

**Frequently Asked Questions about the
Impact of the European Ship Recycling Regulation on
U.S. Flagged Ships**

Q: What is the EU Ship Recycling Regulation?

A: The EU Ship Recycling Regulation is aimed at facilitating early ratification of the HK Convention both within the EU and in other countries by applying proportionate controls to ships and ship recycling facilities on the basis of the HK Convention. The EU Ship Recycling Regulation requires EU Member States, Iceland, and Norway to enforce certain requirements to vessels flying the flags of other countries.

In addition to requiring ships to maintain an IHM and ICIHM, the EU Ship Recycling Regulation addresses a wide spectrum of activities in an effort to ensure ship recycling practices do not cause greater harm to the environment or human health or natural resources. The EU Ship Recycling Regulation is based on the requirements of the HK Convention, and the IHM and ICIHM under the EU Ship Recycling Regulation are consistent with the requirements of Appendix 3 to the HK Convention.

The EU Ship Recycling Regulation contains 32 Articles and two Annexes:

- a. The Articles address matters associated with the development, ratification, scope, and enforcement of the EU Ship Recycling Regulation. The Articles include, for example, Article 4, Control of Hazardous Material; Article 5, Inventory of Hazardous Material; Article 8, Surveys; Article 9, Issuance and Endorsement of Certificates; Article 10, Duration and validity of Certificates; Article 11, Port State Control; Article 12, Requirements for ships flying the flag of a third country; and Article 32, Application.
- b. Annex I is the Control of Hazardous Materials and includes definitions and control measures. There are five Hazardous Materials listed in Annex I. Note that the control measures associated with perfluorooctane sulfonic acid (PFOS) are only applicable to vessels flagged in an EU Member State, Iceland, or Norway, and those control measures are not applicable to U.S. flagged ships.
- c. Annex II is the List of Items for the IHM. There are eleven items which must be included on the IHM. Note that the EU Ship Recycling Regulation requires Brominated Flame Retardant (HBCDD) to be included on the List of Items for the IHM. HBCDD is not required to be included on the IHM under the HK Convention.

Q: Which vessels must comply with the EU Ship Recycling Regulation?

A: The EU Ship Recycling Regulation applies to vessels greater than 500 gross tons which enter ports or anchor in the waters of the EU, Iceland, or Norway, after December 31, 2020. The EU Ship Recycling Regulation does not apply to U.S. warships, naval auxiliary, or other ships owned or operated by the United States or operated solely in government, non-commercial service.

Q: What is the Inventory of Hazardous Materials?

A: The IHM consists of three parts including Part I: Hazardous Materials in the ships structure and equipment, Part II: Operationally generated wastes, and Part III: Stores. Only Part I of the IHM is required for the ICIHM, and only Part I of the IHM should be maintained during the vessel's operational life. In addition to the Hazardous Materials set out in the HK Convention, the EU Ship Recycling Regulation added "Brominated Flame Retardant (HBCDD)" to Appendix 2 of the Annex of the HK Convention titled "Minimum list of items for the Inventory of Hazardous Materials." Ships subject to Port State Control exams in EU ports or anchorages should ensure that any installation of HBCDD is documented in Part I of the IHM. Part I of the IHM is a record of certain hazardous materials found in the ship's structure or equipment, the location of the hazardous materials, and the approximate quantity of the hazardous material.

Q: How is an IHM developed?

A: Ship owners / operators should coordinate with their RO to create and maintain Part I of the IHM. For new ships, Part I of the IHM should be developed at the design and construction stage. For existing ships, Part I of the IHM should be developed by the owner / operator through the following process:^{1,2}

1. Collect necessary information,
2. Assess collected information,
3. Prepare visual / sampling check plan,
4. Onboard visual check and sampling check, and
5. Preparation of part I of the IHM and related documentation

Q: What surveys or inspections are required?

A: In accordance with Article 8 of the EU Ship Recycling Regulation, each ship subject to the EU Ship Recycling Regulation shall be subject to surveys including initial and renewal surveys as specified below:

- a. An initial survey before the ship is put in service or before the ICIHM is issued. This survey shall verify that Part I of the IHM required by the EU Ship Recycling Regulation is in accordance with the requirements of the HK Convention
- b. A renewal survey at intervals not exceeding five years. This survey shall verify that Part I of the IHM required by the HK Convention complies with the requirements of the HK Convention

¹ [Resolution MEPC.269\(68\): Guidelines for the Development of the Inventory of Hazardous Materials](#)

² [EMSA's Best Practice on the Inventory of Hazardous Materials](#)

Q: What are the relevant U.S. requirements?

A: The Toxic Substances Control Act applies to U.S. flagged vessels. The intent of the HK Convention's requirements and the U.S. Toxic Substance Control Act (TSCA) Section 12(b) Export Notification Requirements³ are generally aligned. However, owners of U.S. flagged vessels should be aware of differences between the two regimes. These differences include the HK Convention requirement that a ship shall have onboard an IHM and an ICIHM.

Q: What actions is the Coast Guard taking regarding the EU Ship Recycling Regulation?

A: The Coast Guard is working on creating a voluntary inspection program for U.S. flagged ship owners / operators who wish to demonstrate compliance with the standards of the EU Ship Recycling Regulation.

³ The U.S. Environmental Protection Agency administers the requirements of TSCA.