciju o razlozima iz kojih mjere nisu poduzete;

- .2 u slučaju postrojenja za recikliranje brodova, sankcije se određuju u skladu s pravom stranke koja ima nadležnost nad tim postrojenjem. Ako toj stranci druga stranka prijavi takav slučaj povrede, stranka istražuje slučaj i može od stranke koja joj je prijavila slučaj zatražiti dodatne dokaze o navodnoj povredi. Ako stranka smatra da su dostavljeni dokazi dostatni za pokretanje postupka zbog navodne povrede, ona u skladu sa svojim pravom u najkraćem mogućem roku potiče pokretanje tog postupka. Stranka smjesta obavješćuje stranku koja je prijavila slučaj navodne povrede, kao i Organizaciju, o svim poduzetim mjerama. Ako stranka nije poduzela nikakve mjere u roku od godine dana nakon primitka obavijesti, ona obavješćuje stranku koja joj je prijavila slučaj navodne povrede i Organizaciju o razlozima iz kojih mjere nisu poduzete.

2 Svaka povreda zahtjeva ove Konvencije zabranjena je pod nadležnošću bilo koje stranke te se u skladu s njezinim pravom određuju sankcije. Svaki put kada se takva povreda dogodi, ta će stranka:

- .1 potaknuti pokretanje postupka u skladu sa svojim pravom; ili
- .2 dostaviti upravi broda informacije i dokaze kojima raspolaže o tome da se dogodila povreda.

3 Sankcije predviđene pravom stranke u skladu s ovim člankom dovoljno su stroge da odvraćaju od povreda ove Konvencije gdje god se te povrede dogode.

## **ČLANAK 11.**

### **Neprimjereno kašnjenje ili zadržavanje brodova**

1 Poduzimaju se sve moguće mjere kako bi se izbjeglo nepotrebno zadržavanje ili kašnjenje broda u skladu s člancima 8., 9. ili 10. ove Konvencije.

2 Ako je brod nepotrebno zadržan ili kasni u skladu s člancima 8., 9. ili 10. ove Konvencije, ima pravo na naknadu za sve gubitke ili pretrpljenu štetu.

## **ČLANAK 12.** **Dostavljanje informacija**

Svaka stranka dostavlja Organizaciji sljedeće informacije, koje Organizacija širi, prema potrebi:

- .1 popis postrojenja za recikliranje brodova odobrenih u skladu s ovom Konvencijom, koja posluju u okviru nadležnosti te stranke;
- .2 podatke za kontakt nadležnog(ih) tijela, uključujući jedinstvenu kontaktnu točku te stranke;
- .3 popis priznatih organizacija i imenovanih inspektora ovlaštenih za postupanje u ime te stranke u upravljanju pojedinim pitanjima u vezi s nadzorom recikliranja brodova u skladu s ovom Konvencijom te posebne odgovornosti i uvjete ovlaštenja dodijeljene priznatim organizacijama ili imenovanim inspektorima;
- .4 godišnji popis brodova koji plove pod zastavom te stranke za koje je izdana međunarodna svjedodžba o spremnosti broda za recikliranje, uključujući ime poduzeća za recikliranje brodova i lokaciju postrojenja za recikliranje brodova kako je navedeno na svjedodžbi;
- .5 godišnji popis brodova koji su reciklirani pod nadležnošću te stranke;
- .6 informacije u vezi s kršenjima ove Konvencije; i
- .7 mjere poduzete u vezi s brodovima i postrojenjima za recikliranje brodova pod nadležnošću te stranke.

## **ČLANAK 13.** **Tehnička pomoć i suradnja**

1 Stranke se obvezuju da će izravno ili u okviru Organizacije i drugih međunarodnih tijela, prema potrebi, u pogledu sigurnog i okolišno prihvatljivog recikliranja brodova, pružiti potporu strankama koje zatraže tehničku pomoć za:

- .1 izobrazbu osoblja;
- .2 jamčenje dostupnosti relevantne tehnologije i opreme te relevantnih usluga;
- .3 pokretanje zajedničkih programa za istraživanje i razvoj; i
- .4 poduzimanje drugih mjera radi djelotvorne provedbe ove Konvencije i

pripadajućih smjernica izrađenih u okviru Organizacije.

2 Stranke se obvezuju na aktivnu suradnju u skladu sa svojim nacionalnim pravom, propisima i politikama, u području prijenosa sustava upravljanja i tehnologija u pogledu sigurnog i okolišno prihvatljivog recikliranja brodova.

## **ČLANAK 14.**

### **Rješavanje sporova**

Stranke rješavaju sve međusobne sporove u vezi s tumačenjem ili primjenom ove Konvencije pregovorima ili bilo kojim drugim između njih dogovorenim sredstvom mirnog rješavanja sporova, koji mogu uključivati istragu, posredovanje, mirenje, arbitražu, sudsku nagodbu ili obraćanje regionalnim tijelima ili ugovorima.

## **ČLANAK 15.**

### **Odnos prema međunarodnom pravu i drugim međunarodnim ugovorima**

1 Ništa u ovoj Konvenciji ne utječe na pitanje prava i obveze bilo koje države na temelju Konvencije Ujedinjenih naroda o pravu mora iz 1982. i međunarodnog običajnog prava mora.

2 Ništa u ovoj Konvenciji ne utječe na pitanje prava i obveze stranaka na temelju drugih mjerodavnih i primjenjivih međunarodnih ugovora.

## **ČLANAK 16.**

### **Potpisivanje, ratifikacija, prihvata, odobrenje i pristup**

1 Ova Konvencija otvorena je za potpisivanje svim državama u sjedištu Organizacije od 1. rujna 2009. do 31. kolovoza 2010., a nakon toga ostaje otvorena za pristup svim državama.

2 Države mogu postati strankom ove Konvencije:

- .1 potpisivanjem koje ne podliježe ratifikaciji, prihvatu niti odobrenju; ili
- .2 potpisivanjem koje podliježe ratifikaciji, prihvatu ili odobrenju, nakon kojega slijedi ratifikacija, prihvaćanje ili odobrenje; ili
- .3 pristupom.

3 Ratifikacija, prihvata, odobrenje ili pristup obavlja se polaganjem isprave s takvim učinkom kod glavnog tajnika.

4 Ako država ima dvije teritorijalne jedinice ili više njih u kojima se primjenjuju različiti pravni sustavi u pogledu pitanja koja rješava Konvencija, ona može u vrijeme potpisivanja, ratifikacije, prihvata, odobrenja ili pristupa izjaviti da se Konvencija proširuje na sve njezine teritorijalne jedinice ili samo na jednu ili više njih i može izmijeniti ovu izjavu dostavljanjem druge izjave u svako doba.

5 Izjava temeljem stavka 4. dostavlja se glavnom tajniku u pisanom obliku i u njoj se izričito navodi teritorijalna jedinica ili teritorijalne jedinice na koju/koje se Konvencija primjenjuje.



6 Država u trenutku izražavanja svojeg pristanka da bude vezana Konvencijom izjavljuje zahtijeva li izričito ili prešutno odobrenje plana recikliranja broda prije nego što se brod može reciklirati u njezinom odobrenom postrojenju / njezinim odobrenima postrojenjima za recikliranje brodova. Izjavu je nakon toga moguće izmijeniti obavješću upućenom glavnom tajniku. U izmjeni se navodi datum izvršenja izmjene.

## **ČLANAK 17.** **Stupanje na snagu**

1 Ova Konvencija stupa na snagu 24 mjeseca nakon datuma na koji su ispunjeni sljedeći uvjeti:

- .1 najmanje 15 država ju je bilo potpisalo bez rezerve u pogledu ratifikacije, prihvata ili odobrenja, ili su položile traženu ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu u skladu s člankom 16.;
- .2 kombinirana trgovačka flota država spomenutih u stavku 1.1. čini najmanje 40 % ukupne bruto tonaže svjetskog trgovačkog brodovlja; i
- .3 najveći kombinirani godišnji obujam recikliranja brodova država spomenutih u stavku 1.1. tijekom prethodnih deset godina predstavlja barem 3 % ukupne bruto tonaže kombiniranog trgovačkog brodovlja tih istih država.

2 Za države koje su položile ispravu o ratifikaciji, prihvatu, odobrenju ili pristupu u odnosu na ovu Konvenciju, nakon što su ispunjeni uvjeti za njezino stupanje na snagu ali prije datuma njezina stupanja na snagu, ratifikacija, prihvata, odobrenje ili pristup stupaju na snagu na datum stupanja na snagu ove Konvencije ili tri mjeseca nakon datuma polaganja isprave, ovisno o tome koji je datum kasniji.

3 Svaka isprava o ratifikaciji, prihvatu, odobrenju ili pristupu položena nakon datuma stupanja na snagu ove Konvencije, proizvodi učinke tri mjeseca nakon datuma polaganja isprave.

4 Nakon datuma na koji se smatra da je izmjena Konvencije prihvaćena temeljem članka 18., svaka položena isprava o ratifikaciji, prihvatu, odobrenju ili pristupu primjenjuje se na ovu Konvenciju, kako je izmijenjena i dopunjena.

## **ČLANAK 18.** **Izmjene i dopune**

1 Ova Konvencija može biti izmijenjena i dopunjena bilo kojim postupkom utvrđenim u sljedećim stavcima.

2 Izmjene i dopune nakon razmatranja unutar Organizacije:

- .1 Svaka stranka može predložiti izmjenu i dopunu ove Konvencije. Predložena se izmjena i dopuna dostavlja glavnom tajniku, koji je zatim prosljeđuje strankama i članicama Organizacije najmanje šest mjeseci prije njezina razmatranja.

- .2 Izmjena i dopuna koja je predložena i dostavljena kao što je gore spomenuto, podnosi se na razmatranje Odboru. Stranke su, neovisno o tome jesu li članice Organizacije ili nisu, ovlaštene sudjelovati u postupku razmatranja i usvajanja izmjena i dopuna pred Odborom.
- .3 Izmjene i dopune se usvajaju dvotrećinskom većinom stranaka koje su nazočne i koje glasuju u Odboru pod uvjetom da je najmanje jedna trećina stranaka nazočna u vrijeme glasovanja.
- .4 Izmjene i dopune usvojene u skladu s podstavkom 3. glavni tajnik podnosi strankama radi prihvaćanja.
- .5 Izmjena i dopuna se smatra prihvaćenom u sljedećim slučajevima:
  - 5.1 Izmjena i dopuna članka ove Konvencije smatra se prihvaćenom na datum na koji je dvije trećine stranaka obavijestilo glavnog tajnika o tome da su je prihvatile.
  - 5.2 Izmjena i dopuna Priloga smatra se prihvaćenom na kraju razdoblja koje Odbor treba odrediti u trenutku njezina usvajanja, koje nije kraće od deset mjeseci od datuma usvajanja izmjene i dopune. Međutim, ako do tog datuma više od jedne trećine stranaka obavijesti glavnog tajnika o podnošenju prigovora na izmjenu i dopunu, smatra se da izmjena i dopuna nije prihvaćena.
- .6 Izmjena i dopuna stupa na snagu pod sljedećim uvjetima:
  - 6.1 Izmjena i dopuna članka ove Konvencije stupa na snagu za one stranke koje su izjavile da su je prihvatile, šest mjeseci nakon datuma na koji se smatra prihvaćenom, u skladu s podstavkom .5.1.
  - 6.2 Izmjena i dopuna Priloga stupa na snagu u pogledu svih stranaka šest mjeseci nakon datuma na koji se izmjena i dopuna smatra prihvaćenom, osim u slučaju bilo koje stranke koja je:
    - 6.2.1 podnijela obavijest o svom prigovoru na izmjenu i dopunu u skladu s podstavkom .5.2. i koja taj prigovor nije povukla; ili
    - 6.2.2 prije stupanja na snagu te izmjene i dopune obavijestila glavnog tajnika o tome da izmjena i dopuna stupa na snagu za nju tek nakon naknadne obavijesti o prihvaćanju te izmjene i dopune.
  - 6.3 Stranka koja je dostavila obavijest o podnošenju prigovora temeljem podstavka .6.2.1. može naknadno obavijestiti glavnog tajnika o svom prihvaćanju izmjene i dopune. Takva izmjena i dopuna stupa na snagu za tu stranku šest mjeseci nakon datuma njezine obavijesti o prihvaćanju izmjene i dopune ili datuma na koji izmjena i dopuna stupa na snagu, ovisno o tome koji je od tih datuma kasniji.

6.4 Ako stranka koja je dostavila obavijest na koju se upućuje u podstavku .6.2.2. obavijesti glavnog tajnika o svom prihvaćanju neke izmjene i dopune, ta izmjena i dopuna stupa na snagu za tu stranku šest mjeseci nakon datuma njezine obavijesti o prihvaćanju izmjene i dopune ili datuma na koji izmjena i dopuna stupi na snagu, ovisno o tome koji je od tih datuma kasniji.

3 Izmjena i dopuna od strane Konferencije:

- .1 Na zahtjev stranke koji podržava najmanje jedna trećina stranaka, Organizacija saziva Konferenciju stranaka kako bi razmotrila izmjene i dopune ove Konvencije.
- .2 Svaku izmjenu i dopunu usvojenu na Konferenciji dvotrećinskom većinom stranaka koje su nazočne i koje glasuju glavni tajnik dostavlja svim strankama radi prihvaćanja.
- .3 Osim ako Konferencija ne odluči drukčije, izmjena i dopuna se smatra prihvaćenom i stupa na snagu u skladu s postupcima utvrđenima stavkom 2.5., odnosno stavkom 2.6.

4 Svaka stranka koja je odbila prihvatiti izmjenu i dopunu Priloga neće se smatrati strankom samo u svrhe primjene te izmjene i dopune.

5 Svaka obavijest temeljem ovog članka podnosi se glavnom tajniku u pisanom obliku.

6 Glavni tajnik obavješćuje stranke i članice Organizacije o:

- .1 svim izmjenama i dopunama koje stupe na snagu i datumu njihova stupanja na snagu općenito i pojedinačno za svaku stranku; te
- .2 o svim obavijestima dostavljenima temeljem ovog članka.

### **ČLANAK 19. Otkazivanje**

1 Ovu Konvenciju može otkazati bilo koja stranka u bilo kojem trenutku nakon isteka dvije godine od datuma na koji Konvencija stupi na snagu za tu stranku.

2 Otkazivanje se obavlja pisanom obavješću glavnom tajniku kako bi proizveo učinke godinu dana nakon primitka ili nakon duljeg razdoblja utvrđenoga u toj obavijesti.

**ČLANAK 20.****Depozitar**

1 Ova Konvencija polaže se kod glavnog tajnika koji ovjerene preslike ove Konvencije dostavlja svim državama koje su je potpisale ili su joj pristupile.

2 Uz funkcije navedene drugdje u ovoj Konvenciji, glavni tajnik:

.1 obavješćuje sve države koje su ovu Konvenciju potpisale ili su joj pristupile o:

- 1.1 svakom novom potpisu ili polaganju isprave o ratifikaciji, prihvatu, odobrenju ili pristupu, kao i njihovom datumu;
- 1.2 datumu stupanja na snagu ove Konvencije;
- 1.3 polaganju svih isprava o otkazivanju ove Konvencije, kao i o njihovog primitka i datumu od kojeg otkazivanje proizvodi učinak;
- 1.4 drugim izjavama i obavijestima zaprimljenima u skladu s ovom Konvencijom; te

.2 odmah po stupanju na snagu ove Konvencije, dostavlja njezin tekst Tajništvu Ujedinjenih naroda radi registracije i objave u skladu s člankom 102. Povelje Ujedinjenih naroda.

**ČLANAK 21.****Jezici**

Ova Konvencija sastavljena je u jednom izvorniku na arapskom, kineskom, engleskom, francuskom, ruskom i španjolskom jeziku, pri čemu su svi tekstovi jednako vjerodostojni.

SASTAVLJENO U HONG KONGU (KINA) petnaestoga dana svibnja, dvije tisuće devete.

U POTVRDU TOGA niže potpisani, za to propisno ovlašteni od svojih vlada potpisali su ovu Konvenciju.

PRILOG  
PRAVILA ZA SIGURNO I OKOLIŠNO PRIHVATLJIVO  
RECIKLIRANJE BRODOVA

**POGLAVLJE 1. — OPĆE ODREDBE**

**Pravilo 1. — Definicije**

Za potrebe ovog Priloga:

1 „nadležna osoba” znači osoba koja posjeduje odgovarajuće kvalifikacije i izobrazbu te ima dovoljno znanja, iskustva i vještina za izvršenje određenog posla. Točnije, nadležna osoba može biti osposobljeni radnik ili zaposlenik iz uprave sposoban prepoznati i ocijeniti radne opasnosti, rizike te izloženost zaposlenika mogućim opasnim materijalima ili nesigurnim uvjetima u postrojenju za recikliranje brodova i koji je sposoban utvrditi nužnu zaštitu i mjere opreza koje je potrebno poduzeti kako bi se te opasnosti, rizici ili izloženosti uklonili ili smanjili. Nadležno tijelo može utvrditi odgovarajuće kriterije za imenovanje takvih osoba te može odrediti zadatke koji će im se povjeriti.

2 „Poslodavac” znači fizičku ili pravnu osobu koja zapošljava jednoga ili više radnika koji rade na recikliranju brodova.

3 „Postojeći brod” znači brod koji nije novi.

4 „Novi brod” znači brod:

- .1 za koji je ugovor o gradnji sklopljen na dan stupanja na snagu ove Konvencije ili nakon njezina stupanja na snagu; ili
- .2 kojem je, ako ugovor o gradnji ne postoji, kobilica položena, odnosno koji je u sličnoj fazi gradnje, šest mjeseci nakon dana stupanja na snagu ove Konvencije ili nakon tog dana; ili
- .3 čija se isporuka obavlja 30 mjeseci nakon dana stupanja na snagu ove Konvencije ili nakon toga datuma.

5 „Nova ugradnja” znači ugradnja sustavâ, opreme, izolacijskog ili drugog materijala na brodu nakon datuma stupanja na snagu ove Konvencije.

6 „Siguran za ulazak” znači prostor koji ispunjava sve sljedeće kriterije:

- .1 sadržaj kisika u atmosferi i koncentracija zapaljivih para u okviru su granica sigurnosti;
- .2 svi toksični materijali u atmosferi u okviru su dozvoljenih koncentracija; i
- .3 svi ostatci ili materijali povezani s poslom koji je nadležna osoba odobrila neće dovesti do nekontroliranog ispuštanja toksičnih materijala ili opasne koncentracije zapaljivih para u postojećim atmosferskim uvjetima tijekom održavanja prema uputama.

7 „Siguran za izvođenje lakozapaljivih radova” znači prostor koji ispunjava sve sljedeće kriterije:

- .1 postoji sigurno, neeksplozivno stanje, uključujući okruženje bez plina, za korištenje opreme za elektrolučno ili plinsko zavarivanje, opreme za rezanje ili paljenje ili drugih oblika živog plamena, kao i za grijanje, mrvljenje ili operacije pri kojima nastaju iskre;
- .2 ispunjeni su kriteriji sigurnosti za ulazak iz pravila 1.6.;
- .3 postojeći atmosferski uvjeti ne mijenjaju se kao rezultat izvođenja lakozapaljivih radova; i
- .4 sve susjedne prostorije očišćene su, inertizirane ili dovoljno pripremljene na način da spriječe nastanak ili širenje vatre.

8 „Vlasnik broda” znači fizička osoba ili osobe ili pravna osoba upisana kao vlasnik broda ili, ako nisu upisane, osoba ili osobe ili pravna osoba koja je vlasnik broda ili svaka druga organizacija ili osoba, kao što je poslovođa broda ili zakupoprimac broda bez posade, koja je preuzela odgovornost za upravljanje brodom od vlasnika broda. Međutim, ako je brod u državnom vlasništvu i njime upravlja kompanija koja je u toj državi upisana kao kompanija koja upravlja brodom, „vlasnik” znači ta kompanija. Tim se pojmom također označuju osobe koje imaju vlasništvo nad tim brodom na ograničeno razdoblje dok ga ne prodaju ili izruče postrojenju za recikliranje brodova.

9 „Inspekcijski pregled područja” znači inspekcijski pregled postrojenja za recikliranje brodova kojim se potvrđuje da je stanje sukladno onom opisanom u provjerenoj dokumentaciji.

10 „Potvrda o izvršenju” znači potvrda koju izdaje postrojenje za recikliranje brodova i kojom se potvrđuje da je recikliranje broda izvršeno u skladu s ovom Konvencijom.

11 „Tanker” znači tanker za prijevoz nafte kako je definiran u Prilogu I. MARPOL Konvencije ili NLS tanker kako je definiran u Prilogu II. MARPOL Konvencije.

12 „Radnik” znači svaka osoba koja obavlja posao, bilo stalno ili privremeno, u okviru radnog odnosa, uključujući osoblje koje radi za izvođače.

## **Pravilo 2. — Opća primjenjivost**

Osim ako nije izričito drukčije navedeno, projektiranje, gradnja, pregledi brodova, izdavanje svjedodžbi za brodove te upravljanje brodovima i njihovo recikliranje provode se u skladu s odredbama ovog Priloga.

## **Pravilo 3. — Odnos prema drugim normama, preporukama i smjernicama**

Stranke poduzimaju mjere za provedbu zahtjeva iz pravila u okviru ovog Priloga, uzimajući u obzir relevantne i primjenjive norme, preporuke i smjernice izrađene u okviru Međunarodne organizacija rada te relevantne i primjenjive tehničke norme, preporuke i smjernice izrađene temeljem Baselske konvencije o nadzoru prekograničnog prometa opasnog otpada i njegovu odlaganju.

## **POGLAVLJE 2. — ZAHTJEVI ZA BRODOVE**

### **Dio A — Projektiranje i gradnja brodova te upravljanje brodovima i njihovo održavanje**

#### **Pravilo 4. — Kontrole opasnih materijala na brodu**

U skladu sa zahtjevima utvrđenima u Dodatku 1. ovoj Konvenciji, svaka stranka:

- .1 zabranjuje i/ili ograničava ugradnju ili uporabu opasnih materijala navedenih u popisu Dodatka 1. na brodovima koji su ovlašteni vijati njezinu zastavu ili ploviti pod njezinom nadležnošću; i
- .2 zabranjuje i/ili ograničava ugradnju ili uporabu takvih materijala na brodovima tijekom njihova boravka u lukama, brodogradilištima, remontnim brodogradilištima ili odobalnim terminalima

te poduzima djelotvorne mjere kako bi se zajamčila njihova usklađenost s tim zahtjevima.

#### **Pravilo 5. — Popis opasnih materijala**

1 Svaki novi brod ima popis opasnih materijala. Popis provjerava uprava ili svaka osoba ili organizacija koja je za to ovlaštena, pri čemu se uzimaju u obzir smjernice, uključujući sve granične vrijednosti i izuzeća obuhvaćene tim smjernicama, izrađenima u okviru Organizacije. Popis opasnih materijala specifičan je za svaki brod te se njime barem:

- .1 utvrđuju u okviru Dijela I. opasni materijali popisani u dodatcima 1. i 2. ovoj Konvenciji, koji su sastavni dio strukture broda ili njegove opreme, kao i mjesto gdje se nalaze te njihove približne količine; i
- .2 pojašnjava da brod poštuje pravilo 4.

2 Postojeći brodovi, koliko god je to moguće, usklađuju se sa stavkom 1. najkasnije pet godina od stupanja na snagu ove Konvencije ili prije njihova otpremanja na recikliranje ako je taj datum raniji, pri čemu se u obzir uzimaju smjernice koje je izradila Organizacija, kao i njezin usklađeni sustav pregleda i certifikacije. Pri izradi popisa opasnih materijala navode se barem opasni materijali popisani u Dodatku 1. Za postojeće brodove priprema se plan kojim se opisuje vizualni/uzorkovani pregled pomoću kojeg je izrađen popis opasnih materijala, uzimajući u obzir smjernice izrađene u okviru Organizacije.

3 Dio I. popisa opasnih materijala pravilno se održava i ažurira tijekom operativnog vijeka trajanja broda, pri čemu se njome odražavaju nove ugradnje koje sadrže opasne materijale iz Dodatku 2., kao i važne izmjene u strukturi i opremi broda, uzimajući u obzir smjernice koje je razvila Organizacija.

4 Prije recikliranja popis opasnih materijala se, osim pravilnog održavanja i ažuriranja dijela I., dopunjuje dijelom II. za operativno nastali otpad te dijelom III. za zalihe te ga provjerava uprava ili svaka osoba ili organizacija koju je ta uprava ovlastila, uzimajući u obzir smjernice izrađene u okviru Organizacije.

**Pravilo 6. — Postupak za predlaganje izmjena dodatcima 1. i 2.**

1 Svaka stranka može predložiti izmjenu Dodatka 1. i/ili Dodatka 2. u skladu s ovim pravilom. Predložena izmjena razmatra se unutar Organizacije u skladu s člankom 18. stavkom 2. i ovim pravilom.

2 Nakon što primi prijedlog, Organizacija o njemu također obavještuje Ujedinjene narode i specijalizirane agencije Ujedinjenih naroda, međuvladine organizacije koje su s Organizacijom sklopile sporazume te nevladine organizacije sa savjetodavnim statusom pri Organizaciji i dostavlja ga tim tijelima.

3 Odbor uspostavlja tehničku skupinu u skladu s pravilom 7. koja preispituje prijedloge podnesene u skladu sa stavkom 1. ovog pravila.

4 Tehnička skupina preispituje navedeni prijedlog zajedno sa svim dodatnim podacima, uključujući odluke koje su usvojile druga međunarodna tijela u vezi s njihovim popisima materijala ili opasnih tvari, koje dostavlja bilo koji zainteresirani subjekt, te procjenjuje i Odboru podnosi izvješće o vjerojatnosti da predmetni opasni materijal, u kontekstu ove Konvencije, ima znatne štetne učinke na zdravlje ljudi ili okoliš, i to takve da je izmjena Dodatka 1. ili Dodatka 2. opravdana. U tom pogledu:

.1 Preispitivanjem tehničke skupine obuhvaćeno je sljedeće:

- 1.1 procjena povezanosti između predmetnog opasnog materijala i vjerojatnosti, u kontekstu ove Konvencije, da taj materijal ima znatne štetne učinke na zdravlje ljudi ili okoliš na temelju dostavljenih podataka ili drugih relevantnih podataka na koje je usmjerena pozornost skupine;
- 1.2 procjena smanjenja mogućeg rizika koje može biti rezultat predloženih mjera kontrole i svih drugih mjera kontrole koje bi tehnička skupina mogla razmotriti;
- 1.3 razmatranje dostupnih informacija o tehničkoj izvedivosti mjera kontrole;
- 1.4 razmatranje dostupnih informacija o drugim učincima uvođenja takvih mjera kontrole koje se odnose na:
  - okoliš;
  - zdravlje i sigurnost ljudi, uključujući pomoraca i radnika; te
  - trošak međunarodnog pomorskog prometa i drugih relevantnih sektora.
- 1.5 razmatranje dostupnosti odgovarajućih zamjenskih rješenja za opasan materijal koji treba kontrolirati, uključujući razmatranje mogućih rizika tih rješenja;



- 1.6 razmatranje rizika koje predstavlja predmetni opasni materijal tijekom procesa recikliranja; i
  - 1.7 razmatranje primjerenih graničnih vrijednosti i svih korisnih ili neophodnih izuzeća.
- .2 U slučaju da tehnička skupina utvrdi vjerojatnost da predmetni opasni materijal, u kontekstu ove Konvencije, ima znatne štetne učinke na zdravlje ljudi ili okoliš, nedostatak potpune znanstvene sigurnosti ne uzima se kao razlog za sprečavanje nastavka procjene prijedloga koju provodi skupina.
  - .3 Tehnička skupina priprema izvješće u pisanom obliku i njime uzima u obzir svaku od procjena i svako od razmatranja iz podstavka .1., osim u slučaju da tehnička skupina odluči ne provesti procjene i razmatranja opisane u podstavcima .1.2. do .1.7. ako nakon procjene iz podstavka .1.1. utvrdi da se prijedlog ne treba dalje razmatrati.
  - .4 Izvješćem tehničke skupine obuhvaćena je, među ostalim, u skladu s ovom Konvencijom, preporuka o opravdanosti međunarodnih kontrola predmetnog opasnog materijala, o prikladnosti posebnih mjera kontrole predloženih u sveobuhvatnom prijedlogu, ili o drugim mjerama kontrole koje smatra prikladnijima.

5 Odbor donosi odluku o prihvaćanju bilo kojeg prijedloga o izmjeni Dodatka 1. ili Dodatka 2. i, prema potrebi, bilo koje njegove izmjene, uzimajući u obzir izvješće tehničke skupine. Svim predloženim izmjenama određuje se primjena relevantne izmjene za brodove koji imaju dozvolu plovidbe u skladu s ovom Konvencijom prije stupanja na snagu relevantne izmjene. Ako se u izvješću utvrdi da postoji vjerojatnost da predmetni opasni materijal, u kontekstu ove Konvencije, ima znatne štetne učinke na zdravlje ljudi ili okoliš, nedostatak potpune znanstvene sigurnosti ne rabi se kao prepreka za donošenje odluke o uvrštenju na popis opasnih materijala u Dodatku 1. ili Dodatku 2. Odlukom o neprihvaćanju prijedloga ne isključuje se buduće podnošenje novog prijedloga u vezi s konkretnim opasnim materijalom u svjetlu mogućih novih informacija.

### **Pravilo 7. — Tehničke skupine**

1 Odbor prema potrebi može uspostaviti jednu tehničku skupinu ili više njih u skladu s pravilom 6. Tehnička skupina može uključivati predstavnike stranaka, članice Organizacije, Ujedinjene narode i specijalizirane agencije Ujedinjenih naroda, međuvladine organizacije koje su s Organizacijom sklopile sporazume te nevladine organizacije sa savjetodavnim statusom pri Organizaciji te ga njima stavlja na raspolaganje, koje bi po mogućnosti trebale uključivati predstavnike institucija i laboratorija koji raspolažu stručnim znanjima u području ekološke sudbine i učinaka tvari, toksikoloških učinaka, biologije mora, ljudskog zdravlja, ekonomske analize, upravljanja rizicima, brodogradnje, međunarodnog pomorskog prometa, zdravlja i sigurnosti na radu ili u drugim područjima stručnosti potrebnima za objektivno preispitivanje tehničkih vrijednosti prijedloga.

2 Odbor utvrđuje uvjete mandata, organizacije, sudjelovanja i rada tehničkih skupina. Tim se uvjetima pruža zaštita svih povjerljivih informacija koje se mogu dostaviti. Tehničke skupine mogu održati takve sastanke kada je to potrebno, no nastoje provoditi svoj rad pisanim ili elektroničkim putem ili drugim medijima, ako je to primjenjivo.

3 Samo predstavnici stranaka smiju sudjelovati u iznošenju svih preporuka pred Odborom u skladu s pravilom 6. Tehnička skupina nastoji postići jednoglasnu odluku predstavnika stranaka. Ako takva odluka nije moguća, tehnička skupina iznosi sva manjinska stajališta relevantnih predstavnika.

## **Dio B — Priprema za recikliranje broda**

### **Pravilo 8. — Opći zahtjevi**

Brodovi namijenjeni za recikliranje:

- .1 mogu se reciklirati samo u postrojenjima za recikliranje brodova koja ispunjavaju sljedeće uvjete:
  - .1 odobrena su u skladu s ovom Konvencijom; i
  - .2 imaju potpuno odobrenje za obavljanje svih aktivnosti recikliranja koje u skladu s planom recikliranja broda obavlja(ju) utvrđeno(a) postrojenje(a) za recikliranje brodova;
- .2 provode operacije u razdoblju koje prethodi ulasku broda u postrojenje za recikliranje brodova kako bi smanjile količinu ostataka tereta, preostalog loživog ulja i otpada koji ostaje na brodu;
- .3 u slučaju tankera, oni ulaze u postrojenje za recikliranje brodova sa spremnicima za teret i pumpno(i)m stanicom(ama) u stanju spremnosti za dobivanje svjedodžbe o sigurnosti za ulazak ili sigurnosti za izvođenje lakozapaljivih radova, ili obje svjedodžbe, u skladu s nacionalnim pravom te nacionalnim propisima i politikama stranke pod čijom nadležnošću postrojenje za recikliranje brodova radi;
- .4 dostavljaju postrojenju za recikliranje brodova sve dostupne informacije u vezi s brodom radi izrade plana recikliranja broda koji se zahtijeva u skladu s pravilom 9.;
- .5 u cijelosti sastavljaju popis propisan pravilom 5.; i
- .6 imaju svjedodžbu o spremnosti koju je izdala uprava ili organizacija koju je uprava priznala prije provedbe svake aktivnosti recikliranja.

### **Pravilo 9. — Plan recikliranja broda**

Plan recikliranja broda, specifičan za svaki pojedini brod, izrađuje(u) postrojenje(a) za recikliranje brodova prije bilo koje aktivnosti recikliranja broda, uzimajući u obzir smjernice Organizacije. Plan recikliranja broda:

- .1 sastavlja se uzimajući u obzir informacije koje dostavi vlasnik broda;
- .2 sastavlja se na jeziku koje prihvaća stranka koja izdaje odobrenje postrojenju za recikliranje brodova, a ako taj jezik nije engleski, francuski ili španjolski, plan je preveden na jedan od tih jezika, osim ako se uprava slaže s tim da to nije potrebno;

- .3 sadržava informacije koje se, među ostalim, odnose na uspostavu, održavanje i praćenje uvjeta koji se odnose na sigurnost za ulazak i sigurnost za izvođenje lakozapaljivih radova te načina na koji će se upravljati vrstom i količinom materijala, uključujući onih utvrđenih u popisu opasnih materijala;
- .4 u skladu s izjavom položenom sukladno članku 16.6., izričito ili prešutno odobrava nadležno tijelo koje izdaje odobrenje postrojenju za recikliranje brodova. Nadležno tijelo šalje pisanu potvrdu o primitku plana recikliranja broda postrojenju za recikliranje brodova, vlasniku broda i upravi u roku od tri (3) radna dana od njegova primitka u skladu s pravilom 24. Nakon toga:
  - .1 ako stranka zahtijeva izričito odobrenje plana recikliranja broda, nadležno tijelo šalje pisanu potvrdu o svojoj odluci odobrenja ili odbacivanja plana recikliranja broda postrojenju za recikliranje brodova, vlasniku broda i upravi; te,
  - .2 ako stranka zahtijeva prešutno odobrenje plana recikliranja broda, u potvrdi o primitku navodi se krajnji datum 14-dnevnog razdoblja provjere. Nadležno tijelo upućuje u pisanom obliku sve prigovore na plan recikliranja broda postrojenju za recikliranje brodova, vlasniku broda i upravi u 14-dnevnom razdoblju provjere. U slučaju da takav pisani prigovor nije dostavljen, plan recikliranja broda smatra se odobrenim.
- .5 Nakon što je odobren u skladu sa stavkom .4., plan je dostupan za inspekcijski pregled upravi ili svakom imenovanom inspektorcu ili svakoj organizaciji koju je ona priznala; te
- .6 ako se koriste usluge više od jednoga postrojenja za recikliranje brodova, utvrđuju se postrojenja za recikliranje brodova čije će se usluge koristiti i navode se aktivnosti recikliranja te redoslijed u kojem će ih se provesti u svakom odobrenom postrojenju za recikliranje brodova.

## **Dio C — Pregledi i izdavanje svjedodžbi**

### **Pravilo 10. — Pregledi**

- 1 Brodovi na koje se primjenjuje ova Konvencija podliježu pregledima navedenima u nastavku:
  - .1 početnom pregledu prije stavljanja broda u uporabu ili prije izdavanja međunarodne svjedodžbe o popisu opasnih materijala. Tim se pregledom provjerava ispunjava li dio I. popisa koji se zahtijeva u skladu s pravilom 5. zahtjeve ove Konvencije;
  - .2 ponovnom pregledu, koji se provodi u vremenskim razmacima koje određuje uprava, a koji nisu dulji od pet godina. Tim se pregledom provjerava ispunjava li dio I. popisa opasnih materijala koji se zahtijeva u skladu s pravilom 5. Zahtjeve ove Konvencije;

- .3 dodatnom pregledu, bilo općem ili djelomičnom, ovisno o okolnostima, koji se provodi ako to zatraži vlasnik broda nakon izmjene, zamjene ili značajnog popravka strukture, opreme, sustavâ, pribora, uređaja i materijala. Tim se pregledom osigurava da je svaka izmjena, zamjena ili svaki značajni popravak proveden na način koji osigurava da brod i dalje ispunjava zahtjeve ove Konvencije te da se dio I. popisa izmijeni prema potrebi; i
- .4 završnom pregledu, koji se provodi prije nego što je brod povučen iz uporabe i prije početka recikliranja broda. Tim se pregledom provjerava:
  - .1 ispunjava li popis opasnih materijala koji se zahtijeva u skladu s pravilom 5.4. zahtjeve ove Konvencije, uzimajući u obzir smjernice izrađene u okviru Organizacije;
  - .2 odražava li plan recikliranja broda koji se zahtijeva u skladu s pravilom 9. na pravilan način informacije sadržane u popisu opasnih materijala traženom u skladu s pravilom 5.4. te sadržava li informacije koje se odnose na uspostavljanje, održavanje i praćenje uvjeta za sigurnost za ulazak i sigurnost za izvođenje lakozapaljivih radova; i
  - .3 posjeduje(u) li postrojenje(a) za recikliranje brodova u koje(i)mu(a) se taj brod treba reciklirati važeće odobrenje u skladu s ovom

Konvencijom.

2 Preglede brodova u svrhe izvršenja odredbi ove Konvencije provode časnici uprave, uzimajući u obzir smjernice izrađene u okviru Organizacije. Međutim, uprava može za preglede zadužiti ili inspektore imenovane u tu svrhu ili organizacije koje ona priznaje.

3 Uprava koja imenuje inspektore ili priznaje organizacije za provedbu pregleda, kako je opisano u stavku 2., ovlašćuje takve imenovane inspektore ili priznate organizacije najmanje za sljedeće:

- .1 da brod nad kojim provode pregled ispunjava odredbe ove Konvencije; i
- .2 da provode preglede i inspekcijske preglede ako to zatraže odgovarajuća tijela države luke koja je stranka.

4 Predmetna uprava odgovorna je u svim slučajevima za jamčenje cjelovitosti i učinkovitosti pregleda te poduzima potrebne mjere kako bi se osigurali neophodni dogovori radi ispunjenja ove obveze.

5 Početne i ponovne preglede treba uskladiti s pregledima koje je potrebno provesti u skladu s drugim primjenjivim zakonskim instrumentima Organizacije.

**Pravilo 11. — Izdavanje i ovjeravanje svjedodžbi**

1 Nakon uspješno izvršenog početnog ili ponovnog pregleda obavljenog u skladu s pravilom 10., uprava ili svaka osoba ili organizacija koju je ta uprava ovlastila izdaje međunarodnu svjedodžbu o popisu opasnih materijala svim brodovima na koje se primjenjuje pravilo 10., osim postojećim brodovima nad kojima je istodobno izvršen i početni i završni pregled, uzimajući pritom u obzir smjernice izrađene u okviru Organizacije.

2 Nakon uspješno izvršenog dodatnog pregleda obavljenog temeljem pravila 10., na zahtjev vlasnika brodameđunarodnu svjedodžbu o popisu opasnih materijala izdanu u skladu sa stavkom 1. ovjerava uprava ili svaka osoba ili organizacija koju je ta uprava ovlastila.

3 Ne dovodeći u pitanje pravilo 14.2. i zahtjeve iz pravila 10.1.2., ako je ponovni pregled izvršen u razdoblju od tri mjeseca prije datuma isteka valjanosti postojeće svjedodžbe, nova svjedodžba valjana je od datuma završetka ponovnog pregleda do datuma koji ne prelazi pet godina od datuma isteka valjanosti postojeće svjedodžbe.

4 Ako je ponovni pregled izvršen nakon datuma isteka valjanosti postojeće svjedodžbe, nova svjedodžba valjana je od datuma završetka ponovnog pregleda do datuma koji ne prelazi pet godina od datuma isteka valjanosti postojeće svjedodžbe.

5 Ako je ponovni pregled izvršen u razdoblju duljem od tri mjeseca prije datuma isteka valjanosti postojeće svjedodžbe, nova svjedodžba valjana je od datuma završetka ponovnog pregleda do datuma koji ne prelazi pet godina od datuma završetka ponovnog pregleda.

6 U slučaju kad je svjedodžba izdana za razdoblje kraće od pet godina, uprava može produžiti valjanost svjedodžbe nakon datuma isteka njezine valjanosti najviše do vremenskog razdoblja navedenoga u pravilu 10.1.2.

7 Ako je ponovni pregled izvršen, a nova svjedodžba ne može se izdati niti staviti na brod prije datuma isteka valjanosti postojeće svjedodžbe, osoba ili priznata organizacija koju je uprava ovlastila ovjerava postojeću svjedodžbu te se takva svjedodžba prihvaća kao valjana za dodatno razdoblje koje ne prelazi pet mjeseci od datuma isteka valjanosti.

8 Ako brod nije u luci u kojoj se treba izvršiti pregled u trenutku isteka valjanosti svjedodžbe, uprava može produžiti razdoblje valjanosti svjedodžbe, no to se produženje odobrava samo kako bi se brodu omogućilo da završi plovidbu do luke u kojoj se pregled treba obaviti, i to samo u slučajevima kada se to čini ispravno i razumno. Nijedna se svjedodžba ne produžuje za razdoblje dulje od tri mjeseca, a brod kojem se dodijeli takvo produženje, nakon uplovljavanja u luku u kojoj će se obaviti pregled ne može na temelju takvog produženja napustiti luku bez nove svjedodžbe. Ako je ponovni pregled izvršen, nova svjedodžba valjana je do datuma koji ne prelazi pet godina od datuma isteka valjanosti postojeće svjedodžbe prije nego što je dodijeljeno produženje.

9 Svjedodžbu izdanu za brod koji obavlja kratke plovidbe, koja nije produžena u skladu s prije spomenutim odredbama ovog pravila, uprava može produžiti za dodatno razdoblje od najviše mjesec dana od datuma isteka valjanosti koji je na njoj naveden. Kad je ponovni pregled izvršen, nova svjedodžba valjana je do datuma koji ne prelazi pet godina od datuma isteka valjanosti postojeće svjedodžbe prije nego što je dodijeljeno produženje.

10 U posebnim okolnostima koje utvrđuje uprava, nova svjedodžba ne treba biti datirana od datuma isteka valjanosti postojeće svjedodžbe, kako se zahtijeva u stavcima 4. i 8. ili 9. ovog pravila. U tim posebnim okolnostima nova svjedodžba valjana je do datuma koji ne prelazi pet godina od datuma završetka ponovnog pregleda.

11 Uprava ili svaka osoba ili organizacija koju je ta uprava ovlastila izdaje svjedodžbu o spremnosti broda za recikliranje nakon uspješno izvršenog završnog pregleda u skladu s odredbama pravila 10. svim brodovima na koje se primjenjuje pravilo 10., uzimajući pritom u obzir odobrenje postrojenja za recikliranje brodova i smjernice izrađene u okviru Organizacije.

12 Svjedodžbu izdanu pod nadležnošću stranke prihvaćaju druge stranke te se za sve potrebe ove Konvencije smatra da vrijedi jednako kao svjedodžba koju te stranke izdaju. Svjedodžbe izdaju ili ovjeravaju uprava ili svaka osoba ili organizacija koju je uprava propisno ovlastila. Uprava u svim slučajevima preuzima potpunu odgovornost za relevantnu svjedodžbu.

#### **Pravilo 12. — Izdavanje ili ovjeravanje svjedodžbe koje obavlja druga stranka**

1 Druga stranka može na zahtjev uprave inicirati pregled broda i može, ako smatra da su ispunjene odredbe ove Konvencije, izdati ili odobriti izdavanje svjedodžbe brodu, te može, prema potrebi, ovjeriti ili odobriti ovjeravanje te svjedodžbe brodu u skladu s ovim Prilogom.

2 Primjerak svjedodžbe i primjerak izvješća o pregledu šalju se što je prije moguće upravi koja ih zatraži.

3 Tako izdana svjedodžba sadržava izjavu o tome da je izdana na zahtjev uprave i da ima istu snagu i jednako je priznata kao svjedodžba koju izdaje uprava.

4 Brodu koji je ovlašten vijati zastavu države koja nije stranka ne dodjeljuju se svjedodžbe.

#### **Pravilo 13. — Obrasci svjedodžbi**

Svjedodžbe se sastavljaju na službenom jeziku stranke koja ih izdaje, u obliku obrasca utvrđenom u Dodatku 3. i Dodatku 4. Ako upotrijebljeni jezik nije engleski, francuski ili španjolski, tekst uključuje prijevod na jedan od tih jezika. Međutim, uprava može izdati međunarodnu svjedodžbu o popisu opasnih materijala sastavljenu samo na službenom jeziku stranke koja je izdaje brodovima koji ne obavljaju plovidbe do luka ili odobalnih terminala pod nadležnošću drugih stranaka ove Konvencije, kao i međunarodnu svjedodžbu o spremnosti broda za recikliranje sastavljenu samo na službenom jeziku stranke koja je izdaje brodovima koji se recikliraju u postrojenjima za recikliranje brodova pod nadležnošću stranke koja je izdaje.

#### **Pravilo 14. — Trajanje i valjanost svjedodžbi**

1 Međunarodna svjedodžba o popisu opasnih materijala izdana temeljem pravila 11. ili 12. prestaje biti valjana u bilo kojem od sljedećih slučajeva:

- .1 ako stanje broda bitno ne odgovara podacima u svjedodžbi, uključujući kada dio I. popisa opasnih materijala nije pravilno održavan i ažuriran na način da odražava promjene u strukturi i opremi broda u skladu sa smjernicama izrađenima u okviru Organizacije;
- .2 nakon prelaska broda na zastavu druge države. Nova svjedodžba izdaje se samo kada je stranka koja je izdaje u potpunosti uvjeren da je brod u skladu sa zahtjevima iz pravila 10. U slučaju prelaska među strankama, ako se to zatraži unutar tri mjeseca od prelaska, stranka čiju je zastavu brod prethodno bio ovlašten vijati što prije moguće prenosi upravi primjerke svjedodžbi koje su bile na brodu prije njegova prelaska te, ako su dostupni, primjerke relevantnih izvješća o pregledima;
- .3 ako ponovni pregled nije izvršen u vremenskim razmacima utvrđenima u pravilima 10.1. i 11.; ili
- .4 ako svjedodžba nije ovjeren temeljem pravila 11. ili pravila 12.

2 Međunarodna svjedodžba o popisu opasnih materijala izdaje se na razdoblje koje utvrdi uprava i koje nije dulje od pet godina.

3 Međunarodna svjedodžba o spremnosti broda za recikliranje izdaje se na razdoblje koje utvrdi uprava i koje nije dulje od tri mjeseca.

4 Međunarodna svjedodžba o spremnosti broda za recikliranje izdana u skladu s pravilom 11. ili pravilom 12. prestaje biti valjana ako stanje broda bitno ne odgovara podacima iz svjedodžbe.

5 Međunarodnu svjedodžbu o spremnosti broda za recikliranje uprava ili svaka osoba ili organizacija koju je ta uprava ovlastila može produljiti za točno određeno putovanje u postrojenje za recikliranje brodova.

#### **POGLAVLJE 3. — ZAHTJEVI ZA POSTROJENJA ZA RECIKLIRANJE BRODOVA**

##### **Pravilo 15. — Kontrole postrojenja za recikliranje brodova**

1 Svaka stranka donosi zakonodavstvo, propise i norme neophodne kako bi se zajamčilo da projektiranje, izgradnja i vođenje postrojenja za recikliranje brodova budu sigurni i okolišno prihvatljivi u skladu s pravilima ove Konvencije.

2 Svaka stranka uspostavlja mehanizam za odobrenje postrojenja za recikliranje brodova s primjerenim uvjetima kako bi se zajamčilo da ta postrojenja ispunjavaju zahtjeve ove Konvencije.

3 Svaka stranka uspostavlja mehanizam kojim jamči da postrojenja za recikliranje brodova ispunjavaju zahtjeve iz ovog poglavlja, uključujući uvođenje i djelotvornu uporabu odredaba o inspekcijskim pregledima, praćenju i izvršenju, koje uključuje ovlasti ulaska i uzorkovanja. Taj mehanizam može uključivati sustav ocjenjivanja koji primjenjuje(u) nadležno(a) tijelo(a) ili organizacija koju je priznala stranka, uzimajući u obzir smjernice izrađene u okviru Organizacije te bi se rezultati tih ocjenjivanja trebali dostavljati Organizaciji.

4 Svaka stranka imenuju jedno nadležno tijelo ili više njih i jedinstvenu kontaktnu točku čijim se uslugama služe Organizacija, stranke ove Konvencije i drugi zainteresirani subjekti, i to za pitanja u vezi s postrojenjima za recikliranje brodova pod nadležnošću te stranke.

#### **Pravilo 16. — Odobrenje postrojenja za recikliranje brodova**

1 Postrojenjima za recikliranje brodova koja recikliraju brodove na koje se primjenjuje ova Konvencija ili brodove koji se obrađuju na sličan način u skladu s člankom 3.4. stranka dodjeljuje odobrenje uzimajući u obzir smjernice izrađene u okviru Organizacije.

2 Odobrenje dodjeljuje nadležno(a) tijelo(a) i ono uključuje provjeru dokumentacije potrebne u skladu s ovom Konvencijom te inspekcijski pregled područja. Nadležno(a) tijelo(a) može(gu), međutim, povjeriti odobrenje postrojenja za recikliranje brodova organizacijama koje je priznalo.

3 Stranka obavješćuje Organizaciju o posebnim odgovornostima i uvjetima ovlasti koju je dodijelila tim priznatim organizacijama radi daljnjeg prosljeđivanja te obavijesti strankama. Nadležno(a) tijelo(a) u svim slučajevima zadržava(ju) potpunu odgovornost za dodijeljeno odobrenje.

4 Odobrenje se sastavlja u obliku obrasca utvrđenoga u Dodatku 5. Ako upotrijebljeni jezik nije engleski, francuski ili španjolski, tekst uključuje prijevod na jedan od tih jezika.

5 Odobrenje je valjano tijekom razdoblja koje utvrdi stranka, no ono nije dulje od pet godina. Stranka utvrđuje uvjete pod kojima se odobrenje dodjeljuje, povlači, suspendira, mijenja i obnavlja i o tim uvjetima obavješćuje postrojenja za recikliranje brodova. Ako postrojenje za recikliranje brodova odbije inspekcijski pregled nadležnog(ih) tijela ili priznate organizacije koja djeluje u njegovo/njihovo ime, odobrenje se suspendira ili povlači.

6 Ako incidenti ili aktivnosti u postrojenju za recikliranje brodova imaju takav učinak da uvjeti za odobrenje više nisu ispunjeni, postrojenje za recikliranje brodova obavješćuje o tome nadležno(a) tijelo(a). Nadležno(a) tijelo(a) može(gu) u skladu s time odlučiti suspendirati ili povući odobrenje ili zahtijevati da postrojenje za recikliranje brodova poduzme korektivne mjere.

#### **Pravilo 17. — Opći zahtjevi**



1 Postrojenja za recikliranje brodova koja je odobrila stranka uspostavljaju sustave upravljanja te postupke i tehnike koji ne predstavljaju rizike za zdravlje relevantnih radnika ili stanovništva koje živi u blizini postrojenja za recikliranje brodova te kojima se sprečavaju, smanjuju, svode na najmanju moguću mjeru i koliko god je moguće uklanjaju štetni učinci na okoliš uzrokovani recikliranjem brodova, uzimajući u obzir smjernice izrađene u okviru Organizacije.

2 Postrojenja za recikliranje brodova kojima je stranka dodijelila odobrenje za brodove na koje se ova Konvencija primjenjuje ili brodove koji se obrađuju na sličan način u skladu s člankom 3.4.;

- .1 prihvaćaju samo brodove koji:
  - .1 su u skladu s ovom Konvencijom; ili
  - .2 ispunjavaju zahtjeve ove Konvencije;
- .2 prihvaćaju samo brodove za čije recikliranje imaju odobrenje; i
- .3 posjeduju dokumentaciju o svom odobrenju koja je dostupna ako je zatraži vlasnik broda koji razmatra mogućnost recikliranja broda u tom postrojenju za recikliranje brodova.

### **Pravilo 18. — Plan postrojenja za recikliranje brodova**

Postrojenje za recikliranje brodova koje je odobrila stranka priprema plan postrojenja za recikliranje brodova. Plan usvaja odbor ili odgovarajuće upravljačko tijelo poduzeća za recikliranje brodova i on uključuje:

- .1 politiku kojom se jamči sigurnost radnika i zaštita zdravlja ljudi i okoliša, uključujući utvrđivanje ciljeva koji dovode do svođenja na najmanju moguću mjeru i uklanjanja koliko god je moguće štetnih učinaka na zdravlje ljudi i okoliš prouzročenih recikliranjem brodova;
- .2 sustav jamčenja provedbe zahtjeva utvrđenih Konvencijom, ostvarenje ciljeva zadanih u okviru politike poduzeća za recikliranje brodova i trajno unapređenje postupaka i normi koji se primjenjuju u operacijama recikliranja brodova;
- .3 utvrđivanje uloga i odgovornosti poslodavaca i radnika pri izvođenju operacija recikliranja brodova;
- .4 program za pružanje odgovarajućih informacija i izobrazbe radnicima radi sigurnog i okolišno prihvatljivog rada postrojenja za recikliranje brodova;
- .5 plan pripravnosti i odgovora na izvanredne situacije;
- .6 sustav praćenja uspješnosti recikliranja brodova;
- .7 sustav vođenja evidencije u kojem se pokazuje kako se recikliranje brodova provodi;

- .8 sustav prijavljivanja slučajeva ispuštanja, emisija, incidenata i nezgoda koji škode ili mogu naškoditi sigurnosti radnika te zdravlju ljudi i okoliša; i
- .9 sustav prijavljivanja slučajeva profesionalnih bolesti, nezgoda, ozljeda i drugih štetnih učinaka na sigurnost radnika i zdravlje ljudi,

uzimajući u obzir smjernice izrađene u okviru Organizacije.

### **Pravilo 19. — Sprečavanje štetnih učinaka na zdravlje ljudi i okoliša**

Postrojenja za recikliranje brodova koja je odobrila stranka uspostavljaju i primjenjuju postupke za:

- .1 sprečavanje eksplozija, požara i drugih opasnih uvjeta na način da osiguravaju uspostavljanje, održavanje i praćenje uvjeta i postupaka za sigurno izvođenje lakozapaljivih radova tijekom cijelog procesa recikliranja broda;
- .2 sprečavanje štete prouzročene opasnim atmosferskim uvjetima i drugim opasnim uvjetima na način da osiguravaju uspostavljanje, održavanje i praćenje uvjeta i postupaka za sigurnost za ulazak u prostorima broda, uključujući ograničenim i zatvorenim brodskim prostorima, tijekom cijelog procesa recikliranja broda;
- .3 sprečavanje drugih nezgoda, profesionalnih bolesti i ozljeda ili drugih štetnih učinaka na zdravlje ljudi i okoliša; te
- .4 sprečavanje izljeva ili emisija tijekom cijelog procesa recikliranja, koji mogu naštetiti zdravlju ljudi i/ili okoliša,

uzimajući u obzir smjernice izrađene u okviru Organizacije.

### **Pravilo 20. — Sigurno i okolišno prihvatljivo upravljanje opasnim materijalima**

1 Postrojenja za recikliranje brodova koja je stranka odobrila jamče sigurno i okolišno prihvatljivo uklanjanje svih opasnih materijala na brodu za koji je izdana svjedodžba u skladu s pravilima 11. ili 12. Osoba(e) zadužena(e) za operacije recikliranja i relevantni radnici upoznati su sa zahtjevima ove Konvencije koji su relevantni za njihove zadaće te se posebice aktivno služe popisom opasnih materijala i planom recikliranja broda prije i tijekom uklanjanja opasnih materijala.

2 Postrojenja za recikliranje brodova koja je odobrila stranka jamče utvrđivanje, označavanje, pakiranje i uklanjanje u najvećoj mogućoj mjeri svih opasnih materijala navedenih u popisu prije rezanja, koje obavljaju propisno osposobljeni i opremljeni radnici, uzimajući u obzir smjernice izrađene u okviru Organizacije, posebice:

- .1 opasnih tekućina, ostataka i sedimenata;
- .2 tvari ili predmeta koji sadržavaju teške metale, kao što su olovo, živa, kadmij i šestovalentni krom;
- .3 boja i premaza koji su lako zapaljivi i/ili dovode do oslobađanja toksičnih spojeva;

- .4 azbesta i materijala koji sadrže azbest;
- .5 polikloriranih bifenila (PCB) i materijala koji sadržavaju poliklorirane bifenile, osiguravajući da se tijekom takvih operacija izbjegava oprema koja stvara toplinu;
- .6 klorofluorouglijika (CFC) i halona; te
- .7 drugih opasnih materijala koji nisu prethodno navedeni i nisu dio strukture broda.

3 Postrojenja za recikliranje brodova koja je odobrila stranka pružaju i jamče sigurno i okolišno prihvatljivo upravljanje svim opasnim materijalima i otpadom uklonjenima iz brodova koji se recikliraju u postrojenjima za recikliranje brodova. Utvrđene su lokacije za gospodarenje otpadom i njegovo odlaganje kako bi se osiguralo daljnje sigurno i okolišno prihvatljivo upravljanje materijalima.

4 Cjelokupan otpad nastao aktivnošću recikliranja drži se odvojeno od materijala i opreme koji se mogu reciklirati te ga se označuje i pohranjuje u odgovarajućim uvjetima koji ne predstavljaju rizik za radnike i zdravlje ljudi ili okoliša, a otprema ga se u postrojenje za gospodarenje otpadom odobreno za rukovanje njegovom obradom i odlaganjem na siguran i okolišno prihvatljiv način.

#### **Pravilo 21. — Pripravnost i odgovor na izvanredne situacije**

Postrojenja za recikliranje brodova koja je odobrila stranka uspostavljaju i održavaju plan pripravnosti i odgovora na izvanredne situacije. Pri izradi plana uzimaju se u obzir lokacija i okruženje postrojenja za recikliranje brodova te opseg i narav aktivnosti povezanih sa svakom operacijom recikliranja broda. Planom se nadalje:

- .1 jamči postojanje potrebne opreme i potrebnih postupaka koje treba provoditi u slučaju izvanrednih situacija te provedba vježbi na redovnoj osnovi;
- .2 jamči pružanje potrebnih informacija, unutarnje komunikacije i koordinacije radi zaštite svih ljudi i okoliša u slučaju izvanredne situacije u postrojenju za recikliranje brodova;
- .3 osigurava mogućnost komunikacije s relevantnim nadležnim tijelo(i)m(a) te lokalnim službama i službama za hitne slučajeve, kao i pružanje informacija istima;
- .4 pruža prva pomoć i medicinska pomoć te protupožarne usluge i usluge evakuacije svih ljudi u postrojenju za recikliranje brodova, sprečavanje onečišćenja; te
- .5 pružaju relevantne informacije i izobrazba svim radnicima postrojenja za recikliranje brodova na svim razinama i u skladu s njihovom kompetencijom, koja uključuje redovne vježbe postupaka za sprečavanje izvanrednih situacija te postupaka pripravnosti i pružanja odgovora na njih.

#### **Pravilo 22. — Sigurnost i izobrazba radnika**

1 Postrojenja za recikliranje brodova koja je odobrila stranka jamče sigurnost radnika mjerama koje uključuju sljedeće:

- .1 jamčenje dostupnosti, održavanja i uporabe opreme za osobnu zaštitu i odjeće

potrebne za izvođenje svih operacija recikliranja brodova;

- .2 jamčenje programa izobrazbe kako bi se radnicima omogućilo sigurno obavljanje svih operacija recikliranja brodova koje se od njih zatraže; i
- .3 jamčenje odgovarajuće izobrazbe i stjecanja potrebnih znanja radnicima unutar postrojenja za recikliranje brodova prije obavljanja svih operacija recikliranja broda.

2 Postrojenja za recikliranje brodova koja je odobrila stranka pružaju opremu za osobnu zaštitu i jamče njezinu uporabu za operacije koje iziskuju takvu uporabu, a ona uključuje:

- .1 zaštitnu opremu za glavu;
- .2 zaštitnu opremu za lice i oči;
- .3 zaštitnu opremu za ruke i noge;
- .4 opremu za zaštitu dišnih organa;
- .5 zaštitu sluha;
- .6 štitnike od radioaktivne kontaminacije;
- .7 zaštitu od pada; i
- .8 odgovarajuću odjeću.

3 Postrojenja za recikliranje brodova koja je odobrila stranka mogu surađivati u pružanju izobrazbe radnicima. Uzimajući u obzir smjernice izrađene u okviru Organizacije, programi izobrazbe utvrđeni u stavku 1.2 ovog pravila:

- .1 provode se za sve radnike, uključujući osoblje ugovaratelja i zaposlenika postrojenja za recikliranje brodova;
- .2 provode ih nadležne osobe;
- .3 pružaju početnu izobrazbu te izobrazbu za obnovu znanja u odgovarajućim vremenskim razmacima;
- .4 uključuju procjenu sudionika o vlastitom razumijevanju i zadržavanju znanja stečenoga u okviru izobrazbe;
- .5 periodički se preispituju i prema potrebi mijenjaju; te se
- .6 dokumentiraju.

**Pravilo 23. — Prijavljivanje incidenata, nezgoda, profesionalnih bolesti i kroničnih učinaka**

1 Postrojenja za recikliranje brodova koja je odobrila stranka izvješćuju nadležno(a) tijelo(a) o svim incidentima, nezgodama, profesionalnim bolestima ili kroničnim učincima

koji predstavljaju ili bi mogli predstavljati rizike za sigurnost radnika te zdravlje ljudi i okoliša.

2 Izvješća sadržavaju opis incidenta, nezgode i profesionalne bolesti i kroničnog učinka, njegov / njezin uzrok, mjere poduzete kao odgovor na njega/nju te posljedice i korektivne mjere koje se trebaju poduzeti.

#### **POGLAVLJE 4. — ZAHTJEVI U VEZI S IZVJEŠĆIVANJEM**

##### **Pravilo 24. — Zahtjevi u vezi s početnim obavješćivanjem i izvješćivanjem**

1 Vlasnik brodak pravodobno i u pisanom obliku obavješćuje upravu o namjeri recikliranja broda kako bi joj omogućio da obavi pripreme za pregled i izdavanje svjedodžbe tražene u skladu s ovom Konvencijom.

2 Postrojenje za recikliranje brodova tijekom priprema za prihvata broda za recikliranje pravodobno i u pisanom obliku obavješćuje svoje(a) nadležno(a) tijelo(a) o toj namjeri. Obavijest sadržava barem sljedeće podatke o brodu:

- .1 ime države čiju zastavu brod ima pravo vijati;
- .2 datum upisa broda u registar te države;
- .3 identifikacijski broj broda (IMO broj);
- .4 broj oplate na isporučenom novoizgrađenom brodu;
- .5 ime i vrstu broda;
- .6 luku upisa broda;
- .7 ime i adresu vlasnika broda te IMO identifikacijski broj kompanije;
- .8 ime i adresu kompanije te IMO identifikacijski broj upisanog poduzeća;
- .9 imena klasifikacijskog(ih) društ(a)va koje(a) je(su) klasificiralo(a) brod;
- .10 glavne značajke broda (ukupna dužina (LOA), širina (konstrukcijska), visina (konstrukcijska), težina praznog broda, bruto i neto tonaža te vrsta i broj obrtaja motora);
- .11 popis opasnih materijala; i
- .12 nacrt plana recikliranja broda na prihvaćanje u skladu s pravilom 9.

3 Nakon što se brodu namijenjenom za recikliranje dodijeli međunarodna svjedodžba za spremnost broda za recikliranje, postrojenje za recikliranje brodova šalje izvješće svo(ji)m nadležno(i)m tijelu(ima) o planiranom početku recikliranja broda. Izvješće se sastavlja u skladu s formatom izvješćivanja navedenim u Dodatku 6. i uključuje barem primjerak

međunarodne svjedodžbe o spremnosti broda za recikliranje. Recikliranje broda ne počinje prije podnošenja izvješća.

**Pravilo 25. — Izvješćivanje nakon izvršenja recikliranja**

Nakon izvršenja djelomičnog ili potpunog recikliranja broda u skladu sa zahtjevima ove Konvencije, postrojenje za recikliranje brodova izdaje potvrdu o izvršenju i dostavlja je svom(jim) nadležnom(im) tijelu(ima). Taj se dokument mora sastaviti u skladu s primjerom u Dodatku 7. Nadležno(a) tijelo(a) šalje(u) primjerak potvrde upravi koja je za taj brod izdala međunarodnu svjedodžbu o spremnosti broda za recikliranje. Potvrda se izdaje unutar 14 dana od datuma djelomično ili potpuno izvršenog recikliranja broda u skladu s planom recikliranja broda te uključuje izvješće o incidentima i nezgodama sa štetnim učincima na zdravlje ljudi i/ili okoliša, ako oni postoje.

**DODATAK 1.**  
**KONTROLE OPASNIH MATERIJALA**

<b>Opasni materijali</b>	<b>Definicije</b>	<b>Mjere kontrole</b>
Azbest	Materijali koji sadrže azbest	Na svim se brodovima zabranjuje nova ugradnja materijalâ koji sadrže azbest.
Tvari koje oštećuju ozonski omotač	<p>Tvari koje oštećuju ozonski omotač znači kontrolirane tvari utvrđene u članku 1. stavku 4. Montrealskog protokola o tvarima koje oštećuju ozonski omotač iz 1987., navedene u prilogima A,B,C ili E tom Protokolu na snazi u trenutku primjene ili tumačenja ovog Priloga.</p> <p>Tvari koje oštećuju ozonski omotač koje se mogu naći na brodovima uključuju, ali nisu ograničene na sljedeće tvari:</p> <p>Halon 1211  Bromoklorodifluormetan  Halon 1301 Bromotrifluormetan  Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoretan (poznat i pod nazivom Halon 114B2)  CFC-11 Triklorofluormetan  CFC-12 Diklorofluormetan  CFC-113 1,1,2-Trikloro-1,2,2-trifluoretan  CFC-114 1,2-Dikloro-1,1,2,2-tetrafluoretan</p>	Nove ugradnje koje sadrže tvari koje oštećuju ozonski omotač zabranjuju se na svim brodovima osim onih novih ugradnji koje sadrže klorofluorouglikovodike (HCFC) i koje se smiju koristiti do 1. siječnja 2020.

Poliklorirani bifenili (PCB-ovi)	„Poliklorirani bifenili” znači aromatski spojevi koji su nastali na način da su atomi vodika u bifenilskoj molekuli (dva benzenska prstena povezana zajedno pomoću jedne ugljik–ugljik veze) mogli biti zamijenjeni s do	Na svim se brodovima zabranjuje nova ugradnja materijala koji sadrže poliklorirane bifenile.
Spojevi i sustavi protiv obrastanja	Spojevi i sustavi protiv obrastanja uređeni u okviru Priloga I. Međunarodnoj konvenciji o nadzoru štetnih sustava protiv obrastanja brodova iz 2001. (Konvencija AFS) na snazi u trenutku primjene ili tumačenja ovog Priloga.	<ol style="list-style-type: none"> <li>1. Nijedan brod ne smije primjenjivati sustave protiv obrastanja koji sadrže organokositrene spojeve kao biocid ili bilo koji drugi sustav protiv obrastanja čija je primjena ili korištenje zabranjeno Konvencijom AFS.</li> <li>2. Nijedan novi brod ili nova ugradnja na brodovima ne smije primjenjivati niti rabiti spojeve ili sustave protiv obrastanja na način koji nije u skladu s Konvencijom AFS.</li> </ol>



**DODATAK 2.**  
**MINIMALNI POPIS STAVKI ZA POPIS OPASNIH**  
**MATERIJALA**

Svi opasni materijali popisani u Dodatku 1.
Kadmij i spojevi kadmija
Šestovalentni krom i šestovalentni spojevi kroma
Olovo i spojevi olova
Živa i spojevi žive
Polibromirani bifenili (PBB-ovi)
Polibromirani difenil eteri (PBDE-ovi)
Poliklorirani naftaleni (više od 3 atoma klora)
Radioaktivne tvari
Neki kratkolančani klorirani parafini (alkani, C10-C13, kloro)

**DODATAK 3.**  
**OBRAZAC MEĐUNARODNE SVJEDODŽBE O POPISU**  
**OPASNIH MATERIJALA**

MEĐUNARODNA SVJEDODŽBA O POPISU OPASNIH MATERIJALA

(Napomena: Ova se svjedodžba nadopunjuje dijelom I. popisa opasnih materijala)

*(Službeni pečat)*

*(Država)*

Izdao/la temeljem odredaba Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. (dalje u tekstu: „Konvencija”) prema ovlaštenju vlade

.....  
*(Ime države)*

.....  
*(Puno ime osobe ili organizacije ovlaštene temeljem odredaba Konvencije)*

***Podatci o brodu***

Ime broda	
Broj ili znak raspoznavanja	
Luka upisa	
Bruto tonaža	
IMO broj	
Ime i adresa vlasnika broda	
IMO identifikacijski broj upisanog vlasnika	
IMO identifikacijski broj kompanije	
Datum izgradnje	

**Podatci o dijelu I. popisa opasnih materijala**

Identifikacijski broj / broj provjere dijela I. popisa opasnih materijala: .....

Napomena: Dio I. popisa opasnih materijala u skladu s pravilom 5. Priloga Konvenciji jedan je od ključnih dijelova međunarodne svjedodžbe o popisu opasnih materijala i uvijek joj mora biti priložen. Dio I. popisa opasnih materijala treba se sastaviti na temelju standardnog formata predstavljenog u smjernicama izrađenima u okviru Organizacije.

**POTVRĐUJE SE:**

1. brod je pregledan u skladu s pravilom 10. Priloga Konvenciji; i
2. pregledom se utvrdilo da je dio I. popisa opasnih materijala u potpunosti u skladu s primjenjivim zahtjevima Konvencije.

Datum izvršenja pregleda na temelju kojega je izdana ova svjedodžba: .....(dd.mm.gggg.)

Ova svjedodžba vrijedi do ..... (dd.mm.gggg.)

Izdano u .....  
(Mjesto izdavanja svjedodžbe)

(dd.mm.gggg.) .....  
(Datum izdavanja) (Potpis propisno ovlaštenog službenika koji izdaje svjedodžbu)

(Pečat ili žig nadležnog tijela, prema potrebi)

**OVJERA PRODULJENJA SVJEDODŽBE AKO VRIJEDI KRAĆE OD PET  
GODINA KADA SE PRIMJENJUJE PRAVILO 11.6.\***

Brod je u skladu s relevantnim odredbama Konvencije i ova se svjedodžba u skladu s pravilom 11.6. Priloga Konvenciji prihvaća kao valjana do (dd.mm.gggg.):

.....

Potpis:.....

*(Potpis propisno ovlaštenog službenika)*

Mjesto:.....

Datum: (dd.mm.gggg.) .....

*(Pečat ili žig nadležnog tijela, prema potrebi)*

**OVJERA KADA JE IZVRŠEN PONOVI PREGLED I KADA SE  
PRIMJENJUJE PRAVILO 11.7. \***

Brod je u skladu s relevantnim odredbama Konvencije i ova se svjedodžba u skladu s pravilom 11.7. Priloga Konvenciji prihvaća kao valjana do (dd.mm.gggg.):

.....

Potpis:.....

*(Potpis propisno ovlaštenog službenika)*

Mjesto:.....

Datum: (dd.mm.gggg.) .....

*(Pečat ili žig nadležnog tijela, prema potrebi)*

---

\* Ova stranica ovjere mora se tijekom pregleda umnožiti i priložiti svjedodžbi ako uprava to smatra nužnim.

**OVJERA PRODULJENJA VALJANOSTI SVJEDODŽBE DO ULASKA U  
LUKU ZA PREGLED ILI UZ ODGODU KADA SE PRIMJENJUJE  
PRAVILO 11.8. ILI PRAVILO 11.9. \***

Ova se svjedodžba u skladu s pravilom 11.8. ili pravilom 11.9.\*\*  
Priloga Konvenciji prihvaća kao valjana do (dd.mm.gggg):  
.....

Potpis:.....  
(Potpis propisno ovlaštenog službenika)

Mjesto:.....

Datum: (dd.mm.gggg.) .....

*(Pečat ili žig nadležnog tijela, prema potrebi)*

**OVJERA ZA DODATNI PREGLED\***

Dodatnim pregledom u skladu s pravilom 10. Priloga Konvenciji utvrđeno je da je brod u skladu s relevantnim odredbama Konvencije.

Potpis:.....  
(Potpis propisno ovlaštenog službenika)

Mjesto:.....

Datum: (dd.mm.gggg.) .....

*(Pečat ili žig nadležnog tijela, prema potrebi)*

---

\* Ova stranica ovjere mora se tijekom pregleda umnožiti i priložiti svjedodžbi ako uprava to smatra nužnim.

\*\* Precrtati nepotrebno.

**DODATAK 4.****OBRAZAC MEĐUNARODNE SVJEDODŽBE O SPREMNOSTI  
BRODA ZA RECIKLIRANJE****MEĐUNARODNA SVJEDODŽBA O SPREMNOSTI BRODA ZA  
RECIKLIRANJE**

(Napomena: Ovoj svjedodžbi mora biti priložen popis opasnih materijala i plan recikliranja broda)

*(Službeni pečat)*

*(Država)*

Izdao/la temeljem odredaba Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. (dalje u tekstu: „Konvencija”) prema ovlaštenju vlade

.....  
*(Ime države)*

.....  
*(Puno ima osobe ili organizacije ovlaštene  
na temelju odredbi Konvencije)*

***Podatci o brodu***

Ime broda	
Broj ili znak raspoznavanja	
Luka upisa	
Bruto tonaža	
IMO broj	
Ime i adresa vlasnika broda	
IMO identifikacijski broj upisanog vlasnika	
IMO identifikacijski broj kompanije	
Datum izgradnje	

**Podatci o postrojenju(ima) za recikliranje brodova**

Ime postrojenja za recikliranje brodova	
Identifikacijski broj poduzeća za recikliranje brodova *	
Puna adresa	
Datuma isteka odobrenja za provedbu recikliranja	

\* Ovaj se broj temelji na dokumentu odobrenja za provedbu recikliranja brodova (DASR).

**Podatci o popisu opasnih materijala**

Identifikacijski broj / Broj provjere dijela I. popisa opasnih materijala: .....

Napomena: Popis opasnih materijala, kako se zahtijeva pravilom 5. Priloga Konvenciji, jedan je od ključnih dijelova međunarodne svjedodžbe o spremnosti broda za recikliranje i uvijek joj mora biti priložen. Popis opasnih materijala treba se sastaviti na temelju standardnog formata predstavljenog u smjernicama izrađenima u okviru Organizacije.

**Podatci o planu recikliranja broda**

Identifikacijski broj / Broj provjere plana recikliranja broda:.....

Napomena: Plan recikliranja broda, kako se zahtijeva pravilom 9. Priloga Konvenciji, jedan je od ključnih dijelova međunarodne svjedodžbe o spremnosti broda za recikliranje i uvijek joj mora biti priložen.

**POTVRĐUJE SE:**

- 1 brod je pregledan u skladu s pravilom 10. Priloga Konvenciji;
- 2 brod ima valjan popis opasnih materijala u skladu s pravilom 5. Priloga Konvenciji;
- 3 plan recikliranja broda u skladu s pravilom 9. pravilno odražava informacije sadržane u popisu opasnih materijala, kako se zahtijeva pravilom 5.4., te sadržava informacije koje se odnose na uspostavljanje, održavanje i praćenje uvjeta za sigurnost za ulazak i sigurnost za izvođenje lakozapaljivih radova; i
- 4 postrojenje(a) za recikliranje brodova u koje(i)mu(a) se predmetni brod treba reciklirati ima važeće odobrenje u skladu s Konvencijom.

Ova svjedodžba vrijedi do (dd.mm.gggg.)  
.....  
(Datum)

Izdano u .....  
(Mjesto izdavanja svjedodžbe)

(dd.mm.gggg.) .....  
(Datum izdavanja) (Potpis propisno ovlaštenog službenika koji izdaje  
svjedodžbu)

(Pečat ili žig nadležnog tijela, prema potrebi)



**OVJERA PRODULJENJA VALJANOSTI SVJEDODŽBE DO ULASKA U  
LUKU POSTROJENJA ZA RECIKLIRANJE BRODOVA UZ ODGODU KADA  
SE PRIMJENJUJE PRAVILO 14.5.\***

Ova se svjedodžba u skladu s pravilom 14.5. Priloga Konvenciji prihvaća kao valjana za točno određeno putovanje

od luke:.....

do luke:.....

Potpis:.....

*(Potpis propisno ovlaštenog službenika)*

Mjesto:.....

Datum: (dd.mm.gggg.) .....

*(Pečat ili žig nadležnog tijela, prema potrebi)*

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\* Ova stranica ovjere mora se umnožiti i priložiti svjedodžbi ako uprava to smatra nužnim.

**DODATAK 5.****OBRAZAC ODOBRENJA POSTROJENJA ZA RECIKLIRANJE  
BRODOVA**

**Dokument odobrenja za provedbu recikliranja brodova (DASR) u skladu sa zahtjevima Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.**

Izdao/la temeljem odredaba Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. (u daljnjem tekstu: „Konvencija”) prema ovlaštenju vlade:

.....  
(Ime države)

.....  
(Puno ime nadležnog tijela temeljem Konvencije)

Ime postrojenja za recikliranje brodova	
Identifikacijski broj poduzeća za recikliranje brodova	
Puna adresa postrojenja za recikliranje brodova	
Glavna osoba za kontakt	
Broj telefona	
Adresa e-pošte	
Ime, adresa i podatci za kontakt poduzeća u čijem je vlasništvu postrojenje	
Radni jezik(ci)	

Potvrđuje se da postrojenje za recikliranje brodova primjenjuje sustave upravljanja te postupke i tehnike u skladu s poglavljima 3. i 4. Priloga Konvenciji.

Ovo odobrenje vrijedi do ..... i podliježe ograničenjima utvrđenima u priloženoj dopuni.

Ovo odobrenje podliježe izmjeni, suspenziji, povlačenju ili periodičkom produljenju u skladu s pravilom 16. Priloga Konvenciji.

Izdano u .....  
(Mjesto izdavanja odobrenja)

(dd.mm.gggg.) .....  
(Datum izdavanja) (Potpis propisno ovlaštenog službenika koji izdaje odobrenje)

.....  
(Tipkano ime i položaj propisno ovlaštenog službenika koji izdaje odobrenje)

(Pečat ili žig nadležnog tijela, prema potrebi)

**PRILOŽITI SLJEDEĆEM  
DOKUMENTU:**

**Dokument odobrenja za provedbu recikliranja brodova (DASR) u skladu sa  
zahtjevima Međunarodne konvencije iz Hong Konga za sigurno i okolišno  
prihvatljivo recikliranje brodova iz 2009.**

Napomene:

- 1 Ovaj dokument mora biti trajno priložen DASR-u. DASR je u svako doba dostupan u postrojenju za recikliranje brodova.
- 2 Svi postupci, planovi i drugi dokumenti pripremljeni u postrojenju za recikliranje brodova i propisani uvjetima u skladu s kojima je izdan DASR dostupni s su na radnom jeziku postrojenja za recikliranje brodova te na engleskom, francuskom ili španjolskom jeziku.
- 3 Odobrenje podliježe ograničenjima utvrđenima ovim priloženim dokumentom.

## **1 OPĆI UVJETI**

### **1.1 Zahtjevi Konvencije**

Postrojenje za recikliranje brodova ispunjava zahtjeve u skladu s kojima ono mora biti projektirano, izgrađeno i vođeno na siguran i okolišno prihvatljiv način u skladu s Konvencijom, što uključuje ispunjavanje sljedećih relevantnih zahtjeva:

Pravilo 16. — Odobrenje postrojenja za recikliranje brodova

Pravilo 17. — Opći zahtjevi

Pravilo 18. — Plan postrojenja za recikliranje brodova

Pravilo 19. — Sprečavanje štetnih učinaka na zdravlje ljudi i okoliša

Pravilo 20. — Sigurno i okolišno prihvatljivo upravljanje opasnim materijalima

Pravilo 21. — Pripravnost i odgovor na izvanredne situacije

Pravilo 22. — Sigurnost i izobrazba radnika

Pravilo 23. — Prijavljivanje incidenata, nezgoda, profesionalnih bolesti i kroničnih učinaka

Pravilo 24. — Zahtjevi u vezi s početnim obavješćivanjem i izvješćivanjem

Pravilo 25. — Izvješćivanje nakon izvršenja recikliranja

Navedeni zahtjevi propisani su za postrojenja za recikliranje brodova putem:

.....  
*(Navedite dozvolu, licenciju, odobrenje, pravne norme ili drugi mehanizam koji se primjenjuje)*

Identifikacijski broj / Broj provjere plana postrojenja za recikliranje brodova: .....

## 1.2 Prihvat brodova

Kad su u pitanju brodovi na koje se primjenjuje Konvencija i brodovi koji se obrađuju na sličan način u skladu s člankom 3.4. Konvencije, postrojenje za recikliranje brodova može jedino prihvatiti brod za recikliranje u skladu s pravilom 17. Priloga Konvenciji.

## 1.3 Uvjeti za sigurnost za izvođenje lakozapaljivih radova i sigurnost za ulazak

Postrojenje za recikliranje brodova sposobno je uspostaviti, održavati i pratiti uvjete za sigurnost za izvođenje lakozapaljivih radova i uvjete za sigurnost za ulazak tijekom cijelog procesa recikliranja brodova.

## 1.4 Upravljanje opasnim materijalima

Postrojenje za recikliranje brodova projektirano je, izgrađeno i vođeno te dužno zajamčiti sigurno i okolišno prihvatljivo upravljanje svim opasnim materijalima u skladu s Konvencijom i svim relevantnim lokalnim ili nacionalnim propisima/zahtjevima.

## 1.5 Plan područja i lokacija operacija recikliranja brodova

Priložen je plan područja postrojenja za recikliranje brodova i lokacija izvođenja operacija recikliranja brodova u tom postrojenju.

## 2 KAPACITETI POSTROJENJA ZA RECIKLIRANJE BRODOVA

### 2.1 Dimenzije brodova

Postrojenje za recikliranje brodova ima odobrenje za prihvat broda za recikliranje ako njegove dimenzije ne prekoračuju sljedeća ograničenja:

Najveće dimenzije		Ostala ograničenja
Dužina		
Širina		
Težina praznog broda		

## 2.2 Sigurno i okolišno prihvatljivo upravljanje opasnim materijalima

Postrojenje za recikliranje brodova ima odobrenje za prihvrat broda za recikliranje koji sadržava opasne materijale kako je navedeno u sljedećoj tablici u skladu s uvjetima navedenima u nastavku:

Opasni materijal(*4)	Upravljanje opasnim materijalima			Odobrenje/Ograničenja
	Uklanjanje	Skladištenje	Proces(*1)	
	DA/NE(*2)	DA/NE	DA/NE (*3)	
Azbest				
Tvari koje oštećuju ozonski omotač				
Poliklorirani bifenili (PCB-ovi)				
Spojevi i sustavi protiv obrastanja				
Kadmij i spojevi kadmija				
Šestovalentni krom i šestovalentni spojevi kroma				
Olovo i spojevi olova				
Živa i spojevi žive				
Polibromirani bifenili (PBB-ovi)				
Polibromirani difenil eteri (PBDE-ovi)				
Poliklorirani naftaleni (više od 3 atoma klora)				
Radioaktivne tvari				
Neki kratkolančani klorirani parafini (alkani, C10-C13, kloro)				
Opasne tekućine, ostaci i sedimenti				
Boje i premazi koji su lako zapaljivi i/ili dovode do oslobađanja toksičnih spojeva				
Drugi opasni materijali koji nisu prethodno navedeni i nisu dio strukture broda (navesti koji)				

- Napomene: \*1 Obrada znači obrađivanje opasnih materijala u postrojenju za recikliranje brodova te npr. uključuje:
- a. spaljivanje opasnih materijala;
  - b. uporabu opasnih materijala; i
  - c. rukovanje uljnim ostacima.
- \*2 Ako je vaš odgovor „da” (DA), navedite u planu postrojenja za recikliranje brodova odgovorno osoblje ovlašteno za provedbu uklanjanja, brojem svjedodžbe ili drugom relevantnom informacijom.
- \*3 Ako je vaš odgovor „ne” (NE), opišite u planu recikliranja broda mjesto na kojemu se opasni materijali trebaju obrađivati/odlagati.
- \*4 Navedeni opasni materijali utvrđeni su u dodatcima 1. i 2. Konvenciji te u pravilu 20. Konvencije.

**DODATAK 6.****OBRAZAC IZVJEŠĆA O PLANIRANOM POČETKU  
RECIKLIRANJA BRODA**

.....  
(*Ime postrojenja za recikliranje brodova*)

u .....  
(*Puna adresa postrojenja za recikliranje brodova*)

U skladu sa zahtjevima Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. (u daljnjem tekstu: „Konvencija”) ima odobrenje za provedbu recikliranja brodova prema ovlaštenju vlade:

.....  
(*Ime države*)

kako je navedeno u dokumentu odobrenja za provedbu recikliranja brodova koji je u

.....  
(*Mjesto izdavanja svjedodžbe*)

izdao/la .....  
(*Puno ime nadležnog tijela temeljem Konvencije*)

dana (dd.mm.gggg.) .....  
(*Datum izdavanja*)

Ovime izjavljuje da je postrojenje za recikliranje brodova u svakom pogledu spremno za početak recikliranja plovila .....  
(*IMO broj*)

Međunarodna svjedodžba o spremnosti broda za recikliranje koju je u skladu s odredbama Konvencije prema ovlaštenju vlade

.....  
(*Ime države*)

izdao/la .....  
(*Puno ime osobe ili organizacije ovlaštene na temelju odredbi Konvencije*)

dana (dd.mm.gggg.) .....  
(*Datum izdavanja*)

prilaže se ovom obrascu.

Potpis: .....

**OBRAZAC POTVRDE O IZVRŠENJU RECIKLIRANJA BRODA**

**POTVRDA O IZVRŠENJU RECIKLIRANJA BRODA**

Ovaj je dokument potvrda o izvršenju recikliranja broda za

.....  
*(Ime broda prilikom prihvata na recikliranje/točku ispisa)*

**Podatci o brodu prihvaćenom na recikliranje**

Broj ili znak raspoznavanja	
Luka upisa	
Bruto tonaža	
IMO broj	
Ime i adresa vlasnika broda	
IMO identifikacijski broj upisanog vlasnika	
IMO identifikacijski broj poduzeća	
Datum izgradnje	

POTVRĐUJE SE:

Brod je recikliran u skladu s planom recikliranja broda u okviru Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. (u daljnjem tekstu: „Konvencija”) u

.....  
*(Ime i lokacija ovlaštenog postrojenja za recikliranje brodova)*

i recikliranje broda izvršeno je u skladu s Konvencijom dana:

(dd.mm.gggg.) .....  
*(Datum izvršenja)*

Izdano u .....  
*(Mjesto izdavanja potvrde o izvršenju)*

(dd.mm.gggg.) .....  
*(Datum izdavanja)* .....  
*(Potpis vlasnika postrojenja za recikliranje brodova ili ovlaštenog zastupnika koji djeluje u ime vlasnika postrojenja)*



**HONG KONG INTERNATIONAL CONVENTION FOR THE  
SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF  
SHIPS, 2009**

**THE PARTIES TO THIS CONVENTION,**

**NOTING** the growing concerns about safety, health, the environment and welfare matters in the ship recycling industry,

**RECOGNIZING** that recycling of ships contributes to sustainable development and, as such, is the best option for ships that have reached the end of their operating life,

**RECALLING** resolution A.962(23), adopted by the Assembly of the International Maritime Organization (Guidelines on Ship Recycling); amendments to the Guidelines adopted by resolution A.980(24); Decision VI/24 of the Sixth Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which adopted Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships; and the Guidelines approved by the 289th session of the Governing Body of the International Labour Office (Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey),

**RECALLING ALSO** resolution A.981(24), by which the Assembly of the International Maritime Organization requested the Organization's Marine Environment Protection Committee to develop a legally-binding instrument on ship recycling,

**NOTING ALSO** the role of the International Labour Organization in protecting the occupational safety and health of workers involved in ship recycling,

**NOTING FURTHER** the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in protecting human health and the environment against the adverse effects which may result from such wastes,

**MINDFUL** of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

**MINDFUL ALSO** of the need to promote the substitution of hazardous materials in the construction and maintenance of ships by less hazardous, or preferably, non-hazardous materials, without compromising the ships' safety, the safety and health of seafarers and the ships' operational efficiency,

**RESOLVED** to effectively address, in a legally-binding instrument, the environmental, occupational health and safety risks related to ship recycling, taking into account the particular characteristics of maritime transport and the need to secure the smooth withdrawal of ships that have reached the end of their operating lives,

**CONSIDERING** that these objectives may best be achieved by the conclusion of an International Convention for the Safe and Environmentally Sound Recycling of Ships,

**HAVE AGREED** as follows:

## **ARTICLE 1**

### **General obligations**

1 Each Party to this Convention undertakes to give full and complete effect to its provisions in order to prevent, reduce, minimize and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by Ship Recycling, and enhance ship safety, protection of human health and the environment throughout a ship's operating life.

2 No provision of this Convention shall be interpreted as preventing a Party from taking, individually or jointly, more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimize any adverse effects on human health and the environment.

3 Parties shall endeavour to co-operate for the purpose of effective implementation of, compliance with and enforcement of this Convention.

4 The Parties undertake to encourage the continued development of technologies and practices which contribute to safe and environmentally sound Ship Recycling.

5 The Annex to this Convention forms an integral part of it. Unless expressly provided for otherwise, a reference to this Convention constitutes at the same time a reference to its Annex.

## **ARTICLE 2**

### **Definitions**

For the purposes of this Convention, unless expressly provided otherwise:

1 "Convention" means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

2 "Administration" means the Government of the State whose flag the ship is entitled to fly, or under whose authority it is operating.

3 "Competent Authority(ies)" means a governmental authority or authorities designated by a Party as responsible, within specified geographical area(s) or area(s) of expertise, for duties related to Ship Recycling Facilities operating within the jurisdiction of that Party as specified in this Convention.

4 "Organization" means the International Maritime Organization.

5 "Secretary-General" means the Secretary-General of the Organization.

6 "Committee" means the Marine Environment Protection Committee of the

Organization.

7 "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), including a vessel stripped of equipment or being towed.

8 "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.

9 "Hazardous Material" means any material or substance which is liable to create hazards to human health and/or the environment.

10 "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 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.

11 "Ship Recycling Facility" means a defined area that is a site, yard or facility used for the recycling of ships.

12 "Recycling Company" means the owner of the Ship Recycling Facility or any other organization or person who has assumed the responsibility for operation of the Ship Recycling activity from the owner of the Ship Recycling Facility and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by this Convention.

### **ARTICLE 3**

#### **Application**

1 Unless expressly provided otherwise in this Convention, this Convention shall apply to:

- .1 ships entitled to fly the flag of a Party or operating under its authority;
- .2 Ship Recycling Facilities operating under the jurisdiction of a Party.

2 This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.

3 This Convention shall not apply to ships of less than 500 GT or to ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly. However, each Party shall ensure, by the adoption of appropriate measures, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.

4 With respect to ships entitled to fly the flag of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

#### **ARTICLE 4**

##### **Controls related to Ship Recycling**

1 Each Party shall require that ships entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

2 Each Party shall require that Ship Recycling Facilities under its jurisdiction comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

#### **ARTICLE 5**

##### **Survey and certification of ships**

Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are surveyed and certified in accordance with the regulations in the Annex.

#### **ARTICLE 6**

##### **Authorization of Ship Recycling Facilities**

Each Party shall ensure that Ship Recycling Facilities that operate under its jurisdiction and that recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4 of this Convention, are authorized in accordance with the regulations in the Annex.

#### **ARTICLE 7**

##### **Exchange of information**

For the Ship Recycling Facilities authorized by a Party, such Party shall provide to the Organization, if requested, and to those Parties which request it, relevant information, in regard to this Convention, on which its decision for authorization was based. The information shall be exchanged in a swift and timely manner.

#### **ARTICLE 8**

##### **Inspection of ships**

1 A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2, any such inspection is limited to verifying that there is on board either an International Certificate on Inventory of Hazardous Materials or an International Ready for Recycling Certificate, which, if valid, shall be accepted.

2 Where a ship does not carry a valid certificate or there are clear grounds for believing that:

- .1 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
- .2 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 Organization.

## **ARTICLE 9**

### **Detection of violations**

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.

2 When there is sufficient evidence that a ship is operating, has operated or is about to operate in violation of any provision in this Convention, a Party holding the evidence may request an investigation of this ship when it enters the ports or offshore terminals under the jurisdiction of another Party. The report of such an investigation shall be sent to the Party requesting it, to the Administration of the ship concerned and to the Organization, so that action may be taken as appropriate.

3 If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. A Party taking such action shall immediately inform the Administration of the ship concerned and the Organization.

4 If a request for an investigation is received from any Party, together with sufficient evidence that a Ship Recycling Facility is operating, has operated or is about to operate in violation of any provision of this Convention, a Party should investigate this Ship Recycling Facility operating under its jurisdiction and make a report. The report of any such investigation shall be sent to the Party requesting it, including information on action taken or to be taken, if any, and to the Organization for appropriate action.

## **ARTICLE 10**

### **Violations**

1 Any violation of the requirements of this Convention shall be prohibited by national laws and:

- .1 in the case of a ship, sanctions shall be established under the law of the Administration, wherever the violation occurs. If the Administration is informed of such a violation by a Party, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the

alleged violation, it shall cause such

proceedings to be taken as soon as possible, in accordance with its law. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within one year after receiving the information, it shall inform the Party which reported the alleged violation, and the Organization, of the reasons why no action has been taken;

- .2 in the case of a Ship Recycling Facility, sanctions shall be established under the law of the Party having jurisdiction over the Ship Recycling Facility. If the Party is informed of such a violation by another Party, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Party is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Party shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Party has not taken any action within one year after receiving the information, it shall inform the Party which reported the alleged violation, and the Organization, of the reasons why no action has been taken.

2 Any violation of the requirements of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established under the law of that Party. Whenever such a violation occurs, that Party shall either:

- .1 cause proceedings to be taken in accordance with its law; or
- .2 furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 The sanctions provided for by the laws of a Party pursuant to this Article shall be adequate in severity to discourage violations of this Convention wherever they occur.

## **ARTICLE 11**

### **Undue delay or detention of ships**

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 8, 9 or 10 of this Convention.

2 When a ship is unduly detained or delayed under Article 8, 9 or 10 of this Convention, it shall be entitled to compensation for any loss or damage suffered.

**ARTICLE 12**  
**Communication of information**

Each Party shall report to the Organization and the Organization shall disseminate, as appropriate, the following information:

- .1 a list of Ship Recycling Facilities authorized in accordance with this Convention and operating under the jurisdiction of that Party;
- .2 contact details for the Competent Authority(ies), including a single contact point, for that Party;
- .3 a list of the recognized organizations and nominated surveyors which are authorized to act on behalf of that Party in the administration of matters relating to the control of Ship Recycling in accordance with this Convention, and the specific responsibilities and conditions of the authority delegated to the recognized organizations or nominated surveyors;
- .4 an annual list of ships flying the flag of that Party to which an International Ready for Recycling Certificate has been issued, including the name of the Recycling Company and location of the Ship Recycling Facility as shown on the certificate;
- .5 an annual list of ships recycled within the jurisdiction of that Party;
- .6 information concerning violations of this Convention; and
- .7 actions taken towards ships and Ship Recycling Facilities under the jurisdiction of that Party.

**ARTICLE 13**  
**Technical assistance and co-operation**

1 Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the safe and environmentally sound recycling of ships, to provide support for those Parties which request technical assistance:

- .1 to train personnel;
- .2 to ensure the availability of relevant technology, equipment and facilities;
- .3 to initiate joint research and development programmes; and
- .4 to undertake other actions aimed at the effective implementation of this Convention and of guidelines developed by the Organization related thereto.

2 Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of management systems and technology in respect of the safe and environmentally sound recycling of ships.



**ARTICLE 14**  
**Dispute settlement**

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation or any other peaceful means agreed upon by them, which may include enquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional agencies or arrangements.

**ARTICLE 15**  
**Relationship with international law and other international agreements**

1 Nothing in this Convention shall prejudice the rights and obligations of any State under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.

2 Nothing in this Convention shall prejudice the rights and obligations of Parties under other relevant and applicable international agreements.

**ARTICLE 16**  
**Signature, ratification, acceptance, approval and accession**

1 This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 September 2009 to 31 August 2010 and shall thereafter remain open for accession by any State.

2 States may become Parties to this Convention by:

- .1 signature not subject to ratification, acceptance, or approval; or
- .2 signature subject to ratification, acceptance, or approval, followed by ratification, acceptance or approval; or
- .3 accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

5 A declaration under paragraph 4 shall be notified to the Secretary-General in writing and shall state expressly the territorial unit or units to which this Convention applies.

6 A State at the time it expresses its consent to be bound by this Convention shall declare whether it requires explicit or tacit approval of the Ship Recycling Plan before a ship may be recycled in its authorized Ship Recycling Facility(ies). This declaration may be revised thereafter by notification to the Secretary-General. Such revision shall specify the effective date of the revision.

## **ARTICLE 17**

### **Entry into force**

1 This Convention shall enter into force 24 months after the date on which the following conditions are met:

- .1 not less than 15 States have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 16;
- .2 the combined merchant fleets of the States mentioned in paragraph 1.1 constitute not less than 40 per cent of the gross tonnage of the world's merchant shipping; and
- .3 the combined maximum annual ship recycling volume of the States mentioned in paragraph 1.1 during the preceding 10 years constitutes not less than 3 per cent of the gross tonnage of the combined merchant shipping of the same States.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention, or three months after the date of deposit of the instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to this Convention is deemed to have been accepted under Article 18, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention, as amended.

## **ARTICLE 18**

### **Amendments**

1 This Convention may be amended by either of the procedures specified in the following paragraphs.

2 Amendments after consideration within the Organization:

- .1 Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.

- .2 An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
- .3 Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
- .4 Amendments adopted in accordance with subparagraph 3 shall be communicated by the Secretary-General to the Parties for acceptance.
- .5 An amendment shall be deemed to have been accepted in the following circumstances:
  - 5.1 An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
  - 5.2 An amendment to the Annex shall be deemed to have been accepted at the end of a period to be determined by the Committee at the time of its adoption, which period shall not be less than ten months after the date of adoption. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
- .6 An amendment shall enter into force under the following conditions:
  - 6.1 An amendment to an article of this Convention shall enter into force, for those Parties that have declared that they have accepted it, six months after the date on which it is deemed to have been accepted in accordance with subparagraph .5.1.
  - 6.2 An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
    - 6.2.1 notified its objection to the amendment in accordance with subparagraph .5.2 and that has not withdrawn such objection; or
    - 6.2.2 notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
  - 6.3 A Party that has notified an objection under subparagraph .6.2.1 may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

- 6.4 If a Party that has made a notification referred to in subparagraph .6.2.2 notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

3 Amendment by a Conference:

- .1 Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
- .2 An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
- .3 Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2.5 and 2.6 respectively.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this Article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

- .1 any amendment that enters into force and the date of its entry into force generally and for each Party; and
- .2 any notification made under this Article.

## **ARTICLE 19**

### **Denunciation**

1 This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

2 Denunciation shall be effected by written notification to the Secretary-General, to take effect one year after receipt or such longer period as may be specified in that notification.

**ARTICLE 20**  
**Depositary**

1 This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

2 In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

- .1 inform all States that have signed this Convention, or acceded thereto, of:
  - 1.1 each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
  - 1.2 the date of entry into force of this Convention;
  - 1.3 the deposit of any instrument of denunciation from this Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
  - 1.4 other declarations and notifications received pursuant to this Convention; and
- .2 as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations, for registration and publication in accordance with Article 102 of the Charter of the United Nations.

**ARTICLE 21**  
**Languages**

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT HONG KONG, CHINA, this fifteenth day of May, two thousand and nine.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Convention.

ANNEX  
REGULATIONS FOR SAFE AND ENVIRONMENTALLY SOUND  
RECYCLING OF SHIPS

**CHAPTER 1 – GENERAL PROVISIONS**

**Regulation 1 – Definitions**

For the purposes of this Annex:

1 "Competent person" means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work. Specifically, a Competent person may be a trained worker or a managerial employee capable of recognizing 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. The Competent Authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.

2 "Employer" means a natural or legal person that employs one or more workers engaged in Ship Recycling.

3 "Existing ship" means a ship which is not a new ship.

4 "New ship" means a ship:

- .1 for which the building contract is placed on or after the entry into force of this Convention; or
- .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after six months after the entry into force of this Convention; or
- .3 the delivery of which is on or after 30 months after the entry into force of this Convention.

5 "New installation" means the installation of systems, equipment, insulation, or other material on a ship after the date on which this Convention enters into force.

6 "Safe-for-entry" means a space that meets the following criteria:

- .1 the oxygen content of the atmosphere and the concentration of flammable vapours are within safe limits;
- .2 any toxic materials in the atmosphere are within permissible concentrations; and

- .3 any residues or materials associated with the work authorized 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.
- 7 Safe-for-hot work means a space that meets the following criteria:
- .1 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;
  - .2 Safe-for-entry requirements of regulation 1.6 are met;
  - .3 existing atmospheric conditions will not change as a result of the hot work; and
  - .4 all adjacent spaces have been cleaned, or inerted, or treated sufficiently to prevent the start or spread of fire.
- 8 "Shipowner" means the person or persons or company registered as the owner of the ship or, in the absence of registration, the person or persons or company owning the ship or any other organization 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. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company. This term also includes those who have ownership of the ship for a limited period pending its sale or handing over to a Ship Recycling Facility.
- 9 "Site inspection" means an inspection of the Ship Recycling Facility confirming the condition described by the verified documentation.
- 10 "Statement of Completion" means a confirmatory statement issued by the Ship Recycling Facility that the Ship Recycling has been completed in accordance with this Convention.
- 11 "Tanker" means an oil tanker as defined in MARPOL Annex I or an NLS tanker as defined in MARPOL Annex II.
- 12 "Worker" means any person who performs work, either regularly or temporarily, in the context of an employment relationship including contractor personnel.

## **Regulation 2 – General applicability**

Unless expressly provided otherwise, the design, construction, survey, certification, operation and recycling of ships shall be conducted in accordance with the provisions of this Annex.

## **Regulation 3 – Relationship with other standards, recommendations and guidance**

Parties shall take measures to implement the requirements of the regulations of this Annex, taking into account relevant and applicable standards, recommendations and guidance developed by the International Labour Organization and the relevant and applicable

technical standards, recommendations and guidance developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

## **CHAPTER 2 – REQUIREMENTS FOR SHIPS**

### **Part A – Design, construction, operation and maintenance of ships**

#### **Regulation 4 – Controls of ships' Hazardous Materials**

In accordance with the requirements specified in Appendix 1 to this Convention each Party:

- .1 shall prohibit and/or restrict the installation or use of Hazardous Materials listed in Appendix 1 on ships entitled to fly its flag or operating under its authority; and
- .2 shall prohibit and/or restrict the installation or use of such materials on ships, whilst in its ports, shipyards, ship repair yards, or offshore terminals,

and shall take effective measures to ensure that such ships comply with those requirements.

#### **Regulation 5 – Inventory of Hazardous Materials**

1 Each new ship shall have on board an Inventory of Hazardous Materials. The Inventory shall be verified either by the Administration or by any person or organization authorized by it taking into account guidelines, including any threshold values and exemptions contained in those guidelines, developed by the Organization. The Inventory of Hazardous Materials shall be specific to each ship and shall at least:

- .1 identify as Part I, Hazardous Materials listed in Appendices 1 and 2 to this Convention and contained in ship's structure or equipment, their location and approximate quantities; and
- .2 clarify that the ship complies with regulation 4.

2 Existing ships shall comply as far as practicable with paragraph 1 not later than 5 years after the entry into force of this Convention, or before going for recycling if this is earlier, taking into account the guidelines developed by the Organization and the Organization's Harmonized System of Survey and Certification. The Hazardous Materials listed in Appendix 1, at least, shall be identified when the Inventory is developed. For existing ships a plan shall be prepared describing the visual/sampling check by which the Inventory of Hazardous Materials is developed, taking into account the guidelines developed by the Organization.

3 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 Hazardous Materials listed in Appendix 2 and relevant changes in ship structure and equipment, taking into account the guidelines developed by the Organization.

4 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 either by the Administration or by any person or organization authorized by it, taking into account the guidelines developed by the Organization.



## **Regulation 6 – Procedure for proposing amendments to Appendices 1 and 2**

1 Any Party may propose an amendment to Appendix 1 and/or Appendix 2 in accordance with this regulation. The proposed amendment shall be considered within the Organization under Article 18 paragraph 2 and this regulation.

2 When the Organization receives a proposal, it shall also bring the proposal to the attention of the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization and shall make it available to them.

3 The Committee shall establish a technical group in accordance with regulation 7 to review proposals submitted in accordance with paragraph 1 of this regulation.

4 The technical group shall review the proposal along with any additional data, including decisions adopted by other international bodies regarding their lists of materials or hazardous substances, submitted by any interested entity, and shall evaluate and report to the Committee whether the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment such that the amendment of Appendix 1 or Appendix 2 is warranted. In this regard:

- .1 The technical group's review shall include:
  - 1.1 an evaluation of the association between the Hazardous Material in question and the likelihood, in the context of this Convention, that it will lead to significant adverse effects on human health or the environment based on the submitted data or other relevant data brought to the attention of the group;
  - 1.2 an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the technical group;
  - 1.3 consideration of available information on the technical feasibility of control measures;
  - 1.4 consideration of available information on other effects arising from the introduction of such control measures relating to:
    - the environment
    - human health and safety including that of seafarers and workers; and
    - the cost to international shipping and other relevant sectors.
  - 1.5 consideration of the availability of suitable alternatives to the Hazardous Material to be controlled, including a consideration of the potential risks of alternatives;

- 1.6 consideration of the risks posed by the Hazardous Material during the recycling process; and
  - 1.7 consideration of suitable threshold values and any useful or necessary exemptions.
- .2 If the technical group finds that the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment, lack of full scientific certainty shall not be used as a reason to prevent the group from proceeding with an evaluation of the proposal.
  - .3 The technical group's report shall be in writing and shall take into account each of the evaluations and considerations referred to in subparagraph .1, except that the technical group may decide not to proceed with the evaluations and considerations described in subparagraphs .1.2 to .1.7 if it determines after the evaluation in subparagraph .1.1 that the proposal does not warrant further consideration.
  - .4 The technical group's report shall include, inter alia, a recommendation on whether international controls pursuant to this Convention are warranted on the Hazardous Material in question, on the suitability of the specific control measures suggested in the comprehensive proposal, or on other control measures which it believes to be more suitable.

5 The Committee shall decide whether to approve any proposal to amend Appendix 1 or Appendix 2, and any modifications thereto, if appropriate, taking into account the technical group's report. Any proposed amendment shall specify the application of the amendment for ships certified in accordance with this Convention before the entry into force of the amendment. If the report finds that the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment, lack of full scientific certainty shall not be used as a reason to prevent a decision from being taken to list a Hazardous Material in Appendix 1 or Appendix 2. A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular Hazardous Material if new information comes to light.

### **Regulation 7 – Technical Groups**

1 The Committee may establish one or more technical groups pursuant to regulation 6 as needed. The technical group may comprise representatives of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization, and non-governmental organizations in consultative status with the Organization, which should preferably include representatives of institutions and laboratories with expertise in environmental fate and effects of substances, toxicological effects, marine biology, human health, economic analysis, risk management, shipbuilding, international shipping, occupational health and safety or other fields of expertise necessary to objectively review the technical merits of a proposal.

2 The Committee shall decide on the terms of reference, organization, participation and operation of the technical groups. Such terms shall provide for protection of any confidential information that may be submitted. Technical groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other media as appropriate.

3 Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to regulation 6. A technical group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the technical group shall communicate any minority views of such representatives.

## **Part B – Preparation for Ship Recycling**

### **Regulation 8 – General requirements**

Ships destined to be recycled shall:

- .1 only be recycled at Ship Recycling Facilities that are:
  - .1 authorized in accordance with this Convention; and
  - .2 fully authorized to undertake all the ship recycling which the Ship Recycling Plan specifies to be conducted by the identified Ship Recycling Facility(ies);
- .2 conduct operations in the period prior to entering the Ship Recycling Facility in order to minimize the amount of cargo residues, remaining fuel oil, and wastes remaining on board;
- .3 in the case of a tanker, arrive at the Ship Recycling Facility with cargo tanks and pump room(s) in a condition that is ready for certification as Safe-for-entry, or Safe-for-hot work, or both, according to national laws, regulations and policies of the Party under whose jurisdiction the Ship Recycling Facility operates;
- .4 provide to the Ship Recycling Facility all available information relating to the ship for the development of the Ship Recycling Plan required by regulation 9;
- .5 complete the Inventory required by regulation 5; and
- .6 be certified as ready for recycling by the Administration or organization recognized by it, prior to any recycling activity taking place.

### **Regulation 9 – Ship Recycling Plan**

A ship-specific Ship Recycling Plan shall be developed by the Ship Recycling Facility(ies) prior to any recycling of a ship, taking into account the guidelines developed by the Organization. The Ship Recycling Plan shall:

- .1 be developed taking into account information provided by the shipowner;
- .2 be developed in the language accepted by the Party authorizing the Ship Recycling Facility, and if the language used is not English, French or Spanish, the Ship Recycling Plan shall be translated into one of these languages, except where the Administration is satisfied that this is not necessary;

- .3 include information concerning *inter alia*, the establishment, maintenance, and monitoring of Safe-for-entry and Safe-for-hot work conditions and how the type and amount of materials including those identified in the Inventory of Hazardous Materials will be managed;
- .4 in accordance with the declaration deposited pursuant to Article 16.6, be either explicitly or tacitly approved by the Competent Authority authorizing the Ship Recycling Facility. The Competent Authority shall send written acknowledgement of receipt of the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration within three (3) working days of its receipt in accordance with regulation 24. Thereafter:
  - .1 where a Party requires explicit approval of the Ship Recycling Plan, the Competent Authority shall send written notification of its decision to approve or deny the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration; and
  - .2 where a Party requires tacit approval of the Ship Recycling Plan, the acknowledgment of receipt shall specify the end date of a 14-day review period. The Competent Authority shall notify any written objection to the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration within this 14-day review period. Where no such written objection has been notified, the Ship Recycling Plan shall be deemed to be approved.
- .5 once approved in accordance with paragraph .4, be made available for inspection by the Administration, or any nominated surveyors or organization recognized by it; and
- .6 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 authorized Ship Recycling Facility.

## **Part C – Surveys and certification**

### **Regulation 10 – Surveys**

- 1 Ships to which this Convention applies shall be subject to the surveys specified below:
  - .1 an initial survey before the ship is put in service, or before the International Certificate on Inventory of Hazardous Materials is issued. This survey shall verify that Part I of the Inventory required by regulation 5 is in accordance with the requirements of this Convention;
  - .2 a renewal survey at intervals specified by the Administration, but not exceeding five years. This survey shall verify that Part I of the Inventory of Hazardous Materials required by regulation 5 complies with the requirements of this Convention;

- .3 an additional survey, either general or partial, according to the circumstances, may be made at the request of the shipowner after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material. The survey shall be such as to ensure that any such change, replacement, or significant repair has been made in the way that the ship continues to comply with the requirements of this Convention, and that Part I of the Inventory is amended as necessary; and
- .4 a final survey prior to the ship being taken out of service and before the recycling of the ship has started. This survey shall verify:
  - .1 that the Inventory of Hazardous Materials as required by regulation 5.4 is in accordance with the requirements of this Convention taking into account the guidelines developed by the Organization;
  - .2 that the Ship Recycling Plan, as required by regulation 9, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot work conditions; and
  - .3 that the Ship Recycling Facility(ies) where the ship is to be recycled holds a valid authorization in accordance with this Convention.

2 Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration, taking into account the guidelines developed by the Organization. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

3 An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 2 shall, as a minimum, empower such nominated surveyors or recognized organizations to:

- .1 require a ship that they survey to comply with the provisions of this Convention; and
- .2 carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party.

4 In every case, the Administration concerned shall be responsible to ensure the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

5 The initial and renewal surveys should be harmonized with the surveys required by other applicable statutory instruments of the Organization.

**Regulation 11 – Issuance and endorsement of certificates**

1 An International Certificate on Inventory of Hazardous Materials shall be issued either by the Administration or by any person or organization authorized by it after successful completion of an initial or renewal survey conducted in accordance with regulation 10, to any ships to which regulation 10 applies, except for existing ships for which both an initial survey and a final survey are conducted at the same time, taking into account the guidelines developed by the Organization.

2 The International Certificate on Inventory of Hazardous Materials issued under paragraph 1, at the request of the shipowner, shall be endorsed either by the Administration or by any person or organization authorized by it after successful completion of an additional survey conducted in accordance with regulation 10.

3 Notwithstanding regulation 14.2 and the requirements of regulation 10.1.2, when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

4 When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

5 When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

6 If a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in regulation 10.1.2.

7 If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

8 If a ship at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and 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 that 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 expiry of the existing certificate before the extension was granted.

9 A certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey 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.

10 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 paragraph 4, 8 or 9 of this regulation. 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.

11 An International Ready for Recycling Certificate shall be issued either by the Administration or by any person or organization authorized by it, after successful completion of a final survey in accordance with the provisions of regulation 10, to any ships to which regulation 10 applies, taking into account the authorization of the Ship Recycling Facility and the guidelines developed by the Organization.

12 A certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a certificate issued by them. Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

#### **Regulation 12 – Issuance or endorsement of a certificate by another Party**

1 At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that the provisions of this Convention are complied with, shall issue or authorize the issuance of a certificate to the ship, and where appropriate, endorse or authorize the endorsement of that certificate on the ship, in accordance with this Annex.

2 A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a certificate issued by the Administration.

4 No certificate shall be issued to a ship entitled to fly the flag of a State which is not a Party.

#### **Regulation 13 – Form of the certificates**

The certificates shall be drawn up in an official language of the issuing Party, in the form set forth in Appendices 3 and 4. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages. The Administration may, however, issue the International Certificate on Inventory of Hazardous Materials drawn up only in an official language of the issuing Party to ships not engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to this Convention and the International Ready for Recycling Certificate drawn up only in an official language of the issuing Party to ships recycled in Ship Recycling Facilities under the jurisdiction of the issuing Party.

### **Regulation 14 – Duration and validity of the certificates**

1 An International Certificate on Inventory of Hazardous Materials issued under regulation 11 or 12 shall cease to be valid in any of the following cases:

- .1 if 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, in accordance with the guidelines developed by the Organization;
- .2 upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Party issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of regulation 10. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
- .3 if the renewal survey is not completed within the periods specified under regulations 10.1 and 11; or
- .4 if the certificate is not endorsed in accordance with regulation 11 or 12.

2 An International Certificate on Inventory of Hazardous Materials shall be issued for a period specified by the Administration, which shall not exceed five years.

3 An International Ready for Recycling Certificate shall be issued for a period specified by the Administration that shall not exceed three months.

4 An International Ready for Recycling Certificate issued under regulation 11 or 12 shall cease to be valid if the condition of the ship does not correspond substantially with the particulars of the certificate.

5 The International Ready for Recycling Certificate may be extended by the Administration or by any person or organization authorized by it for a single point to point voyage to the Ship Recycling Facility.

## **CHAPTER 3 – REQUIREMENTS FOR SHIP RECYCLING FACILITIES**

### **Regulation 15 – Controls on Ship Recycling Facilities**

1 Each Party shall establish legislation, regulations, and standards that are necessary to ensure that Ship Recycling Facilities are designed, constructed, and operated in a safe and environmentally sound manner in accordance with the regulations of this Convention.

2 Each Party shall establish a mechanism for authorizing Ship Recycling Facilities with appropriate conditions to ensure that such Ship Recycling Facilities meet the requirements of this Convention.



3 Each Party shall establish a mechanism for ensuring that Ship Recycling Facilities comply with the requirements of this chapter including the establishment and effective use of inspection, monitoring and enforcement provisions, including powers of entry and sampling. Such a mechanism may include an audit scheme to be carried out by the Competent Authority(ies) or an organization recognized by the Party, taking into account guidelines developed by the Organization, and the results of these audits should be communicated to the Organization.

4 Each Party shall designate one or more Competent Authorities and the single contact point to be used by the Organization, Parties to this Convention and other interested entities, for matters related to Ship Recycling Facilities operating within the jurisdiction of that Party.

### **Regulation 16 – Authorization of Ship Recycling Facilities**

1 Ship Recycling Facilities which recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4, shall be authorized by a Party taking into account the guidelines developed by the Organization.

2 The authorization shall be carried out by the Competent Authority(ies) and shall include verification of documentation required by this Convention and a site inspection. The Competent Authority(ies) may however entrust the authorization of Ship Recycling Facilities to organizations recognized by it.

3 The Party shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the recognized organizations, for circulation to Parties. In every case, the Competent Authority(ies) retains full responsibility for the authorization issued.

4 The authorization shall be drawn up in the form set forth in Appendix 5. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages.

5 The authorization shall be valid for a period specified by the Party but not exceeding five years. The Party shall identify the terms for which the authorization will be issued, withdrawn, suspended, amended and renewed, and communicate these terms to the Ship Recycling Facilities. If a Ship Recycling Facility refuses inspection by the Competent Authority(ies) or the recognized organization operating on its/their behalf, the authorization shall be suspended or withdrawn.

6 If incidents or actions taken at the Ship Recycling Facility have the effect that the conditions for the authorization are no longer fulfilled, the Ship Recycling Facility shall inform the Competent Authority(ies). The Competent Authority(ies) may accordingly decide to suspend or withdraw the authorization, or require corrective actions by the Ship Recycling Facility.

### **Regulation 17 – General requirements**

1 Ship Recycling Facilities authorized by a Party shall establish management systems, procedures and techniques which do not pose health risks to the workers concerned or to the population in the vicinity of the Ship Recycling Facility and which will prevent, reduce, minimize and to the extent practicable eliminate adverse effects on the environment caused by Ship Recycling, taking into account guidelines developed by the Organization.

2 Ship Recycling Facilities authorized by a Party shall, for ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4:

- .1 only accept ships that:
  - .1 comply with this Convention; or
  - .2 meet the requirements of this Convention;
- .2 only accept ships which they are authorized to recycle; and
- .3 have the documentation of its authorization available if such documentation is requested by a shipowner that is considering recycling a ship at that Ship Recycling Facility.

### **Regulation 18 – Ship Recycling Facility Plan**

Ship Recycling Facilities authorized by a Party shall prepare a Ship Recycling Facility Plan. The Plan shall be adopted by the board or the appropriate governing body of the Recycling Company, and shall include:

- .1 a policy ensuring workers' safety and the protection of human health and the environment, including the establishment of objectives that lead to the minimization and elimination to the extent practicable of the adverse effects on human health and the environment caused by Ship Recycling;
- .2 a system for ensuring implementation of the requirements set out in this Convention, the achievement of the goals set out in the policy of the Recycling Company, and the continuous improvement of the procedures and standards used in the Ship Recycling operations;
- .3 identification of roles and responsibilities for employers and workers when conducting Ship Recycling operations;
- .4 a programme for providing appropriate information and training of workers for the safe and environmentally sound operation of the Ship Recycling Facility;
- .5 an emergency preparedness and response plan;
- .6 a system for monitoring the performance of Ship Recycling;
- .7 a record-keeping system showing how Ship Recycling is carried out;
- .8 a system for reporting discharges, emissions, incidents and accidents causing damage, or with the potential of causing damage, to workers' safety, human health and the environment; and
- .9 a system for reporting occupational diseases, accidents, injuries and other adverse effects on workers' safety and human health,

taking into account guidelines developed by the Organization.

### **Regulation 19 – Prevention of adverse effects to human health and the environment**

Ship Recycling Facilities authorized by a Party shall establish and utilize procedures to:

- .1 prevent explosions, fires, and other unsafe conditions by ensuring that Safe-for-hot work conditions and procedures are established, maintained and monitored throughout Ship Recycling;
- .2 prevent harm from dangerous atmospheres and other unsafe conditions by ensuring that Safe-for-entry conditions and procedures are established, maintained, and monitored in ship spaces, including confined spaces and enclosed spaces, throughout Ship Recycling;
- .3 prevent other accidents, occupational diseases and injuries or other adverse effects on human health and the environment; and
- .4 prevent spills or emissions throughout Ship Recycling which may cause harm to human health and/or the environment,

taking into account guidelines developed by the Organization.

### **Regulation 20 – Safe and environmentally sound management of Hazardous Materials**

1 Ship Recycling Facilities authorized by a Party shall ensure safe and environmentally sound removal of any Hazardous Material contained in a ship certified in accordance with regulation 11 or 12. The person(s) in charge of the recycling operations and the workers shall be familiar with the requirements of this Convention relevant to their tasks and, in particular, actively use the Inventory of Hazardous Materials and the Ship Recycling Plan, prior to and during the removal of Hazardous Materials.

2 Ship Recycling Facilities authorized by a Party shall ensure that all Hazardous Materials detailed in the Inventory are identified, labelled, packaged and removed to the maximum extent possible prior to cutting by properly trained and equipped workers, taking into account the guidelines developed by the Organization, in particular:

- .1 hazardous liquids, residues and sediments;
- .2 substances or objects containing heavy metals such as lead, mercury, cadmium and hexavalent chromium;
- .3 paints and coatings that are highly flammable and/or lead to toxic releases;
- .4 asbestos and materials containing asbestos;
- .5 PCB and materials containing PCBs, ensuring that heat inducing equipment is avoided during such operations;
- .6 CFCs and halons; and
- .7 other Hazardous Materials not listed above and that are not a part of the ship structure.

3 Ship Recycling Facilities authorized by a Party shall provide for and ensure safe and environmentally sound management of all Hazardous Materials and wastes removed from the ship recycled at that Ship Recycling Facility. Waste management and disposal sites shall be identified to provide for the further safe and environmentally sound management of materials.

4 All wastes generated from the recycling activity shall be kept separate from recyclable materials and equipment, labelled, stored in appropriate conditions that do not pose a risk to the workers, human health or the environment and only transferred to a waste management facility authorized to deal with their treatment and disposal in a safe and environmentally sound manner.

### **Regulation 21 – Emergency preparedness and response**

Ship Recycling Facilities authorized by a Party shall establish and maintain an emergency preparedness and response plan. The plan shall be made having regard to the location and environment of the Ship Recycling Facility, and shall take into account the size and nature of activities associated with each Ship Recycling operation. The plan shall furthermore:

- .1 case ensure that the necessary equipment and procedures to be followed in the of an emergency are in place, and that drills are conducted on a regular basis;
- .2 ensure that the necessary information, internal communication and coordination are provided to protect all people and the environment in the event of an emergency at the Ship Recycling Facility;
- .3 provide for communication with, and information to, the relevant Competent Authority(ies), the neighbourhood and emergency response services;
- .4 all provide for first-aid and medical assistance, fire-fighting and evacuation of people at the Ship Recycling Facility, pollution prevention; and
- .5 provide for relevant information and training to all workers of the Ship Recycling Facility, at all levels and according to their competence, including regular exercises in emergency prevention, preparedness and response procedures.

### **Regulation 22 – Worker safety and training**

1 Ship Recycling Facilities authorized by a Party shall provide for worker safety by measures including:

- .1 equipment ensuring the availability, maintenance and use of personal protective and clothing needed for all Ship Recycling operations;
- .2 ensuring that training programmes are provided to enable workers to safely undertake all Ship Recycling operations they are tasked to do; and
- .3 with ensuring that all workers at the Ship Recycling Facility have been provided appropriate training and familiarization prior to performing any Ship Recycling operation.

2 Ship Recycling Facilities authorized by a Party shall provide and ensure the use of personal protective equipment for operations requiring such use, including:

- .1 head protection;
- .2 face and eye protection;
- .3 hand and foot protection;
- .4 respiratory protective equipment;
- .5 hearing protection;
- .6 protectors against radioactive contamination;
- .7 protection from falls; and
- .8 appropriate clothing.

3 Ship Recycling Facilities authorized by a Party may co-operate in providing for training of workers. Taking into account the guidelines developed by the Organization, the training programmes set forth in paragraph 1.2 of this regulation shall:

- .1 cover all workers including contractor personnel and employees in the Ship Recycling Facility;
- .2 be conducted by Competent persons;
- .3 provide for initial and refresher training at appropriate intervals;
- .4 include participants' evaluation of their comprehension and retention of the training;
- .5 be reviewed periodically and modified as necessary; and
- .6 be documented.

**Regulation 23 – Reporting on incidents, accidents, occupational diseases and chronic effects**

1 Ship Recycling Facilities authorized by a Party shall report to the Competent Authority(ies) any incident, accident, occupational diseases, or chronic effects causing, or with the potential of causing, risks to workers safety, human health and the environment.

2 Reports shall contain a description of the incident, accident, occupational disease, or chronic effect, its cause, the response action taken and the consequences and corrective actions to be taken.

## CHAPTER 4 – REPORTING REQUIREMENTS

### Regulation 24 – Initial notification and reporting requirements

1 A shipowner shall notify the Administration in due time and in writing of the intention to recycle a ship in order to enable the Administration to prepare for the survey and certification required by this Convention.

2 A Ship Recycling Facility when preparing to receive a ship for recycling shall notify in due time and in writing its Competent Authority(ies) of the intent. The notification shall include at least the following ship details:

- .1 name of the State whose flag the ship is entitled to fly;
- .2 date on which the ship was registered with that State;
- .3 ship's identification number (IMO number);
- .4 hull number on new-building delivery;
- .5 name and type of the ship;
- .6 port at which the ship is registered;
- .7 name and address of the Shipowner as well as the IMO registered owner identification number;
- .8 name and address of the company as well as the IMO company identification number;
- .9 name of all classification society(ies) with which the ship is classed;
- .10 ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), Lightweight, Gross and Net tonnage, and engine type and rating);
- .11 Inventory of Hazardous Materials; and
- .12 draft ship recycling plan for approval pursuant to regulation 9.

3 When the ship destined to be recycled has acquired the International Ready for Recycling Certificate, the Ship Recycling Facility shall report to its Competent Authority(ies) the planned start of the Ship Recycling. The report shall be in accordance with the reporting format in Appendix 6, and shall at least include a copy of the International Ready for Recycling Certificate. Recycling of the ship shall not start prior to the submission of the report.

**Regulation 25 – Reporting upon completion**

When the partial or complete recycling of a ship is completed in accordance with the requirements of this Convention, a Statement of Completion shall be issued by the Ship Recycling Facility and reported to its Competent Authority(ies). This report must be compiled as shown in appendix 7. The Competent Authority(ies) shall send a copy of the Statement to the Administration which issued the International Ready for Recycling Certificate for the ship. The Statement shall be issued within 14 days of the date of partial or completed Ship Recycling in accordance with the Ship Recycling Plan and shall include a report on incidents and accidents damaging human health and/or the environment, if any.

**APPENDIX 1**  
**CONTROLS OF HAZARDOUS MATERIALS**

<b>Hazardous</b>	<b>Material Definitions</b>	<b>Control measures</b>
Asbestos	Materials containing asbestos	For all ships, new installation of materials which contain asbestos shall be prohibited.
Ozone- depleting substances	<p>Ozone-depleting substances means controlled substances defined in paragraph 4 of article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A,B,C or E to the said Protocol in force at the time of application or interpretation of this Annex.</p> <p>Ozone-depleting substances that may be found on board ship include, but are not limited to:</p> <p>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-1,2,2-trifluoroethane            CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane            CFC-115 Chloropentafluoroethane</p>	New installations which contain ozone-depleting substances shall be prohibited on all ships, except that new installations containing hydrochlorofluorocarbons (HCFCs) are permitted until 1 January 2020.
Polychlorinated biphenyls (PCB)	"Polychlorinated biphenyls" means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten	For all ships, new installation of materials which contain Polychlorinated biphenyls shall be prohibited.



Anti-fouling compounds and systems	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) in force at the time of application or interpretation of this Annex.	<ol style="list-style-type: none"> <li>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.</li> <li>2. No new ships or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.</li> </ol>
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**APPENDIX 2**  
**MINIMUM LIST OF ITEMS FOR THE INVENTORY OF**  
**HAZARDOUS MATERIALS**

Any Hazardous Materials listed in Appendix 1
Cadmium and Cadmium Compounds
Hexavalent Chromium and Hexavalent Chromium Compounds
Lead and Lead Compounds
Mercury and Mercury Compounds
Polybrominated Biphenyl (PBBs)
Polybrominated Diphenyl Ethers (PBDEs)
Polychlorinated Naphthalenes (more than 3 chlorine atoms)
Radioactive Substances
Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)

**APPENDIX 3**  
**FORM OF THE INTERNATIONAL CERTIFICATE ON**  
**INVENTORY OF HAZARDOUS MATERIALS**

INTERNATIONAL CERTIFICATE ON INVENTORY OF HAZARDOUS  
MATERIALS

(Note: This certificate shall be supplemented by Part I of the Inventory of Hazardous  
Materials)

*(Official seal)*

*(State)*

Issued under the provisions of the Hong Kong International Convention for the Safe  
and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as "the  
Convention") under the authority of the Government of

.....  
*(Name of State)*

by .....  
*(Full designation of the person or organization authorized*  
*under the provisions of the Convention)*

***Particulars of the Ship***

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

***Particulars of Part I of the Inventory of Hazardous Materials***

Part I of the Inventory of Hazardous Materials identification/verification number:  
 .....

Note: Part I of the Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Certificate on Inventory of Hazardous Materials and must always accompany the International Certificate on Inventory of Hazardous Materials. Part I of the Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention; and
2. that the survey shows that Part I of the Inventory of Hazardous Materials fully complies with the applicable requirements of the Convention.

Completion date of survey on which this certificate is based: .....  
 (dd/mm/yyyy)

This certificate is valid until .....  
 (dd/mm/yyyy)

Issued at .....  
*(Place of issue of certificate)*

(dd/mm/yyyy) .....  
*(Date of issue) (Signature of duly authorized official issuing the certificate)*

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN FIVE YEARS WHERE REGULATION 11.6 APPLIES\***

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.6 of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 11.7 APPLIES\***

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.7 of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

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\* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 11.8 OR 11.9 APPLIES\***

This certificate shall, in accordance with regulation 11.8 or 11.9\*\* of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy):  
.....

Signed:

.....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT FOR ADDITIONAL SURVEY\***

At an additional survey in accordance with regulation 10 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention.

Signed:

.....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

---

\* This page of the endorsement at survey shall be reproduced and added to the

certificate as considered necessary by the Administration.

\*\*

Delete as appropriate.

**APPENDIX 4**  
**FORM OF THE INTERNATIONAL READY FOR RECYCLING**  
**CERTIFICATE**

INTERNATIONAL READY FOR RECYCLING CERTIFICATE

(Note: This certificate shall be supplemented by the Inventory of Hazardous Materials  
and the Ship Recycling Plan)

*(Official seal)*

*(State)*

Issued under the provisions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as "the Convention") under the authority of the Government of

.....  
*(Name of the State)*

by .....

*(Full designation of the person or organization  
authorized under the provisions of the Convention)*

***Particulars of the Ship***

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	



***Particulars of the Ship Recycling Facility(ies)***

Name of Ship Recycling Facility	
Distinctive Recycling Company identity number*	
Full address	
Date of expiry of DASR	

\* This number is based on the Document of Authorization to conduct Ship Recycling (DASR).

***Particulars of the Inventory of Hazardous Materials***

Inventory of Hazardous Materials identification/verification number: .....

Note: The Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Ready for Recycling Certificate and must always accompany the International Ready for Recycling Certificate. The Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

***Particulars of the Ship Recycling Plan***

Ship Recycling Plan identification/verification number:  
.....

Note: The Ship Recycling Plan, as required by regulation 9 of the Annex to the Convention, is an essential part of the International Ready for Recycling Certificate and must always accompany the International Ready for Recycling Certificate.

THIS IS TO CERTIFY:

- 1 that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention;
- 2 that the ship has a valid Inventory of Hazardous Materials in accordance with regulation 5 of the Annex to the Convention;
- 3 that the Ship Recycling Plan, as required by regulation 9, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot work conditions; and
- 4 that the Ship Recycling Facility(ies) where this ship is to be recycled holds a valid authorization in accordance with the Convention.

This certificate is valid until (dd/mm/yyyy)

.....

*(Date)*

Issued at .....

*(Place of issue of certificate)*

(dd/mm/yyyy) .....

*(Date of issue)*

.....  
*(Signature of duly authorized official issuing the certificate)*

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE  
CERTIFICATE UNTIL REACHING THE PORT OF THE SHIP  
RECYCLING FACILITY FOR A PERIOD OF GRACE WHERE  
REGULATION 14.5 APPLIES\***

This certificate shall, in accordance with regulation 14.5 of the Annex to the Convention, be accepted as valid for a single point to point voyage

from the port of: .....

to the port of: .....

Signed:

.....

*(Signature of duly authorized official)*

Place: .....

Date:(dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

---

\* This page of the endorsement shall be reproduced and added to the certificate as considered necessary by the Administration.

## APPENDIX 5

**FORM OF THE AUTHORIZATION OF SHIP RECYCLING  
FACILITIES**

**Document of Authorization to conduct Ship Recycling (DASR) in accordance  
with the requirements of the Hong Kong International Convention for the Safe  
and Environmentally Sound Recycling of Ships, 2009**

Issued under the provision of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as "the Convention") under the authority of the Government of:

.....  
(Name of State)

by .....  
(Full designation of the Competent Authority under the Convention)

Name of Ship Recycling Facility	
Distinctive Recycling Company identity No.	
Full address of Ship Recycling Facility	
Primary contact person	
Phone number	
E-mail address	
Name, address, and contact information of ownership company	
Working language(s)	

This is to verify that the Ship Recycling Facility has implemented management systems, procedures and techniques in accordance with Chapters 3 and 4 to the Annex to the Convention.

This authorization is valid until ..... and is subject to the limitations identified in the attached supplement.

This authorization is subject to amendment, suspension, withdrawal, or periodic renewal in accordance with regulation 16 of the Annex to the Convention.

Issued at .....  
(Place of issue of the authorization)

(dd/mm/yyyy) .....  
(Date of issue) (Signature of duly authorized official issuing the certificate)

.....  
(Typed name and title of duly authorized official issuing the authorization)

(Seal or stamp of the authority, as appropriate)

**SUPPLEMENT TO:****Document of Authorization to undertake Ship Recycling (DASR) in accordance with the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009**

## Notes:

- |   |  |
|---|--|
| 1 | This record shall be permanently attached to the DASR. The DASR shall be available at the Ship Recycling Facility at all times.  |
| 2 | All procedures, plans and other documents produced by the Ship Recycling Facility and required under the terms to which the DASR has been issued shall be available in the working language of the Ship Recycling Facility and in either English, French or Spanish. |
| 3 | The authorization is subject to the limitations defined by this supplement.  |

**1 GENERAL TERMS****1.1 Requirements of the Convention**

The Ship Recycling Facility meets the requirements that it be designed, constructed, and operated in a safe and environmentally sound manner in accordance with the Convention, including meeting the relevant requirements of:

Regulation 16 – Authorization of Ship Recycling Facilities

Regulation 17 – General requirements

Regulation 18 – Ship Recycling Facility Plan

Regulation 19 – Prevention of adverse effects to human health and the environment

Regulation 20 – Safe and environmentally sound management of Hazardous Materials

Regulation 21 – Emergency preparedness and response

Regulation 22 – Worker safety and training

Regulation 23 – Reporting on incidents, accidents, occupational diseases and chronic effects

Regulation 24 – Initial notification and reporting requirements

Regulation 25 – Reporting upon completion

These requirements are imposed on the Ship Recycling Facility by way of

.....  
*(Identify the permit, licence, authorization, legal standards, or other mechanism that applies)*

Ship Recycling Facility Plan identification/verification number: .....

## 1.2 Acceptance of ships

For ships to which the Convention applies and ships treated similarly pursuant to Article 3.4 of the Convention, the Ship Recycling Facility can only accept a ship for recycling in accordance with regulation 17 of the Annex to the Convention.

## 1.3 Safe-for-hot work and Safe-for-entry conditions

The Ship Recycling Facility is capable of establishing, maintaining and monitoring Safe-for-hot work and Safe-for-entry conditions throughout the Ship Recycling process.

## 1.4 Management of Hazardous Materials

The Ship Recycling Facility is designed, constructed, operated, and required to ensure that all Hazardous Materials' management shall be safe and environmentally sound in compliance with the Convention and with all relevant local or national regulations/requirements.

## 1.5 Map and location of Ship Recycling operations

A map of the boundary of the Ship Recycling Facility and the location of Ship Recycling operations within it, is attached.

## 2 CAPABILITY OF SHIP RECYCLING FACILITY

### 2.1 Size of ships

The Ship Recycling Facility is authorized to accept a ship for recycling subject to the following size limitations:

Maximum Size		Other Limitations
Length		
Breadth		
Lightweight		

## 2.2 Safe and Environmentally Sound Management of Hazardous Materials

The Ship Recycling Facility is authorized to accept a ship for recycling that contains Hazardous Materials as specified in the following table subject to the conditions noted below:

Hazardous Material(*4)	Management of Hazardous Materials			Authorization/Limitations
	Removal	Storage	Process (*1)	
	Y/N (*2)	Y/N	Y/N (*3)	
Asbestos				
Ozone-depleting substances				
Polychlorinated biphenyls (PCB)				
Anti-fouling compounds and systems				
Cadmium and Cadmium Compounds				
Hexavalent Chromium and Hexavalent Chromium Compounds				
Lead and Lead Compounds				
Mercury and Mercury Compounds				
Polybrominated Biphenyl (PBBs)				
Polybrominated Diphenyl Ethers (PBDEs)				
Polychlorinated Naphthalenes (more than 3 chlorine atoms)				
Radioactive substances				
Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)				
Hazardous liquids, residues and sediments				
Paints and coatings that are highly flammable and/or lead to toxic release				
Other Hazardous Materials not listed above and that are not a part of the ship structure (specify)				

- Notes: \*1 Process means the processing of Hazardous Materials in the Ship Recycling Facility, such as:
- a. incineration of Hazardous Materials;
  - b. reclamation of Hazardous Materials; and
  - c. treatment of oily residues.
- \*2 If Yes (Y), indicate in the Ship Recycling Facility Plan the responsible personnel authorized to carry out the removal, with the certificate number or other relevant information.
- \*3 If No (N), describe in the Ship Recycling Plan where the Hazardous Materials are to be processed/disposed.
- \*4 These Hazardous Materials are specified in Appendices 1 and 2 and regulation 20 of the Convention.



**APPENDIX 6**

**FORM OF REPORT OF PLANNED START OF SHIP RECYCLING**

The .....  
*(Name of Ship Recycling Facility)*

located ..... at  
.....  
*(Full Ship Recycling Facility address)*

Authorized in accordance with the requirements of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as "the Convention") to conduct Ship Recycling under the authority of the Government of:

.....  
*(Name of State)*

as indicated in the Document of Authorization to conduct Ship Recycling issued at

.....  
*(Place of authorization)*

by.....  
*(Full designation of the Competent Authority under the Convention)*

on (dd/mm/yyyy) .....  
*(Date of issue)*

Hereby reports that the Ship Recycling Facility is ready in every respect to start the recycling of the vessel .....  
*(IMO number)*

The International Ready for Recycling Certificate issued under the provisions of the Convention under the authority of the Government of

.....  
*(Name of State)*

by.....  
*(Full designation of the person or organization authorized under the provisions of the Convention)*

on (dd/mm/yyyy) .....  
*(Date of issue)*

is enclosed.

Signed .....

**APPENDIX 7****FORM OF THE STATEMENT OF COMPLETION OF SHIP RECYCLING**

## STATEMENT OF COMPLETION OF SHIP RECYCLING

This document is a statement of completion of Ship Recycling for

.....  
*(Name of the ship when it was received for recycling/at the point of deregistration)****Particulars of the Ship as received for recycling***

Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

THIS CONFIRMS THAT:

The ship has been recycled in accordance with the Ship Recycling Plan as part of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as "the Convention") at

.....  
*(Name and location of the authorized Ship Recycling Facility)*

and the recycling of the ship as required by the Convention was completed on:

(dd/mm/yyyy) .....

*(Date of completion)*

Issued at .....

*(Place of issue of the Statement of Completion)*

(dd/mm/yyyy) .....

*(Date of issue)*      *(Signature of the owner of the Ship Recycling Facility or a representative acting on behalf of the owner)*

### **Članak 3.**

Prilikom polaganja svoje isprave o pristupu, Republika Hrvatska će na Konvenciju iz članka 1. ovoga Zakona priopćiti sljedeću izjavu:

#### **“IZJAVA vezana uz članak 16. stavak 6. Konvencije**

U skladu s člankom 16. stavkom 6. Konvencije, Republika Hrvatska izjavljuje kako je potrebno izričito odobrenje plana recikliranja broda prije nego što se brod može reciklirati u njezinom odobrenom postrojenju/njezinim odobrenima postrojenjima za recikliranje brodova.”.

### **Članak 4.**

Provedba ovoga Zakona u djelokrugu je tijela državne uprave nadležnog za poslove pomorstva.

### **Članak 5.**

Na dan stupanja na snagu ovoga Zakona, Konvencija iz članka 1. ovoga Zakona nije na snazi u odnosu na Republiku Hrvatsku te će se podaci o njezinom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96).

### **Članak 6.**

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

## O B R A Z L O Ž E N J E

**Člankom 1.** Konačnog prijedloga zakona utvrđuje se da Hrvatski sabor potvrđuje Međunarodnu konvenciju iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. u skladu s člankom 140. stavkom 1. Ustava Republike Hrvatske (Narodne novine, br. 85/10 – pročišćeni tekst i 5/14 – Odluka Ustavnog suda Republike Hrvatske) i člankom 18. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96), čime se iskazuje formalan pristanak Republike Hrvatske da bude vezana njezinim odredbama.

**U članku 2.** Konačnog prijedloga zakona sadržan je tekst Konvencije u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

**U članku 3.** Konačnog prijedloga zakona utvrđuje se sadržaj Izjave koju će Republika Hrvatska priopćiti prilikom polaganja svoje isprave o pristupu Konvenciji iz članka 1. ovoga zakona, a vezano uz primjenu članka 16. stavka 6. Konvencije.

**U članku 4.** Konačnog prijedloga zakona utvrđuje se da je provedba ovoga Zakona u djelokrugu Ministarstva mora, prometa i infrastrukture.

**U članku 5.** Konačnog prijedloga zakona navodi se da na dan stupanja na snagu ovoga Zakona, Konvencija iz članka 1. ovoga Zakona nije na snazi u odnosu na Republiku Hrvatsku te će se podaci o njezinom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

**U članku 6.** Konačnog prijedloga zakona utvrđuje se stupanje na snagu Zakona.

- PRILOZI**
- **Preslika teksta Međunarodne konvencije u izvorniku na engleskom jeziku**
  - **Izvješće o provedenom savjetovanju sa zainteresiranom javnošću**

OBRAZAC IZVJEŠĆA O PROVEDENOM SAVJETOVANJU SA ZAINTERESIRANOM JAVNOŠĆU	
Naslov dokumenta	Izvešće o provedenom javnom savjetovanju za Nacrt Konačnog prijedloga Zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.
Stvaratelj dokumenta, tijelo koje provodi savjetovanje	Ministarstvo mora, prometa i infrastrukture
Svrha dokumenta	Izveščivanje o provedenom javnom savjetovanju za Nacrt Konačnog prijedloga Zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.
Datum dokumenta	Studenj 2020. godine
Verzija dokumenta	Prva
Vrsta dokumenta	Izvešće
Naziv nacrt zakona, drugog propisa ili akta	Nacrt Konačnog prijedloga Zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009.
Jedinstvena oznaka iz Plana donošenja zakona, drugih propisa i akata objavljenog na internetskim stranicama Vlade	/
Naziv tijela nadležnog za izradu nacrt	Ministarstvo mora, prometa i infrastrukture
Koji su predstavnici zainteresirane javnosti bili uključeni u postupak izrade odnosno u rad stručne radne skupine za izradu nacrt?	Predstavnici resornog ministarstva nadležnog za poslove pomorstva.
Je li nacrt bio objavljen na internetskim stranicama ili na drugi odgovarajući način?  Ako jest, kada je nacrt objavljen, na kojoj internetskoj stranici i koliko je vremena ostavljeno za savjetovanje?  Ako nije, zašto?	Da, na središnjem državnom portalu za savjetovanja sa zainteresiranom javnošću "e-Savjetovanja" ( <a href="https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=14901">https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=14901</a> ) i web stranici Ministarstva mora, prometa i infrastrukture ( <a href="https://mmpi.gov.hr/press-11/savjetovanje-sa-zainteresiranom-javnoscu/savjetovanje-sa-zainteresiranom-javnoscu-20615/otvorena-savjetovanja/15198">https://mmpi.gov.hr/press-11/savjetovanje-sa-zainteresiranom-javnoscu/savjetovanje-sa-zainteresiranom-javnoscu-20615/otvorena-savjetovanja/15198</a> ) u razdoblju od 2. listopada do 2. studenog 2020. godine.
Koji su predstavnici zainteresirane javnosti dostavili svoja očitovanja?	Nije bilo predstavnika zainteresirane javnosti.

<p>ANALIZA DOSTAVLJENIH PRIMJEDBI</p> <p>Primjedbe koje su prihvaćene</p> <p>Primjedbe koje nisu prihvaćene i obrazloženje razloga za neprihvatanje</p>	<p>Nije bilo primjedbi (v. Izvješće o provedenom savjetovanju - Javno savjetovanje o Nacrtu Konačnog prijedloga Zakona o potvrđivanju Međunarodne konvencije iz Hong Konga za sigurno i okolišno prihvatljivo recikliranje brodova iz 2009. na središnjem državnom portalu "e-Savjetovanja").</p>
<p>Troškovi provedenog savjetovanja</p>	<p>Nije bilo troškova.</p>

**HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND  
ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009**

**THE PARTIES TO THIS CONVENTION,**

**NOTING** the growing concerns about safety, health, the environment and welfare matters in the ship recycling industry,

**RECOGNIZING** that recycling of ships contributes to sustainable development and, as such, is the best option for ships that have reached the end of their operating life,

**RECALLING** resolution A.962(23), adopted by the Assembly of the International Maritime Organization (Guidelines on Ship Recycling); amendments to the Guidelines adopted by resolution A.980(24); Decision VI/24 of the Sixth Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which adopted Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships; and the Guidelines approved by the 289th session of the Governing Body of the International Labour Office (Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey),

**RECALLING ALSO** resolution A.981(24), by which the Assembly of the International Maritime Organization requested the Organization's Marine Environment Protection Committee to develop a legally-binding instrument on ship recycling,

**NOTING ALSO** the role of the International Labour Organization in protecting the occupational safety and health of workers involved in ship recycling,

**NOTING FURTHER** the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in protecting human health and the environment against the adverse effects which may result from such wastes,

**MINDFUL** of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

**MINDFUL ALSO** of the need to promote the substitution of hazardous materials in the construction and maintenance of ships by less hazardous, or preferably, non-hazardous materials, without compromising the ships' safety, the safety and health of seafarers and the ships' operational efficiency,

**RESOLVED** to effectively address, in a legally-binding instrument, the environmental, occupational health and safety risks related to ship recycling, taking into account the particular characteristics of maritime transport and the need to secure the smooth withdrawal of ships that have reached the end of their operating lives,



**CONSIDERING** that these objectives may best be achieved by the conclusion of an International Convention for the Safe and Environmentally Sound Recycling of Ships,

**HAVE AGREED** as follows:

## **ARTICLE 1** **General obligations**

- 1 Each Party to this Convention undertakes to give full and complete effect to its provisions in order to prevent, reduce, minimize and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by Ship Recycling, and enhance ship safety, protection of human health and the environment throughout a ship's operating life.
- 2 No provision of this Convention shall be interpreted as preventing a Party from taking, individually or jointly, more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimize any adverse effects on human health and the environment.
- 3 Parties shall endeavour to co-operate for the purpose of effective implementation of, compliance with and enforcement of this Convention.
- 4 The Parties undertake to encourage the continued development of technologies and practices which contribute to safe and environmentally sound Ship Recycling.
- 5 The Annex to this Convention forms an integral part of it. Unless expressly provided for otherwise, a reference to this Convention constitutes at the same time a reference to its Annex.

## **ARTICLE 2** **Definitions**

For the purposes of this Convention, unless expressly provided otherwise:

- 1 "Convention" means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.
- 2 "Administration" means the Government of the State whose flag the ship is entitled to fly, or under whose authority it is operating.
- 3 "Competent Authority(ies)" means a governmental authority or authorities designated by a Party as responsible, within specified geographical area(s) or area(s) of expertise, for duties related to Ship Recycling Facilities operating within the jurisdiction of that Party as specified in this Convention.
- 4 "Organization" means the International Maritime Organization.
- 5 "Secretary-General" means the Secretary-General of the Organization.
- 6 "Committee" means the Marine Environment Protection Committee of the Organization.

7 “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), including a vessel stripped of equipment or being towed.

8 “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.

9 “Hazardous Material” means any material or substance which is liable to create hazards to human health and/or the environment.

10 “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 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.

11 “Ship Recycling Facility” means a defined area that is a site, yard or facility used for the recycling of ships.

12 “Recycling Company” means the owner of the Ship Recycling Facility or any other organization or person who has assumed the responsibility for operation of the Ship Recycling activity from the owner of the Ship Recycling Facility and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by this Convention.

### **ARTICLE 3**

#### **Application**

1 Unless expressly provided otherwise in this Convention, this Convention shall apply to:

- .1 ships entitled to fly the flag of a Party or operating under its authority;
- .2 Ship Recycling Facilities operating under the jurisdiction of a Party.

2 This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.

3 This Convention shall not apply to ships of less than 500 GT or to ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly. However, each Party shall ensure, by the adoption of appropriate measures, that such ships act in a manner consistent with this Convention, so far as is reasonable and practicable.

4 With respect to ships entitled to fly the flag of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

#### **ARTICLE 4**

##### **Controls related to Ship Recycling**

1 Each Party shall require that ships entitled to fly its flag or operating under its authority comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

2 Each Party shall require that Ship Recycling Facilities under its jurisdiction comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.

#### **ARTICLE 5**

##### **Survey and certification of ships**

Each Party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are surveyed and certified in accordance with the regulations in the Annex.

#### **ARTICLE 6**

##### **Authorization of Ship Recycling Facilities**

Each Party shall ensure that Ship Recycling Facilities that operate under its jurisdiction and that recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4 of this Convention, are authorized in accordance with the regulations in the Annex.

#### **ARTICLE 7**

##### **Exchange of information**

For the Ship Recycling Facilities authorized by a Party, such Party shall provide to the Organization, if requested, and to those Parties which request it, relevant information, in regard to this Convention, on which its decision for authorization was based. The information shall be exchanged in a swift and timely manner.

#### **ARTICLE 8**

##### **Inspection of ships**

1 A ship to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Except as provided in paragraph 2, any such inspection is limited to verifying that there is on board either an International Certificate on Inventory of Hazardous Materials or an International Ready for Recycling Certificate, which, if valid, shall be accepted.

2 Where a ship does not carry a valid certificate or there are clear grounds for believing that:

- .1 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
- .2 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 Organization.

## **ARTICLE 9**

### **Detection of violations**

1 Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.

2 When there is sufficient evidence that a ship is operating, has operated or is about to operate in violation of any provision in this Convention, a Party holding the evidence may request an investigation of this ship when it enters the ports or offshore terminals under the jurisdiction of another Party. The report of such an investigation shall be sent to the Party requesting it, to the Administration of the ship concerned and to the Organization, so that action may be taken as appropriate.

3 If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. A Party taking such action shall immediately inform the Administration of the ship concerned and the Organization.

4 If a request for an investigation is received from any Party, together with sufficient evidence that a Ship Recycling Facility is operating, has operated or is about to operate in violation of any provision of this Convention, a Party should investigate this Ship Recycling Facility operating under its jurisdiction and make a report. The report of any such investigation shall be sent to the Party requesting it, including information on action taken or to be taken, if any, and to the Organization for appropriate action.

## **ARTICLE 10**

### **Violations**

1 Any violation of the requirements of this Convention shall be prohibited by national laws and:

- .1 in the case of a ship, sanctions shall be established under the law of the Administration, wherever the violation occurs. If the Administration is informed of such a violation by a Party, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such

proceedings to be taken as soon as possible, in accordance with its law. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within one year after receiving the information, it shall inform the Party which reported the alleged violation, and the Organization, of the reasons why no action has been taken;

- 2 in the case of a Ship Recycling Facility, sanctions shall be established under the law of the Party having jurisdiction over the Ship Recycling Facility. If the Party is informed of such a violation by another Party, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Party is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law. The Party shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Party has not taken any action within one year after receiving the information, it shall inform the Party which reported the alleged violation, and the Organization, of the reasons why no action has been taken.

2 Any violation of the requirements of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established under the law of that Party. Whenever such a violation occurs, that Party shall either:

- .1 cause proceedings to be taken in accordance with its law; or
- .2 furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

3 The sanctions provided for by the laws of a Party pursuant to this Article shall be adequate in severity to discourage violations of this Convention wherever they occur.

## **ARTICLE 11**

### **Undue delay or detention of ships**

1 All possible efforts shall be made to avoid a ship being unduly detained or delayed under Article 8, 9 or 10 of this Convention.

2 When a ship is unduly detained or delayed under Article 8, 9 or 10 of this Convention, it shall be entitled to compensation for any loss or damage suffered.

**ARTICLE 12**  
**Communication of information**

Each Party shall report to the Organization and the Organization shall disseminate, as appropriate, the following information:

- .1 a list of Ship Recycling Facilities authorized in accordance with this Convention and operating under the jurisdiction of that Party;
- .2 contact details for the Competent Authority(ies), including a single contact point, for that Party;
- .3 a list of the recognized organizations and nominated surveyors which are authorized to act on behalf of that Party in the administration of matters relating to the control of Ship Recycling in accordance with this Convention, and the specific responsibilities and conditions of the authority delegated to the recognized organizations or nominated surveyors;
- .4 an annual list of ships flying the flag of that Party to which an International Ready for Recycling Certificate has been issued, including the name of the Recycling Company and location of the Ship Recycling Facility as shown on the certificate;
- .5 an annual list of ships recycled within the jurisdiction of that Party;
- .6 information concerning violations of this Convention; and
- .7 actions taken towards ships and Ship Recycling Facilities under the jurisdiction of that Party.

**ARTICLE 13**  
**Technical assistance and co-operation**

1 Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the safe and environmentally sound recycling of ships, to provide support for those Parties which request technical assistance:

- .1 to train personnel;
- .2 to ensure the availability of relevant technology, equipment and facilities;
- .3 to initiate joint research and development programmes; and
- .4 to undertake other actions aimed at the effective implementation of this Convention and of guidelines developed by the Organization related thereto.

2 Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of management systems and technology in respect of the safe and environmentally sound recycling of ships.

**ARTICLE 14**  
**Dispute settlement**

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation or any other peaceful means agreed upon by them, which may include enquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional agencies or arrangements.

**ARTICLE 15**  
**Relationship with international law and other international agreements**

1 Nothing in this Convention shall prejudice the rights and obligations of any State under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.

2 Nothing in this Convention shall prejudice the rights and obligations of Parties under other relevant and applicable international agreements.

**ARTICLE 16**  
**Signature, ratification, acceptance, approval and accession**

1 This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 September 2009 to 31 August 2010 and shall thereafter remain open for accession by any State.

2 States may become Parties to this Convention by:

- .1 signature not subject to ratification, acceptance, or approval; or
- .2 signature subject to ratification, acceptance, or approval, followed by ratification, acceptance or approval; or
- .3 accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

5 A declaration under paragraph 4 shall be notified to the Secretary-General in writing and shall state expressly the territorial unit or units to which this Convention applies.

6 A State at the time it expresses its consent to be bound by this Convention shall declare whether it requires explicit or tacit approval of the Ship Recycling Plan before a ship may be recycled in its authorized Ship Recycling Facility(ies). This declaration may be revised thereafter by notification to the Secretary-General. Such revision shall specify the effective date of the revision.

## **ARTICLE 17**

### **Entry into force**

1 This Convention shall enter into force 24 months after the date on which the following conditions are met:

- .1 not less than 15 States have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Article 16;
- .2 the combined merchant fleets of the States mentioned in paragraph 1.1 constitute not less than 40 per cent of the gross tonnage of the world's merchant shipping; and
- .3 the combined maximum annual ship recycling volume of the States mentioned in paragraph 1.1 during the preceding 10 years constitutes not less than 3 per cent of the gross tonnage of the combined merchant shipping of the same States.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention, or three months after the date of deposit of the instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to this Convention is deemed to have been accepted under Article 18, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention, as amended.

## **ARTICLE 18**

### **Amendments**

1 This Convention may be amended by either of the procedures specified in the following paragraphs.

2 Amendments after consideration within the Organization:

- .1 Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration.



- 2 An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
- 3 Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
- 4 Amendments adopted in accordance with subparagraph 3 shall be communicated by the Secretary-General to the Parties for acceptance.
- 5 An amendment shall be deemed to have been accepted in the following circumstances:
  - 5.1 An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
  - 5.2 An amendment to the Annex shall be deemed to have been accepted at the end of a period to be determined by the Committee at the time of its adoption, which period shall not be less than ten months after the date of adoption. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
- 6 An amendment shall enter into force under the following conditions:
  - 6.1 An amendment to an article of this Convention shall enter into force, for those Parties that have declared that they have accepted it, six months after the date on which it is deemed to have been accepted in accordance with subparagraph .5.1.
  - 6.2 An amendment to the Annex shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
    - 6.2.1 notified its objection to the amendment in accordance with subparagraph .5.2 and that has not withdrawn such objection; or
    - 6.2.2 notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance.
  - 6.3 A Party that has notified an objection under subparagraph .6.2.1 may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

6.4 If a Party that has made a notification referred to in subparagraph .6.2.2 notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

3 Amendment by a Conference:

.1 Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.

.2 An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.

.3 Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2.5 and 2.6 respectively.

4 Any Party that has declined to accept an amendment to the Annex shall be treated as a non-Party only for the purpose of application of that amendment.

5 Any notification under this Article shall be made in writing to the Secretary-General.

6 The Secretary-General shall inform the Parties and Members of the Organization of:

.1 any amendment that enters into force and the date of its entry into force generally and for each Party; and

.2 any notification made under this Article.

## **ARTICLE 19**

### **Denunciation**

1 This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

2 Denunciation shall be effected by written notification to the Secretary-General, to take effect one year after receipt or such longer period as may be specified in that notification.

**ARTICLE 20**  
**Depositary**

1 This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

2 In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

- .1 inform all States that have signed this Convention, or acceded thereto, of:
  - 1.1 each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
  - 1.2 the date of entry into force of this Convention;
  - 1.3 the deposit of any instrument of denunciation from this Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
  - 1.4 other declarations and notifications received pursuant to this Convention; and
- .2 as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations, for registration and publication in accordance with Article 102 of the Charter of the United Nations.

**ARTICLE 21**  
**Languages**

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT HONG KONG, CHINA, this fifteenth day of May, two thousand and nine.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Convention.

ANNEX

**REGULATIONS FOR SAFE AND ENVIRONMENTALLY SOUND  
RECYCLING OF SHIPS**

**CHAPTER 1 – GENERAL PROVISIONS**

**Regulation 1 – Definitions**

For the purposes of this Annex:

- 1 “Competent person” means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work. Specifically, a Competent person may be a trained worker or a managerial employee capable of recognizing 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. The Competent Authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.
- 2 “Employer” means a natural or legal person that employs one or more workers engaged in Ship Recycling.
- 3 “Existing ship” means a ship which is not a new ship.
- 4 “New ship” means a ship:
  - .1 for which the building contract is placed on or after the entry into force of this Convention; or
  - .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after six months after the entry into force of this Convention; or
  - .3 the delivery of which is on or after 30 months after the entry into force of this Convention.
- 5 “New installation” means the installation of systems, equipment, insulation, or other material on a ship after the date on which this Convention enters into force.
- 6 “Safe-for-entry” means a space that meets the following criteria:
  - .1 the oxygen content of the atmosphere and the concentration of flammable vapours are within safe limits;
  - .2 any toxic materials in the atmosphere are within permissible concentrations; and

.3 any residues or materials associated with the work authorized 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.

7 "Safe-for-hot work" means a space that meets the following criteria:

- .1 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;
- 2 Safe-for-entry requirements of regulation 1.6 are met;
- .3 existing atmospheric conditions will not change as a result of the hot work; and
- .4 all adjacent spaces have been cleaned, or inerted, or treated sufficiently to prevent the start or spread of fire.

8 "Shipowner" means the person or persons or company registered as the owner of the ship or, in the absence of registration, the person or persons or company owning the ship or any other organization 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. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company. This term also includes those who have ownership of the ship for a limited period pending its sale or handing over to a Ship Recycling Facility.

9 "Site inspection" means an inspection of the Ship Recycling Facility confirming the condition described by the verified documentation.

10 "Statement of Completion" means a confirmatory statement issued by the Ship Recycling Facility that the Ship Recycling has been completed in accordance with this Convention.

11 "Tanker" means an oil tanker as defined in MARPOL Annex I or an NLS tanker as defined in MARPOL Annex II.

12 "Worker" means any person who performs work, either regularly or temporarily, in the context of an employment relationship including contractor personnel.

## **Regulation 2 – General applicability**

Unless expressly provided otherwise, the design, construction, survey, certification, operation and recycling of ships shall be conducted in accordance with the provisions of this Annex.

## **Regulation 3 – Relationship with other standards, recommendations and guidance**

Parties shall take measures to implement the requirements of the regulations of this Annex, taking into account relevant and applicable standards, recommendations and guidance developed by the International Labour Organization and the relevant and applicable technical standards, recommendations and guidance developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

## **CHAPTER 2 – REQUIREMENTS FOR SHIPS**

### **Part A – Design, construction, operation and maintenance of ships**

#### **Regulation 4 – Controls of ships' Hazardous Materials**

In accordance with the requirements specified in Appendix 1 to this Convention each Party:

- .1 shall prohibit and/or restrict the installation or use of Hazardous Materials listed in Appendix 1 on ships entitled to fly its flag or operating under its authority; and
- .2 shall prohibit and/or restrict the installation or use of such materials on ships, whilst in its ports, shipyards, ship repair yards, or offshore terminals,

and shall take effective measures to ensure that such ships comply with those requirements.

#### **Regulation 5 – Inventory of Hazardous Materials**

1 Each new ship shall have on board an Inventory of Hazardous Materials. The Inventory shall be verified either by the Administration or by any person or organization authorized by it taking into account guidelines, including any threshold values and exemptions contained in those guidelines, developed by the Organization. The Inventory of Hazardous Materials shall be specific to each ship and shall at least:

- .1 identify as Part I, Hazardous Materials listed in Appendices 1 and 2 to this Convention and contained in ship's structure or equipment, their location and approximate quantities; and
- .2 clarify that the ship complies with regulation 4.

2 Existing ships shall comply as far as practicable with paragraph 1 not later than 5 years after the entry into force of this Convention, or before going for recycling if this is earlier, taking into account the guidelines developed by the Organization and the Organization's Harmonized System of Survey and Certification. The Hazardous Materials listed in Appendix 1, at least, shall be identified when the Inventory is developed. For existing ships a plan shall be prepared describing the visual/sampling check by which the Inventory of Hazardous Materials is developed, taking into account the guidelines developed by the Organization.

3 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 Hazardous Materials listed in Appendix 2 and relevant changes in ship structure and equipment, taking into account the guidelines developed by the Organization.

4 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 either by the Administration or by any person or organization authorized by it, taking into account the guidelines developed by the Organization.

**Regulation 6 – Procedure for proposing amendments to Appendices 1 and 2**

1 Any Party may propose an amendment to Appendix 1 and/or Appendix 2 in accordance with this regulation. The proposed amendment shall be considered within the Organization under Article 18 paragraph 2 and this regulation.

2 When the Organization receives a proposal, it shall also bring the proposal to the attention of the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization and shall make it available to them.

3 The Committee shall establish a technical group in accordance with regulation 7 to review proposals submitted in accordance with paragraph 1 of this regulation.

4 The technical group shall review the proposal along with any additional data, including decisions adopted by other international bodies regarding their lists of materials or hazardous substances, submitted by any interested entity, and shall evaluate and report to the Committee whether the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment such that the amendment of Appendix 1 or Appendix 2 is warranted. In this regard:

.1 The technical group's review shall include:

- 1.1 an evaluation of the association between the Hazardous Material in question and the likelihood, in the context of this Convention, that it will lead to significant adverse effects on human health or the environment based on the submitted data or other relevant data brought to the attention of the group;
- 1.2 an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the technical group;
- 1.3 consideration of available information on the technical feasibility of control measures;
- 1.4 consideration of available information on other effects arising from the introduction of such control measures relating to:
  - the environment;
  - human health and safety including that of seafarers and workers; and
  - the cost to international shipping and other relevant sectors.
- 1.5 consideration of the availability of suitable alternatives to the Hazardous Material to be controlled, including a consideration of the potential risks of alternatives;

- 1.6 consideration of the risks posed by the Hazardous Material during the recycling process; and
  - 1.7 consideration of suitable threshold values and any useful or necessary exemptions.
- .2 If the technical group finds that the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment, lack of full scientific certainty shall not be used as a reason to prevent the group from proceeding with an evaluation of the proposal.
  - .3 The technical group's report shall be in writing and shall take into account each of the evaluations and considerations referred to in subparagraph .1, except that the technical group may decide not to proceed with the evaluations and considerations described in subparagraphs .1.2 to .1.7 if it determines after the evaluation in subparagraph .1.1 that the proposal does not warrant further consideration.
  - .4 The technical group's report shall include, *inter alia*, a recommendation on whether international controls pursuant to this Convention are warranted on the Hazardous Material in question, on the suitability of the specific control measures suggested in the comprehensive proposal, or on other control measures which it believes to be more suitable.

5 The Committee shall decide whether to approve any proposal to amend Appendix 1 or Appendix 2, and any modifications thereto, if appropriate, taking into account the technical group's report. Any proposed amendment shall specify the application of the amendment for ships certified in accordance with this Convention before the entry into force of the amendment. If the report finds that the Hazardous Material in question is likely, in the context of this Convention, to lead to significant adverse effects on human health or the environment, lack of full scientific certainty shall not be used as a reason to prevent a decision from being taken to list a Hazardous Material in Appendix 1 or Appendix 2. A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular Hazardous Material if new information comes to light.

#### **Regulation 7 – Technical Groups**

1 The Committee may establish one or more technical groups pursuant to regulation 6 as needed. The technical group may comprise representatives of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization, and non-governmental organizations in consultative status with the Organization, which should preferably include representatives of institutions and laboratories with expertise in environmental fate and effects of substances, toxicological effects, marine biology, human health, economic analysis, risk management, shipbuilding, international shipping, occupational health and safety or other fields of expertise necessary to objectively review the technical merits of a proposal.

2 The Committee shall decide on the terms of reference, organization, participation and operation of the technical groups. Such terms shall provide for protection of any confidential information that may be submitted. Technical groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other media as appropriate.



3 Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to regulation 6. A technical group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the technical group shall communicate any minority views of such representatives.

## **Part B – Preparation for Ship Recycling**

### **Regulation 8 – General requirements**

Ships destined to be recycled shall:

- .1 only be recycled at Ship Recycling Facilities that are:
  - .1 authorized in accordance with this Convention; and
  - .2 fully authorized to undertake all the ship recycling which the Ship Recycling Plan specifies to be conducted by the identified Ship Recycling Facility(ies);
- .2 conduct operations in the period prior to entering the Ship Recycling Facility in order to minimize the amount of cargo residues, remaining fuel oil, and wastes remaining on board;
- .3 in the case of a tanker, arrive at the Ship Recycling Facility with cargo tanks and pump room(s) in a condition that is ready for certification as Safe-for-entry, or Safe-for-hot work, or both, according to national laws, regulations and policies of the Party under whose jurisdiction the Ship Recycling Facility operates;
- .4 provide to the Ship Recycling Facility all available information relating to the ship for the development of the Ship Recycling Plan required by regulation 9;
- .5 complete the Inventory required by regulation 5; and
- .6 be certified as ready for recycling by the Administration or organization recognized by it, prior to any recycling activity taking place.

### **Regulation 9 – Ship Recycling Plan**

A ship-specific Ship Recycling Plan shall be developed by the Ship Recycling Facility(ies) prior to any recycling of a ship, taking into account the guidelines developed by the Organization. The Ship Recycling Plan shall:

- .1 be developed taking into account information provided by the shipowner;
- .2 be developed in the language accepted by the Party authorizing the Ship Recycling Facility, and if the language used is not English, French or Spanish, the Ship Recycling Plan shall be translated into one of these languages, except where the Administration is satisfied that this is not necessary;

- .3 include information concerning *inter alia*, the establishment, maintenance, and monitoring of Safe-for-entry and Safe-for-hot work conditions and how the type and amount of materials including those identified in the Inventory of Hazardous Materials will be managed;
- .4 in accordance with the declaration deposited pursuant to Article 16.6, be either explicitly or tacitly approved by the Competent Authority authorizing the Ship Recycling Facility. The Competent Authority shall send written acknowledgement of receipt of the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration within three (3) working days of its receipt in accordance with regulation 24. Thereafter:
  - .1 where a Party requires explicit approval of the Ship Recycling Plan, the Competent Authority shall send written notification of its decision to approve or deny the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration; and
  - .2 where a Party requires tacit approval of the Ship Recycling Plan, the acknowledgment of receipt shall specify the end date of a 14-day review period. The Competent Authority shall notify any written objection to the Ship Recycling Plan to the Ship Recycling Facility, Ship Owner and Administration within this 14-day review period. Where no such written objection has been notified, the Ship Recycling Plan shall be deemed to be approved.
- .5 once approved in accordance with paragraph .4, be made available for inspection by the Administration, or any nominated surveyors or organization recognized by it; and
- .6 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 authorized Ship Recycling Facility.

## **Part C – Surveys and certification**

### **Regulation 10 – Surveys**

- 1 Ships to which this Convention applies shall be subject to the surveys specified below:
  - .1 an initial survey before the ship is put in service, or before the International Certificate on Inventory of Hazardous Materials is issued. This survey shall verify that Part I of the Inventory required by regulation 5 is in accordance with the requirements of this Convention;
  - .2 a renewal survey at intervals specified by the Administration, but not exceeding five years. This survey shall verify that Part I of the Inventory of Hazardous Materials required by regulation 5 complies with the requirements of this Convention;

- .3 an additional survey, either general or partial, according to the circumstances, may be made at the request of the shipowner after a change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements and material. The survey shall be such as to ensure that any such change, replacement, or significant repair has been made in the way that the ship continues to comply with the requirements of this Convention, and that Part I of the Inventory is amended as necessary; and
- .4 a final survey prior to the ship being taken out of service and before the recycling of the ship has started. This survey shall verify:
  - .1 that the Inventory of Hazardous Materials as required by regulation 5.4 is in accordance with the requirements of this Convention taking into account the guidelines developed by the Organization;
  - .2 that the Ship Recycling Plan, as required by regulation 9, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot work conditions; and
  - .3 that the Ship Recycling Facility(ies) where the ship is to be recycled holds a valid authorization in accordance with this Convention.

2 Surveys of ships for the purpose of enforcement of the provisions of this Convention shall be carried out by officers of the Administration, taking into account the guidelines developed by the Organization. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

3 An Administration nominating surveyors or recognizing organizations to conduct surveys, as described in paragraph 2 shall, as a minimum, empower such nominated surveyors or recognized organizations to:

- .1 require a ship that they survey to comply with the provisions of this Convention; and
- .2 carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party.

4 In every case, the Administration concerned shall be responsible to ensure the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

5 The initial and renewal surveys should be harmonized with the surveys required by other applicable statutory instruments of the Organization.

## **Regulation 11 – Issuance and endorsement of certificates**

1 An International Certificate on Inventory of Hazardous Materials shall be issued either by the Administration or by any person or organization authorized by it after successful completion of an initial or renewal survey conducted in accordance with regulation 10, to any ships to which regulation 10 applies, except for existing ships for which both an initial survey and a final survey are conducted at the same time, taking into account the guidelines developed by the Organization.

2 The International Certificate on Inventory of Hazardous Materials issued under paragraph 1, at the request of the shipowner, shall be endorsed either by the Administration or by any person or organization authorized by it after successful completion of an additional survey conducted in accordance with regulation 10.

3 Notwithstanding regulation 14.2 and the requirements of regulation 10.1.2, when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

4 When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

5 When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

6 If a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in regulation 10.1.2.

7 If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

8 If a ship at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and 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 that 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 expiry of the existing certificate before the extension was granted.

9 A certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey 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.

10 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 paragraph 4, 8 or 9 of this regulation. 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.

11 An International Ready for Recycling Certificate shall be issued either by the Administration or by any person or organization authorized by it, after successful completion of a final survey in accordance with the provisions of regulation 10, to any ships to which regulation 10 applies, taking into account the authorization of the Ship Recycling Facility and the guidelines developed by the Organization.

12 A certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a certificate issued by them. Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

#### **Regulation 12 – Issuance or endorsement of a certificate by another Party**

1 At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that the provisions of this Convention are complied with, shall issue or authorize the issuance of a certificate to the ship, and where appropriate, endorse or authorize the endorsement of that certificate on the ship, in accordance with this Annex.

2 A copy of the certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A certificate so issued shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a certificate issued by the Administration.

4 No certificate shall be issued to a ship entitled to fly the flag of a State which is not a Party.

#### **Regulation 13 – Form of the certificates**

The certificates shall be drawn up in an official language of the issuing Party, in the form set forth in Appendices 3 and 4. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages. The Administration may, however, issue the International Certificate on Inventory of Hazardous Materials drawn up only in an official language of the issuing Party to ships not engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to this Convention and the International Ready for Recycling Certificate drawn up only in an official language of the issuing Party to ships recycled in Ship Recycling Facilities under the jurisdiction of the issuing Party.

#### **Regulation 14 – Duration and validity of the certificates**

1 An International Certificate on Inventory of Hazardous Materials issued under regulation 11 or 12 shall cease to be valid in any of the following cases:

- .1 if 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, in accordance with the guidelines developed by the Organization;
- .2 upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Party issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of regulation 10. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports;
- .3 if the renewal survey is not completed within the periods specified under regulations 10.1 and 11; or
- .4 if the certificate is not endorsed in accordance with regulation 11 or 12.

2 An International Certificate on Inventory of Hazardous Materials shall be issued for a period specified by the Administration, which shall not exceed five years.

3 An International Ready for Recycling Certificate shall be issued for a period specified by the Administration that shall not exceed three months.

4 An International Ready for Recycling Certificate issued under regulation 11 or 12 shall cease to be valid if the condition of the ship does not correspond substantially with the particulars of the certificate.

5 The International Ready for Recycling Certificate may be extended by the Administration or by any person or organization authorized by it for a single point to point voyage to the Ship Recycling Facility.

### **CHAPTER 3 – REQUIREMENTS FOR SHIP RECYCLING FACILITIES**

#### **Regulation 15 – Controls on Ship Recycling Facilities**

1 Each Party shall establish legislation, regulations, and standards that are necessary to ensure that Ship Recycling Facilities are designed, constructed, and operated in a safe and environmentally sound manner in accordance with the regulations of this Convention.

2 Each Party shall establish a mechanism for authorizing Ship Recycling Facilities with appropriate conditions to ensure that such Ship Recycling Facilities meet the requirements of this Convention.

3 Each Party shall establish a mechanism for ensuring that Ship Recycling Facilities comply with the requirements of this chapter including the establishment and effective use of inspection, monitoring and enforcement provisions, including powers of entry and sampling. Such a mechanism may include an audit scheme to be carried out by the Competent Authority(ies) or an organization recognized by the Party, taking into account guidelines developed by the Organization, and the results of these audits should be communicated to the Organization.

4 Each Party shall designate one or more Competent Authorities and the single contact point to be used by the Organization, Parties to this Convention and other interested entities, for matters related to Ship Recycling Facilities operating within the jurisdiction of that Party.

#### **Regulation 16 – Authorization of Ship Recycling Facilities**

1 Ship Recycling Facilities which recycle ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4, shall be authorized by a Party taking into account the guidelines developed by the Organization.

2 The authorization shall be carried out by the Competent Authority(ies) and shall include verification of documentation required by this Convention and a site inspection. The Competent Authority(ies) may however entrust the authorization of Ship Recycling Facilities to organizations recognized by it.

3 The Party shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the recognized organizations, for circulation to Parties. In every case, the Competent Authority(ies) retains full responsibility for the authorization issued.

4 The authorization shall be drawn up in the form set forth in Appendix 5. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages.

5 The authorization shall be valid for a period specified by the Party but not exceeding five years. The Party shall identify the terms for which the authorization will be issued, withdrawn, suspended, amended and renewed, and communicate these terms to the Ship Recycling Facilities. If a Ship Recycling Facility refuses inspection by the Competent Authority(ies) or the recognized organization operating on its/their behalf, the authorization shall be suspended or withdrawn.

6 If incidents or actions taken at the Ship Recycling Facility have the effect that the conditions for the authorization are no longer fulfilled, the Ship Recycling Facility shall inform the Competent Authority(ies). The Competent Authority(ies) may accordingly decide to suspend or withdraw the authorization, or require corrective actions by the Ship Recycling Facility.

#### **Regulation 17 – General requirements**

1 Ship Recycling Facilities authorized by a Party shall establish management systems, procedures and techniques which do not pose health risks to the workers concerned or to the population in the vicinity of the Ship Recycling Facility and which will prevent, reduce, minimize and to the extent practicable eliminate adverse effects on the environment caused by Ship Recycling, taking into account guidelines developed by the Organization.

2 Ship Recycling Facilities authorized by a Party shall, for ships to which this Convention applies, or ships treated similarly pursuant to Article 3.4:

- .1 only accept ships that:
  - .1 comply with this Convention; or
  - .2 meet the requirements of this Convention;
- .2 only accept ships which they are authorized to recycle; and
- .3 have the documentation of its authorization available if such documentation is requested by a shipowner that is considering recycling a ship at that Ship Recycling Facility.

### **Regulation 18 – Ship Recycling Facility Plan**

Ship Recycling Facilities authorized by a Party shall prepare a Ship Recycling Facility Plan. The Plan shall be adopted by the board or the appropriate governing body of the Recycling Company, and shall include:

- 1 a policy ensuring workers' safety and the protection of human health and the environment, including the establishment of objectives that lead to the minimization and elimination to the extent practicable of the adverse effects on human health and the environment caused by Ship Recycling;
- 2 a system for ensuring implementation of the requirements set out in this Convention, the achievement of the goals set out in the policy of the Recycling Company, and the continuous improvement of the procedures and standards used in the Ship Recycling operations;
- 3 identification of roles and responsibilities for employers and workers when conducting Ship Recycling operations;
- 4 a programme for providing appropriate information and training of workers for the safe and environmentally sound operation of the Ship Recycling Facility;
- 5 an emergency preparedness and response plan;
- 6 a system for monitoring the performance of Ship Recycling;
- 7 a record-keeping system showing how Ship Recycling is carried out;
- 8 a system for reporting discharges, emissions, incidents and accidents causing damage, or with the potential of causing damage, to workers' safety, human health and the environment; and
- 9 a system for reporting occupational diseases, accidents, injuries and other adverse effects on workers' safety and human health,

taking into account guidelines developed by the Organization.



### **Regulation 19 – Prevention of adverse effects to human health and the environment**

Ship Recycling Facilities authorized by a Party shall establish and utilize procedures to:

- .1 prevent explosions, fires, and other unsafe conditions by ensuring that Safe-for-hot work conditions and procedures are established, maintained and monitored throughout Ship Recycling;
- .2 prevent harm from dangerous atmospheres and other unsafe conditions by ensuring that Safe-for-entry conditions and procedures are established, maintained, and monitored in ship spaces, including confined spaces and enclosed spaces, throughout Ship Recycling;
- .3 prevent other accidents, occupational diseases and injuries or other adverse effects on human health and the environment; and
- .4 prevent spills or emissions throughout Ship Recycling which may cause harm to human health and/or the environment,

taking into account guidelines developed by the Organization.

### **Regulation 20 – Safe and environmentally sound management of Hazardous Materials**

1 Ship Recycling Facilities authorized by a Party shall ensure safe and environmentally sound removal of any Hazardous Material contained in a ship certified in accordance with regulation 11 or 12. The person(s) in charge of the recycling operations and the workers shall be familiar with the requirements of this Convention relevant to their tasks and, in particular, actively use the Inventory of Hazardous Materials and the Ship Recycling Plan, prior to and during the removal of Hazardous Materials.

2 Ship Recycling Facilities authorized by a Party shall ensure that all Hazardous Materials detailed in the Inventory are identified, labelled, packaged and removed to the maximum extent possible prior to cutting by properly trained and equipped workers, taking into account the guidelines developed by the Organization, in particular:

- .1 hazardous liquids, residues and sediments;
- .2 substances or objects containing heavy metals such as lead, mercury, cadmium and hexavalent chromium;
- .3 paints and coatings that are highly flammable and/or lead to toxic releases;
- .4 asbestos and materials containing asbestos;
- .5 PCB and materials containing PCBs, ensuring that heat inducing equipment is avoided during such operations;
- .6 CFCs and halons; and
- .7 other Hazardous Materials not listed above and that are not a part of the ship structure.

3 Ship Recycling Facilities authorized by a Party shall provide for and ensure safe and environmentally sound management of all Hazardous Materials and wastes removed from the ship recycled at that Ship Recycling Facility. Waste management and disposal sites shall be identified to provide for the further safe and environmentally sound management of materials.

4 All wastes generated from the recycling activity shall be kept separate from recyclable materials and equipment, labelled, stored in appropriate conditions that do not pose a risk to the workers, human health or the environment and only transferred to a waste management facility authorized to deal with their treatment and disposal in a safe and environmentally sound manner.

#### **Regulation 21 – Emergency preparedness and response**

Ship Recycling Facilities authorized by a Party shall establish and maintain an emergency preparedness and response plan. The plan shall be made having regard to the location and environment of the Ship Recycling Facility, and shall take into account the size and nature of activities associated with each Ship Recycling operation. The plan shall furthermore:

- .1 ensure that the necessary equipment and procedures to be followed in the case of an emergency are in place, and that drills are conducted on a regular basis;
- .2 ensure that the necessary information, internal communication and coordination are provided to protect all people and the environment in the event of an emergency at the Ship Recycling Facility;
- .3 provide for communication with, and information to, the relevant Competent Authority(ies), the neighbourhood and emergency response services;
- .4 provide for first-aid and medical assistance, fire-fighting and evacuation of all people at the Ship Recycling Facility, pollution prevention; and
- .5 provide for relevant information and training to all workers of the Ship Recycling Facility, at all levels and according to their competence, including regular exercises in emergency prevention, preparedness and response procedures.

#### **Regulation 22 – Worker safety and training**

1 Ship Recycling Facilities authorized by a Party shall provide for worker safety by measures including:

- 1 ensuring the availability, maintenance and use of personal protective equipment and clothing needed for all Ship Recycling operations;
- 2 ensuring that training programmes are provided to enable workers to safely undertake all Ship Recycling operations they are tasked to do; and
- 3 ensuring that all workers at the Ship Recycling Facility have been provided with appropriate training and familiarization prior to performing any Ship Recycling operation.

2 Ship Recycling Facilities authorized by a Party shall provide and ensure the use of personal protective equipment for operations requiring such use, including:

- .1 head protection;
- .2 face and eye protection;
- .3 hand and foot protection;
- .4 respiratory protective equipment;
- .5 hearing protection;
- .6 protectors against radioactive contamination;
- .7 protection from falls; and
- .8 appropriate clothing.

3 Ship Recycling Facilities authorized by a Party may co-operate in providing for training of workers. Taking into account the guidelines developed by the Organization, the training programmes set forth in paragraph 1.2 of this regulation shall:

- .1 cover all workers including contractor personnel and employees in the Ship Recycling Facility;
- .2 be conducted by Competent persons;
- .3 provide for initial and refresher training at appropriate intervals;
- .4 include participants' evaluation of their comprehension and retention of the training;
- .5 be reviewed periodically and modified as necessary; and
- .6 be documented.

**Regulation 23 – Reporting on incidents, accidents, occupational diseases and chronic effects**

1 Ship Recycling Facilities authorized by a Party shall report to the Competent Authority(ies) any incident, accident, occupational diseases, or chronic effects causing, or with the potential of causing, risks to workers safety, human health and the environment.

2 Reports shall contain a description of the incident, accident, occupational disease, or chronic effect, its cause, the response action taken and the consequences and corrective actions to be taken.

## CHAPTER 4 – REPORTING REQUIREMENTS

### Regulation 24 – Initial notification and reporting requirements

1 A shipowner shall notify the Administration in due time and in writing of the intention to recycle a ship in order to enable the Administration to prepare for the survey and certification required by this Convention.

2 A Ship Recycling Facility when preparing to receive a ship for recycling shall notify in due time and in writing its Competent Authority(ies) of the intent. The notification shall include at least the following ship details:

- .1 name of the State whose flag the ship is entitled to fly;
- .2 date on which the ship was registered with that State;
- .3 ship's identification number (IMO number);
- .4 hull number on new-building delivery;
- .5 name and type of the ship;
- .6 port at which the ship is registered;
- .7 name and address of the Shipowner as well as the IMO registered owner identification number;
- .8 name and address of the company as well as the IMO company identification number;
- .9 name of all classification society(ies) with which the ship is classed;
- .10 ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), Lightweight, Gross and Net tonnage, and engine type and rating);
- .11 Inventory of Hazardous Materials; and
- .12 draft ship recycling plan for approval pursuant to regulation 9.

3 When the ship destined to be recycled has acquired the International Ready for Recycling Certificate, the Ship Recycling Facility shall report to its Competent Authority(ies) the planned start of the Ship Recycling. The report shall be in accordance with the reporting format in Appendix 6, and shall at least include a copy of the International Ready for Recycling Certificate. Recycling of the ship shall not start prior to the submission of the report.

**Regulation 25 – Reporting upon completion**

When the partial or complete recycling of a ship is completed in accordance with the requirements of this Convention, a Statement of Completion shall be issued by the Ship Recycling Facility and reported to its Competent Authority(ies). This report must be compiled as shown in appendix 7. The Competent Authority(ies) shall send a copy of the Statement to the Administration which issued the International Ready for Recycling Certificate for the ship. The Statement shall be issued within 14 days of the date of partial or completed Ship Recycling in accordance with the Ship Recycling Plan and shall include a report on incidents and accidents damaging human health and/or the environment, if any.

**APPENDIX 1**

**CONTROLS OF HAZARDOUS MATERIALS**

<b>Hazardous Material</b>	<b>Definitions</b>	<b>Control measures</b>
Asbestos	Materials containing asbestos	For all ships, new installation of materials which contain asbestos shall be prohibited.
Ozone-depleting substances	<p>Ozone-depleting substances means controlled substances defined in paragraph 4 of article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A,B,C or E to the said Protocol in force at the time of application or interpretation of this Annex.</p> <p>Ozone-depleting substances that may be found on board ship include, but are not limited to:</p> <p>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-1,2,2-trifluoroethane                      CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane                      CFC-115 Chloropentafluoroethane</p>	New installations which contain ozone-depleting substances shall be prohibited on all ships, except that new installations containing hydrochlorofluorocarbons (HCFCs) are permitted until 1 January 2020.
Polychlorinated biphenyls (PCB)	“Polychlorinated biphenyls” means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms	For all ships, new installation of materials which contain Polychlorinated biphenyls shall be prohibited.
Anti-fouling compounds and systems	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) in force at the time of application or interpretation of this Annex.	<ol style="list-style-type: none"> <li>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.</li> <li>2. No new ships or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.</li> </ol>

## APPENDIX 2

### MINIMUM LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS

Any Hazardous Materials listed in Appendix 1
Cadmium and Cadmium Compounds
Hexavalent Chromium and Hexavalent Chromium Compounds
Lead and Lead Compounds
Mercury and Mercury Compounds
Polybrominated Biphenyl (PBBs)
Polybrominated Diphenyl Ethers (PBDEs)
Polychlorinated Naphthalenes (more than 3 chlorine atoms)
Radioactive Substances
Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)

**APPENDIX 3**

**FORM OF THE INTERNATIONAL CERTIFICATE ON INVENTORY OF  
HAZARDOUS MATERIALS**

INTERNATIONAL CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS

(Note: This certificate shall be supplemented by Part I of the Inventory of Hazardous Materials)

*(Official seal)*

*(State)*

Issued under the provisions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) under the authority of the Government of

.....  
*(Name of State)*

by .....  
*(Full designation of the person or organization authorized  
under the provisions of the Convention)*

***Particulars of the Ship***

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	



***Particulars of Part I of the Inventory of Hazardous Materials***

Part I of the Inventory of Hazardous Materials identification/verification number: .....

Note: Part I of the Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Certificate on Inventory of Hazardous Materials and must always accompany the International Certificate on Inventory of Hazardous Materials. Part I of the Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

**THIS IS TO CERTIFY:**

1. that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention; and
2. that the survey shows that Part I of the Inventory of Hazardous Materials fully complies with the applicable requirements of the Convention.

Completion date of survey on which this certificate is based: ..... (dd/mm/yyyy)

This certificate is valid until ..... (dd/mm/yyyy)

Issued at .....  
(Place of issue of certificate)

(dd/mm/yyyy) .....  
(Date of issue) (Signature of duly authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR  
LESS THAN FIVE YEARS WHERE REGULATION 11.6 APPLIES\***

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.6 of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND  
REGULATION 11.7 APPLIES\***

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with regulation 11.7 of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

---

\* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 11.8 OR 11.9 APPLIES\***

This certificate shall, in accordance with regulation 11.8 or 11.9\*\* of the Annex to the Convention, be accepted as valid until (dd/mm/yyyy): .....

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

**ENDORSEMENT FOR ADDITIONAL SURVEY\***

At an additional survey in accordance with regulation 10 of the Annex to the Convention, the ship was found to comply with the relevant provisions of the Convention.

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

---

\* This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

\*\* Delete as appropriate.

**APPENDIX 4**

**FORM OF THE INTERNATIONAL READY FOR RECYCLING CERTIFICATE**

**INTERNATIONAL READY FOR RECYCLING CERTIFICATE**

(Note: This certificate shall be supplemented by the Inventory of Hazardous Materials and the Ship Recycling Plan)

*(Official seal)*

*(State)*

Issued under the provisions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) under the authority of the Government of

.....  
*(Name of State)*

by .....  
*(Full designation of the person or organization authorized under the provisions of the Convention)*

***Particulars of the Ship***

Name of Ship	
Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

***Particulars of the Ship Recycling Facility(ies)***

Name of Ship Recycling Facility	
Distinctive Recycling Company identity number*	
Full address	
Date of expiry of DASR	

\* This number is based on the Document of Authorization to conduct Ship Recycling (DASR).

***Particulars of the Inventory of Hazardous Materials***

Inventory of Hazardous Materials identification/verification number: .....

Note: The Inventory of Hazardous Materials, as required by regulation 5 of the Annex to the Convention, is an essential part of the International Ready for Recycling Certificate and must always accompany the International Ready for Recycling Certificate. The Inventory of Hazardous Materials should be compiled on the basis of the standard format shown in the guidelines developed by the Organization.

***Particulars of the Ship Recycling Plan***

Ship Recycling Plan identification/verification number: .....

Note: The Ship Recycling Plan, as required by regulation 9 of the Annex to the Convention, is an essential part of the International Ready for Recycling Certificate and must always accompany the International Ready for Recycling Certificate.

**THIS IS TO CERTIFY:**

- 1 that the ship has been surveyed in accordance with regulation 10 of the Annex to the Convention;
- 2 that the ship has a valid Inventory of Hazardous Materials in accordance with regulation 5 of the Annex to the Convention;
- 3 that the Ship Recycling Plan, as required by regulation 9, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot work conditions; and
- 4 that the Ship Recycling Facility(ies) where this ship is to be recycled holds a valid authorization in accordance with the Convention.

This certificate is valid until (dd/mm/yyyy) .....  
(Date)

Issued at .....  
(Place of issue of certificate)

(dd/mm/yyyy) .....      .....  
(Date of issue)      (Signature of duly authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL  
REACHING THE PORT OF THE SHIP RECYCLING FACILITY FOR A PERIOD OF  
GRACE WHERE REGULATION 14.5 APPLIES\***

This certificate shall, in accordance with regulation 14.5 of the Annex to the Convention, be accepted as valid for a single point to point voyage

from the port of: .....

to the port of: .....

Signed: .....

*(Signature of duly authorized official)*

Place: .....

Date: (dd/mm/yyyy) .....

*(Seal or stamp of the authority, as appropriate)*

---

\* This page of the endorsement shall be reproduced and added to the certificate as considered necessary by the Administration.

**APPENDIX 5**

**FORM OF THE AUTHORIZATION OF SHIP RECYCLING FACILITIES**

**Document of Authorization to conduct Ship Recycling (DASR) in accordance with the requirements of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009**

Issued under the provision of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as "the Convention") under the authority of the Government of:

.....  
(Name of State)

by.....  
(Full designation of the Competent Authority under the Convention)

Name of Ship Recycling Facility	
Distinctive Recycling Company identity No.	
Full address of Ship Recycling Facility	
Primary contact person	
Phone number	
E-mail address	
Name, address, and contact information of ownership company	
Working language(s)	

This is to verify that the Ship Recycling Facility has implemented management systems, procedures and techniques in accordance with Chapters 3 and 4 to the Annex to the Convention.

This authorization is valid until ..... and is subject to the limitations identified in the attached supplement.

This authorization is subject to amendment, suspension, withdrawal, or periodic renewal in accordance with regulation 16 of the Annex to the Convention.

Issued at .....  
(Place of issue of the authorization)

(dd/mm/yyyy) .....  
(Date of issue) (Signature of duly authorized official issuing the authorization)

.....  
(Typed name and title of duly authorized official issuing the authorization)

(Seal or stamp of the authority, as appropriate)



**SUPPLEMENT TO:**

**Document of Authorization to undertake Ship Recycling (DASR) in accordance with the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009**

Notes:

- 1 This record shall be permanently attached to the DASR. The DASR shall be available at the Ship Recycling Facility at all times.
- 2 All procedures, plans and other documents produced by the Ship Recycling Facility and required under the terms to which the DASR has been issued shall be available in the working language of the Ship Recycling Facility and in either English, French or Spanish.
- 3 The authorization is subject to the limitations defined by this supplement.

**1 GENERAL TERMS**

**1.1 Requirements of the Convention**

The Ship Recycling Facility meets the requirements that it be designed, constructed, and operated in a safe and environmentally sound manner in accordance with the Convention, including meeting the relevant requirements of:

- Regulation 16 – Authorization of Ship Recycling Facilities
- Regulation 17 – General requirements
- Regulation 18 – Ship Recycling Facility Plan
- Regulation 19 – Prevention of adverse effects to human health and the environment
- Regulation 20 – Safe and environmentally sound management of Hazardous Materials
- Regulation 21 – Emergency preparedness and response
- Regulation 22 – Worker safety and training
- Regulation 23 – Reporting on incidents, accidents, occupational diseases and chronic effects
- Regulation 24 – Initial notification and reporting requirements
- Regulation 25 – Reporting upon completion

These requirements are imposed on the Ship Recycling Facility by way of

.....  
*(Identify the permit, licence, authorization, legal standards, or other mechanism that applies)*

Ship Recycling Facility Plan identification/verification number: .....

## **1.2 Acceptance of ships**

For ships to which the Convention applies and ships treated similarly pursuant to Article 3.4 of the Convention, the Ship Recycling Facility can only accept a ship for recycling in accordance with regulation 17 of the Annex to the Convention.

## **1.3 Safe-for-hot work and Safe-for-entry conditions**

The Ship Recycling Facility is capable of establishing, maintaining and monitoring Safe-for-hot work and Safe-for-entry conditions throughout the Ship Recycling process.

## **1.4 Management of Hazardous Materials**

The Ship Recycling Facility is designed, constructed, operated, and required to ensure that all Hazardous Materials' management shall be safe and environmentally sound in compliance with the Convention and with all relevant local or national regulations/requirements.

## **1.5 Map and location of Ship Recycling operations**

A map of the boundary of the Ship Recycling Facility and the location of Ship Recycling operations within it, is attached.

# **2 CAPABILITY OF SHIP RECYCLING FACILITY**

## **2.1 Size of ships**

The Ship Recycling Facility is authorized to accept a ship for recycling subject to the following size limitations:

<b>Maximum Size</b>		<b>Other Limitations</b>
Length		
Breadth		
Lightweight		

## 2.2 Safe and Environmentally Sound Management of Hazardous Materials

The Ship Recycling Facility is authorized to accept a ship for recycling that contains Hazardous Materials as specified in the following table subject to the conditions noted below:

Hazardous Material(*4)	Management of Hazardous Materials			Authorization/Limitations
	Removal	Storage	Process (* 1)	
	Y/N (* 2)	Y/N	Y/N (* 3)	
Asbestos				
Ozone-depleting substances				
Polychlorinated biphenyls (PCB)				
Anti-fouling compounds and systems				
Cadmium and Cadmium Compounds				
Hexavalent Chromium and Hexavalent Chromium Compounds				
Lead and Lead Compounds				
Mercury and Mercury Compounds				
Polybrominated Biphenyl (PBBs)				
Polybrominated Diphenyl Ethers (PBDEs)				
Polychlorinated Naphthalenes (more than 3 chlorine atoms)				
Radioactive substances				
Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)				
Hazardous liquids, residues and sediments				
Paints and coatings that are highly flammable and/or lead to toxic release				
Other Hazardous Materials not listed above and that are not a part of the ship structure (specify)				

Notes: \*1 Process means the processing of Hazardous Materials in the Ship Recycling Facility, such as:

- a. incineration of Hazardous Materials;
- b. reclamation of Hazardous Materials; and
- c. treatment of oily residues.

\*2 If Yes (Y), indicate in the Ship Recycling Facility Plan the responsible personnel authorized to carry out the removal, with the certificate number or other relevant information.

\*3 If No (N), describe in the Ship Recycling Plan where the Hazardous Materials are to be processed/disposed.

\*4 These Hazardous Materials are specified in Appendices 1 and 2 and regulation 20 of the Convention.

**APPENDIX 6**

**FORM OF REPORT OF PLANNED START OF SHIP RECYCLING**

The .....  
*(Name of Ship Recycling Facility)*

located at .....  
*(Full Ship Recycling Facility address)*

Authorized in accordance with the requirements of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) to conduct Ship Recycling under the authority of the Government of:

.....  
*(Name of State)*

as indicated in the Document of Authorization to conduct Ship Recycling issued at  
.....  
*(Place of authorization)*

by .....  
*(Full designation of the Competent Authority under the Convention)*

on (dd/mm/yyyy) .....  
*(Date of issue)*

Hereby reports that the Ship Recycling Facility is ready in every respect to start the recycling of the vessel .....  
*(IMO number)*

The International Ready for Recycling Certificate issued under the provisions of the Convention under the authority of the Government of  
.....  
*(Name of State)*

by .....  
*(Full designation of the person or organization authorized under the provisions of the Convention)*

on (dd/mm/yyyy) .....  
*(Date of issue)*

is enclosed.

Signed .....

**APPENDIX 7**

**FORM OF THE STATEMENT OF COMPLETION OF SHIP RECYCLING**

**STATEMENT OF COMPLETION OF SHIP RECYCLING**

This document is a statement of completion of Ship Recycling for

.....  
*(Name of the ship when it was received for recycling/at the point of deregistration)*

***Particulars of the Ship as received for recycling***

Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of Construction	

THIS CONFIRMS THAT:

The ship has been recycled in accordance with the Ship Recycling Plan as part of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter referred to as “the Convention”) at

.....  
*(Name and location of the authorized Ship Recycling Facility)*

and the recycling of the ship as required by the Convention was completed on:

(dd/mm/yyyy) .....  
*(Date of completion)*

Issued at .....  
*(Place of issue of the Statement of Completion)*

(dd/mm/yyyy) .....  
*(Date of issue)*

.....  
*(Signature of the owner of the Ship Recycling Facility or a representative acting on behalf of the owner)*

