



MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 3

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RECYCLING OF SHIPS

Proposal to develop guidelines for Competent Authorities to facilitate the delegation to Recognized Organizations for the authorization of Ship Recycling Facilities

Submitted by the Republic of Korea

SUMMARY

Executive summary:	This document proposes the consideration for the development of guidelines for Competent Authorities to facilitate the delegation to ROs of their authority regarding the authorization of Ship Recycling Facilities under regulation 16 of the International Convention for the Safe and Environmentally Sound Recycling of Ship
Strategic direction:	7.1
High-level action:	7.1.2
Planned output:	7.1.2.1 and 7.1.2.2
Action to be taken:	Paragraph 15
Related documents:	Resolution A.739(18); resolution A.789(19); MEPC-ISRWG 2/2; MEPC 56/3 and MEPC 58/WP.7

Introduction

1 At its fifty-eighth session in July 2008, the Marine Environment Protection Committee (MEPC) approved the draft text of the International Convention for the Safe and Environmentally Sound Recycling of Ships, hereinafter referred to as “the Ship Recycling Convention”, that will provide applicable ship recycling regulations globally for international shipping and for recycling activities. An *ad hoc* diplomatic conference has been scheduled in Hong Kong, China, from 11 to 15 May 2009, in order to consider the adoption of the Convention.

2 The contents of the technical annex to the Ship Recycling Convention are as follows:

- .1 Chapter 1 – General Provisions;
- .2 Chapter 2 – Requirements for Ships;

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- .3 Chapter 3 – Requirements for Ship Recycling Facilities; and
- .4 Chapter 4 – Reporting Requirements.

3 Many regulations in the technical annex refer to various guidelines which are to be developed. These guidelines are considered very important for the effective implementation of the Ship Recycling Convention. According to the report of the Intersessional Working Group on Ship Recycling established by MEPC 55 (MEPC-ISRWG 2/2), the list of the guidelines to be developed under the Convention is as follows:

- .1 Guidelines for the Inventory of Hazardous Materials;
- .2 Guidelines for Survey and Certification;
- .3 Guidelines for Inspection of Ships;
- .4 Guidelines for the Authorization of Ship Recycling Facilities;
- .5 Guidelines for the Safe and Environmentally Sound Ship Recycling; and
- .6 Guidelines for the Development of the Ship Recycling Plan.

4 Among these guidelines, “Guidelines for the Inventory of Hazardous Materials” and “Guidelines for the Development of the Ship Recycling Plan” are supposed to be adopted at MEPC 59. Other guidelines will be developed in due course.

Guidelines for the authorization of organizations acting on behalf of the Administration under IMO instruments other than the Ship Recycling Convention

5 IMO instruments mainly consist of the requirements for ships. In order to ensure the compliance of the requirements under the IMO instruments, the Administrations of flag States are required to survey ships under their flag and, if the ships comply with the applicable requirements, to issue the relevant certificates. Furthermore, the Administrations may entrust their statutory functions to Recognized Organizations (ROs).

6 The ROs carrying out statutory functions on behalf of the Administration under SOLAS, MARPOL Annexes I and II and ICLL shall comply with the Guidelines adopted by resolution A.739(18)¹, as may be amended, and the Specifications adopted by resolution A.789(19)². In addition, ROs carrying out functions under other IMO instruments may need to comply with these guidelines but this is not a mandatory requirement. Either way, the Administrations of flag States can be assisted by referring to these guidelines, when they consider the authorization of ROs to act on their behalf for surveys and certification, as well as for the determination of tonnages, as required by IMO conventions.

¹ Resolution A.739(18): Guidelines for the Authorization of Organizations Acting on Behalf of the Administration.

² Resolution A.789(19): Specifications on the Survey and Certification Functions of Recognized Organization Acting on Behalf of the Administration.

Requirements related to RO under the Ship Recycling Convention

7 The following table shows relevant requirements for the survey and certification (or inspection and subsequent authorization) and the delegation of authority to RO under the Ship Recycling Convention.

	Administrations of flag States	Competent Authorities³ of recycling States
Requirements for survey and certification (or inspection and subsequent authorization)	Regulation 10 (Surveys) Regulation 11 (Issuance and endorsement of certificates)	Regulation 16 (Authorization of Ship Recycling Facilities)
Requirements with regard to the authorization of RO	Regulation 10 (Surveys), paragraph 2	Regulation 16 (Authorization of Ship Recycling Facilities), paragraph 2
Target for survey and certification (or inspection and subsequent authorization)	Ships	Ship Recycling Facilities

8 In the past and at present, surveys and certification for ships under IMO instruments have been carried out by the Administrations of flag States. However, under the Ship Recycling Convention, the concept regarding the verification and site inspection for Ship Recycling Facilities and the subsequent authorization of the facilities by Competent Authorities of recycling States has been newly introduced as a result of the additional requirements for Ship Recycling Facilities.

9 In accordance with regulation 10 of the Convention, the surveys of ships for the purpose of enforcement of the provisions of the Convention shall be carried out by officers of the Administration, taking into account the guidelines developed by IMO. However, the Administration may entrust the surveys to ROs.

10 When the Administration considers the authorization of ROs to act on their behalf in the surveys and certification, they may refer to resolution A.739(18) and resolution A.789(19) although these guidelines are not stipulated in regulation 10 of the Convention. Utilizing resolution A.739(18) and resolution A.789(19), the Administrations of flag States under the Ship Recycling Convention may determine that ROs which carry out the statutory functions on their behalf have adequate resources in terms of technical, managerial and research capabilities in order to accomplish the tasks being assigned.

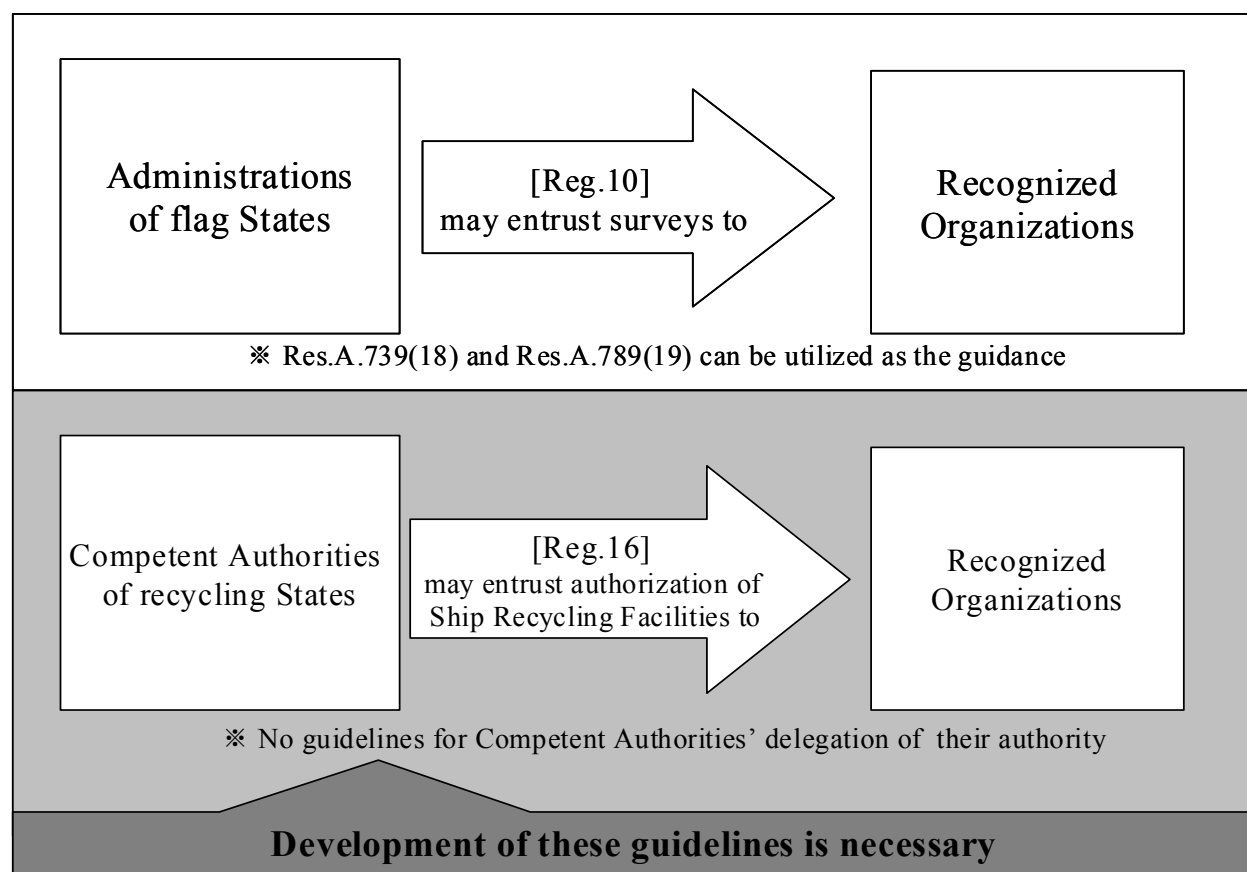
³ According to article 2 of the Ship Recycling Convention, “Competent Authority(ies)” is a governmental authority or authorities designated by a Party as responsible within a specified geographical area(s) or area(s) of expertise. This expertise includes duties related to Ship Recycling Facilities operating within the jurisdiction of that Party as specified in this Convention. In order to make an easy comparison with the Administrations of flag States, Competent Authorities of the Party are referred to as those of recycling States.

11 Similarly, in accordance with regulation 16 of the Convention, Ship Recycling Facilities shall be authorized by the Competent Authorities of a Party taking into account the guidelines developed by IMO. However, the Competent Authorities may entrust the authorization of Ship Recycling Facilities to ROs.

12 The Competent Authorities of recycling States may need to regulate the delegation to ROs in the same manner that the Administrations of flag States do with ROs. However, there are no guidelines and specifications providing the Competent Authorities with the guidance of how they can deal with the delegation to ROs of their authority. As a result, it is assumed that all matters relevant to the delegation to ROs concerning the functions regarding the authorization of Ship Recycling Facilities may depend upon the decision of the Competent Authorities themselves. This means that they may need to determine their own standards and specifications with regard to the delegation to ROs of their authority.

Issues to be considered

13 In conclusion, the Competent Authorities may face difficulty in deciding the adequacy of ROs. Furthermore, the determination of such standards and specifications by each of the Competent Authorities may lead to various standards and specifications among themselves. Therefore, in order to prevent this situation from happening and to facilitate delegation to ROs of Competent Authorities' functions, the relevant guidelines may be necessary so as to provide uniform standards and specifications in the same manner as resolution A.739(18) and resolution A.789(19) do for flag Administrations' authorization to ROs. The following figure summarizes the necessity of the guidelines regarding the aforementioned uniform standards and specifications.



14 As indicated in paragraph 3, the Committee is now developing various guidelines under the Ship Recycling Convention for its effective implementation. In order to enhance effective implementation, it is necessary for the Committee to consider the development of guidelines for the Competent Authorities so as to facilitate delegation to ROs of their authority for the authorization of Ship Recycling Facilities in addition to the aforementioned guidelines.

Action requested by the Committee

15 The Committee is invited to consider the information provided and decide as appropriate.
