

Enforcement of SRR provisions on IHMs

Control by the port State

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Unit B.3: Environment and Capacity Building

22/09/2016 – EMSA Workshop on the IHMs



- Relevant Provisions
- Enforcement on EU flagged Ships
- Enforcement on third country ships
- Considerations & questions



Article 2 - Scope

1. This Regulation, **with the exception of Article 12**, shall apply to ships flying the flag of a Member

Article 11 - Port State control (*EU flagged ships*)

1. Member States shall apply control provisions for ships in accordance with their national law having regard to **Directive 2009/16/EC**.

Article 12 - Requirements for *ships flying the flag of a third country*

Enforcement on EU flagged ships

Article 32 - Application

1. This Regulation shall apply from...:
(b) on **31 December 2018** (or earlier).

Article 11 - Port State control

1. ...any such inspection shall be **limited to checking** that either an **inventory certificate** or a **ready for recycling certificate** is kept on board, which, if valid, shall be considered sufficient for the inspection to be approved.

Article 11 applies from 31 December 2018 (or earlier), yet **only new ships can have an inventory certificate from that date (existing ships only from 31 December 2020)**


Article 28 - Amendment to Directive 2009/16/EC

In Annex IV, the following point is added:

‘49. A **certificate on the inventory of hazardous materials** or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council (*).

No reference in relation to the Ready for Recycling Certificate

Enforcement on EU flagged ships



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IMO: 9320556 Name: QUEEN VICTORIA Flag state/Registry : Bermuda, UK Expulsion Status :
Ship type: Passenger ship Ban Order Status: Ship status: Active
Priority: PII Priority Reasons: Ship Risk Profile : SRS

Insurances

	Insurance	Certificate on Board	Type of Insurance	Insurance Provider	From	To
Actions	Insurance of Ship Owners (Dir. 2009/20/EC)	Yes	P&I Cover	Steamship Mutual U/w - UK	20/02/2016	20/02/2017
Actions	Liability of carriers of passengers (Reg. 392/2009/EC)	Yes	P&I Cover	UK P&I Club, The	20/02/2016	20/02/2017

Article 11 - Port State control

2. A **detailed inspection** may be carried out by the relevant authority involved in port State control activities, **taking into account the relevant IMO guidelines...**

Dir. 2009/16/EC Art.13 - More detailed inspections

3. A **more detailed inspection** shall be carried out...whenever there are clear grounds for believing that the condition of a ship...does not meet the relevant requirements of a **Convention**.

IMO Guidelines for the inspection of ships under the HKC (Res. MEPC.223(64))

ANNEX. 2.2 – More detailed inspections

Article 11 - Port State control

3. A ship may be **warned, detained, dismissed** or **excluded** from the ports or offshore terminals under the jurisdiction of a Member State ...

Article 22 - Enforcement in Member States

1. Member States shall lay down provisions on **penalties** applicable to infringements of this Regulation and shall take all the measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive.

Enforcement on Non-EU flagged ships

Article 12 - Requirements for ships flying the flag of a third country

5. A ship flying the flag of a third country may be **warned, detained, dismissed or excluded** from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the **statement of compliance**..., together with the IHM, **as appropriate**

Article 32 - Application

1. This Regulation shall apply from...:
(b) on **31 December 2018** (or earlier).

Article 32 - Application

1. This Regulation shall apply from...:

(b) on **31 December 2018** (*or earlier*).

2. However in relation to the following provisions the following dates of application shall apply:

...

(b) the first and third subparagraphs of Article 5(2) and **Article 12(1) and (8) from 31 December 2020**.

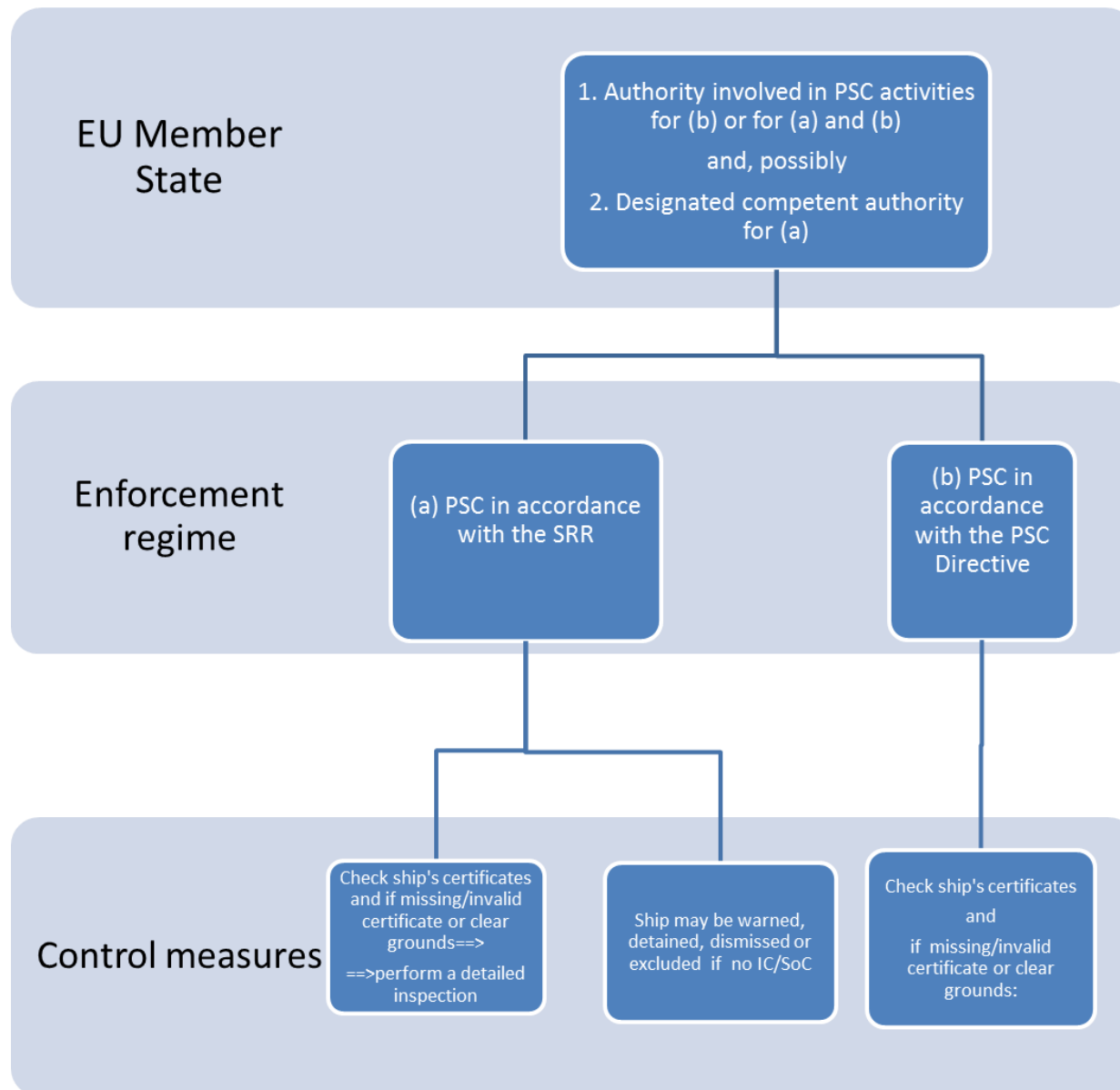
Article 12 applies from 31 December 2018 (or earlier), yet ships can have an **Statement of Compliance only from 31 December 2020**

Article 28 - Amendment to Directive 2009/16/EC

In Annex IV, the following point is added:

‘49. A certificate on the inventory of hazardous materials or a **statement of compliance** as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council (*).

Considerations and open questions



Article 11 - Port State Control

2. A detailed inspection may be carried ...where a ship does not carry a **valid certificate** or there are **clear grounds** for believing either that:

- (a) the **condition of the ship or its equipment** does not correspond substantially with the particulars of that certificate, Part I of the inventory of hazardous materials, or both; or
- (b) there is **no procedure** implemented on board the ship **for the maintenance of Part I of the inventory of hazardous materials**.

IMO Guidelines for the inspection of ships under the HKC (Res. MEPC.223(64))

ANNEX. 2.1.5 – Clear grounds to conduct a more detailed inspection include:

- .1 missing/clearly invalid Convention certificate;
- .2 missing/clearly invalid Convention IHM;
- .3 absence of structure/equipment listed in IHM part I;
- .4 absence of an entry in part I of IHM for structure or equipment believed to contain HazMat; and
- .5 no evidence of a procedure for maintaining part I of the IHM on board.

EMSA's Best Practice Guidance on the Inventory of Hazardous Materials

7 – Enforcement

An '**invalid certificate**' is a document not in accordance with the SRR (e.g. issued from a non-competent organisation, no IHM provided, IHM has not been verified as appropriate, IHM does not include all HM as referred to in the SRR etc).

...**threshold values** of the HM for reporting in the IHM respectively. If the threshold value used for reporting a specific HM exceeds the respective threshold value as in Annex B of the guidance, ...it **may trigger a detailed inspection** to verify that the IHM fully complies with the EU legislative requirements.

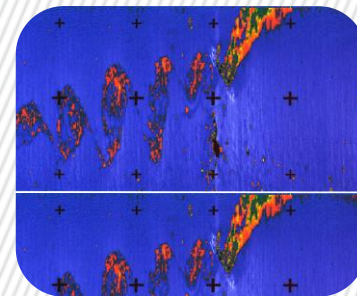
What constitutes a clear ground both for EU and non-EU flagged ships under the SRR?

Is there sufficient guidance for conducting detailed inspections?

Is there legal basis for conducting detailed inspections on non-EU flagged ships?

Is there a need to define specific SRR non-compliances (*related module in THETIS-EU*)?

Do PSCOs require additional training to enforce the SRR?



Thank you

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