

Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (Text with EEA relevance)

TITLE I

SUBJECT-MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and purpose

The purpose of this Regulation is to prevent, reduce, minimise and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling. The purpose of this Regulation is to enhance safety, the protection of human health and of the Union marine environment throughout a ship's life-cycle, in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management.

This Regulation also lays down rules to ensure the proper management of hazardous materials on ships.

This Regulation also aims to facilitate the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 ('the Hong Kong Convention').

Article 2

Scope

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

Article 12 shall apply to ships flying the flag of a third country calling at a port or anchorage of a Member State.

2 This Regulation shall not apply to:

- a any warships, naval auxiliary, or other ships owned or operated by a state and used, for the time being, only on government non-commercial service;
- b ships of less than 500 gross tonnage (GT);
- c ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the Member State whose flag the ship is flying.

Article 3

Definitions

1 For the purposes of this Regulation, the following definitions apply:

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1257/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (1) 'ship' means a vessel of any type whatsoever operating or having operated in the marine environment, and includes submersibles, floating craft, floating platforms, self-elevating platforms, Floating Storage Units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), as well as a vessel stripped of equipment or being towed;
- (2) 'new ship' means a ship for which either:
 - (a) the building contract is placed on or after the date of application of this Regulation;
 - (b) in the absence of a building contract, the keel is laid or the ship is at a similar stage of construction six months after the date of application of this Regulation or thereafter; or
 - (c) the delivery takes place thirty months after the date of application of this Regulation or thereafter;
- (3) 'tanker' means an oil tanker as defined in Annex I to the Convention for the Prevention of Pollution from Ships ('MARPOL Convention') or a Noxious Liquid Substances (NLS) tanker as defined in Annex II to that Convention;
- (4) 'hazardous material' means any material or substance which is liable to create hazards to human health and/or the environment;
- (5) 'operationally generated waste' means waste water and residues generated by the normal operation of ships subject to the requirements of the MARPOL Convention;
- (6) 'ship recycling' means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing, for preparation for re-use or for re-use, whilst ensuring the management of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities;
- (7) 'ship recycling facility' means a defined area that is a yard or facility located in a Member State or in a third country and used for the recycling of ships;
- (8) 'ship recycling company' means, the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for the operation of the ship recycling activity from the owner of the ship recycling facility;
- (9) 'administration' means a governmental authority designated by a Member State as being responsible for duties related to ships flying its flag or to ships operating under its authority;
- (10) 'recognised organisation' means an organisation recognised in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council⁽¹⁾;
- (11) 'competent authority' means a governmental authority or authorities designated by a Member State or a third country as responsible for ship recycling facilities, within a specified geographical area or an area of expertise, relating to all operations within the jurisdiction of that state;
- (12) 'gross tonnage' means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention;

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1257/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (13) ‘competent person’ means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work;
- (14) ‘ship owner’ means the natural or legal person registered as the owner of the ship, including the natural or legal person owning the ship for a limited period pending its sale or handover to a ship recycling facility, or, in the absence of registration, the natural or legal person owning the ship or any other organisation or person, such as the manager or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship, and the legal person operating a state-owned ship;
- (15) ‘new installation’ means the installation of systems, equipment, insulation or other material on a ship after the date of application of this Regulation;
- (16) ‘ship recycling plan’ means a plan developed by the operator of the ship recycling facility for each specific ship to be recycled under its responsibility taking into account the relevant IMO guidelines and resolutions;
- (17) ‘ship recycling facility plan’ means a plan prepared by the operator of the ship recycling facility and adopted by the board or the appropriate governing body of the ship recycling company that describes the operational processes and procedures involved in ship recycling at the ship recycling facility and that covers in particular workers’ safety and training, protection of human health and the environment, roles and responsibilities of personnel, emergency preparedness and response, and systems for monitoring, reporting and record-keeping, taking into account the relevant IMO guidelines and resolutions;
- (18) ‘safe-for-entry’ means a space that meets all of the following criteria:
- (a) the oxygen content of the atmosphere and the concentration of flammable vapours are within safe limits;
 - (b) any toxic materials in the atmosphere are within permissible concentrations;
 - (c) any residues or materials associated with the work authorised by the competent person will not produce uncontrolled release of toxic materials or an unsafe concentration of flammable vapours under existing atmospheric conditions while maintained as directed;
- (19) ‘safe-for-hot work’ means a space in which all of the following criteria are met:
- (a) safe, non-explosive conditions, including gas-free status, exist for the use of electric arc or gas welding equipment, cutting or burning equipment or other forms of naked flame, as well as heating, grinding, or spark-generating operations;
 - (b) the safe-for-entry criteria set out in point 18 are met;
 - (c) existing atmospheric conditions do not change as a result of the hot work;
 - (d) all adjacent spaces have been cleaned, rendered inert or treated sufficiently to prevent the start or spread of fire;
- (20) ‘statement of completion’ means a confirmatory statement issued by the operator of the ship recycling facility that the ship recycling has been completed in accordance with this Regulation;

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1257/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (21) ‘inventory certificate’ means a ship-specific certificate that is issued to ships flying the flag of a Member State in accordance with Article 9 and that is supplemented by an inventory of hazardous materials in accordance with Article 5;
- (22) ‘ready for recycling certificate’ means a ship-specific certificate that is issued to ships flying the flag of a Member State in accordance with Article 9(9) and that is supplemented by an inventory of hazardous materials in accordance with Article 5(7) and the approved ship recycling plan in accordance with Article 7;
- (23) ‘statement of compliance’ means a ship-specific certificate that is issued to ships flying the flag of a third country and that is supplemented by an inventory of hazardous materials in accordance with Article 12;
- (24) ‘light displacement tonnes (LDT)’ means the weight of a ship in tonnes without cargo, fuel, lubricating oil in storage tanks, ballast water, fresh water, feedwater, consumable stores, passengers and crew and their effects and it is the sum of the weight of the hull, structure, machinery, equipment and fittings of the ship.
- 2 For the purposes of Article 7(2)(d) and Articles 13, 15 and 16,
- a ‘waste’, ‘hazardous waste’, ‘treatment’ and ‘waste management’ have the same meaning as in Article 3 of Directive 2008/98/EC;
- b ‘site inspection’ means an inspection of the ship recycling facility assessing whether the conditions on site are consistent with those described in any relevant documentation provided;
- c ‘worker’ means any person who performs work, either regularly or temporarily, in the context of an employment relationship, including the personnel working for contractors and subcontractors;
- d ‘environmentally sound management’ means taking all practicable steps to ensure that waste and hazardous materials are managed in a manner which protects human health and the environment against the adverse effects which may result from such materials and waste.
- 3 For the purposes of point 13 of paragraph 1, a competent person may be a trained worker or a managerial employee capable of recognising and evaluating occupational hazards, risks, and employee exposure to potentially hazardous materials or unsafe conditions in a ship recycling facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks or that exposure.

Without prejudice to Directive 2005/36/EC of the European Parliament and of the Council⁽²⁾, the competent authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1257/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (1) Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations ([OJ L 131, 28.5.2009, p. 11](#)).
- (2) Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ([OJ L 255, 30.9.2005, p. 22](#)).

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 1257/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(2)(c) substituted by [S.I. 2019/277 reg. 6\(2\)\(c\)](#)
- Art. 2(2)(c) words inserted in earlier amending provision S.I. 2019/277, reg. 6(2)(c) by [S.I. 2020/1429 reg. 4\(b\)](#)
- Art. 3(2)(a) words omitted by [S.I. 2019/277 reg. 6\(3\)\(b\)](#)
- Art. 3(2)(aa) inserted by [S.I. 2019/277 reg. 6\(3\)\(c\)](#)
- Art. 3.1(7) words omitted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(i\)](#)
- Art. 3.1(9) word substituted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(ii\)](#)
- Art. 3.1(11) word substituted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(iii\)](#)
- Art. 3.1(21) words omitted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(iv\)](#)
- Art. 3.1(22) words omitted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(v\)](#)
- Art. 3.1(23) substituted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(vi\)](#)
- Art. 3.1(25)-(30) inserted by [S.I. 2019/277 reg. 6\(3\)\(a\)\(vii\)](#)
- Art. 6(2)(a) words substituted by [S.I. 2019/277 reg. 6\(6\)\(a\)](#)
- Art. 8(7)(c) words inserted by [S.I. 2019/277 reg. 6\(8\)\(b\)](#)
- Art. 9(10)(11) substituted for words in Art. 9(9) by [S.I. 2019/277 reg. 6\(9\)\(b\)](#)
- Art. 12(7A) inserted by [S.I. 2019/277 reg. 6\(11\)\(g\)](#)
- Art. 15(2)(c) words substituted by [S.I. 2019/277 reg. 6\(14\)\(c\)\(ii\)](#)
- Art. 16(7) inserted by S.I. 2019/277, reg. 6(15) (as amended) by [S.I. 2020/1429 reg. 4\(g\)](#)
- Art. 32(2)(b) substituted by [S.I. 2019/277 reg. 6\(17\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/277, reg. 6(17)(a) omitted immediately before IP completion day by S.I. 2020/1429, regs. 1, 4(h))
- Art. 33 inserted by [S.I. 2019/277 reg. 6\(18\)](#)