



**THE REPUBLIC OF LIBERIA**  
**LIBERIA MARITIME AUTHORITY**

22980 Indian Creek Drive  
Suite 200  
Dulles, Virginia 20166, USA  
Tel: +1 703 790 3434  
Fax: +1 703 790 5655  
Email: [regsandstandards@lisr.com](mailto:regsandstandards@lisr.com)  
Web: [www.lisr.com](http://www.lisr.com)

**11 December 2020**

**Marine Advisory: 34/2020**

**SUBJECT: Harmonized approach towards enforcement of the European Union Ship Recycling Regulation (EU SRR) as a result of COVID-19**

**Ref:**

- a. Marine Operations Note 01-2020**
- b. European Commission (EC) Notice 2020/C 349/01**
- c. EMSA Guidance for EU SRR Compliance Inspections**

**Dear Shipowner/Operator/Master:**

The purpose of this Marine Advisory is to provide information and guidance on the European Commission (EC) Notice 2020/C 349/01, dated 20 October 2020 - “Guidelines on the enforcement of obligations under the EU SRR relating to the Inventory of Hazardous Materials (IHM) of vessels operating in European waters”.

### **Background**

As of 31 December 2020, the EU SRR requires all existing non-EU flagged ships calling to an EU port or anchorage to carry on-board an IHM with a Statement of Compliance.

The EC has received reports from industry stakeholders that Covid-19 restrictions have led to significant difficulties in surveying ships and producing certified IHMs. The lockdown measures and widespread travel restrictions which were introduced to control Covid-19 have reportedly prevented many shipowners/operators from producing the IHM in the first instance, but also inhibited flag States and Recognized Organizations from verifying and certifying the IHM.

Therefore, considering the disruptions caused by Covid-19, the EC has suggested to EU member States to apply a harmonized approach towards enforcement during ship inspections for a limited period of 6 months from 31 December 2020 to 30 June 2021.

### **EC General Guiding Principles for Harmonized Approach Towards Enforcement**

EC Notice 2020/C 349/01 refers to the EMSA Guidance, [reference c](#), for EU SRR compliance inspections as “general guiding principles” that EU member States should follow during the limited period of application of the harmonized approach. Specific reference is made to Section 6.3.2 in the EMSA guidance in relation to the enforcement actions to be taken in the event of non-compliances. If non-compliances are found, EU member State inspectors are to decide on the appropriate action to be taken. The inspector should be satisfied that any ship recycling-related non-compliances confirmed or revealed by the inspection are, or will be, rectified in accordance with the EU SRR. The EMSA guidance furthermore emphasizes that

‘the inspector should use professional judgement in order to decide the appropriate action(s) to be taken for any identified SR (ship recycling-related) non-compliance.

### **Specific scenarios due to COVID-19**

The EC has identified two specific COVID -19 related scenarios that EU port States authorities are likely to be confronted with during inspections that may require a more harmonized approach building on the “general guiding principles” referred to above. The EC has suggested EU port States apply this harmonized approach temporarily for 6 months from 31 December 2020 for existing EU flagged vessels and non-EU flagged vessels calling at EU ports.

#### **Scenario 1**

##### **Vessels without a valid IHM and/or accompanying certificate**

A vessel arrives at an EU port after 31 December 2020 without carrying on board a valid IHM and/or Statement of Compliance and the ship Owner/Operator/Master claims that this non-compliance is due to the COVID - 19 situation.

##### **Actions required to correct non-compliance**

Owners, Operators and Masters will be required to provide evidence to the PSC inspector that all possible measures were taken to undertake the work necessary to obtain the required certification. Examples of such evidence are a service contract for sampling or a survey and justification why it was not possible to obtain a Statement of Compliance, including evidence of impossibility to comply with elements of the certification other than the on-board inspection.

If accepted, PSC inspectors will issue a warning and advise the Owner, Operator and Master of the documents that are to be completed and approved within 4 months after the initial inspection. The PSC inspection result and the warning will be recorded in the ship recycling module of EMSA’s THETIS. If after 4 months, it is necessary to amend the initial plans for approving the IHM, due to continuing travel or access restrictions, the Owners, Operators and Masters must provide sufficient additional written evidence from the IHM Expert Company. The inspector undertaking the next inspection of the vessel will decide whether the evidence is acceptable depending on the specific circumstances of the vessel in question and using his professional judgement.

#### **Scenario 2**

##### **Vessels with a Statement of Compliance (for non-EU Flagged ships), that does not contain on-board (either targeted or random) sampling**

A vessel calls at an EU port or anchorage after 31 December 2020 with an IHM and associated Statement of Compliance on-board, but the IHM was prepared remotely without any on-board sampling.

##### **Actions required to correct non-compliance**

A certificate based on an IHM without the on-board sampling element, including remote survey/sampling, could be exceptionally accepted by an EU PSC inspector, if the flag State has agreed. The Owner, Operator and Master shall ensure documented plans and arrangements are available on-board the ship indicating when it will be feasible for qualified samplers to undertake these surveys to complete the IHM, due to limitations caused by the COVID -19 pandemic. If the PSC inspector accepts the evidence provided, a warning will be issued and the Owner, Operator and Master advised to complete and approve the IHM

Statement of Compliance within 4 months after the initial inspection. The warning and the inspection results will be registered in the ship recycling module of EMSA THETIS. If these plans have to be amended further after the inspection, due to continuing travel or access restrictions, then the owner/master needs to provide sufficient written evidence from the IHM Expert Company that it has not been feasible to meet the initial plans. The inspector undertaking the next inspection of the vessel will decide whether the evidence is acceptable depending on the specific circumstances of the vessel in question and using his professional judgement.

The full guidance on the enforcement of obligations under the EU SRR relating to the IHM of vessels operating in European waters can be found in [reference b\)](#).

For more information, please contact Regulations and Standards at [RegsandStandards@lisr.com](mailto:RegsandStandards@lisr.com) or telephone +1 703 790 3434.

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