

The Hong Kong International Convention for Safe and Environmentally Sound Management of the Recycling of Ships Hong Kong 2009

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ABSTRACT: The new international convention on ship recycling was adopted by IMO in May 2009 in Hong Kong, China, in accordance with IMO in December 2009. The Hong Kong International Convention for the environmentally sound management and security ships²⁵ recycling is to ensure that vessels are to be recycled once they have reached the end of its useful life not involve an unreasonable risk to human health and safety or the environment.

This new agreement includes: the design, construction, operation and preparation of ships to facilitate safe and environmentally sound recycling, without compromising the safety and operational efficiency of ships, the operation of ship recycling facilities in terms of Safety and Environment and the establishment of an enforcement mechanism for ship recycling, incorporating certification and reporting requirements.

The text has been developed over three years of preparatory work before the Conference, with contributions from Member States of IMO and non-governmental organizations and in cooperation with the ILO and the parties of Convention Basilea²⁶.

1 INTRODUCTION

The new international convention on ship recycling was adopted by IMO in May 2009 in Hong Kong, China.

The Hong Kong International Convention for the safety and environmentally sound management of ship recycling, aims to ensure that vessels are to be recycled once they have etched the end of its useful life not involve an unreasonable risk to human health and safety or the environment.

The text has been developed over three years of preparatory work before the Conference, with contributions from Member States of IMO and non-governmental organizations and in cooperation with the ILO and the Basel Convention Parties.

The Conference has considered two important rules of uniform law: the 1989 Basel Convention on Tran boundary Movement of Hazardous Wastes and their Disposal. New York: UN, 1989, and the Convention of the ILO / ILO, Safety and health in ship breaking: Guidelines for Asian countries and Turkey. Geneva: ILO, October 2003.

This new agreement includes: the design, construction, operation and preparation of ships to facilitate safe and environmentally sound recycling, without compromising the safety and operational efficiency of ships, the operation of ship recycling facilities in terms of Safety and Environment and the establishment of an enforcement mechanism for ship recycling, incorporating certification and reporting requirements.

The entry into force of this Convention will take place twenty-four months that at least 15 countries have ratified it, the sum of the fleet of these is at least 40% of GT of the world merchant fleet and the annual volume of barge recycling of these countries during the ten years preceding the entry into force not less than 3% of GT's merchant fleet of these countries.

²⁵ Official name in English: Hong Kong International Convention for the Safe and Environmentally sound recycling of ships, 2009

²⁶ Control of Transboundary Movements of Hazardous Wastes and their Disposal. Countries party to the Convention, see: <http://www.basel.int/ratif/convention.htm>

2 GENERAL OBLIGATIONS AND DEFINITIONS

Article 1 of the Convention defines the obligations of each Member State: the obligation to assume all the means available to prevent, reduce, minimize and, wherever possible, eliminate accidents and other risks that affect health human and the environment caused by the ship recycling, and improve safety on the ship, the protection of human health and the environment over the life of the ship.

Members should endeavor to cooperate with the purpose of effective implementation of the Convention and the development of technologies and practices that contribute to security and sustainable ship recycling.

Article 2 of the Convention provides all the definitions necessary for proper interpretation.

The following defines some of the most relevant concepts:

- Boat means any vessel operating or has operated in the marine environment, including submersibles, floating craft and floating platforms, including ships stripped of equipment or being towed.
- Hazardous material means any material or substance that may create a hazard to human health or the environment.
- Recycling of ships: the activity of a full or partial disarmament of a boat in a ship recycling facility to recover materials and components for a reprocessing and reuse, product managers and other toxic materials, and includes associated operations such as storage and treatment of components and other materials in situ, but not further processed or disposed of in other facilities.
- Installation of ship recycling area defined as place, yard or facility used for the recycling of ships.
- Recycling Company, the owner of the ship recycling facility or other organization or person who assumes responsibility for the implementation of the ship recycling activity from the owner of the facility for the recycling of ships and who on assuming such responsibility agrees to bear all the obligations and liabilities imposed by the Convention.

3 SCOPE

According to Article 3, the Convention shall apply, unless willing to be otherwise in the Convention, to:

- Vessels entitled to fly the flag of a Member State or operating under its responsibility.
- Ship recycling facilities operating under the jurisdiction of a member state. Not apply, in line with other IMO Conventions:

- Warships, auxiliary vessels or vessels owned or operated by a member state and used for non-commercial service.
- Vessels under 500 GT or ships operating solely in its life in waters under the sovereignty or jurisdiction of the country which is entitled to fly the flag.

With respect to those ships flying the flags of states not belonging to this Convention, member states apply the requirements of the Convention to ensure that they are not given any favorable treatment.

4 CONTROLS AND INSPECTIONS

4.1 Controls relating to the recycling of ships

Member State shall establish controls over:

- Vessels flying its flag or operating under their authority, which must comply with the requirements of the Convention and implementing the measures.
- Ship recycling facilities under their jurisdiction. Must meet the requirements of the Convention and enforce the measures.

According to Article 5 Member States must ensure that vessels flying its flag or operating under authority and subject to inspection and certification are inspected and certified in accordance with regulations of the Annex.

4.2 Control and listing of hazardous materials

In accordance with this Convention, each State shall:

- Prohibit or restrict the installation or use of hazardous materials listed in Appendices 1 and 2 of the Convention on ships under their flag or jurisdiction, whether in ships, ports, shipyards or offshore platforms.
- New ships carry on board an inventory, verified by the Administration or any person or body authorized, Hazardous Materials. This inventory will be specific to each vessel and indicate the amount and location. Existing ships must comply with all possible with this list no later than 5 years after entry into force of the Convention, or before going to scrap if before this period.
- Vessels that are to be recycled only be recycled Ship Recycling Facilities authorized by the Convention and will be one in which doing a Ship Recycling Plan. Before entering the waste loading facilities, fuel and waste on board should be the minimum. Fuel tanks and cargo tanks that have contained any toxic or flammable substance shall be designed to enter and / or work in them.
- A Ship Recycling Plan must be carried out by the Facility where it will be recycled boat before

starting any recycling process taking into account the guidelines developed by the Organization and the information provided by the owner of the boat. Information on the establishment, maintenance and monitoring of working conditions and the amount and type of hazardous substances to be treated, including those listed in the Inventory of Hazardous Materials.

- Vessels must pass an initial review before being put into service or before the International Certificate in Hazardous Materials is issued. In addition, inspections at intervals as the Administration but not exceeding 5 years. If repairs are carried out or any significant change in the structure will pass a special review to ensure that it continues to comply with the provisions of the Convention.

4.3 Approval of ship recycling facilities

Under Article 6 Member States must ensure that ship recycling facilities operating under its jurisdiction and that ships recycled to which this Convention applies to them, or boats treaties under Article 3.4 of this Agreement, are authorized according to the provisions of the Annex.

4.4 Controls recycling facility boats

- Each State should establish legislation, regulations and standards necessary to ensure that ship recycling facilities are designed, constructed and operated in a safe and environmentally sustainable under the regulations of this Convention.
- The Ship Recycling Facilities authorized by a State must establish procedures and techniques that do not endanger workers or contaminate the surroundings. Must prevent, reduce and / or minimize adverse environmental effects taking into account the guidelines developed by the Organization. Furthermore, only accept ships that comply with the provisions of this Convention and have all the documentation and certificates available.

4.5 Charter plan recycling facility

The ship recycling facilities must have a plan which includes:

- A policy ensuring the safety of workers and protection of human health and the environment,
- Identification of tasks and responsibilities of workers and managers in their tasks,
- Inform and prepare workers for safe and environmentally friendly facilities,
- Emergency response plan,
- Monitoring plan of the ship recycling,
- Report of discharges, emissions and accidents causing damage or potentially hazardous to workers and the environment

- Report of illness, accident, injury or other dislikes that may occur to workers.

It also establishes that each Ship Recycling Facility must have procedures to:

- Avoid explosions, fires, hazardous atmospheres and other risks for working with high temperature,
- Prevent spills and releases that could harm human health and the environment.

Regarding the handling of dangerous substances all Ship Recycling Facility must ensure that hazardous materials listed in the inventory must be identified, labeled, packaged and handled by operators trained and equipped for it taking into account the guidelines of the Organization, in particular:

- Liquid hazardous waste and sediment
- Substances and objects with heavy metals like lead, mercury, cadmium and chromium,
- Highly flammable paints containing lead,
- Asbestos and materials containing asbestos,
- Plastic contaminants
- Products with CFCs
- Other hazardous materials that are not mentioned above and as part of the ship's structure.

Establishing a plan to respond to emergencies, which include:

- Ensure that equipment and procedures used and followed properly to protect the integrity of individuals and to avoid contamination of the environment,
- Providing a center for medical and first aid to the installation, as well as means of fire fighting, evacuation and prevention of pollution, and
- To inform and train workers in the Installation in accordance with its powers, including simulation exercises.

Facility workers should be trained to safely perform the tasks they are intended, and the proper use and maintenance of personal protective equipment. These teams will consist of:

- Protect your face and eyes,
- Protection of hands and feet
- Hearing protection, protection against radioactive contamination,
- Fall protection, and
- Appropriate clothing to their task.

4.6 Information exchange

According to Article 7 Member States which have authorized facilities for the recycling of ships provided to the Organization and other members, if required, relevant information, under the Convention, by which its authorization decision is

based. This information will be shared with the shortest possible.

4.7 *Inspection of boats*

Article 8 defines where, by whom, when and what will be inspected the ship:

- Any vessel to which it is subject to this Agreement may be subject to inspection at any port or offshore terminal of another member state, by officers authorized by the member state. This inspection is limited to verifying that he is on board the International Certificate in Hazardous Materials Inventory.
- When a ship does not carry a valid certificate or are indications to believe that:
 - 1 The condition of the ship or its equipment does not correspond to the particularities of the certificate and / or Part I of the Hazardous Materials Inventory, or
 - 2 Board has not implemented a process for maintaining the Inventory of Hazardous Materials; It may make a detailed inspection by the guidance of the Organization.

5 VIOLATIONS, DISCLOSURE, TECHNICAL ASSISTANCE AND COOPERATION

Articles 9 and 10 establish the *modus operandi* of the States in case of infringement. Member States should cooperate in the detection of violations, both on ships and in ship recycling facilities and the implementation of this convention.

Any violation of the requirements of this Convention within the jurisdiction of a Member State shall be prohibited and appropriate sanctions will be carried out according to the law itself. When a breach occurs the Member State must act according to its own laws or facilitate the administration of boat information and evidence in its possession which has violated the Convention.

In the case of a ship:

- The law shall be that of government where the offense.
- If the Administration is informed by another State of an offense, are investigating the incident and may request information and evidence to the State on the violation.
- The Administration shall inform the other State and the Organization of measures taken. These measures were taken during the period of one year and may be, warn, detain or refuse entry to its ports Boat.
- Avoid stopping or unduly delay a boat.
- When a ship is unduly detained or delayed, you will be compensated for any loss or damage.

In the case of a ship recycling facility.

- The law shall be that of the State having jurisdiction over the installation.
- If the State is informed by another State of an offense, it will investigate the incident and may request information and evidence to the other State.
- The State shall inform the other State and the Organization of measures taken.

These measures were taken during the period of one year.

According to Article 12 each State shall inform the Organization and the properly distribute the following information.

- List of ship recycling facilities and licensed jurisdiction.
- Contact details of the authorities, including the head.
- List of recognized organizations and inspectors working on behalf of Directors and its responsibilities.
- Annual list of vessels flying the flag of a State to which they have been issued the Certificate of Recycling, including the name of the recycling company and the location of the ship recycling facility set forth in the certificate.
- Annual list of the ships recycled within the jurisdiction of a State.
- Information on violations of the Convention.
- Actions on ships and recycling facilities under the jurisdiction of a State.

According to Article 13, States, directly or through the Organization or other international bodies will support those states requiring assistance regarding security and sustainable ship recycling:

- Personnel training
- Availability of technology, equipment and facilities,
- Research and joint development programs, and
- Effective implementation of the Convention and the guidelines developed by the organization.

6 CONCLUSIONS

The Basel Convention published the ‘Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships’ in 2003 which was a predecessor to the Hong Kong Convention. This document defined the ‘environmentally sound management of ship dismantling’ as: “taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner that will protect human health”.²⁷

²⁷ Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships

The Hong Kong Convention is in place to implement this through legislation and includes the presence of hazards on ships “hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone-depleting substances and others”²⁸

Secretary for Transport & Housing Eva Cheng said: "This significant international convention provides a single regulatory platform needed to address safety, health and environmental issues in the disposal of end-of-life ships. It will help protect the health of workers in recycling yards, reduce damage to the environment and be instrumental to the sustainable development of the shipping industry worldwide."

One of the most important requirements under the new convention is the need to have an updated inventory of hazardous materials aboard a ship so precautionary measures can be taken to protect workers and the environment.

REFERENCES:

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²⁸ <http://www.imo.org>