標題

シップリサイクルに関する欧州規則について

ClassNK

テクニカル
インフォメーション

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各位

2013年12月30日に、シップリサイクルに関する欧州規則が発効しました。これにより、EU籍船及びEU 加盟国に寄港する非 EU 籍船に対して「インベントリ」(船内に存在する有害物質の種別や概算量、所在位置などを示した一覧表)の備え置き等が義務化されることになります。規則の概要について以下のとおりお知らせいたします。

1. シップリサイクルに関する欧州規則の概要
同規則は、基本的にシップリサイクル条約に沿った内容となっており、1)船舶、2)船舶リサイクル施設および 3)船舶リサイクル時の手続きに関して要件が課されています。内容は以下のとおりです。

(1) 規則の名称
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

(2) 適用船舶(Article2)
同規則は、EU 籍船及び EU 加盟国に寄港する非 EU 籍船に適用されます(国際総トン数500トン以上の商用船に限る)。ただし、非EU籍船への規制内容は、有害物質の搭載制限、インベントリの備え置き義務、EU 加盟国への寄港時の PSC への対応義務にとどまり、EU籍船と比較すると規制内容は限定的です。

(3) 有害物質の搭載禁止(Article 4)
同規則の附属書 I (ANNEX I)に掲載されている物質の船舶への搭載が禁止・制限されます。シップリサイクル条約の搭載禁止物質に比べると、ペルフルオロオクタンスルホン酸(PFOS)が追加された内容となっています。

船舶への搭載が禁止・制限される物質(ANNEX I)

アスベスト、オゾン層破壊物質、ポリ塩化ビフェニル(PCB)、防汚化合物と防汚方法、ペルフルオロオクタンスルホン酸(PFOS)*

*PFOS は非 EU 籍船には適用除外

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NOTES:

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(4) インベントリ（IHM）の備え置き

船舶には、インベントリ（IHM）を備え置くとともに、適宜更新を行うことが要求されます。また、船舶解撤時には IHM の最終化を行い、完成したインベントリを船舶リサイクル施設に提供することが要求されます。同規則の ANNEX II に IHM に記載すべき物質が掲載されており、シップリサイクル条約の IHM 記載対象物質に比べて、臭素系難燃剤 HBCDD が追加された内容となっています。また、現存船については、ANNEX I 掲載物質以外のものについては「可能な限り」対応すればよいこととなっています。

インベントリ（IHM）に記載すべき物質（ANNEX II）

ANNEX I 掲載物質、カドミウム、六価クロム、鉛、水銀、PBB、PBDE、ポリ塩化ナフタレン、放射性物質、一部の短鎖型塩化パラフィン、臭素系難燃剤（HBCDD）

IHM の作成・備え置きの期限

分類	定義	IHM 第 I 部作成・備え置き期限
EU 籍新船	以下のいずれかを満たす EU 籍船 a) 適用日後に建造契約が結ばれる船舶 b) 建造契約がない場合、本規則の適用日後 6 ヶ月経過した日以降に起工される船舶またはこれと同等の建造段階にある船舶 c) 適用日後 30 ヶ月経過した日以降に引き渡しが行われる船舶	適用日以降の就航時まで（適用日は、"2. 欧州規則の適用日等について"を参照）
EU 籍現存船	EU 籍新船以外の EU 籍船	2020 年 12 月 31 日まで（2020 年 12 月 31 日までに解撤される場合、解撤前までに作成）
非 EU 籍船	EU 加盟国に寄港・停泊する船舶	2020 年 12 月 31 日まで

(5) 船主に対する義務（Article 6）

上述の、有害物質の搭載禁止、IHM の備え置きに加えて、EU 籍船には、EU リスト（同規則により承認された船舶リサイクル施設のリスト）に掲載された船舶リサイクル施設で船舶解撤を行う義務が課されます。

(6) 船舶リサイクル計画（Article 7）

船舶リサイクル施設は、船主から送付された IHM をもとに船舶リサイクル計画を作成し、リサイクル国の所管官庁から承認を受ける義務が課されます。

（次頁に続く）

(7) 船舶検査（Article 8-Article 11）
船舶が同規則に適合していることを確認するため、船舶の旗国（または代行機関）及び船舶の寄港国により以下の検査が実施されます。

検査の種類	内容	検査実施者
初回検査	IHM の検査、IHM 証書の発行	旗国が運航前に実施
定期検査	IHM の検査、IHM 証書の発行（又は、有効期限 5 か月の延長の裏書。ただし、5 か月以内に新証書と交換。）	旗国が 5 年ごとに実施
追加検査	IHM の検査、IHM 証書の裏書	IHM に影響のある改造等を行った場合であって、船舶所有者からの申し出のあった時に旗国が実施
PSC 検査	IHM 及び IHM 証書の審査	寄港国が寄港時に実施
最終検査	IHM 及び船舶リサイクル計画の検査、リサイクル準備証書の発行	リサイクル開始前に旗国が実施

(8) 非 EU 籍船に対する義務（Article 12）
EU 加盟国に寄港する場合、非 EU 籍船についても IHM の備え置き及び更新が義務付けられます。非 EU 籍船の IHM は、旗国（または代行機関）により検証され、適合鑑定書（Statement of Compliance: SOC）の発給を受ける必要があります。また、EU 加盟国に寄港する際に PSC 検査への対応が必要になります。

(9) 船舶リサイクル施設の要件（Article 13）
船舶リサイクル施設は、シップリサイクル条約における施設要件に加え、以下の要件を満たすことが要求されます。なお、いわゆるビーチング方式（船舶を砂浜に乗り上げさせて解体する方法）がこれら要件を満たすのかについての解釈は今後の議論に委ねられています。

[船舶リサイクル施設要件]
- 特に、潮間帯において、いかなる物質の排出・流出も管理できることを証明。
- 有効な排水システムを備えた非浸透性の床の上でのみ有害物質・廃棄物を扱うこと。

[最終処分施設の要件]
- EU 域内法改正法案と同等の基準に従って最終処分がされていることを船舶リサイクル施設が証明すること（Article 15）。

（次頁に続く）

(10) 船舶リサイクル施設の承認（Article 14、Article 15）

船舶リサイクル施設が承認され、EUリストに掲載されるためには以下の手続きが必要になります。また、欧州委員会（EC）が、船舶リサイクル施設の承認に関して技術ガイドラインを発行することが認められています。

[EU 域内に所在する船舶リサイクル施設]

船舶リサイクル施設の所在する個別 EU 国により、当該施設が、Article 13 の施設要件を満たすことについての承認が行われ、その旨を個別 EU 国が EC（欧州委員会）に通知することによって当該施設は EU リストに掲載される。

[EU 域外に所在する船舶リサイクル施設]

船舶リサイクル施設が、所在国の国内規制の施設要件を満たすことについて所在国政府の承認を受けた上で、当該施設による申請と Independent verifier（EC が認める独立した検証機関）による EU 域内法 Article13 の施設要件についての審査・現場調査を経て、EC により承認されれば、当該施設は EU リストに掲載される。

(11) EU リストの発行（Article 16）

EC は、Article 13 の要件を満たす船舶リサイクル施設のリスト（EU リスト）を作成し、2016 年 12 月 31 日までに当該リストを EU 官報に掲載するとともに EC のウェブサイトで公表することになっています。

(12) ファイナンシャルインセンティブ（Article 29）

EC は、2016 年 12 月 31 日までに、安全で環境上健全なシップリサイクルに向けた経済的インセンティブを活用した促進策の実現可能性について、欧州議会及び EU 理事会に報告することになっています。

2. 欧州規則の適用日等について（Article31、Article32）

同規則の適用日は以下のように規定されています。

(1) 発効日:2013 年 12 月 30 日（官報掲載から 20 日後）

(2) 適用日（実際に規則が効力を発揮する日）:

同規則は、2015 年 12 月 31 日以降で、EU リスト掲載施設の解撤能力が 250 万 LDT を超えた日から 6 か月後、もしくは、2018 年 12 月 31 日のいずれか早い日から適用されます。ただし、以下の規定についてはこれによらず、以下に記載する日から適用されます。

(i) 船舶リサイクル施設が、EU リスト掲載のために満たさなければならない要件に関する規定及び EU が EU リストを発行するための規定（Article 13-16、25, 26）については 2014 年 12 月 31 日から適用（この規定により、最短の場合、EU リストは 2014 年 12 月 31 日に発行される可能性がある。EU リスト発行後は、リストに掲載された施設でリサイクルする欧州籍船には IHM が要求される）。

（次頁に続く）

(ii) EU 籍現存船への IHM 備え置き義務に関する規定及び EU 加盟国に寄港する非 EU 籍船への IHM 備え置き義務に関する規定（Article5 及び Article12 の一部）については 2020 年 12 月 31 日から適用。

3. これまでに弊会が適合鑑定書（Statement of Fact: SOF）を発行した IHM の取り扱いについて

欧州規則により、シップリサイクル条約の IHM 記載対象物質に PFOS 及び HBCDD の 2 物質が追加されることになります。これを受け、これまでに弊会がインベントリ（IHM）適合鑑定書（Statement of Fact: SOF）を発行した IHM について以下の措置が必要になります。

(1) EU 籍船の IHM

これまでに弊会が SOF を発行した EU 籍現存船の IHM については、欧州規則に適合するために PFOS の調査が必要になります（PFOS は、EU 籍船にのみ適用であり、また、HBCDD は義務ではないため）。尚、対応方法については、別途お知らせします。

(2) 非 EU 籍船の IHM

これまでに弊会が SOF を発行した非 EU 籍現存船の IHM については、PFOS が適用除外であるため、現状のままで欧州規則に適合していると判断いたします。

また、欧州規則に対応して備え置きが必要になる IHM 証書や適合鑑定書（Statement of Compliance: SOC）の発行等については、これまでに弊会が発行した SOF が有効に活用できるよう旗国等に対して詳細を調査しているところであり、改めてお知らせします。

4. PrimeShip-GREEN/SRM の機能拡張

弊会は、新造船のインベントリ作成を支援するシステム PrimeShip-GREEN/SRM をインターネット上で提供しておりますが、欧州規則により追加される PFOS 及び HBCDD に対応する機能を早急に整備し、今後、建造される新造船への対応を行います。

5. 欧州規則で追加される 2 物質について

(1) PFOS（ペルフルオロオクタンスルホン酸）

PFOS は、界面活性剤等に使用される物質であり、船舶では、泡消火剤に使用されていたとの報告があります。2009 年 5 月のストックホルム条約締約国会議において廃絶が決定され、日本でも、2010 年 4 月に化審法第一種特定化学物質に指定され製造・使用・輸出入が禁止されています。

（次頁に続く）

(2) HBCDD（ヘキサブロモシクロドデカン）
HBCDD は、臭素系難燃剤として使用される物質であり、主に、発泡ポリスチレン（発泡スチロール）及び繊維に使用されており、船舶では、液化ガスタンク、冷蔵庫等の断熱材中に使用されていたとの報告があります。HBCDD は、2013 年 4 月のストックホルム条約締約国会議において正式に廃絶が決定され、日本でも、化審法第一種特定化学物質に指定されることが決定されており、2014 年中には製造・使用・輸出入が禁止される見込みです。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

[シップリサイクルに関する欧州規則について]
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[インベントリに関する適合鑑定書について]
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◇2018 年 3 月 31 日までの担当部署
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添付:

1. シップリサイクルに関する欧州規則（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）

I

(Legislative acts)

REGULATIONS

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)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) Ships which constitute waste and which are subject to a transboundary movement for recycling are regulated by the Basel Convention of 22 March 1989 on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal ('the Basel Convention') and Regulation (EC) No 1013/2006 of the European Parliament and of the Council ([3]). Regulation (EC) No 1013/2006 implements the Basel Convention as well as an amendment ([4]) to that Convention adopted in 1995, which has not yet entered into force at international level, and which establishes a ban on exports of hazardous waste to countries that are not members of the Organisation for Economic Cooperation and Development (OECD). Such ships are generally classified as hazardous waste and prohibited from being exported from the Union for recycling in facilities in countries that are not members of the OECD.

(2) The mechanisms for monitoring the application of, and enforcing the current Union and international law are not adapted to the specificities of ships and international shipping. Efforts involving inter-agency cooperation between the International Labour Organisation (ILO), the International Maritime Organisation (IMO) and the Secretariat of the Basel Convention have been successful in reaching agreement on the introduction of mandatory requirements, at global level, aimed at ensuring an efficient and effective solution to unsafe and unsound ship recycling practices in the form of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships ('the Hong Kong Convention').

(3) Current ship recycling capacity in OECD countries which is legally accessible to ships flying the flag of a Member State is insufficient. Current safe and environmentally sound ship recycling capacity in countries which are not members of the OECD is sufficient to treat all ships flying the flag of a Member State and is expected to expand further by 2015 as the results of actions taken by recycling countries to meet the requirements of the Hong Kong Convention.

(4) The Hong Kong Convention was adopted on 15 May 2009 under the auspices of the International Maritime Organization. The Hong Kong Convention will enter into force only 24 months after the date of ratification by at least 15 states representing a combined merchant fleet of at least 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same states. That Convention covers the design, the

([1]) OJ C 299, 4.10.2012, p. 158.
([2]) Position of the European Parliament of 22 October 2013 (not yet published in the Official Journal) and decision of the Council of 15 November 2013.
([3]) Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).
([4]) Amendment to the Basel Convention ('Ban amendment') adopted by Decision III/1 of the Parties to the Basel Convention.

construction, the operation and the preparation of ships with a view to facilitating safe and environmentally sound recycling without compromising ship safety and operational efficiency. It also covers the operation of ship recycling facilities in a safe and environmentally sound manner, and the establishment of an appropriate enforcement mechanism for ship recycling.

(5) This Regulation is aimed at facilitating early ratification of the Hong Kong Convention both within the Union and in third countries by applying proportionate controls to ships and ship recycling facilities on the basis of that Convention.

(6) The Hong Kong Convention provides explicitly for its Parties to take more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimise any adverse effects on human health and the environment. Taking that into account, this Regulation should provide protection from the possible adverse effects of hazardous materials on board all ships calling at a port or anchorage of a Member State while ensuring compliance with the provisions applicable to those materials under international law. In order to ensure the monitoring of compliance with the requirements relating to hazardous materials under this Regulation, Member States should apply national provisions to implement Directive 2009/16/EC of the European Parliament and of the Council [1]. Currently, port State control inspectors are tasked with the inspection of certification and with active testing for hazardous materials, including asbestos, under the International Convention for the Safety of Life at Sea ('SOLAS'). The Paris Memorandum of Understanding on Port State Control provides a harmonised approach for those activities.

(7) The purpose of this Regulation is also to reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the workplace and environmental standards and to direct ships flying the flag of a Member State to ship recycling facilities that practice safe and environmentally sound methods of dismantling ships instead of directing them to substandard sites as is currently the practice. The competitiveness of safe and environmentally sound recycling and treatment of ships in ship recycling facilities located in a Member State would thereby also be increased. The establishment of a European List of ship recycling facilities ('the European List') fulfilling the requirements set out in this Regulation would contribute to those objectives as well as to better enforcement by facilitating the control of ships going for recycling by the Member State whose flag the ship is flying. Those requirements for ship recycling facilities should be based on the requirements of the Hong Kong Convention. In this regard, ship recycling facilities approved in accordance with this Regulation should meet the necessary requirements to ensure protection of the environment, the health and safety of workers and the environmentally sound management of the waste recovered from recycled ships. For ship recycling facilities located in a third country, the requirements should achieve a high level of protection of human health and the environment that is broadly equivalent to that in the Union. Ship recycling facilities which do not meet those minimum requirements should therefore not be included in the European List.

(8) The principle of equality in Union law should be applied and its application monitored, in particular when establishing and updating the European List in respect of ship recycling facilities located in a Member State and ship recycling facilities located in a third country fulfilling the requirements set out in this Regulation.

(9) Member States are encouraged to adopt appropriate measures to ensure that ships excluded from the scope of this Regulation act in a manner that is consistent with this Regulation, in so far as is reasonable and practicable.

(10) In order to avoid duplication, it is necessary to exclude ships flying the flag of a Member State falling under the scope of this Regulation from the scope of application of Regulation (EC) No 1013/2006 and of Directive 2008/98/EC of the European Parliament and of the Council [2] respectively. Regulation (EC) No 1013/2006 applies to shipments of waste from the Union, subject to exclusions for certain categories of waste where an alternative regime applies. This Regulation subjects ships within its scope to controls throughout their life-cycle and aims to secure recycling of those ships in an environmentally sound manner. It is therefore appropriate to specify that a ship subject to the alternative control regime throughout its life-cycle under this Regulation should not be subject to Regulation (EC) No 1013/2006. Ships neither covered by the scope of the Hong Kong Convention nor by this Regulation, and any waste on board of a ship other than operationally generated waste, should continue to be subject to Regulation (EC) No 1013/2006 and to Directives 2008/98/EC and 2008/99/EC of the European Parliament and of the Council [3], respectively.

(11) It is also acknowledged that ships continue to be subject to other international conventions to ensure their safe operation at sea during the operational part of their life-cycle and, although they can exercise certain navigational rights and freedoms, ships are required to

[1] Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

[2] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

[3] Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

provide prior notice of entry into ports. Member States should be able to choose to apply further controls in accordance with other international treaties. Additional transit controls are therefore not considered necessary under this Regulation.

(12) When interpreting the requirements of this Regulation, consideration should be given to the guidelines developed by the IMO ('IMO guidelines') to support the Hong Kong Convention.

(13) For the purposes of this Regulation, the term 'recycling' should not have the same meaning as defined in Directive 2008/98/EC. This Regulation should therefore introduce a specific definition for the term 'ship recycling'.

(14) Regulation (EC) No 1272/2008 of the European Parliament and of the Council [1] implements at Union level the Globally Harmonised System for the classification and labelling of chemicals. That Regulation, together with Council Directive 67/548/EEC [2] and Directive 1999/45/EC of the European Parliament and of the Council [3], provides useful guidance in determining what constitutes a hazardous material.

(15) Keeping an inventory of hazardous materials on board a ship throughout its life-cycle is a key requirement laid down in the Hong Kong Convention and in this Regulation. In accordance with Regulation 8(2) of the Hong Kong Convention, a ship destined to be recycled should minimise the amounts of operationally generated waste in the period prior to entering the ship recycling facility. If the operationally generated waste is intended for delivery with the ship to a ship recycling facility, the approximate quantities and locations of that waste should be listed in Part II of the inventory.

(16) Member States should take measures to prevent circumvention of ship recycling rules and to enhance transparency of ship recycling. As provided for in the Hong Kong Convention, Member States should report information concerning ships to which an inventory certificate has been issued, ships for which a statement of completion has been received and information regarding illegal ship recycling and follow-up actions that they have undertaken.

(17) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those penalties are applied so as to prevent circumvention of ship recycling rules. The penalties, which may be of a civil or administrative nature, should be effective, proportionate and dissuasive.

(18) In accordance with the case-law of the Court of Justice, the courts of the Member States are required to interpret, to the fullest extent possible, the procedural rules relating to the conditions to be met in order to bring administrative or judicial proceedings in accordance with the objectives of Article 9(3) of the Aarhus Convention.

(19) In the interest of protecting human health and the environment and having regard to the 'polluter pays' principle, the Commission should assess the feasibility of establishing a financial mechanism applicable to all ships calling at a port or anchorage of a Member State, irrespective of the flag they are flying, to generate resources that would facilitate the environmentally sound recycling and treatment of ships without creating an incentive to out-flag.

(20) In order to take into account developments regarding the Hong Kong Convention, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the updating of Annexes I and II to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(21) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council [4].

(22) Since the objective of this Regulation, namely to prevent, reduce or eliminate adverse effects on human health and the environment caused by the recycling, operation and maintenance of ships flying the flag of a Member State, cannot be sufficiently achieved by the Member States due to the international character of shipping and ship recycling, but can rather by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

[1] Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

[2] Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1).

[3] Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.7.1999, p. 1).

[4] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAVE ADOPTED THIS REGULATION:

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:

(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;

(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;

(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;

[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).

(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 [1], the competent authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.

TITLE II

SHIPS

Article 4

Control of hazardous materials

The installation or use of hazardous materials referred to in Annex I on ships shall be prohibited or restricted as specified in Annex I, without prejudice to other requirements of relevant Union law which may require further measures.

Article 5

Inventory of hazardous materials

1. Each new ship shall have on board an inventory of hazardous materials, which shall identify at least the hazardous materials referred to in Annex II and contained in the structure or equipment of the ship, their location and approximate quantities.

2. Subject to point (b) of Article 32(2), existing ships shall comply, as far as practicable, with paragraph 1.

In the case of ships going for recycling, they shall comply, as far as practicable, with paragraph 1 of this Article from the date of the publication of the European List of ship recycling facilities ('the European List') as set out in Article 16(2).

Subject to point (b) of Article 32(2), when the inventory of hazardous materials is developed it shall identify, at least, the hazardous materials listed in Annex I.

3. The inventory of hazardous materials shall:

(a) be specific to each ship;

(b) provide evidence that the ship complies with the prohibition or restrictions on installing or using hazardous materials in accordance with Article 4;

(c) be compiled taking into account the relevant IMO guidelines;

(d) be verified either by the administration or a recognised organisation authorised by it.

4. In addition to paragraph 3, for existing ships a plan shall be prepared describing the visual or sampling check by which the inventory of hazardous materials is developed and taking into account the relevant IMO guidelines.

5. The inventory of hazardous materials shall consist of three parts:

(a) a list of hazardous materials referred to in Annexes I and II, in accordance with the provisions of paragraphs 1 and 2 of this Article, and contained in the structure or equipment of the ship, with an indication of their location and approximate quantities (Part I);

[1] 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).

(b) a list of the operationally generated waste present on board the ship (Part II);

(c) a list of the stores present on board the ship (Part III).

6. Part I of the inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex II and relevant changes in the structure and equipment of the ship.

7. Prior to recycling, and taking into account the relevant IMO guidelines, the inventory of hazardous materials shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated waste and Part III for stores, and be verified by the administration or a recognised organisation authorised by it.

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning the updating of the list of items for the inventory of hazardous materials in Annexes I and II to ensure that the lists include at least the substances listed in Appendices I and II of the Hong Kong Convention.

The Commission shall adopt a separate delegated act in respect of each substance to be added or deleted from Annexes I or II.

Article 6

General requirements for ship owners

1. When preparing to send a ship for recycling, ship owners shall:

(a) provide the operator of the ship recycling facility with all ship-relevant information, necessary for the development of the ship recycling plan set out in Article 7;

(b) notify in writing the relevant administration, within a timeframe to be determined by that administration, of the intention to recycle the ship in a specified ship recycling facility or facilities. The notification shall include at least:

(i) the inventory of hazardous materials; and

(ii) all ship-relevant information provided under point (a).

2. Ship owners shall ensure that ships destined to be recycled:

(a) are only recycled at ship recycling facilities that are included in the European List;

(b) conduct operations in the period prior to entering the ship recycling facility in such a way as to minimise the amount of cargo residues, remaining fuel oil, and ship generated waste remaining on board;

(c) hold a ready for recycling certificate issued by the administration or a recognised organisation authorised by it prior to any recycling of the ship and after the receipt of the ship recycling plan approved in accordance with Article 7(3).

3. Ship owners shall ensure that tankers arrive at the ship recycling facility with cargo tanks and pump rooms in a condition ready for certification as safe-for-hot work.

4. Ship owners shall provide the operator of the ship recycling facility with a copy of the ready for recycling certificate issued in accordance with Article 9.

5. Ship owners shall be responsible for the ship and shall make arrangements to maintain that ship in compliance with the requirements of the administration of the Member State whose flag the ship is flying up until such time as the operator of the ship recycling facility accepts responsibility for that ship. The operator of the ship recycling facility may decline to accept the ship for recycling if the condition of the ship does not correspond substantially with the particulars of the inventory certificate, including where Part I of the inventory of hazardous materials has not been properly maintained and updated, reflecting changes in the ship's structure and equipment. In such circumstances, the ship owner shall retain responsibility for that ship and shall inform the administration thereof without delay.

Article 7

Ship recycling plan

1. A ship-specific ship recycling plan shall be developed prior to any recycling of a ship. The ship recycling plan shall address any ship-specific considerations that are not covered in the ship recycling facility plan or that require special procedures.

2. The ship recycling plan shall:

(a) be developed by the operator of the ship recycling facility in accordance with the relevant provisions of the Hong Kong Convention and taking into account the relevant IMO guidelines and the ship-relevant information provided by the ship owner in accordance with Article 6(1)(a) so that its contents are consistent with the information contained in the inventory of hazardous materials;

(b) clarify whether and to what extent any preparatory work, such as pre-treatment, identification of potential hazards and removal of stores, is to take place at a location other than the ship recycling facility identified in the ship recycling plan. The ship recycling plan should include the location where the ship will be placed during recycling operations and a concise plan for the arrival and safe placement of the specific ship to be recycled;

(c) include information concerning the establishment, maintenance and monitoring of the safe-for-entry and safe-for-hot work conditions for the specific ship, taking into account features such as its structure, configuration and previous cargo, and other necessary information on how the ship recycling plan is to be implemented;

(d) include information on the type and amount of hazardous materials and of waste to be generated by the recycling of the specific ship, including the materials and the waste identified in the inventory of hazardous materials, and on how they will be managed and stored in the ship recycling facility as well as in subsequent facilities; and

(e) be prepared separately, in principle, for each ship recycling facility involved where more than one ship recycling facility is to be used, and identify the order of use and the authorised activities that will occur at those facilities.

3. The ship recycling plan shall be tacitly or explicitly approved by the competent authority in accordance with the requirements of the state where the ship recycling facility is located, where applicable.

Explicit approval shall be given when the competent authority sends a written notification of its decision on the ship recycling plan to the operator of the ship recycling facility, the ship owner and the administration.

Tacit approval shall be deemed given, if no written objection to the ship recycling plan is communicated by the competent authority to the operator of the ship recycling facility, the ship owner and the administration within a review period laid down in accordance with the requirements of the state where the ship recycling facility is located, where applicable, and notified in accordance with Article 15(2)(b).

4. Member States may require their administration to send to the competent authority of the state where the ship recycling facility is located the information provided by the ship owner pursuant to Article 6(1)(b) and the following details:

(i) the date on which the ship was registered within the State whose flag it flies;

(ii) the ship's identification number (IMO number);

(iii) the hull number on new-building delivery;

(iv) the name and type of the ship;

(v) the port at which the ship is registered;

(vi) the name and address of the ship owner as well as the IMO registered owner identification number;

(vii) the name and address of the company;

(viii) the name of any classification societies with which the ship is classed;

(ix) the ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), LDT, Gross and Net tonnage, and engine type and rating).

Article 8

Surveys

1. Surveys of ships shall be carried out by officers of the administration, or of a recognised organisation authorised by it, taking into account the relevant IMO guidelines.

2. Where the administration uses recognised organisations to conduct surveys, as described in paragraph 1, it shall, as a minimum, empower such recognised organisations to:

— require a ship that they survey to comply with this Regulation; and

— carry out surveys if requested by the appropriate authorities of a Member State.

3. Ships shall be subject to the following surveys:

(a) an initial survey;

(b) a renewal survey;

(c) an additional survey;

(d) a final survey.

4. The initial survey of a new ship shall be conducted before the ship is put in service, or before the inventory certificate is issued. For existing ships, an initial survey shall be conducted by 31 December 2020. The survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.

5. The renewal survey shall be conducted at intervals specified by the administration, which shall not exceed five years. The renewal survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.

6. The additional survey, either general or partial depending on the circumstances, shall be conducted if requested by the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the inventory of hazardous materials. The survey shall be such as to ensure that any change, replacement, or significant repair has been made in a manner that ensures that the ship continues to comply with the requirements of this Regulation, and that Part I of the inventory of hazardous materials is amended as necessary.

7. The final survey shall be conducted prior to the ship being taken out of service and before the recycling of the ship has started.

That survey shall verify that:

(a) the inventory of hazardous materials complies with the requirements of Article 5;

(b) the ship recycling plan properly reflects the information contained in the inventory of hazardous materials and complies with the requirements of Article 7;

(c) the ship recycling facility where the ship is to be recycled is included in the European List.

8. For existing ships intended for ship recycling, the initial survey and the final survey may be conducted at the same time.

Article 9

Issuance and endorsement of certificates

1. After successful completion of an initial or renewal survey, the administration or a recognised organisation authorised by it shall issue an inventory certificate. That certificate shall be supplemented by Part I of the inventory of hazardous materials, referred to in Article 5(5)(a).

Where the initial survey and the final survey are conducted at the same time as provided for in Article 8(8), only the ready for recycling certificate referred to in paragraph 9 of this Article shall be issued.

The Commission shall adopt implementing acts to establish the format of the inventory certificate to ensure it is consistent with Appendix 3 to the Hong Kong Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25 of this Regulation.

2. An inventory certificate shall be endorsed at the request of the ship owner either by the administration or by a recognised organisation authorised by it after successful completion of an additional survey conducted in accordance with Article 8(6).

3. Subject to paragraph 4, the administration or recognised organisation authorised by it shall issue or endorse, as appropriate, an inventory certificate, where the renewal survey is successfully completed:

(a) in the three month period before the expiry date of the existing inventory certificate, and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing one;

(b) after the expiry date of the existing inventory certificate, and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing one;

(c) more than three months before the expiry date of the existing inventory certificate, and the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

4. Where a renewal survey has been successfully completed and a new inventory certificate cannot be issued or placed on board before the expiry date of the existing certificate, the administration or recognised organisation authorised by it shall endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the date of expiry.

5. In case of an inventory certificate issued for a period of less than five years, the administration or the recognised organisation authorised by it may extend the validity of the existing certificate for a further period which shall not exceed five years.

6. In special circumstances as determined by the administration, a new inventory certificate need not be dated from the date of expiry of the existing certificate as required by points (a) and (b) of paragraph 3 and paragraphs 7 and 8. In those circumstances, the new certificate shall be valid for a period not exceeding five years from the date of completion of the renewal survey.

7. Where a ship is not at the port or anchorage where it is to be surveyed when the inventory certificate expires, the administration may, if it is proper to do so, extend the period of validity of the inventory certificate for a period not exceeding three months to enable the ship to complete its voyage to the port in which it is to be surveyed. Any such extension granted shall be conditional on the survey being completed at that port before the ship leaves. A ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled, by virtue of such extension, to leave the port without having a new certificate. When the renewal survey is completed, the new inventory certificate shall be valid for a period not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

8. An inventory certificate for a ship engaged on short voyages and which has not been extended under the conditions referred to in paragraph 7 may be extended by the administration for a period of grace of up to one month from its expiry. When the renewal survey is completed, the new inventory certificate shall be valid for a period not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

9. After successful completion of a final survey in accordance with Article 8(7), the administration or a recognised organisation authorised by it shall issue a ready for recycling certificate. That certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan.

The Commission shall adopt implementing acts to establish the format of the ready for recycling certificate to ensure it is consistent with Appendix 4 to the Hong Kong Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25 of this Regulation. A ready for recycling certificate issued after a final survey in accordance with the first subparagraph of this paragraph shall be accepted by the other Member States and regarded for the purposes of this Regulation as having the same validity as a ready for recycling certificate issued by them.

Article 10

Duration and validity of certificates

1. Subject to Article 9, an inventory certificate shall be issued for a period specified by the administration, which shall not exceed five years.

2. An inventory certificate issued or endorsed under Article 9 shall cease to be valid in any of the following cases:

(a) if the condition of the ship does not correspond substantially with the particulars of that inventory certificate, including where Part I of the inventory of hazardous materials has not been properly maintained and updated, reflecting changes in ship structure and equipment, taking into account the relevant IMO guidelines;

(b) where the renewal survey is not completed within the intervals specified in Article 8(5).

3. A ready for recycling certificate shall be issued by the administration or by a recognised organisation authorised by it for a period not exceeding three months.

4. A ready for recycling certificate issued under Article 9(9) shall cease to be valid where the condition of the ship does not correspond substantially with the particulars of the inventory certificate.

5. By way of derogation from paragraph 3, the ready for recycling certificate may be extended by the administration or by a recognised organisation authorised by it for a single point to point voyage to the ship recycling facility.

Article 11

Port State control

1. Member States shall apply control provisions for ships in accordance with their national law having regard to Directive 2009/16/EC. Subject to paragraph 2, any such inspection shall be limited to checking that either an inventory certificate or a ready for recycling certificate is kept on board, which, if valid, shall be considered sufficient for the inspection to be approved.

2. A detailed inspection may be carried out by the relevant authority involved in port State control activities, taking into account the relevant IMO guidelines, where a ship does not carry a valid certificate or there are clear grounds for believing either that:

(a) the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate, Part I of the inventory of hazardous materials, or both; or

(b) there is no procedure implemented on board the ship for the maintenance of Part I of the inventory of hazardous materials.

3. A ship may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the inventory certificate or the ready for recycling certificate, as appropriate and on request of those authorities, without prejudice to Article 9. A Member State taking such action shall immediately inform the administration concerned. Failure to update the inventory of hazardous materials shall not constitute a detainable deficiency, but any inconsistencies in the inventory of hazardous materials shall be reported to the administration concerned and shall be rectified at the time of the next survey.

4. Access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of that Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

Article 12

Requirements for ships flying the flag of a third country

1. Subject to point (b) of Article 32(2), when calling at a port or anchorage of a Member State, a ship flying the flag of a third country shall have on board an inventory of hazardous materials that complies with Article 5(2).

Notwithstanding the first subparagraph, access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of that Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

2. The installation of hazardous materials referred to in Annex I on ships flying the flag of a third country, whilst in a port or anchorage of a Member State, shall be prohibited or restricted as specified in Annex I.

The use of hazardous materials referred to in Annex I on ships flying the flag of a third country, whilst in a port or anchorage of a Member State, shall be prohibited or restricted as specified in Annex I, without prejudice to the exemptions and transitional arrangements applicable to those materials under international law.

3. The inventory of hazardous materials shall be specific to each ship, be compiled taking into account the relevant IMO guidelines and serve to clarify that the ship complies with paragraph 2 of this Article. When the inventory of hazardous materials is developed it shall identify, at least, the hazardous materials listed in Annex I. A plan shall be established by the ship flying the flag of a third country describing the visual/sampling check by which the inventory of hazardous materials is developed taking into account the relevant IMO guidelines.

4. The inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex II and relevant changes in the structure and equipment of the ship, taking into account the exemptions and transitional arrangements applicable to those materials under international law.

5. A ship flying the flag of a third country may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities of that Member State a copy of the statement of compliance in accordance with paragraphs 6 and 7, together with the inventory of hazardous materials, as appropriate and on request from those authorities. A Member State taking such action shall immediately inform the relevant authorities of the third country whose flag the ship concerned is flying. Failure to update the inventory of hazardous materials shall not constitute a detainable deficiency, but any inconsistencies in the inventory of hazardous materials shall be reported to the relevant authorities of the third country whose flag that ship is flying.

6. The statement of compliance shall be issued after verification of the inventory of hazardous materials by the relevant authorities of the third country whose flag the ship is flying or an organisation authorised by them, in accordance with the national requirements. The statement of compliance may be modelled on the basis of Appendix 3 to the Hong Kong Convention.

7. The statement of compliance and the inventory of hazardous materials shall be drawn up in an official language of the issuing relevant authorities of the third country whose flag the ship is flying and where the language used is not English, French or Spanish, the text shall include a translation into one of those languages.

8. Subject to point (b) of Article 32(2), ships flying the flag of a third country applying to be registered under the flag of a Member State shall ensure that an inventory of hazardous materials, as provided for in Article 5(2), is kept on board or is established within six months of the registration under the flag of that Member State or during any of the next surveys under Article 8(3), whichever comes first.

TITLE III

SHIP RECYCLING FACILITIES

Article 13

Requirements necessary for ship recycling facilities to be included in the European List

1. In order to be included in the European List, a ship recycling facility shall comply with the following requirements, in accordance with the relevant Hong Kong Convention provisions and taking into account the relevant guidelines of the IMO, the ILO, the Basel Convention and of the Stockholm Convention on Persistent Organic Pollutants and of other international guidelines:

(a) it is authorised by its competent authorities to conduct ship recycling operations;

(b) it is designed, constructed and operated in a safe and environmentally sound manner;

(c) it operates from built structures;

(d) it establishes management and monitoring systems, procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating:

(i) health risks to the workers concerned and to the population in the vicinity of the ship recycling facility, and

(ii) adverse effects on the environment caused by ship recycling;

(e) it prepares a ship recycling facility plan;

(f) it prevents adverse effects on human health and the environment, including the demonstration of the control of any leakage, in particular in intertidal zones;

(g) it ensures safe and environmentally sound management and storage of hazardous materials and waste, including:

(i) the containment of all hazardous materials present on board during the entire ship recycling process so as to prevent any release of those materials into the environment; and in addition, the handling of hazardous materials, and of waste generated during the ship recycling process, only on impermeable floors with effective drainage systems;

(ii) that all waste generated from the ship recycling activity and their quantities are documented and are only transferred to waste management facilities, including waste recycling facilities, authorised to deal with their treatment without endangering human health and in an environmentally sound manner;

(h) it establishes and maintain an emergency preparedness and response plan; ensures rapid access for emergency response equipment, such as fire-fighting equipment and vehicles, ambulances and cranes, to the ship and all areas of the ship recycling facility;

(i) it provides for worker safety and training, including ensuring the use of personal protective equipment for operations requiring such use;

(j) it establishes records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, reports any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers' safety, human health and the environment;

(k) it agrees to comply with the requirements of paragraph 2.

2. The operator of a ship recycling facility shall:

(a) send the ship recycling plan, once approved in accordance with Article 7(3), to the ship owner and the administration or a recognised organisation authorised by it;

(b) report to the administration that the ship recycling facility is ready in every respect to start the recycling of the ship;

(c) when the total or partial recycling of a ship is completed in accordance with this Regulation, within 14 days of the date of the total or partial recycling in accordance with the ship recycling plan, send a statement of completion to the administration which issued the ready for recycling certificate for the ship. The statement of completion shall include a report on incidents and accidents damaging human health and/or the environment, if any.

3. The Commission shall adopt implementing acts to establish the format of:

(a) the report required by point (b) of paragraph 2 of this Article to ensure it is consistent with Appendix 6 to the Hong Kong Convention; and

(b) the statement required by point (c) of paragraph 2 of this Article to ensure it is consistent with Appendix 7 to the Hong Kong Convention.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25 of this Regulation.

Article 14

Authorisation of ship recycling facilities located in a Member State

1. Without prejudice to other relevant provisions of Union law, competent authorities shall authorise ship recycling facilities located on their territory that comply with the requirements set out in Article 13 to conduct ship recycling. That authorisation may be granted to the respective ship recycling facilities for a maximum period of five years and renewed accordingly.

Provided that the requirements of this Regulation are complied with, any permit produced pursuant to other relevant national or Union law provisions may be combined with the authorisation under this Article to form a single permit, where such a format obviates the unnecessary duplication of information and the duplication of work by the operator of the ship recycling facility or the ship recycling company or the competent authority. In those cases the authorisation may be extended in accordance with the permit regime referred to in the first subparagraph, but not exceeding a maximum period of five years.

2. Member States shall establish and update a list of the ship recycling facilities that they have authorised in accordance with paragraph 1.

3. The list referred to in paragraph 2 shall be communicated to the Commission without delay and not later than 31 March 2015.

4. Where a ship recycling facility ceases to comply with the requirements set out in Article 13, the Member State where that ship recycling facility is located shall suspend or withdraw the authorisation given to it or require corrective actions by the ship recycling company concerned and shall inform the Commission thereof without delay.

5. Where a ship recycling facility has been authorised in accordance with paragraph 1, the Member State concerned shall inform the Commission thereof without delay.

Article 15

Ship recycling facilities located in a third country

1. A ship recycling company owning a ship recycling facility located in a third country and intending to recycle ships flying the flag of a Member State shall submit an application to the Commission for inclusion of that ship recycling facility in the European List.

2. The application referred to in paragraph 1 shall be accompanied by evidence that the ship recycling facility concerned complies with the requirements set out in Article 13 in order to conduct ship recycling and to be included in the European List in accordance with Article 16.

In particular, the ship recycling company shall:

(a) identify the permit, license or authorisation granted by its competent authorities to conduct the ship recycling and, where relevant, the permit, license or authorisation granted by the competent authorities to all its contractors and sub-contractors directly involved in the process of ship recycling and specify all information referred to in Article 16(2);

(b) indicate whether the ship recycling plan will be approved by the competent authority through a tacit or explicit procedure, specifying the review period relating to tacit approval, in accordance with national requirements, where applicable;

(c) confirm that it will only accept a ship flying the flag of a Member State for recycling in accordance with this Regulation;

(d) provide evidence that the ship recycling facility is capable of establishing, maintaining and monitoring of the safe-for-hot work and safe-for-entry criteria throughout the ship recycling process;

(e) attach a map of the boundary of the ship recycling facility and the location of ship recycling operations within it;

(f) for each hazardous material referred to in Annex I and additional hazardous material which might be part of the structure of a ship, specify:

(i) whether the ship recycling facility is authorised to carry out the removal of the hazardous material. Where it is so authorised, the relevant personnel authorised to carry out the removal shall be identified and evidence of their competence shall be provided;

(ii) which waste management process will be applied within or outside the ship recycling facility such as incineration, landfilling or another waste treatment method, the name and address of the waste treatment facility if different from that of the ship recycling facility, and provide evidence that the applied process will be carried out without endangering human health and in an environmentally sound manner;

(g) confirm that the company adopted a ship recycling facility plan, taking into account the relevant IMO guidelines;

(h) provide the information necessary to identify the ship recycling facility.

3. The Commission shall be empowered to adopt implementing acts to specify the format of the information required to identify the ship recycling facility. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25.

4. In order to be included in the European List, compliance by ship recycling facilities located in third countries with the requirements set out in Article 13 shall be certified following a site inspection by an independent verifier with appropriate qualifications. The certification shall be submitted to the Commission by the ship recycling company when applying for inclusion in the European List and, every five years thereafter, upon renewal of the inclusion in the European List. The initial inclusion on the list and the renewal thereof shall be supplemented by a mid-term review to confirm compliance with the requirements set out in Article 13.

By applying for inclusion in the European List, ship recycling companies accept the possibility of the ship recycling facility concerned being subject to site inspections by the Commission or agents acting on its behalf prior to or after their inclusion in the European List in order to verify compliance with the requirements set out in Article 13. The independent verifier, the Commission or agents acting on its behalf shall cooperate with the competent authorities of the third country where the ship recycling facility is located in order to carry out those site inspections.

The Commission may issue technical guidance notes in order to facilitate such certification.

5. For the purposes of Article 13, with regard to the waste recovery or disposal operation concerned, environmentally sound management may only be assumed to be in place provided the ship recycling company can demonstrate that the waste management facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to relevant international and Union standards.

6. The ship recycling company shall provide updated evidence without delay in the event of any changes to the information provided to the Commission and shall, in any event, three months prior to expiry of each five year period of inclusion on the European List, declare that:

(a) the evidence that it has provided is complete and up-to-date;

(b) the ship recycling facility continues and will continue to comply with the requirements of Article 13.

Article 16

Establishment and updating of the European List

1. The Commission shall adopt implementing acts to establish a European List of ship recycling facilities which:

(a) are located in the Union and have been notified by the Member States in accordance with Article 14(3);

(b) are located in a third country and whose inclusion is based on an assessment of the information and supporting evidence provided or gathered in accordance with Article 15.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25.

2. The European List shall be published in the *Official Journal of the European Union* and on the website of the Commission not later than 31 December 2016. It shall be divided into two sub-lists indicating the ship recycling facilities located in a Member State and the ship recycling facilities located in a third country.

The European List shall include all of the following information about the ship recycling facility:

(a) the method of recycling;

(b) the type and size of ships that can be recycled;

(c) any limitation and conditions under which the ship recycling facility operates, including as regards hazardous waste management;

(d) details on the explicit or tacit procedure, as referred to in Article 7(3), for the approval of the ship recycling plan by the competent authority;

(e) the maximum annual ship recycling output.

3. The European List shall indicate the date of expiry of the inclusion of the ship recycling facility. An inclusion shall be valid for a maximum period of five years and shall be renewable.

4. The Commission shall adopt implementing acts to regularly update the European List, in order to:

(a) include a ship recycling facility in the European List where:

(i) it has been authorised in accordance with Article 14; or

(ii) its inclusion in the European List is decided in accordance with paragraph 1(b) of this Article;

(b) remove a ship recycling facility from the European List where:

(i) the ship recycling facility ceases to comply with the requirements set out in Article 13; or

(ii) the updated evidence is not provided at least three months prior to expiry of the five-year period as set out in paragraph 3 of this Article.

Those implementing acts shall be adopted, in accordance with the examination procedure referred to in Article 25.

5. In establishing and updating the European List, the Commission shall act in accordance with the principles enshrined in the Treaties and with the international obligations of the Union.

6. Member States shall communicate to the Commission all information that may be relevant in the context of updating the European List. The Commission shall forward all relevant information to the other Member States.

TITLE IV

GENERAL ADMINISTRATIVE PROVISIONS

Article 17

Language

1. The ship recycling plan referred to in Article 7 shall be developed in a language accepted by the state authorising the ship recycling facility. Where the language used is not English, French or Spanish, the ship recycling plan shall be translated into one of those languages, except where the administration is satisfied that that is unnecessary.

2. The inventory certificate and the ready for recycling certificate issued pursuant to Article 9 shall be drawn up in an official language of the issuing administration. Where the language used is not English, French or Spanish, the text shall include a translation into one of those languages.

Article 18

Designation of competent authorities and administrations

1. Member States shall designate the competent authorities and administrations responsible for the application of this Regulation and shall notify the Commission of those designations. Member States shall immediately notify the Commission of any changes in such information.

2. The Commission shall publish on its website lists of the designated competent authorities and administrations and shall update those lists as appropriate.

Article 19

Designation of contact persons

1. Member States and the Commission shall each designate one or more contact persons responsible for informing or advising natural or legal persons making enquiries. The contact person of the Commission shall forward to the contact persons of the Member States any questions received which concern the latter, and vice versa.

2. Member States shall notify the Commission of the designation of contact persons. Member States shall immediately notify the Commission of any changes to that information.

3. The Commission shall publish on its website lists of the designated contact persons and shall update those lists as appropriate.

Article 20

Meeting of contact persons

The Commission shall, if requested by Member States or where it considers it appropriate, periodically organise a meeting of the contact persons to discuss the questions raised by the implementation of this Regulation. Relevant stakeholders shall be invited to such meetings, or parts of meetings, where all Member States and the Commission are in agreement that it is appropriate to do so.

TITLE V

REPORTING AND ENFORCEMENT

Article 21

Reports by the Member States

1. Each Member State shall send to the Commission a report containing the following:

(a) a list of the ships flying its flag to which a ready for recycling certificate has been issued, and the name of the ship recycling company and the location of the ship recycling facility as shown in the ready for recycling certificate;

(b) a list of the ships flying its flag for which a statement of completion has been received;

(c) information regarding illegal ship recycling, penalties and follow-up actions undertaken by the Member State.

2. Every three years, Member States shall electronically transmit the report to the Commission no later than nine months after the end of the three-year period covered by it.

The first electronic report shall cover the period from the date of application of this Regulation to the end of the first regular three-year reporting period, specified in Article 5 of Council Directive 91/692/EEC [1], falling after the starting date of the first reporting period.

The Commission shall publish a report on the application of this Regulation no later than nine months after receiving the reports from the Member States.

3. The Commission shall enter this information in an electronic database that is permanently accessible to the public.

Article 22

Enforcement in Member States

1. Member States shall lay down provisions on penalties applicable to infringements of this Regulation and shall take all the measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive.

2. Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of potential circumvention and breach of this Regulation.

3. Member States shall designate those members of their permanent staff responsible for the cooperation referred to in paragraph 2. That information shall be sent to the Commission, which shall distribute to those members a compiled list.

4. Member States shall communicate to the Commission the provisions of their national law relating to the enforcement of this Regulation and the applicable penalties.

Article 23

Request for action

1. Natural or legal persons affected or likely to be affected by a breach of Article 13 in conjunction with Article 15 and Article 16(1)(b) of this Regulation, or having a sufficient interest in environmental decision-making relating to the breach of Article 13 in conjunction with Article 15 and Article 16(1)(b) of this Regulation shall be entitled to request the Commission to take action under this Regulation with respect to such a breach or an imminent threat of such a breach.

The interest of any non-governmental organisation promoting environmental protection and meeting the requirements laid down in Article 11 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council [2] shall be deemed sufficient for the purposes of the first subparagraph.

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[1] Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (OJ L 377, 31.12.1991, p. 48).

[2] Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

2. The request for action shall be accompanied by the relevant information and data supporting that request.

3. Where the request for action and the accompanying information and data show in a plausible manner that a breach of Article 13 in conjunction with Article 15 and Article 16(1)(b) has occurred, or that there is an imminent threat of such a breach, the Commission shall consider any such requests for action and information and data. In such circumstances, the Commission shall give the ship recycling company concerned an opportunity to make its views known with respect to the request for action and the accompanying information and data.

4. The Commission shall, without delay and in accordance with the relevant provisions of Union law, inform the persons who submitted a request pursuant to paragraph 1, of its decision to accede to or refuse the request for action and shall provide the reasons for it.

TITLE VI

FINAL PROVISIONS

Article 24

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5(8) shall be conferred on the Commission for a period of five years from 30 December 2013. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

3. The delegation of power referred to in Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a late date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(8) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 25

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 26

Transitional provision

As of the date of publication of the European List, Member States may, prior to the date of application of this Regulation, authorise the recycling of ships in ship recycling facilities included in the European List. In such circumstances, Regulation (EC) No 1013/2006 shall not apply.

Article 27

Amendment to Regulation (EC) No 1013/2006

In Article 1(3) of Regulation (EC) No 1013/2006, the following point is added:

'(i) ships flying the flag of a Member State falling under the scope of Regulation (EU) No 1257/2013 of the European Parliament and of the Council (*).

(*) 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 (OJ L 330, 10.12.2013, p. 1).'

Article 28

Amendment to Directive 2009/16/EC

In Annex IV, the following point is added:

'49. A certificate on the inventory of hazardous materials or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council (*).

(*) 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 (OJ L 330, 10.12.2013, p. 1).'

Article 29

Financial incentive

The Commission shall, by 31 December 2016, submit to the European Parliament and to the Council a report on the feasibility of a financial instrument that would facilitate safe and sound ship recycling and shall, if appropriate, accompany it by a legislative proposal.

Article 30

Review

1. The Commission shall assess which infringements of this Regulation should be brought under the scope of Directive 2008/99/EC to achieve equivalence of the provisions related to infringements between this Regulation and Regulation (EC) No 1013/2006. The Commission shall report on its findings by 31 December 2014 to the European Parliament and to the Council and, if appropriate, accompany it by a legislative proposal.

2. The Commission shall review this Regulation not later than 18 months prior to the date of entry into force of the Hong Kong Convention and at the same time, submit, if appropriate, any appropriate legislative proposals to that effect. This review shall consider the inclusion of ship recycling facilities authorised under the Hong Kong Convention in the European List in order to avoid duplication of work and administrative burden.

3. The Commission shall keep this Regulation under review and, if appropriate, make timely proposals to address developments relating to international Conventions, including the Basel Convention, should it prove necessary.

4. Notwithstanding paragraph 2, the Commission shall, by five years after the date of application of this Regulation, submit a report to the European Parliament and to the Council on the application of this Regulation, accompanied, if appropriate, by legislative proposals to ensure that its objectives are being met and its impact is ensured and justified.

Article 31

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 32

Application

1. This Regulation shall apply from the earlier of the following two dates, but not earlier than 31 December 2015:

(a) 6 months after the date that the combined maximum annual ship recycling output of the ship recycling facilities included in the European List constitutes not less than 2,5 million light displacement tonnes (LDT). The annual ship recycling output of a ship recycling facility is calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility. The maximum annual ship recycling output is determined by selecting the highest value occurring in the preceding 10-year period for each ship recycling facility, or, in the case of a newly authorised ship recycling facility, the highest annual value achieved at that facility; or

(b) on 31 December 2018.

2. However in relation to the following provisions the following dates of application shall apply:

(a) Article 2, the second subparagraph of Article 5(2), Articles 13, 14, 15, 16, 25 and 26 from 31 December 2014;

(b) the first and third subparagraphs of Article 5(2) and Article 12(1) and (8) from 31 December 2020.

3. The Commission shall publish in the *Official Journal of the European Union* a notice concerning the date of application of this Regulation when the conditions referred to in point (a) of paragraph 1 have been fulfilled.

4. If a Member State has closed its national ship register or, during a three year period, has had no ships registered under its flag, and as long as no ship is registered under its flag, that Member State may derogate from the provisions of this Regulation, except for Articles 4, 5, 11, 12, 13, 14, 16(6), 18, 19, 20, 21 and 22. Where a Member State intends to avail itself of this derogation, it shall notify the Commission at the latest on the date of application of this Regulation. Any subsequent change shall also be communicated to the Commission.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 20 November 2013.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	V. LEŠKEVIČIUS

ANNEX I

CONTROL OF HAZARDOUS MATERIALS

Hazardous Material	Definitions	Control measures
Asbestos	Materials containing asbestos	For all ships, new installation of materials which contain asbestos shall be prohibited.
Ozone-depleting substances	Controlled substances defined in Article 1(4) of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A,B,C or E to that Protocol in force at the time of application or interpretation of this Annex. Ozone-depleting substances that may be found on board ships include, but are not limited to: Halon 1211 Bromochlorodifluoromethane Halon 1301 Bromotrifluoromethane Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2) CFC-11 Trichlorofluoromethane CFC-12 Dichlorodifluoromethane CFC-113 1,1,2-Trichloro-1,2,2-trifluoroethane CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane CFC-115 Chloropentafluoroethane HCFC-22 Chlorodifluoromethane	New installations which contain ozone-depleting substances shall be prohibited on all ships.
Polychlorinated biphenyls (PCB)	'Polychlorinated biphenyls' means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms	For all ships, new installation of materials which contain Polychlorinated biphenyls shall be prohibited.
Perfluorooctane sulfonic acid (PFOS) [1]	'perfluorooctane sulfonic acid' (PFOS) means perfluorooctane sulfonic acid and its derivatives	New installations which contain perfluorooctane sulfonic acid (PFOS) and its derivatives shall be prohibited in accordance with Regulation (EC) No 850/2004 of the European Parliament and of the Council [2].
Anti-fouling compounds and systems	Anti-fouling compounds and systems regulated under Annex I to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS Convention) in force at the time of application or interpretation of this Annex.	1. No ship may apply anti-fouling systems containing organotin compounds as a biocide or any other anti-fouling system whose application or use is prohibited by the AFS Convention.

Hazardous Material	Definitions	Control measures
		2. No new ship or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.

(1) Not applicable for ships flying the flag of a third country.
(2) Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

ANNEX II

LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS

1. Any hazardous materials listed in Annex I
2. Cadmium and Cadmium Compounds
3. Hexavalent Chromium and Hexavalent Chromium Compounds
4. Lead and Lead Compounds
5. Mercury and Mercury Compounds
6. Polybrominated Biphenyl (PBBs)
7. Polybrominated Diphenyl Ethers (PBDEs)
8. Polychlorinated Naphthalenes (more than 3 chlorine atoms)
9. Radioactive Substances
10. Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)
11. Brominated Flame Retardant (HBCDD)

標題

燃費報告制度に関する欧州規則 (EU MRV) について

ClassNK

テクニカル

インフォメーション

No. TEC-1031
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各位

2015 年 4 月 28 日に開催された欧州議会において、燃費報告制度に関する欧州規則 (以下、EU MRV 規則とする) が採択されました。これにより、船籍国に関わらず、EU 加盟国管轄内の港に寄港する 5,000GT 以上の船舶に対して、燃料消費量を監視するための計画書の作成、及び年間ベースでの CO2 排出量を記録した排出報告書の提出が義務付けられることになりました。なお、報告を怠った船舶に対しては、EU 域内への入港禁止等の罰則が定められています。

EU MRV 規則に関する今後のスケジュール、及び同規則の概要等について、以下の通りお知らせ致します。

1. 今後のスケジュール
今回、EU MRV 規則が採択されたことにより、以下のスケジュールが決定しました。

2015 年 7 月 1 日	EU MRV 規則の発効
～2016 年末	欧州委員会による技術的な細則の策定
2017 年 8 月 31 日	燃料消費量を監視するための計画書を認証者に提出
2018 年 1 月 1 日 ～12 月 31 日	燃料消費量の監視
2019 年 4 月 30 日	2018 年中に使用した燃料消費量の報告書を認証者に提出
2019 年 6 月 30 日	適合証書の船上への搭載期限

*以後、同様の手順にて年間ベースでの排出報告書の提出を行う。

燃料消費量の監視計画書及び排出報告書の内容、EU による認証者の承認手続き、及び認証者による燃焼消費量の認証方法に関する技術的な細則は、2016 年末までに策定される予定です。

2. EU MRV 規則の概要
(1) 規則の名称
Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC

（次頁に続く）

NOTES:

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(2) 適用（Article 2）
船籍国に関わらず、EU 加盟国管轄権内の港へ入港する、及び EU 加盟国管轄権内の港から出港する 5,000GT 以上の船舶に適用する。ただし、軍艦、漁船、公船、木造船などには適用しない。

(3) 船舶の所有者、又は船舶管理者（以下、会社とする）の義務（Article 4, 6, 11, 18）
(i) 2017 年 8 月 31 日までに、EU 加盟国が認める認証者に対し、自身が運航する 5,000GT 以上の各船舶について、CO2 排出量とその他関連情報を監視・報告するための手順を示した監視計画書を提出すること。

(ii) 2017 年 8 月 31 日以降に EU MRV 規則が初めて適用される船舶は、船舶が EU 加盟国の管轄内の港へ最初に寄港してから 2 か月以内に監視計画書を認証者へ提出すること。

(iii) 2019 年以降、毎年 4 月 30 日までに前年の報告期間内における燃料消費量を取り纏めた排出報告書を船舶ごとに作成し、認証者の適合を受けた上で、欧州委員会と旗国の主管庁に提出すること。なお、報告期間とは、CO2 排出が監視・報告されるべき暦上の 1 年を指す。暦年をまたぐ航海の場合、監視・報告されるデータは、最初の暦年に含まれなければならない。

(iv) 報告期間の翌年 6 月 30 日までに認証者から有効な適合証書を入手し、船舶に搭載すること。

(4) 監視計画書（Article 6、7）
監視計画書には以下の情報を含めなければならない。
(i) 船と船種が特定できる情報（船名、IMO 番号、登録港等）
(ii) 会社名、住所、担当者の電話番号と e-mail アドレス
(iii) CO2 排出源となる機器（主機関、補機関、ガスタービン、ボイラー、内燃機関）と使用燃料の詳細
(iv) CO2 排出源となる機器リストの更新のための手順、及び責任者
(v) 燃料消費量の監視手順詳細
(vi) 各燃料のエミッションファクター

(5) 監視すべき情報（Article 9、10）
会社は年間ベースにて、船舶ごとに以下の主な情報を監視しなければならない。
(i) 各燃料の総消費量及びエミッションファクター
(ii) CO2 の総排出量
(iii) 総航海距離
(iv) 総海上滞在時間
(v) 総トランスポートワーク(航海距離×貨物量)
(vi) 平均エネルギー効率

（次頁に続く）

また、航海ごとに以下の情報を監視しなければならない。
(i) 入港地、出港地、発着日時
(ii) 各燃料の消費量及びエミッションファクター
(iii) CO2 排出量
(iv) 航海距離
(v) 海上滞在時間
(vi) 貨物量
(vii) トランスポートワーク(航海距離×貨物量)

(6) 排出報告書 (Article 11)
排出報告書には、以下の情報を含めなければならない。
(i) 船及び会社を特定できる情報
(ii) 排出報告書の認証者の情報
(iii) パラグラフ(5)に記載の監視すべき情報

(7) 認証者の義務(Article 13、15、17)
(i) 会社から提出される監視計画書が本規制の要件に適合しているかどうか評価しなければならない。本要件を満足していない場合、報告期間開始前までに改訂版の提出を要求しなければならない。
(ii) 会社から提出される排出報告書が、本規制に規定される要件に適合し、監視計画書に基づいたものとなっていることを確認する。また、報告された CO2 排出量と、船舶の運航データや搭載エンジンの特性から推定できる CO2 排出量を比較し、大きな齟齬がないかを確認する。
(iii) 排出報告書が本規定の要件に適合している場合、認証者は当該船舶に対して認証報告書及び適合証書を発行しなければならない。

(8) 認証者の要件(Article 14、16)
(i) 認証者は、当該船舶の船主または管理者から完全に独立していなければならず、独立性や第三者性を損なう企業との繋がりがあってはならない。
(ii) 認証者は欧州委員会から承認を受けること。

(9) 罰則(Article 20)
(i) 監視と報告に関する義務を怠った場合、EU 加盟国は罰則を与える仕組みを策定し、その罰則が適用されるよう必要な手段を講じなければならない。また、2017 年 7 月 1 日までに欧州委員会に、その罰則を通知しなければならない。
(ii) 監視と報告に関する義務を 2 年連続して怠った場合、EU 加盟国は当該船舶に対し追放命令を発出するとともに、他の加盟国に通報し、EU 加盟国管轄内の港への入港を拒否できる。

(次頁に続く)

(10) 情報公開（Article 21）
   (i) 毎年 6 月 30 日までに、欧州委員会は会社から報告された CO2 排出量と、船舶が特定できる情報、燃料消費量、航海時間、認証者の情報等を一般公開する。
   (ii) 但し、排出量以外の情報については、公開により著しく正当な商業利益が損なわれる場合は、会社の要請に応じて情報公開に制限をつけることができる。
   (iii) 欧州委員会は、CO2 排出量に関する年次報告書を公開する。また、二年に一度、海運セクターの地球環境に対する影響評価を実施する。

(11) 国際協力（Article 22）
IMO において燃費報告制度が策定された場合、欧州委員会は EU MRV 規則を見直し、必要に応じて IMO における制度と一致させる改訂を行う。

(12) 発効日（Article 26）
本規制の発効日は 2015 年 7 月 1 日とする。

3. その他
   (1) EU MRV 規則の Article 22 では、IMO において燃費報告制度が策定された場合、欧州委員会は EU MRV 規則の見直しを行うことが規定されています。このため、IMO における燃費報告制度の審議では、MEPC68（2015 年 5 月）において本年 9 月上旬に技術的な詳細検討を進めるための中間会合開催を決定する等、EU MRV 規則が実効化する 2018 年 1 月を目途として議論をまとめるべく、検討作業が加速される見込みです。
   (2) EU による認証者の承認手続きは 2017 年前半に行われる見込みです。本会は欧州委員会より認証者資格を取得すべく、活動して参ります。
   (3) 本会では、欧州委員会における技術的な細則制定の動きを注視していくと共に、本件に関わる最新情報を提供して参ります。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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添付：

1. 燃費報告制度に関する欧州規則(Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC)

19.5.2015 EN Official Journal of the European Union L 123/55

REGULATION (EU) 2015/757 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 29 April 2015

on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee [1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure [2],

Whereas:

(1) Directive 2009/29/EC of the European Parliament and of the Council [3] and Decision No 406/2009/EC of the European Parliament and of the Council [4] which call for contributions from all sectors of the economy to achieve emission reductions, including the international maritime shipping sector, provide that in the event that no international agreement which includes international maritime emissions in its reduction targets through the International Maritime Organisation (IMO) has been approved by Member States or no such agreement through the United Nations Framework Convention on Climate Change has been approved by the Community by 31 December 2011, the Commission should make a proposal to include international maritime emissions in the Community reduction commitment, with the aim of the proposed act entering into force by 2013. Such a proposal should minimise any negative impact on the Community's competitiveness while taking into account the potential environmental benefits.

(2) Maritime transport has an impact on the global climate and on air quality, as a result of the carbon dioxide (CO_2) emissions and other emissions that it generates, such as nitrogen oxides (NO_x), sulphur oxides (SO_x), methane (CH_4), particulate matter (PM) and black carbon (BC).

(3) International maritime shipping remains the only means of transportation not included in the Union's commitment to reduce greenhouse gas emissions. According to the impact assessment accompanying the proposal for this Regulation, Union-related CO_2 emissions from international shipping increased by 48 % between 1990 and 2007.

(4) In the light of the rapidly developing scientific understanding of the impact of non-CO_2 related emissions from maritime transport on the global climate, an updated assessment of that impact should be carried out regularly in the context of this Regulation. Based on its assessments, the Commission should analyse the implications for policies and measures, in order to reduce those emissions.

(5) The European Parliament's Resolution of 5 February 2014 on a 2030 framework for climate and energy policies called on the Commission and the Member States to set a binding EU 2030 target of reducing domestic greenhouse gas emissions by at least 40 % compared to 1990 levels. The European Parliament also pointed out that all sectors of the economy would need to contribute to reducing greenhouse gas emissions if the Union is to deliver its fair share of global efforts.

[1] OJ C 67, 6.3.2014, p. 170.
[2] Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and position of the Council at first reading of 5 March 2015 (not yet published in the Official Journal). Position of the European Parliament of 28 April 2015 (not yet published in the Official Journal).
[3] Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (OJ L 140, 5.6.2009, p. 63).
[4] Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

(6) In its Conclusions of 23 and 24 October 2014, the European Council endorsed a binding EU target of an at least 40 % domestic reduction in greenhouse gas emissions by 2030 compared to 1990. The European Council also stated the importance of reducing greenhouse gas emissions and risks related to fossil fuel dependency in the transport sector and invited the Commission to further examine instruments and measures for a comprehensive and technology-neutral approach, inter alia, for the promotion of emissions reduction and energy efficiency in transport.

(7) The 7th Environment Action Programme (EAP) ([1]) underlines that all sectors of the economy will need to contribute to reducing greenhouse gas emissions if the Union is to deliver its fair share of global efforts. In this context the 7th EAP highlights that the White paper on transport of 2011 needs to be underpinned by a strong policy framework.

(8) In July 2011, the IMO adopted technical and operational measures, in particular the Energy Efficiency Design Index (EEDI) for new ships and the Ship Energy Efficiency Management Plan (SEEMP), which will bring improvement in terms of reducing the expected increase in greenhouse gas emissions, but alone cannot lead to the necessary absolute reductions of greenhouse gas emissions from international shipping to keep efforts in line with the global objective of limiting increases in global temperatures to 2 °C.

(9) According to data provided by the IMO, the specific energy consumption and CO_2 emissions of ships could be reduced by up to 75 % by applying operational measures and implementing existing technologies; a significant part of those measures can be regarded as cost-effective and being such that they could offer net benefits to the sector, as the reduced fuel costs ensure the pay-back of any operational or investment costs.

(10) In order to reduce CO_2 emissions from shipping at Union level, the best possible option remains setting up a system for monitoring, reporting and verification (MRV system) of CO_2 emissions based on the fuel consumption of ships as a first step of a staged approach for the inclusion of maritime transport emissions in the Union's greenhouse gas reduction commitment, alongside emissions from other sectors that are already contributing to that commitment. Public access to the emissions data will contribute to removing market barriers that prevent the uptake of many cost-negative measures which would reduce greenhouse gas emissions from maritime transport.

(11) The adoption of measures to reduce greenhouse gas emissions and fuel consumption is hampered by the existence of market barriers such as a lack of reliable information on the fuel efficiency of ships or of technologies available for retrofitting ships, a lack of access to finance for investments in ship efficiency, and split incentives, as shipowners would not benefit from their investments in ship efficiency when fuel bills are paid by operators.

(12) The results of the stakeholder consultation and discussions with international partners indicate that a staged approach for the inclusion of maritime transport emissions in the Union's greenhouse gas reduction commitment should be applied with the implementation of a robust MRV system for CO_2 emissions from maritime transport as a first step and the pricing of those emissions at a later stage. This approach facilitates the making of significant progress at international level on the agreement of greenhouse gas emission reduction targets and further measures to achieve those reductions at minimum cost.

(13) The introduction of a Union MRV system is expected to lead to emission reductions of up to 2 % compared to business-as-usual, and aggregated net costs reductions of up to EUR 1,2 billion by 2030 as it could contribute to the removal of market barriers, in particular those related to the lack of information about ship efficiency, by providing comparable and reliable information on fuel consumption and energy efficiency to the relevant markets. This reduction of transport costs should facilitate international trade. Furthermore, a robust MRV system is a prerequisite for any market-based measure, efficiency standard or other measure, whether applied at Union level or globally. It also provides reliable data to set precise emission reduction targets and to assess the progress of maritime transport's contribution towards achieving a low carbon economy. Given the international nature of shipping, the preferred and most effective method of reducing greenhouse gas emissions in international maritime transport would be by global agreement.

([1]) Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (OJ L 354, 28.12.2013, p. 171).

(14) All intra-Union voyages, all incoming voyages from the last non-Union port to the first Union port of call and all outgoing voyages from a Union port to the next non-Union port of call, including ballast voyages, should be considered relevant for the purposes of monitoring. CO_2 emissions in Union ports, including emissions arising from ships at berth or moving within a port, should also be covered, particularly as specific measures for their reduction or avoidance are available. These rules should be applied in a non-discriminatory manner to all ships regardless of their flag. However, since this Regulation focuses on maritime transport, it should not establish monitoring, reporting and verification requirements for ship movements and activities not serving the purpose of transporting cargo or passengers for commercial purposes, such as dredging, ice-breaking, pipe laying or offshore installation activities.

(15) To ensure a level-playing field for ships operating in less favourable climate conditions, it should be possible to include specific information relating to a ship's ice class, and to its navigation through ice, in the data monitored on the basis of this Regulation.

(16) The proposed MRV system should take the form of a Regulation on account of the complex and highly technical nature of provisions to be introduced, the need for uniform rules applicable throughout the Union to reflect the international nature of maritime transport with numerous ships being expected to call at ports in different Member States, and to facilitate implementation throughout the Union.

(17) A robust ship-specific Union MRV system should be based on the calculation of emissions from fuel consumed on voyages to and from Union ports, as fuel sales data could not provide appropriately accurate estimates for the fuel consumption within this specific scope, due to the large tank capacities of ships.

(18) The Union MRV system should also cover other relevant information allowing for the determination of ships' efficiency or for the further analysis of the drivers for the development of emissions, while preserving the confidentiality of commercial or industrial information. This scope also aligns the Union MRV system with international initiatives to introduce efficiency standards for existing ships, also covering operational measures, and contributes to the removal of market barriers related to the lack of information.

(19) In order to minimise the administrative burden for shipowners and operators, in particular for small and medium-sized enterprises, and to optimise the cost-benefit ratio of the MRV system without jeopardising the objective of covering a widely predominant share of greenhouse gas emissions from maritime transport, the rules for MRV should only apply to large emitters. A threshold of 5 000 gross tonnage (GT) has been selected after detailed objective analysis of sizes and emissions of ships going to and coming from Union ports. Ships above 5 000 GT account for around 55 % of the number of ships calling into Union ports and represent around 90 % of the related emissions. This non-discriminatory threshold would ensure that that the most relevant emitters are covered. A lower threshold would result in a higher administrative burden while a higher threshold would limit the coverage of emissions and thus the environmental effectiveness of the MRV system.

(20) To further reduce the administrative burden for shipowners and operators, the monitoring rules should focus on CO_2 as the most relevant greenhouse gas emitted by maritime transport.

(21) The rules should take into account existing requirements and data already available on board ships; therefore, companies should be given the opportunity to select one of the following four monitoring methods: the use of Bunker Fuel Delivery Notes, bunker fuel tank monitoring on-board, flow meters for applicable combustion processes or direct emission measurements. A monitoring plan specific to each ship should document the choice made and provide further details on the application of the selected method.

(22) Any company with responsibility for an entire reporting period over a ship performing shipping activities should be considered responsible for all monitoring and reporting obligations arising in relation to that reporting period, including the submission of a satisfactorily verified emissions report. In the event of a change of company, the new company should only be responsible for the monitoring and reporting obligations related to the reporting period during which the change of company has taken place. To facilitate the fulfilment of these obligations, the new company should receive a copy of the latest monitoring plan and document of compliance, if applicable.

(23) Other greenhouse gases, climate forcers or air pollutants should not be covered by the Union MRV system at this stage to avoid requirements to install not sufficiently reliable or commercially available measuring equipment, which could impede the implementation of the Union MRV system.

(24) The IMO International Convention for the Prevention of Pollution from Ships (MARPOL) provides for the mandatory application of the EEDI to new ships and the use of SEEMPs throughout the entire world fleet.

(25) To minimise the administrative burden for shipowners and operators, reporting and publication of reported information should be organised on an annual basis. By restricting the publication of emissions, fuel consumption and efficiency-related information to annual averages and aggregated figures, confidentiality issues should be addressed. In order to ensure that the protection of legitimate economic interests overriding the public interest in disclosure is not undermined, a different level of aggregation of data should be applied in exceptional cases at the request of the company. The data reported to the Commission should be integrated with statistics to the extent that those data are relevant for the development, production and dissemination of European statistics in accordance with Commission Decision 2012/504/EU ([1]).

(26) Verification by accredited verifiers should ensure that monitoring plans and emissions reports are correct and in compliance with the requirements set out in this Regulation. As an important element to simplify verification, verifiers should check data credibility by comparing reported data with estimated data based on ship tracking data and characteristics. Such estimates could be provided by the Commission. In order to ensure impartiality, verifiers should be independent and competent legal entities and should be accredited by national accreditation bodies established pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council ([2]).

(27) A document of compliance issued by a verifier should be kept on board ships to demonstrate compliance with the obligations for monitoring, reporting and verification. Verifiers should inform the Commission of the issuance of such documents.

(28) Based on experience from similar tasks related to maritime safety, the European Maritime Safety Agency (EMSA) should, within the framework of its mandate, support the Commission by carrying out certain tasks.

(29) Enforcement of the obligations relating to the MRV system should be based on existing instruments, namely those established under Directive 2009/16/EC of the European Parliament and of the Council ([3]) and Directive 2009/21/EC of the European Parliament and of the Council ([4]), and on information on the issuance of documents of compliance. The document confirming compliance of the ship with the monitoring and reporting obligations should be added to the list of certificates and documents referred to in Annex IV to Directive 2009/16/EC.

(30) Member States should endeavour to inspect ships which enter ports under their jurisdiction and for which certain required information concerning the document of compliance is not available.

(31) Non-compliance with the provisions of this Regulation should result in the application of penalties. Member States should lay down rules on those penalties. Those penalties should be effective, proportionate and dissuasive.

(32) In the case of ships having failed to comply with monitoring and reporting requirements for two or more consecutive reporting periods and where other enforcement measures have failed to ensure compliance, it is appropriate to provide for the possibility of expulsion. Such a measure should be applied in such a way as to allow the situation of non-compliance to be rectified within a reasonable period of time.

(33) Member States that have no maritime ports in their territory and which have no ships flying their flag and falling under the scope of this Regulation, or which have closed their national ship registers, should be able to derogate from the provisions of this Regulation relating to penalties, as long as no such ships are flying their flag.

([1]) Commission Decision 2012/504/EU of 17 September 2012 on Eurostat (OJ L 251, 18.9.2012, p. 49).
([2]) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).
([3]) Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).
([4]) Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).

(34) The Union MRV system should serve as a model for the implementation of a global MRV system. A global MRV system is preferable as it could be regarded as more effective due to its broader scope. In this context, and with a view to facilitating the development of international rules within the IMO for the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, the Commission should share relevant information on the implementation of this Regulation with the IMO and other relevant international bodies on a regular basis and relevant submissions should be made to the IMO. Where an agreement on a global MRV system is reached, the Commission should review the Union MRV system with a view to aligning it to the global MRV system.

(35) In order to take account of relevant international rules and international and European standards as well as technological and scientific developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of reviewing certain technical aspects of monitoring and reporting of CO_2 emissions from ships and of further specifying the rules for the verification activities and the methods of accreditation of verifiers. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(36) In order to ensure uniform conditions for the use of standard templates for the monitoring of CO_2 emissions and other relevant information, for the use of automated systems and standard electronic templates for the coherent reporting of CO_2 emissions and other relevant information to the Commission and the authorities of the flag States concerned, for the specification of technical rules specifying the parameters applicable to categories of ships other than passenger, ro-ro and container ships and for the revision of those parameters, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council [1].

(37) Since the objective of this Regulation, namely to monitor, report and verify CO_2 emissions from ships as the first step of a staged approach to reduce greenhouse gas emissions, cannot be sufficiently achieved by the Member States, due to the international nature of maritime transport, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(38) The rules establishing the MRV system should comply with Directive 95/46/EC of the European Parliament and of the Council [2] and Regulation (EC) No 45/2001 of the European Parliament and of the Council [3].

(39) This Regulation should enter into force on 1 July 2015 to ensure that the Member States and relevant stakeholders have sufficient time to take the necessary measures for the effective application of this Regulation before the first reporting period starting on 1 January 2018,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the accurate monitoring, reporting and verification of carbon dioxide (CO_2) emissions and of other relevant information from ships arriving at, within or departing from ports under the jurisdiction of a Member State, in order to promote the reduction of CO_2 emissions from maritime transport in a cost effective manner.

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[1] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

[2] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

[3] Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and of the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Article 2

Scope

1. This Regulation applies to ships above 5 000 gross tonnage in respect of CO_2 emissions released during their voyages from their last port of call to a port of call under the jurisdiction of a Member State and from a port of call under the jurisdiction of a Member State to their next port of call, as well as within ports of call under the jurisdiction of a Member State.

2. This Regulation does not apply to warships, naval auxiliaries, fish-catching or fish-processing ships, wooden ships of a primitive build, ships not propelled by mechanical means, or government ships used for non-commercial purposes.

Article 3

Definitions

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

(a) 'CO_2 emissions' means the release of CO_2 into the atmosphere by ships;

(b) 'port of call' means the port where a ship stops to load or unload cargo or to embark or disembark passengers; consequently, stops for the sole purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship and/or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, and stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities are excluded;

(c) 'voyage' means any movement of a ship that originates from or terminates in a port of call and that serves the purpose of transporting passengers or cargo for commercial purposes;

(d) 'company' means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, which has assumed the responsibility for the operation of the ship from the shipowner;

(e) 'gross tonnage' (GT) means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, adopted by the International Maritime Organization (IMO) in London on 23 June 1969, or any successor convention;

(f) 'verifier' means a legal entity carrying out verification activities which is accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 and this Regulation;

(g) 'verification' means the activities carried out by a verifier to assess the conformity of the documents transmitted by the company with the requirements of this Regulation;

(h) 'document of compliance' means a document specific to a ship, issued to a company by a verifier, which confirms that that ship has complied with the requirements of this Regulation for a specific reporting period;

(i) 'other relevant information' means information related to CO_2 emissions from the consumption of fuels, to transport work and to the energy efficiency of ships, which enables the analysis of emission trends and the assessment of ships' performances;

(j) 'emission factor' means the average emission rate of a greenhouse gas relative to the activity data of a source stream, assuming complete oxidation for combustion and complete conversion for all other chemical reactions;

(k) 'uncertainty' means a parameter, associated with the result of the determination of a quantity, that characterises the dispersion of the values that could reasonably be attributed to the particular quantity, including the effects of systematic as well as of random factors, expressed as a percentage, and describes a confidence interval around the mean value comprising 95 % of inferred values taking into account any asymmetry of the distribution of values;

(l) 'conservative' means that a set of assumptions is defined in order to ensure that no under-estimation of annual emissions or over-estimation of distances or amounts of cargo carried occurs;

(m) 'reporting period' means one calendar year during which CO_2 emissions have to be monitored and reported. For voyages starting and ending in two different calendar years, the monitoring and reporting data shall be accounted under the first calendar year concerned;

(n) 'ship at berth' means a ship which is securely moored or anchored in a port falling under the jurisdiction of a Member State while it is loading, unloading or hotelling, including the time spent when not engaged in cargo operations;

(o) 'ice class' means the notation assigned to the ship by the competent national authorities of the flag State or an organisation recognised by that State, showing that the ship has been designed for navigation in sea-ice conditions.

CHAPTER II

MONITORING AND REPORTING

SECTION 1

Principles and methods for monitoring and reporting

Article 4

Common principles for monitoring and reporting

1. In accordance with Articles 8 to 12, companies shall, for each of their ships, monitor and report on the relevant parameters during a reporting period. They shall carry out that monitoring and reporting within all ports under the jurisdiction of a Member State and for any voyages to or from a port under the jurisdiction of a Member State.

2. Monitoring and reporting shall be complete and cover CO_2 emissions from the combustion of fuels, while the ships are at sea as well as at berth. Companies shall apply appropriate measures to prevent any data gaps within the reporting period.

3. Monitoring and reporting shall be consistent and comparable over time. To that end, companies shall use the same monitoring methodologies and data sets subject to modifications assessed by the verifier.

4. Companies shall obtain, record, compile, analyse and document monitoring data, including assumptions, references, emission factors and activity data, in a transparent manner that enables the reproduction of the determination of CO_2 emissions by the verifier.

5. Companies shall ensure that the determination of CO_2 emissions is neither systematically nor knowingly inaccurate. They shall identify and reduce any source of inaccuracies.

6. Companies shall enable reasonable assurance of the integrity of the CO_2 emission data to be monitored and reported.

7. Companies shall endeavour to take account of the recommendations included in the verification reports issued pursuant to Article 13(3) or (4) in their subsequent monitoring and reporting.

Article 5

Methods for monitoring CO_2 emissions and other relevant information

1. For the purposes of Article 4(1), (2) and (3), companies shall, for each of their ships, determine the CO_2 emissions in accordance with any of the methods set out in Annex I, and monitor other relevant information in accordance with the rules set out in Annex II or adopted pursuant to it.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 23 to amend the methods set out in Annex I and the rules set out in Annex II, in order to take into account relevant international rules as well as international and European standards. The Commission shall be also empowered to adopt delegated acts in accordance with Article 23 to amend Annexes I and II in order to refine the elements of the monitoring methods set out therein, in the light of technological and scientific developments.

SECTION 2

Monitoring plan

Article 6

Content and submission of the monitoring plan

1. By 31 August 2017, companies shall submit to the verifiers a monitoring plan for each of their ships indicating the method chosen to monitor and report CO_2 emissions and other relevant information.

2. Notwithstanding paragraph 1, for ships falling under the scope of this Regulation for the first time after 31 August 2017, the company shall submit a monitoring plan to the verifier without undue delay and no later than two months after each ship's first call in a port under the jurisdiction of a Member State.

3. The monitoring plan shall consist of a complete and transparent documentation of the monitoring method for the ship concerned and shall contain at least the following elements:

(a) the identification and type of the ship, including its name, its IMO identification number, its port of registry or home port, and the name of the shipowner;

(b) the name of the company and the address, telephone and e-mail details of a contact person;

(c) a description of the following CO_2 emission sources on board the ship: main engines, auxiliary engines, gas turbines, boilers and inert gas generators, and the fuel types used;

(d) a description of the procedures, systems and responsibilities used to update the list of CO_2 emission sources over the reporting period;

(e) a description of the procedures used to monitor the completeness of the list of voyages;

(f) a description of the procedures for monitoring the fuel consumption of the ship, including:

(i) the method chosen from among those set out in Annex I for calculating the fuel consumption of each CO_2 emission source, including, where applicable, a description of the measuring equipment used,

(ii) the procedures for the measurement of fuel uplifts and fuel in tanks, a description of the measuring equipment used and the procedures for recording, retrieving, transmitting and storing information regarding measurements, as applicable,

(iii) the method chosen for the determination of density, where applicable,

(iv) a procedure to ensure that the total uncertainty of fuel measurements is consistent with the requirements of this Regulation, where possible referring to national laws, clauses in customer contracts or fuel supplier accuracy standards;

(g) single emission factors used for each fuel type, or in the case of alternative fuels, the methodologies for determining the emission factors, including the methodology for sampling, methods of analysis and a description of the laboratories used, with the ISO 17025 accreditation of those laboratories, if any;

(h) a description of the procedures used for determining activity data per voyage, including:

(i) the procedures, responsibilities and data sources for determining and recording the distance,

(ii) the procedures, responsibilities, formulae and data sources for determining and recording the cargo carried and the number of passengers, as applicable,

(iii) the procedures, responsibilities, formulae and data sources for determining and recording the time spent at sea between the port of departure and the port of arrival;

(i) a description of the method to be used to determine surrogate data for closing data gaps;

(j) a revision record sheet to record all the details of the revision history.

4. The monitoring plan may also contain information on the ice class of the ship and/or the procedures, responsibilities, formulae and data sources for determining and recording the distance travelled and the time spent at sea when navigating through ice.

5. Companies shall use standardised monitoring plans based on templates. Those templates, including the technical rules for their uniform application, shall be determined by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

Article 7

Modifications of the monitoring plan

1. Companies shall check regularly, and at least annually, whether a ship's monitoring plan reflects the nature and functioning of the ship and whether the monitoring methodology can be improved.

2. Companies shall modify the monitoring plan in any of the following situations:

(a) where a change of company occurs;

(b) where new CO_2 emissions occur due to new emission sources or due to the use of new fuels not yet contained in the monitoring plan;

(c) where a change in availability of data, due to the use of new types of measuring equipment, new sampling methods or analysis methods, or for other reasons, may affect the accuracy of the determination of CO_2 emissions;

(d) where data resulting from the monitoring method applied has been found to be incorrect;

(e) where any part of the monitoring plan is identified as not being in conformity with the requirements of this Regulation and the company is required to revise it pursuant to Article 13(1).

3. Companies shall notify to the verifiers without undue delay any proposals for modification of the monitoring plan.

4. Modifications of the monitoring plan under points (b), (c) and (d) of paragraph 2 of this Article shall be subject to assessment by the verifier in accordance with Article 13(1). Following the assessment, the verifier shall notify the company whether those modifications are in conformity.

SECTION 3

Monitoring of CO_2 emissions and other relevant information

Article 8

Monitoring of activities within a reporting period

From 1 January 2018, companies shall, based on the monitoring plan assessed in accordance with Article 13(1), monitor CO_2 emissions for each ship on a per-voyage and an annual basis by applying the appropriate method for determining CO_2 emissions among those set out in Part B of Annex I and by calculating CO_2 emissions in accordance with Part A of Annex I.

Article 9

Monitoring on a per-voyage basis

1. Based on the monitoring plan assessed in accordance with Article 13(1), for each ship arriving in or departing from, and for each voyage to or from, a port under a Member State's jurisdiction, companies shall monitor in accordance with Part A of Annex I and Part A of Annex II the following parameters:

(a) port of departure and port of arrival including the date and hour of departure and arrival;

(b) amount and emission factor for each type of fuel consumed in total;

(c) CO_2 emitted;

(d) distance travelled;

(e) time spent at sea;

(f) cargo carried;

(g) transport work.

Companies may also monitor information relating to the ship's ice class and to navigation through ice, where applicable.

2. By way of derogation from paragraph 1 of this Article and without prejudice to Article 10, a company shall be exempt from the obligation to monitor the information referred to in paragraph 1 of this Article on a per-voyage basis in respect of a specified ship, if:

(a) all of the ship's voyages during the reporting period either start from or end at a port under the jurisdiction of a Member State; and

(b) the ship, according to its schedule, performs more than 300 voyages during the reporting period.

Article 10

Monitoring on an annual basis

Based on the monitoring plan assessed in accordance with Article 13(1), for each ship and for each calendar year, companies shall monitor in accordance with Part A of Annex I and with Part B of Annex II the following parameters:

(a) amount and emission factor for each type of fuel consumed in total;

(b) total aggregated CO_2 emitted within the scope of this Regulation;

(c) aggregated CO_2 emissions from all voyages between ports under a Member State's jurisdiction;

(d) aggregated CO_2 emissions from all voyages which departed from ports under a Member State's jurisdiction;

(e) aggregated CO_2 emissions from all voyages to ports under a Member State's jurisdiction;

(f) CO_2 emissions which occurred within ports under a Member State's jurisdiction at berth;

(g) total distance travelled;

(h) total time spent at sea;

(i) total transport work;

(j) average energy efficiency.

Companies may monitor information relating to the ship's ice class and to navigation through ice, where applicable.

Companies may also monitor fuel consumed and CO_2 emitted, differentiating on the basis of other criteria defined in the monitoring plan.

SECTION 4

Reporting

Article 11

Content of the emissions report

1. From 2019, by 30 April of each year, companies shall submit to the Commission and to the authorities of the flag States concerned, an emissions report concerning the CO_2 emissions and other relevant information for the entire reporting period for each ship under their responsibility, which has been verified as satisfactory by a verifier in accordance with Article 13.

2. Where there is a change of company, the new company shall ensure that each ship under its responsibility complies with the requirements of this Regulation in relation to the entire reporting period during which it takes responsibility for the ship concerned.

3. Companies shall include in the emissions report the following information:

(a) data identifying the ship and the company, including:

(i) name of the ship,

(ii) IMO identification number,

(iii) port of registry or home port,

(iv) ice class of the ship, if included in the monitoring plan,

(v) technical efficiency of the ship (the Energy Efficiency Design Index (EEDI) or the Estimated Index Value (EIV) in accordance with IMO Resolution MEPC.215 (63), where applicable),

(vi) name of the shipowner,

(vii) address of the shipowner and its principal place of business,

(viii) name of the company (if not the shipowner),

(ix) address of the company (if not the shipowner) and its principal place of business,

(x) address, telephone and e-mail details of a contact person;

(b) the identity of the verifier that assessed the emissions report;

(c) information on the monitoring method used and the related level of uncertainty;

(d) the results from annual monitoring of the parameters in accordance with Article 10.

Article 12

Format of the emissions report

1. The emissions report shall be submitted using automated systems and data exchange formats, including electronic templates.

2. The Commission shall determine, by means of implementing acts, technical rules establishing the data exchange formats, including the electronic templates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

CHAPTER III

VERIFICATION AND ACCREDITATION

Article 13

Scope of verification activities and verification report

1. The verifier shall assess the conformity of the monitoring plan with the requirements laid down in Articles 6 and 7. Where the verifier's assessment identifies non-conformities with those requirements, the company concerned shall revise its monitoring plan accordingly and submit the revised plan for a final assessment by the verifier before the reporting period starts. The company shall agree with the verifier on the timeframe necessary to introduce those revisions. That timeframe shall in any event not extend beyond the beginning of the reporting period.

2. The verifier shall assess the conformity of the emissions report with the requirements laid down in Articles 8 to 12 and Annexes I and II.

In particular the verifier shall assess whether the CO_2 emissions and other relevant information included in the emissions report have been determined in accordance with Articles 8, 9 and 10 and the monitoring plan.

3. Where the verification assessment concludes, with reasonable assurance from the verifier, that the emissions report is free from material misstatements, the verifier shall issue a verification report stating that the emissions report has been verified as satisfactory. The verification report shall specify all issues relevant to the work carried out by the verifier.

4. Where the verification assessment concludes that the emissions report includes misstatements or non-conformities with the requirements of this Regulation, the verifier shall inform the company thereof in a timely manner. The company shall then correct the misstatements or non-conformities so as to enable the verification process to be completed in time and shall submit to the verifier the revised emissions report and any other information that was necessary to correct the non-conformities identified. In its verification report, the verifier shall state whether the misstatements or non-conformities identified during the verification assessment have been corrected by the company. Where the communicated misstatements or non-conformities have not been corrected and, individually or combined, lead to material misstatements, the verifier shall issue a verification report stating that the emissions report does not comply with this Regulation.

Article 14

General obligations and principles for the verifiers

1. The verifier shall be independent from the company or from the operator of a ship and shall carry out the activities required under this Regulation in the public interest. For that purpose, neither the verifier nor any part of the same legal entity shall be a company or ship operator, the owner of a company, or be owned by them, nor shall the verifier have relations with the company that could affect its independence and impartiality.

2. When considering the verification of the emissions report and of the monitoring procedures applied by the company, the verifier shall assess the reliability, credibility and accuracy of the monitoring systems and of the reported data and information relating to CO_2 emissions, in particular:

(a) the attribution of fuel consumption to voyages;

(b) the reported fuel consumption data and related measurements and calculations;

(c) the choice and the employment of emission factors;

(d) the calculations leading to the determination of the overall CO_2 emissions;

(e) the calculations leading to the determination of the energy efficiency.

3. The verifier shall only consider emissions reports submitted in accordance with Article 12 if reliable and credible data and information enable the CO_2 emissions to be determined with a reasonable degree of certainty and provided that the following are ensured:

(a) the reported data are coherent in relation to estimated data that are based on ship tracking data and characteristics such as the installed engine power;

(b) the reported data are free of inconsistencies, in particular when comparing the total volume of fuel purchased annually by each ship and the aggregate fuel consumption during voyages;

(c) the collection of the data has been carried out in accordance with the applicable rules; and

(d) the relevant records of the ship are complete and consistent.

Article 15

Verification procedures

1. The verifier shall identify potential risks related to the monitoring and reporting process by comparing reported CO_2 emissions with estimated data based on ship tracking data and characteristics such as the installed engine power. Where significant deviations are found, the verifier shall carry out further analyses.

2. The verifier shall identify potential risks related to the different calculation steps by reviewing all data sources and methodologies used.

3. The verifier shall take into consideration any effective risk control methods applied by the company to reduce levels of uncertainty associated with the accuracy specific to the monitoring methods used.

4. The company shall provide the verifier with any additional information that enables it to carry out the verification procedures. The verifier may conduct spot-checks during the verification process to determine the reliability of reported data and information.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 23, in order to further specify the rules for the verification activities referred to in this Regulation. When adopting these acts, the Commission shall take into account the elements set out in Part A of Annex III. The rules specified in those delegated acts shall be based on the principles for verification provided for in Article 14 and on relevant internationally accepted standards.

Article 16

Accreditation of verifiers

1. Verifiers that assess the monitoring plans and the emissions reports, and issue verification reports and documents of compliance referred to in this Regulation shall be accredited for activities under the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008.

2. Where no specific provisions concerning the accreditation of verifiers are laid down in this Regulation, the relevant provisions of Regulation (EC) No 765/2008 shall apply.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 23, in order to further specify the methods of accreditation of verifiers. When adopting these acts, the Commission shall take into account the elements set out in Part B of Annex III. The methods specified in those delegated acts shall be based on the principles for verification provided for in Article 14 and on relevant internationally accepted standards.

CHAPTER IV

COMPLIANCE AND PUBLICATION OF INFORMATION

Article 17

Document of compliance

1. Where the emissions report fulfils the requirements set out in Articles 11 to 15 and those in Annexes I and II, the verifier shall issue, on the basis of the verification report, a document of compliance for the ship concerned.

2. The document of compliance shall include the following information:

(a) identity of the ship (name, IMO identification number and port of registry or home port);

(b) name, address and principal place of business of the shipowner;

(c) identity of the verifier;

(d) date of issue of the document of compliance, its period of validity and the reporting period it refers to.

3. Documents of compliance shall be valid for the period of 18 months after the end of the reporting period.

4. The verifier shall inform the Commission and the authority of the flag State, without delay, of the issuance of any document of compliance. The verifier shall transmit the information referred to in paragraph 2 using automated systems and data exchange formats, including electronic templates.

5. The Commission shall determine, by means of implementing acts, technical rules for the data exchange formats, including the electronic templates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

Article 18

Obligation to carry a valid document of compliance on board

By 30 June of the year following the end of a reporting period, ships arriving at, within or departing from a port under the jurisdiction of a Member State, and which have carried out voyages during that reporting period, shall carry on board a valid document of compliance.

Article 19

Compliance with monitoring and reporting requirements and inspections

1. Based on the information published in accordance with Article 21(1), each Member State shall take all the measures necessary to ensure compliance with the monitoring and reporting requirements set out in Articles 8 to 12 by ships flying its flag. Member States shall regard the fact that a document of compliance has been issued for the ship concerned, in accordance with Article 17(4), as evidence of such compliance.

2. Each Member State shall ensure that any inspection of a ship in a port under its jurisdiction carried out in accordance with Directive 2009/16/EC includes checking that a valid document of compliance is carried on board.

3. For each ship in respect of which the information referred to in points (i) and (j) of Article 21(2), is not available at the time when it enters a port under the jurisdiction of a Member State, the Member State concerned may check that a valid document of compliance is carried on board.

Article 20

Penalties, information exchange and expulsion order

1. Member States shall set up a system of penalties for failure to comply with the monitoring and reporting obligations set out in Articles 8 to 12 and shall take all the measures necessary to ensure that those penalties are imposed. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 1 July 2017, and shall notify to the Commission without delay any subsequent amendments.

2. Member States shall establish an effective exchange of information and effective cooperation between their national authorities responsible for ensuring compliance with monitoring and reporting obligations or, where applicable, their authorities entrusted with penalty procedures. National penalty procedures against a specified ship by any Member State shall be notified to the Commission, the European Maritime Safety Agency (EMSA), to the other Member States and to the flag State concerned.

3. In the case of ships that have failed to comply with the monitoring and reporting requirements for two or more consecutive reporting periods and where other enforcement measures have failed to ensure compliance, the competent authority of the Member State of the port of entry may issue an expulsion order which shall be notified to the Commission, EMSA, the other Member States and the flag State concerned. As a result of the issuing of such an expulsion order, every Member State shall refuse entry of the ship concerned into any of its ports until the company fulfils its monitoring and reporting obligations in accordance with Articles 11 and 18. The fulfilment of those obligations shall be confirmed by the notification of a valid document of compliance to the competent national authority which issued the expulsion order. This paragraph shall be without prejudice to international maritime rules applicable in the case of ships in distress.

4. The shipowner or operator of a ship or its representative in the Member States shall have the right to an effective remedy before a court or tribunal against an expulsion order and shall be properly informed thereof by the competent authority of the Member State of the port of entry. Member States shall establish and maintain appropriate procedures for this purpose.

5. Any Member State without maritime ports in its territory and which has closed its national ship register or has no ships flying its flag that fall within the scope of this Regulation, and as long as no such ships are flying its flag, may derogate from the provisions of this Article. Any Member State that intends to avail itself of that derogation shall notify the Commission at the latest on 1 July 2015. Any subsequent change shall also be communicated to the Commission.

Article 21

Publication of information and Commission report

1. By 30 June each year, the Commission shall make publicly available the information on CO_2 emissions reported in accordance with Article 11 as well as the information set out in paragraph 2 of this Article.

2. The Commission shall include the following in the information to be made publicly available:

(a) the identity of the ship (name, IMO identification number and port of registry or home port);

(b) the technical efficiency of the ship (EEDI or EIV, where applicable);

(c) the annual CO_2 emissions;

(d) the annual total fuel consumption for voyages;

(e) the annual average fuel consumption and CO_2 emissions per distance travelled of voyages;

(f) the annual average fuel consumption and CO_2 emissions per distance travelled and cargo carried on voyages;

(g) the annual total time spent at sea in voyages;

(h) the method applied for monitoring;

(i) the date of issue and the expiry date of the document of compliance;

(j) the identity of the verifier that assessed the emissions report;

(k) any other information monitored and reported on a voluntary basis in accordance with Article 10.

3. Where, due to specific circumstances, disclosure of a category of aggregated data under paragraph 2, which does not relate to CO_2 emissions, would exceptionally undermine the protection of commercial interests deserving protection as a legitimate economic interest overriding the public interest in disclosure pursuant to Regulation (EC) No 1367/2006 of the European Parliament and of the Council [1], a different level of aggregation of that specific data shall be applied, at the request of the company, so as to protect such interests. Where application of a different level of aggregation is not possible, the Commission shall not make those data publicly available.

[1] Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

4. The Commission shall publish an annual report on CO_2 emissions and other relevant information from maritime transport, including aggregated and explained results, with the aim of informing the public and allowing for an assessment of the CO_2 emissions and the energy efficiency of maritime transport per size, type of ships, activity, or any other category deemed relevant.

5. The Commission shall assess every two years the maritime transport sector's overall impact on the global climate including through non-CO_2-related emissions or effects.

6. Within the framework of its mandate, EMSA shall assist the Commission in its work to comply with this Article and Articles 12 and 17 of this Regulation, in accordance with Regulation (EC) No 1406/2002 of the European Parliament and of the Council [1].

CHAPTER V

INTERNATIONAL COOPERATION

Article 22

International cooperation

1. The Commission shall inform the IMO and other relevant international bodies on a regular basis of the implementation of this Regulation, without prejudice to the distribution of competences or to decision-making procedures as provided for in the Treaties.

2. The Commission and, where relevant, the Member States shall maintain technical exchange with third countries, in particular the further development of monitoring methods, the organisation of reporting and the verification of emissions reports.

3. In the event that an international agreement on a global monitoring, reporting and verification system for greenhouse gas emissions or on global measures to reduce greenhouse gas emissions from maritime transport is reached, the Commission shall review this Regulation and shall, if appropriate, propose amendments to this Regulation in order to ensure alignment with that international agreement.

CHAPTER VI

DELEGATED AND IMPLEMENTING POWERS AND FINAL PROVISIONS

Article 23

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.

2. The power to adopt delegated acts referred to in Articles 5(2), 15(5) and 16(3) shall be conferred on the Commission for a period of five years from 1 July 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 5(2), 15(5) and 16(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

[1] Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

5. A delegated act adopted pursuant to Articles 5(2), 15(5) and 16(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 24

Committee procedure

1. The Commission shall be assisted by the Committee established by Article 26 of Regulation (EU) No 525/2013 of the European Parliament and of the Council [1]. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 25

Amendments to Directive 2009/16/EC

The following point shall be added to the list set out in Annex IV to Directive 2009/16/EC:

'50. Document of Compliance issued under Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (*).

(*) OJ L 123, 19.5.2015, p. 55.'

Article 26

Entry into force

This Regulation shall enter into force on 1 July 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 29 April 2015.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	Z. KALNIŅA-LUKAŠEVICA

[1] Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

ANNEX I

Methods for monitoring CO_2 emissions

A. CALCULATION OF CO_2 EMISSIONS (ARTICLE 9)

For the purposes of calculating CO_2 emissions companies shall apply the following formula:

Fuel consumption × emission factor

Fuel consumption shall include fuel consumed by main engines, auxiliary engines, gas turbines, boilers and inert gas generators.

Fuel consumption within ports at berth shall be calculated separately.

In principle, default values for emission factors of fuels shall be used unless the company decides to use data on fuel quality set out in the Bunker Fuel Delivery Notes (BDN) and used for demonstrating compliance with applicable regulations of sulphur emissions.

Those default values for emission factors shall be based on the latest available values of the Intergovernmental Panel for Climate Change (IPCC). Those values can be derived from Annex VI to Commission Regulation (EU) No 601/2012 [1].

Appropriate emission factors shall be applied in respect of biofuels and alternative non-fossil fuels.

B. METHODS FOR DETERMINING CO_2 EMISSIONS

The company shall define in the monitoring plan which monitoring method is to be used to calculate fuel consumption for each ship under its responsibility and ensure that once the method has been chosen, it is consistently applied.

Actual fuel consumption for each voyage shall be used and be calculated using one of the following methods:

(a) Bunker Fuel Delivery Note (BDN) and periodic stocktakes of fuel tanks;

(b) Bunker fuel tank monitoring on board;

(c) Flow meters for applicable combustion processes;

(d) Direct CO_2 emissions measurements.

Any combination of these methods, once assessed by the verifier, may be used if it enhances the overall accuracy of the measurement.

1. Method A: BDN and periodic stocktakes of fuel tanks

   This method is based on the quantity and type of fuel as defined on the BDN combined with periodic stocktakes of fuel tanks based on tank readings. The fuel at the beginning of the period, plus deliveries, minus fuel available at the end of the period and de-bunkered fuel between the beginning of the period and the end of the period together constitute the fuel consumed over the period.

   The period means the time between two port calls or time within a port. For the fuel used during a period, the fuel type and the sulphur content need to be specified.

   This method shall not be used when BDN are not available on board ships, especially when cargo is used as a fuel, for example, liquefied natural gas (LNG) boil-off.

   Under existing MARPOL Annex VI regulations, the BDN is mandatory, is to be retained on board for three years after the delivery of the bunker fuel and is to be readily available. The periodic stocktake of fuel tanks on-board is based on fuel tank readings. It uses tank tables relevant to each fuel tank to determine the volume at the time of the fuel tank reading. The uncertainty associated with the BDN shall be specified in the monitoring plan. Fuel tank readings shall be carried out by appropriate methods such as automated systems, soundings and dip tapes. The method for tank sounding and uncertainty associated shall be specified in the monitoring plan.

[1] Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.7.2012, p. 30).

Where the amount of fuel uplift or the amount of fuel remaining in the tanks is determined in units of volume, expressed in litres, the company shall convert that amount from volume to mass by using actual density values. The company shall determine the actual density by using one of the following:

(a) on-board measurement systems;

(b) the density measured by the fuel supplier at fuel uplift and recorded on the fuel invoice or BDN.

The actual density shall be expressed in kg/l and determined for the applicable temperature for a specific measurement. In cases for which actual density values are not available, a standard density factor for the relevant fuel type shall be applied once assessed by the verifier.

2. Method B: Bunker fuel tank monitoring on-board

This method is based on fuel tank readings for all fuel tanks on-board. The tank readings shall occur daily when the ship is at sea and each time the ship is bunkering or de-bunkering.

The cumulative variations of the fuel tank level between two readings constitute the fuel consumed over the period.

The period means the time between two port calls or time within a port. For the fuel used during a period, the fuel type and the sulphur content need to be specified.

Fuel tank readings shall be carried out by appropriate methods such as automated systems, soundings and dip tapes. The method for tank sounding and uncertainty associated shall be specified in the monitoring plan.

Where the amount of fuel uplift or the amount of fuel remaining in the tanks is determined in units of volume, expressed in litres, the company shall convert that amount from volume to mass by using actual density values. The company shall determine the actual density by using one of the following:

(a) on-board measurement systems;

(b) the density measured by the fuel supplier at fuel uplift and recorded on the fuel invoice or BDN;

(c) the density measured in a test analysis conducted in an accredited fuel test laboratory, where available.

The actual density shall be expressed in kg/l and determined for the applicable temperature for a specific measurement. In cases for which actual density values are not available, a standard density factor for the relevant fuel type shall be applied once assessed by the verifier.

3. Method C: Flow meters for applicable combustion processes

This method is based on measured fuel flows on-board. The data from all flow meters linked to relevant CO_2 emission sources shall be combined to determine all fuel consumption for a specific period.

The period means the time between two port calls or time within a port. For the fuel used during a period, the fuel type and the sulphur content need to be monitored.

The calibration methods applied and the uncertainty associated with flow meters used shall be specified in the monitoring plan.

Where the amount of fuel consumed is determined in units of volume, expressed in litres, the company shall convert that amount from volume to mass by using actual density values. The company shall determine the actual density by using one of the following:

(a) on-board measurement systems;

(b) the density measured by the fuel supplier at fuel uplift and recorded on the fuel invoice or BDN.

The actual density shall be expressed in kg/l and determined for the applicable temperature for a specific measurement. In cases for which actual density values are not available, a standard density factor for the relevant fuel type shall be applied once assessed by the verifier.

4. Method D: Direct CO_2 emissions measurement

The direct CO_2 emissions measurements may be used for voyages and for CO_2 emissions occurring in ports located in a Member State's jurisdiction. CO_2 emitted shall include CO_2 emitted by main engines, auxiliary engines, gas turbines, boilers and inert gas generators. For ships for which reporting is based on this method, the fuel consumption shall be calculated using the measured CO_2 emissions and the applicable emission factor of the relevant fuels.

This method is based on the determination of CO_2 emission flows in exhaust gas stacks (funnels) by multiplying the CO_2 concentration of the exhaust gas with the exhaust gas flow.

The calibration methods applied and the uncertainty associated with the devices used shall be specified in the monitoring plan.

ANNEX II

Monitoring of other relevant information

A. MONITORING ON A PER VOYAGE BASIS (ARTICLE 9)

1. For the purposes of monitoring other relevant information on a per-voyage basis (Article 9(1)), companies shall respect the following rules:

   (a) the date and hour of departure and arrival shall be considered using Greenwich Mean Time (GMT). The time spent at sea shall be calculated based on port departure and arrival information and shall exclude anchoring;

   (b) the distance travelled may be either the distance of the most direct route between the port of departure and the port of arrival or the real distance travelled. In the event of the use of the distance of the most direct route between the port of departure and the port of arrival, a conservative correction factor should be taken into account to ensure that the distance travelled is not significantly underestimated. The monitoring plan shall specify which distance calculation is used and, if necessary, the correction factor used. The distance travelled shall be expressed in nautical miles;

   (c) transport work shall be determined by multiplying the distance travelled with the amount of cargo carried;

   (d) for passenger ships, the number of passengers shall be used to express cargo carried. For all other categories of ships, the amount of cargo carried shall be expressed either as metric tonnes or as standard cubic metres of cargo, as appropriate;

   (e) for ro-ro ships, cargo carried shall be defined as the number of cargo units (trucks, cars, etc.) or lane-metres multiplied by default values for their weight. Where cargo carried by ro-ro ships has been defined based on Annex B to the CEN standard EN 16258 (2012), covering 'Methodology for calculation and declaration of energy consumption and GHG emissions of transport services (freight and passengers)', that definition shall be deemed to comply with this Regulation.

   For the purposes of this Regulation, 'ro-ro ship' means a ship designed for the carriage of roll-on-roll-off cargo transportation units or with roll-on-roll-off cargo spaces;

   (f) for container ships, cargo carried shall be defined as the total weight in metric tonnes of the cargo or, failing that, the amount of 20-foot equivalent units (TEU) multiplied by default values for their weight. Where cargo carried by a container ship is defined in accordance with applicable IMO Guidelines or instruments pursuant to the Convention for the Safety of Life at Sea (SOLAS Convention), that definition shall be deemed to comply with this Regulation.

   For the purposes of this Regulation, 'container ship' means a ship designed exclusively for the carriage of containers in holds and on deck;

   (g) the determination of cargo carried for categories of ships other than passenger ships, ro-ro ships and container ships shall enable the taking into account, where applicable, of the weight and volume of cargo carried and the number of passengers carried. Those categories shall include, inter alia, tankers, bulk carriers, general cargo ships, refrigerated cargo ships, vehicle carriers and combination carriers.

2. In order to ensure uniform conditions for the application of point (g) of paragraph 1, the Commission shall adopt, by means of implementing acts, technical rules specifying the parameters applicable to each of the other categories of ships referred to under that point.

   Those implementing acts shall be adopted not later than 31 December 2016 in accordance with the examination procedure referred to in Article 24(2).

   The Commission, by means of implementing acts, may revise, where appropriate, the applicable parameters referred to in point (g) of paragraph 1. Where relevant, the Commission shall also revise those parameters to take account of amendments to this Annex pursuant to Article 5(2). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

3. In complying with the rules referred to in paragraphs 1 and 2, companies may also choose to include specific information relating to the ship's ice class and to navigation through ice.

B. MONITORING ON AN ANNUAL BASIS (ARTICLE 10)

For the purposes of monitoring other relevant information on an annual basis, companies shall respect the following rules:

The values to be monitored under Article 10 shall be determined by aggregation of the respective per voyage data.

Average energy efficiency shall be monitored by using at least four indicators: fuel consumption per distance, fuel consumption per transport work, CO_2 emissions per distance and CO_2 emissions per transport work, which shall be calculated as follows:

Fuel consumption per distance = total annual fuel consumption/total distance travelled

Fuel consumption per transport work = total annual fuel consumption/total transport work

CO_2 emissions per distance = total annual CO_2 emissions/total distance travelled

CO_2 emissions per transport work = total annual CO_2 emissions/total transport work.

In complying with these rules, companies may also choose to include specific information relating to the ship's ice class and to navigation through ice, as well as other information related to the fuel consumed and CO_2 emitted, differentiating on the basis of other criteria defined in the monitoring plan.

ANNEX III

Elements to be taken into account for the delegated acts provided for in Articles 15 and 16

A. VERIFICATION PROCEDURES

— Competencies of verifiers,

— documents to be provided by companies to verifiers,

— risk assessment to be carried out by verifiers,

— assessment of the conformity of the monitoring plan,

— verification of the emissions report,

— materiality level,

— reasonable assurance of verifiers,

— misstatements and non-conformities,

— content of the verification report,

— recommendations for improvements,

— communication between companies, verifiers and the Commission.

B. ACCREDITATION OF VERIFIERS

— How accreditation for shipping activities can be requested,

— how verifiers will be assessed by the national accreditation bodies in order to issue an accreditation certificate,

— how the national accreditation bodies will perform the surveillance needed to confirm the continuation of the accreditation,

— requirements for national accreditation bodies in order to be competent to provide accreditation to verifiers for shipping activities, including reference to harmonised standards.

標題

USCG によるバラスト水規制の適用延期の申請方法および追加情報について

ClassNK

テクニカル
インフォメーション

No. TEC-1049
発行日 2015 年 10 月 15 日

各位

United States Coast Guard（USCG）は、米国海域内を航行する船舶に対するバラスト水処理装置搭載を強制化する規則"Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters"を施行しております（詳細は、テクニカルインフォメーション No.TEC-0903 を参照下さい）。
上記に関連して、USCG は 33CFR151.1513 及び 33CFR151.2036 に基づき、バラスト水処理装置搭載の延期の申請方法を Policy Letter として 2013 年 9 月 25 日に公表しております（詳細は、テクニカルインフォメーション No.TEC-0971 を参照下さい）。
今般、上記延長申請に関する Policy Letter の改訂版（添付 1）、申請に関する追加情報（Application Tips for Extended Compliance Dates under USCG Ballast Water Management regulations）（添付 2）、および申請書（Application for Extended Compliance Date under U.S. Coast Guard Ballast Water Management (BWM) Regulations）（添付 3）が 2015 年 9 月 10 日に発行されました。
バラスト水処理装置の搭載の延長について USCG の基本的な方針は大きくは変わっておりませんが、延長内容（以下 1.および 2.）また申請方法（以下 3.から 12.）等について数点変更がありましたので、特筆すべき変更事項および追加情報を以下に記します:

1. Alternate Management System として認められた機種を搭載する船舶も延長申請が可能となった（Alternate Management System についてはテクニカルインフォメーション No.TEC-0951 を参照下さい）。
2. 最大延長期間（改訂前の Policy letter では 5 年）に関する記述が削除された。
3. 延長申請の際、バラスト水管理計画書のコピーの提出（テクニカルインフォメーション No.TEC-0971 の必要提出書類の 5.）が不要となり、同計画書に従う旨の宣誓書の提出が必要となった。
4. 印刷物での延長申請は認められなくなり、メールでの申請のみ認められるようになった。
5. 延長申請の際には、添付 3.のエクセルファイルと他必要書類（テクニカルインフォメーション No.TEC-0971 の必要提出書類の 1.から 8.）を併せて申請する。エクセルの題名は「BWM extension application － 船名記入」とする。
6. 追加延長方法が改訂版 Policy letter に追加された（添付 1 の 5(b)）。
7. 搭載年が同じかつ搭載困難である理由が同じ複数の船舶は、添付 3 にてまとめて申請する。
8. 延長申請時期は各船舶搭載期日の 12-24 ヶ月前にする。
9. 追加延長申請の際には、メールの件名および添付 3 のエクセルファイルの題名に supplemental（追加延長）である旨を明記する。
10. 申請書類は OCR フォーマット（コピー可能な形式）で作成する。
11. USCG のパソコンは HTML 形式を表示できないために、添付 3 の申請書を使用する。

（次頁に続く）

NOTES:

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12. 延長申請もしく延長承認書のキャンセルをすることができる。なお、キャンセル後のバラスト水処置装置搭載期日（次のスケジュールドライドック）まではバラスト交換が可能、もしくは同期日の12ヶ月前までに延長を申請することも可能。

添付 1、2 および 3 の電子データは下記の U.S. Coast Guard's Internet portal の Regulations and Policy Documents フォルダーよりダウンロード可能です。
http://homeport.uscg.mil/ballastwater

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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添付：

1. EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST WATER MANAGEMENT METHODS, Revision 1
2. Application Tips for Extended Compliance Dates under USCG Ballast Water Management regulations
3. Application for Extended Compliance Date under U.S. Coast Guard Ballast Water Management (BWM) Regulations

U.S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

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16711
CG-OES Policy Letter
No. 13-01, Revision 1
10 September 2015

KELLY.SCOTT.J.1158795902

From: S. J. KELLY, CAPT
COMDT (CG-OES)

To: Distribution

Subj: EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST WATER MANAGEMENT METHODS, Revision 1

Ref: (a) Title 33 Code of Federal Regulations (CFR) Part 151 Sections 1513 & 2036
(b) Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (Federal Register/Volume 77, No. 57/March 23, 2012/page 17254)

1. PURPOSE. This policy letter provides revised guidance to vessel owners and operators seeking to extend compliance dates for implementing approved Ballast Water Management (BWM) methods. Reference (a) contains provisions for the Coast Guard to grant an extension to a vessel's original compliance date under the implementation schedule in 33 CFR 151.1512 and 151.2035. Every extension request and supplemental extension request must document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 33 CFR 151.2025 by the date stipulated in the implementation schedule, or the end date specified in the current extension granted by the Coast Guard, is not possible for the subject vessel.[1]

2. ACTION. Area, District, and Sector Commanders and Captains of the Port should ensure that the provisions of this policy are brought to the attention of the appropriate individuals in the maritime industry. Internet release is authorized.

3. DIRECTIVES AFFECTED. CG-OES Policy Letter 13-01 dated Sept 23, 2013 is superseded.

4. BACKGROUND. Reference (b) became effective on June 21, 2012, and established a quantitative ballast water discharge standard (BWDS) and approved BWM methods for many of the non-recreational vessels equipped with ballast tanks that operate in waters of the U.S. Exemptions from applicability of the regulations finalized by Reference (b) are detailed in 33 CFR 151.1502 (Subpart C – Great Lakes and Hudson River) and 33 CFR 151.2015 (Subpart D – Waters of the United States). The compliance dates for implementation of approved BWM methods vary based on a vessel's ballast water capacity and construction date. The implementation schedule for compliance with approved BWM methods for Subpart C is shown in Table 151.1512(b), and the implementation schedule for Subpart D is shown in

[1] Some vessels that are not covered by the applicability requirements of Reference (b) may still be subject to the ballast water management requirements of the U.S. EPA Vessel General Permit (VGP) issued under Section 402 of the Clean Water Act. Please note statement in Section 6 of this policy letter regarding EPA's policy on Coast Guard extension letters. A discussion of the VGP is beyond the scope of this policy letter. The EPA's 2013 VGP can be found on the Internet at http://water.epa.gov/polwaste/npdes/vessels/Vessel-General-Permit.cfm

Table 151.2035(b). All owners and operators of vessels equipped with ballast water tanks and operating in waters of the U.S. (including the Great Lakes) must follow applicable BWM requirements when conducting ballast operations in waters of the U.S.

5. EXTENSION REQUESTS AND SUPPLEMENTAL EXTENSION REQUESTS.

5(a). PROCEDURES FOR EXTENSION APPLICATION:

The Coast Guard may grant an extension to the implementation schedule listed in 33 CFR 151.1512(b) or 33 CFR 151.2035(b) only in cases where the master, owner, operator, agent or person in charge of a vessel can document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 33 CFR 151.2025 is not possible. Circumstances that may merit an extension request include limited availability (or no availability) of Coast Guard type-approved BWMS (including constrained shipyard capability and capacity to install the system prior to the deadline) and lack of availability of, or ability to use exclusively, water from a U.S. public water system (PWS). Every realistic option should be exhausted before an extension request is submitted. Extensions will be granted for no longer than the minimum time needed, as determined by the Coast Guard, for the vessel to comply with the requirements in 33 CFR Subparts C or D.

Vessels that intend to retain ballast water on board when operating in waters of the U.S., or intend to discharge ballast water to a facility onshore or to another vessel for purposes of treatment, do not need an extension. These approved BWM methods must be included in the vessel's BWM Plan.

Vessel owners and operators requesting an extension or supplemental extension of compliance date should recognize the Coast Guard determines "original compliance date" by the following implementation schedule as listed in 33 CFR 151.1512(b) or 33 CFR 151.2035(b):

A. For vessels constructed on or after December 1, 2013: the date of vessel delivery.

B. For vessels constructed before December 1, 2013, and
    1. having less than 1500 m^3 ballast water capacity: the date of the first scheduled drydocking after January 1, 2016; or
    2. having 1500-5000 m^3 ballast water capacity: the date of the first scheduled drydocking after January 1, 2014; or
    3. having greater than 5000 m^3 ballast water capacity: the date of the first scheduled drydocking after January 1, 2016.

Determining the correct original compliance date is critical, as extension requests must be submitted at least 12 months prior to this date. In certain circumstances, a party may be unable to meet the 12 month requirement (e.g., establishing new ownership of the vessel). In such cases, the extension request should be submitted as early as possible with supporting documentation justifying the party's reason for not meeting the regulatory deadline.

Extension requests must be written in English and submitted electronically as an e-mail, with an application spreadsheet with required information attached, to: environmental_standards@uscg.mil

A copy of the recommended format for the application spreadsheet is available for download on the Coast Guard's Internet portal at http://homeport.uscg.mil/ballastwater, in the "Regulations and Policy Documents" folder where this policy letter is located.

The vessel specific information shall include:

1. Vessel Name (do not include designations such as M/V unless part of official name);
2. Vessel IMO number (or other official number if vessel does not have IMO number);
3. Total ballast water capacity in cubic meters (m^3);
4. Scheduled delivery date after December 1, 2013 for a new vessel (See 33 CFR 151.1512(b) or 151.2035(b) for definition of "new vessel"; and 33 CFR 151.1504 or 151.2005 for definition of "constructed"); or
5. Last drydocking date and first scheduled dry docking date after January 1, 2014 or January 1, 2016, as applicable, for an existing vessel; and
6. Company name and mailing address, and email addresses of contacts.

The following information will aid the Coast Guard in making its decision:

1. Documentation from shipyards indicating a lack of capability or capacity to install a BWMS on the vessel to comply with the implementation schedule;
2. Documentation of non-availability of suitable onshore facilities or another vessel to receive untreated ballast water;
3. Documentation of non-availability of water from a U.S. public water system that can be used as ballast water;
4. Documentation attesting that Coast Guard type approved BWMS suitable for specific vessels of a particular design are not yet available;
5. A statement that the vessel has a BWM plan that the vessel will follow for discharges that take place in waters of the U.S.;
6. Estimate as to when the vessel will be able to implement an approved BWM method;
7. If the vessel will conduct ballast water exchange during the extension period, the request should include a statement that the vessel will conduct complete ballast water exchange in an area 200 nautical miles from any shore prior to discharging ballast water into waters of the U.S., unless the provisions of 33 CFR 151.2040 apply, or otherwise if so required by a U.S. state;
8. In cases where the vessel has sought a classification society "safety exemption" from conducting ballast water exchange, the extension request must detail the reasons for the safety exemption and how operational practices have been adapted so that only the amount of ballast water operationally necessary is discharged into waters of the U.S.

5(b). PROCEDURES FOR SUPPLEMENTAL EXTENSION APPLICATION:

If an extended compliance date proves insufficient due to unanticipated delays or changes in circumstances, a vessel's owner, operator, agent, master, or person in charge may submit a supplemental extension request for the vessel. The supplemental extension request should be submitted not less than 90 days prior to the end or termination date specified in the prior extension granted by the Coast Guard. The supplemental request must reference the original vessel name and IMO number and clearly state the reason(s) why the vessel needs additional time to comply with the BWM requirements, including situation-specific documentation.

To minimize redundancy, if all documented reasons provided in the initial extension request are unchanged, a declarative statement to that effect can be made for each vessel identified in the request for a supplemental extension. Additionally, if an owner or operator has more than one vessel with the same expiring extension date, then all such vessels may be covered by one request.

The vessel specific information shall include:

1. Vessel Name (do not include designations such as M/V unless part of official name);
2. Vessel IMO number (or other official number if vessel does not have IMO number);
3. Reason that supplemental extension is requested;
4. If applicable, a declarative statement that all documented reasons provided in the initial extension request are unchanged; and
5. Changes to company name or mailing address, and email addresses of contacts.

6. REVIEW AND NOTIFICATION OF RESULTS. Extension requests will be evaluated based on the information and documentation provided. As the Coast Guard may need further clarification prior to making a decision, current contact information must be provided with all submittals (names, phone numbers, and e-mail addresses).

The Coast Guard will respond to all extension requests with a rationale for the decision. When an extension is granted, the duration of the extension will be specified in the decision letter, a copy of which must be retained onboard the vessel. The letter must also be available to Coast Guard vessel inspectors and port state control officers, as well as other federal, state, and local officials with jurisdiction over ballast water discharges into waters of the U.S. A vessel's approved extension letter may be transferred to a new owner for the remainder of its extended compliance date.

A copy of the decision letter will be uploaded to the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) Database so Coast Guard field personnel can verify a vessel's compliance status. Summary information concerning all approved extensions, including the vessel name and vessel owner/operator, duration of the extension, and basis for the extension, will be posted in the "Regulations and Policy Documents" folder on the U.S. Coast Guard's Internet portal at http://homeport.uscg.mil/ballastwater.

Vessel owners and operators should be aware that the Environmental Protection Agency (EPA) 2013 Vessel General Permit (VGP) contains ballast water treatment technology requirements. In Section 1.9 of the 2013 VGP, the EPA advises that "where the U.S. Coast Guard has granted or denied an extension request pursuant to 33 CFR 151.2036, that information will be considered by EPA, but is not binding on EPA." As such, vessel owners/operators are encouraged to contact EPA at the earliest opportunity to inquire about their vessel's status regarding 2013 VGP ballast water technology requirements.

7. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to, nor does it impose, legally-binding requirements on any party. It represents the Coast Guard's current view on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying existing statutory and regulatory requirements.

Subj: EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST WATER MANAGEMENT METHODS, Revision 1

#

Distribution: COMDT (CG-CVC)
COMDT (CG-ENG)
USCG Marine Safety Center (MSC)
All Area/District(p) offices
All Sectors/MSUs/MSDs

Application Tips for Extended Compliance Dates under USCG Ballast Water Management regulations

The revised Extension Policy Letter explains how to apply for an extended compliance date. Changes from the original version include:

1. Vessels that choose to install a foreign type-approved Ballast Water Management System (BWMS) which the Coast Guard has accepted as an Alternate Management System (AMS) may also apply for an extension. The revised letter removed any mention of AMS regulations and policy letter from reference list and original text on page 2 to avoid confusion.
2. Removed 5-year limit on a vessel's cumulative extension, which was not required by 2012 BWM regulations. This does not affect 5-year limit under 33 CFR 151.1510 or 151.2025 that a vessel may use an AMS after its original compliance date.
3. Removed original text that confused applicants regarding length of an approved extension (“maximum duration of an extension" on page 2 was intended to refer to a cumulative length). The Coast Guard does not issue open-ended or 5-year extensions.
4. Aligns with corrected citation in 33 CFR 151.2036 to reference approved BWM methods in 151.2025, rather than the ballast water discharge standard in 151.2030 (see technical amendments published 27 July 2015, in 80 FR 44274).
5. Simplified application process and document requirements, such as highlighting option for "batch" applications.
6. Removed requirement to provide copy of a vessel's Ballast Water Management (BWM) Plan. A statement that a vessel has a BWM Plan that the vessel will follow for discharges that take place in waters of the U.S. is sufficient.
7. Added statement that ballast water exchange provisions include options for vessels under 33 CFR 151.2040. (The template for approval letters will be updated separately.)
8. Paper applications by mail are no longer acceptable. Extension requests must be submitted electronically as an e-mail, with an application spreadsheet with required information attached, to: environmental_standards@uscg.mil
9. Application must now include Excel spreadsheet file titled "BWM extension application - INSERT VESSEL NAME" with company and vessel information. This will help reduce processing time and errors in approval letters.
10. Supplemental extension process has new sub-section to clarify application requirements.
11. A vessel’s approved extension letter may be transferred to a new owner for the remainder of its extended compliance date.

TIPS FOR APPLICANTS:

1. Acknowledgement of Receipt: The Coast Guard computer network does not allow automatic emails to acknowledge receipt, or establishment of an on-line application website. Coast Guard staff does send each applicant a receipt message in the order received, but the volume of requests for 2016 vessels and beyond prohibits timely receipts.
2. Batch application: Submit vessels with same calendar year of original compliance date, and same reasons why they cannot comply with requirement, so the Coast Guard can process similar company vessels at the same time.
3. Submit application within 12-24 months of a vessel's original compliance date. The Coast Guard issues approval letters for one "compliance year" at a time, so this helps process vessels for which it can grant extended compliance dates. This also avoids errors in approval letter due to owner or vessel name change that may occur after application is processed but placed on hold.
4. Length of extension: The Coast Guard coordinates extensions with the U.S. Environmental Protection Agency on an annual basis, and currently issues extended compliance dates for up to 2 years at a time. The "extended compliance date" is a fixed

date and should not be confused with a vessel's "original compliance date" as determined by the Implementation Schedule in 33 CFR 151.1512 or 151.2035.

5. Supplemental extension: Identify application as "supplemental" in email subject line and in application spreadsheet.
6. Application, if attached as separate letter file, should be scanned in a format that provides optical character recognition (OCR), or in application that allows copying text (MS Word, etc.).
7. The Coast Guard computer network no longer displays email messages in HTML format, so please attach application spreadsheet and other documents as needed.
8. Cancellation: A vessel owner or operator may request to cancel an application or approved extension letter, due to a dry dock date taking place in an earlier year, etc. The vessel may continue to conduct ballast water exchange until the revised compliance date, or request a revised extension at least 12 months before the revised compliance date. The Coast Guard will update its application database, remove the vessel's name from Excel spreadsheet of approved extensions on Homeport, and remove approval letter from vessel's entry in MISLE.
9. Please direct any questions to environmental_standards@uscg.mil

Vessel Extension Request #: _____ - _____
(For USCG use only)

Application for Extended Compliance Date under U.S. Coast Guard Ballast Water Management (BWM) Regulations

COMPANY INFORMATION

Field	
Requesting Co.	
Point of Contact	
Address 1	
Address 2	
City	
State/Country	
Zipcode (U.S.)	
Email addresses	

VESSEL INFORMATION

Vessel Name(s) (add more rows if needed)	IMO or Vessel No.	Owner or "Same" as Requesting Co.	BW capacity (m^3 only)	date (33 CFR 151.1504 or 151.2005 for definition)	First scheduled drydocking after Jan. 1, 2014 or 2016	Supplemental application? (Yes/No)	only: Vessel Extension Request #
EAGLE	1234567	U.S. Coast Guard	123,456.0	08/04/1790	2016/8/4	Yes	

標題

船舶に搭載される有害物質一覧表の適合鑑定書の切り替え発行について

ClassNK

テクニカル インフォメーション

No. TEC-1051
発行日 2015年10月27日

各位

本テクニカルインフォメーションは、弊会発行の船舶に搭載される有害物質一覧表（以下「インベントリ」という。）に関するStatement of FactをStatement of Complianceに切り替えて発行することをお知らせするものです。
弊会では、インベントリの鑑定を受けていただいている船舶のシップリサイクル条約及び EU 規則への対応に資するため、船級符号に「Inventory of Hazardous Material」(略号：IHM)を付記し、就航後のインベントリの維持に関する定期的な審査が行われる船舶に対し、これまでの Statement of Fact（鑑定時点でのみの適合性を証明するもの）に替えて、その後の定期的審査時点での適合性をも証明する Statement of Compliance を発行することと致します。
2013年12月30日に発効した、シップリサイクルに関するEU規則により（詳細は、ClassNK テクニカルインフォメーション TEC-0978を参照）、EU籍船及びEU加盟国に寄港する非EU籍船は、EU規則の定める日（下記の表を参照）以降、船内に存在する有害物質の種別や概算量、所在位置などを示したインベントリの備え付け及び維持が求められております。
また、EU加盟国に寄港・停泊する非EU籍船については、Port State Controlが実施され、インベントリの備え付け及び維持、並びに、維持されたインベントリを備え付けている旨を証明する、旗国又はその代行機関の発行する Statement of Compliance の所持が確認されます。

表 EU規則によるインベントリの作成・備え置きの期限

分類	定義	インベントリ第 I 部作成・備え置き期限
EU 籍新船	以下のいずれかを満たす EU 籍船 1. 適用日後に建造契約が結ばれる船舶 2. 建造契約がない場合、本規則の適用日後 6 ヶ月経過した日以降に起工される船舶またはこれと同等の建造段階にある船舶 3. 適用日後 30 ヶ月経過した日以降に引き渡しが行われる船舶	EU 規則適用日（2015 年 12 月 31 日以降で、EU リスト掲載施設の解撤能力が 250 万 LDT を超えた日から 6 ヶ月後、もしくは、2018 年 12 月 31 日のいずれか早い日）まで
EU籍現存船	EU 籍新船以外の EU 籍船	2020年12月31日まで（2020年12月 31 日までに解撤される場合、解撤前までに作成）
非 EU 籍船	EU加盟国に寄港・停泊するEU籍以外の船舶	2020 年 12 月 31 日まで

（次頁に続く）

NOTES:

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- ClassNK 及びその役員、職員、代理もしくは委託事業者のいずれも、掲載情報の正確性及びその情報の利用あるいは依存により発生する、いかなる損失及び費用についても責任は負いかねます。
- バックナンバーは ClassNK インターネット・ホームページ(URL: www.classnk.or.jp)においてご覧いただけます。

Statement of Fact から Statement of Compliance への切り替えは、以下の通りです。

1. Statement of Fact を所持している船舶であって、船級符号に IHM の付記がある船舶
   次回の船級の定期的検査時に行われる、インベントリに関する定期的審査の結果に基づき、後日、Statement of Compliance をテクニカルサービス部から発行致します。
2. Statement of Fact を所持している船舶であって、船級符号に IHM の付記がない船舶
   ご要望の場合は、船級符号への IHM の付記及び Statement of Compliance 発行の申込みをテクニカルサービス部に提出下さい。本船でのインベントリの維持に関する審査を実施後、後日 Statement of Compliance をテクニカルサービス部で発行致します。また、船級符号へ IHM を付記した船級証書を、後日、再発行致します。
3. Statement of Fact を所持している船舶であって、弊会に登録されていない船舶
   弊会に登録されていないことから定期的審査を行えないため、Statement of Compliance を発行しません。Statement of Fact を従来通り所持して頂きます。

なお、この Statement of Compliance の切り替え発行に係る手数料は、2018 年 12 月 31 日（EU 規則適用日となる可能性のある最終日）まで申し受けません。また、船級の定期的検査時にインベントリに係る定期的審査を実施する場合、インベントリの審査に係る手数料は、シップリサイクル条約が発効するまでは、従前の通り、申し受けません。

これに関連し、弊会の「船舶に搭載される有害物質一覧表に関するガイドライン」を改正致しました（No. TEC-1050 参照）。上記の Statement of Compliance は、このガイドラインの施行日である 2015 年 11 月 1 日から発行致します。なお、改正されたガイドラインについては、ClassNK ホームページより参照可能です。

（注）EU 籍船については、上記に加えて、今後、EU 規則が適用される際には、EU 規則に定めるインベントリに関する追加要件の確認や EU 規則に定める様式による証書の取得などが必要になります。EU 規則の実施のための具体的な取り扱いが公表されましたら、対応を検討の上、できるだけ速やかにお知らせします。また、旗国がシップリサイクル条約の要件を上回る内容の規則を定める等独自の規則を定めたときも同様です。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

一般財団法人 日本海事協会 （ClassNK）
本部 管理センター 船舶管理システム部
住所: 東京都千代田区紀尾井町 4-7（郵便番号 102-8567）
Tel.: 03-5226-2173
Fax: 03-5226-2174
E-mail: smd@classnk.or.jp

◇2018 年 3 月 31 日までの担当部署
一般財団法人 日本海事協会 （ClassNK）
本部 管理センター別館 テクニカルサービス部
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Fax: 03-5226-2177
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標題

USCG によるバラスト水規制の追加情報について

ClassNK

テクニカル
インフォメーション

No. TEC-1055
発行日 2015 年 11 月 12 日

各位

United States Coast Guard（USCG）は、米国海域内を航行する船舶に対するバラスト水処理装置搭載を強制化する規則"Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters"を施行しており、2013 年 12 月 1 日以降に起工した船舶は完工時、それら以外の船舶は 2014 年もしくは 2016 年 1 月 1 日より後の first scheduled drydocking までのバラスト水処理装置の搭載が要求されております（詳細は、テクニカルインフォメーション No.TEC-0903 を参照下さい）。
また、上記に関連して、USCG は 33CFR151.1513 及び 33CFR151.2036 に基づき、バラスト水処理装置搭載の延期の申請方法を Policy Letter として 2013 年 9 月 25 日に、その改訂版を 2015 年 9 月 10 日に公表しております（詳細は、テクニカルインフォメーション No.TEC-0971 および TEC-1049 を参照下さい）。
今般、上記の first scheduled drydocking の定義およびバラスト水処理装置の搭載延期の追加情報に関する添付の Marine Safety Information Bulletin が発行されましたので、特筆すべき追加情報を以下に記します:

1. First scheduled drydocking 日とは USCG バラスト規則のために本船が入渠した日を言う（例:2015 年 12 月 31 日以前に入渠し、2016 年 1 月 1 日より後まで出渠しない場合、これは 2016 年 1 月 1 日より後の first scheduled drydocking には該当しない）。
2. 適用期日以後の応急修理のための入渠工事は first scheduled drydocking には該当しない。しかし、この入渠工事で本船に要求される船底検査が実施され、検査証書、旅客船安全証書、貨物船安全証書、または貨物船安全構造証書への裏書を伴う入渠工事は first scheduled drydocking に該当する。
3. 条約で要求される船底検査、または排ガス浄化装置の搭載や新しい船底塗料の塗布のように事前に計画された入渠工事は first scheduled drydocking に該当する。
4. 入渠検査の代わりの水中検査は first scheduled drydocking には該当しない。
5. 各船の搭載期日以後、米国海域にてバラスト水を排出する船舶は USCG によるバラスト水規制要件に適合する必要がある。しかし、あらゆる努力にも関わらず適合が不可能な場合、船長、船主、運航会社、代理人、または船舶の責任者はその理由を文書化することを条件に、USCG に対してバラスト水処理装置搭載の延長の申請を行うことができる。

（次頁に続く）

NOTES:

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- バックナンバーは ClassNK インターネット・ホームページ(URL: www.classnk.or.jp)においてご覧いただけます。

6. USCGは延長期間の見直しを行っており、改訂版のPolicy letterが発行される見込みである。現在のところ、延長される搭載期日は、本船のオリジナルの搭載期日の後の次の scheduled drydocking となる見込みである。なお、現時点で発行されている延長承認書の再発行は行わず、追加延長の申請があればこの見直された延長期間を適用する見込みである。延長に関する情報は以下にて閲覧可能：
http://homeport.uscg.mil/ballastwater in the "Regulations and Policy Documents" sub-folder

添付の電子データは下記の U.S. Coast Guard の HP よりダウンロード可能です。
USCG top page(http://www.uscg.mil/) --> Library ---> Marine Safety Information Bulletins

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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Tel.:　03-5226-2022 / 2023
Fax:　03-5226-2024
E-mail:　mcd@classnk.or.jp

添付：

1. Maritime Safety Information Bulletin

Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave, SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 13-15
Date: October 22, 2015
E-Mail: CGCVC@uscg.mil

Ballast Water Management (BWM) Program Update

This bulletin provides an update on aspects of the Coast Guard's Ballast Water Management (BWM) program. It includes guidance to comply with Title 33, Code of Federal Regulations (CFR) Part 151, Subparts C and D. It also announces a change to the terms of extended compliance dates the Coast Guard will issue to vessels.

Drydocking Dates

The "original compliance date" for a vessel is determined by the Implementation Schedule in either Table 151.1512(b) for Subpart C or 151.2035(b) for Subpart D. New vessels (those constructed on or after December 1, 2013) must use an approved BWM method by their delivery date. Existing vessels (those constructed before December 1, 2013) must use an approved BWM method by their original compliance date. An existing vessel's original compliance date depends upon the vessel's ballast water capacity and is set as the first scheduled drydocking date after a date specified in either Table 151.1512(b) or 151.2035(b), as applicable.

The BWM regulations do not define "first scheduled drydocking". The following guidance is applicable to the first scheduled drydocking and other drydocking dates for existing vessels:

- In all cases, a vessel's "first scheduled drydocking" date for the purposes of compliance with the BWM implementation schedule is the date the vessel enters a drydock. For example, if a vessel enters drydock on or before December 31, 2015 and does not leave drydock until after January 1, 2016, the drydock is not considered the "first scheduled drydocking after January 1, 2016" for purposes of compliance;

- A drydocking begun after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable, which is necessary for emergency repairs is not considered the first scheduled drydocking. However, if this drydocking satisfies the Administration for endorsing the Certificate of Inspection, passenger ship safety certificate, cargo ship safety certificate, or cargo ship safety construction certificate as the required survey of the bottom of the ship, this drydocking date is considered the first scheduled drydocking;

- A scheduled drydocking begun after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable, to satisfy a statutory bottom survey requirement or to accomplish planned work (such as a drydocking to install exhaust gas cleaning equipment or to install a new bottom coating system), as opposed to emergency work, is considered the "first scheduled drydocking".

An underwater inspection in lieu of drydocking (UWILD) is not considered the “first scheduled drydocking”; instead:

- For vessels that undergo one UWILD and one drydocking for statutory purposes every five years, the first scheduled drydocking is the first drydocking conducted for statutory purposes after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable;

- For vessels that do not routinely undergo drydockings, their original compliance date is 1 January 2014 or 1 January 2016, depending on the vessel’s ballast water capacity.

The Coast Guard recommends vessel owners maintain, in contracts, records, or logbooks, documentation of the date the vessel entered/left the drydock and the reason why the vessel was drydocked, and be prepared to present the information to Coast Guard compliance personnel if there are any questions concerning the vessel's compliance.

Extended Compliance Date

A vessel that discharges ballast water in waters of the U.S. after its original compliance date must comply with the requirements under 33 CFR 151.1512 or 151.2035 for approved BWM methods. However, the master, owner, operator, agent, or person in charge of a vessel may apply to the Coast Guard for an extended compliance date if they can document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 151.2025 is not possible.

The Coast Guard is revising the terms of extended compliance dates, and will issue a revised CG-OES Policy Letter 13-01. A vessel’s extended compliance date will now be the “next scheduled drydocking” after the vessel’s original compliance date. Existing extension letters will not be re-issued, but this change in terms will be made when a vessel applies for a supplemental extension. Information on applying for an extended compliance date is available at http://homeport.uscg.mil/ballastwater in the “Regulations and Policy Documents” sub-folder.

Questions regarding interpretation of “first scheduled drydocking” should be sent to CGCVC@uscg.mil.

-uscg-

This release has been issued for public information and notification purposes only.

標題

USCG のバラスト水処理装置搭載の適用延期の内容に関するポリシーレター（第 2 回改訂版）について

ClassNK
テクニカル
インフォメーション

No. TEC-1056
発行日 2015 年 12 月 2 日

各位

United States Coast Guard （USCG）は、33 CFR 151.1513 及び 33 CFR 151.2036 に基づき、USCG が認めたバラスト水管理方法を実施している船舶に対し、バラスト水処理装置搭載の適用延期に関するポリシーレターを既に発行しております。
2015 年 11 月 16 日に添付のとおり新しいポリシーレターが発行されました。これにより、バラスト水処理装置搭載の適用延期の期間が改訂されることになります。
この新しいポリシーレターは、USCG により既に発行された Marine Safety Information Bulletin の内容を含んでおります（詳細は、テクニカルインフォメーション No.TEC-1055 を参照下さい）。
詳細は、添付の新しいポリシーレターで参照することができます。

新しいポリシーレターの主な内容は、下記のとおりです。

1. "first scheduled drydocking"に関する定義が、新しいポリシーレターに記載された。
   例えば、計画された工事を行うための入渠工事を実施する場合、当該入渠工事は first scheduled drydocking に該当するなど。
   （詳細は、テクニカルインフォメーション No.TEC-1055 を参照）

2. 適用延期申請の方法が下記のとおりとなった。
   A. 新規の適用延期申請及び追加の適用延期申請では、33 CFR 151.1510 or 33 CFR 151.2025 に規定されるバラスト水処理装置搭載の適用日までに、適合するためのあらゆる努力にも関わらず、規定された日、または、USCG により現状認められている適用延期の期間において、当該船舶が適合することが不可能であるとの文書を添付する。
   B. "original compliance date"の定義が下記のとおり定められた。:
      2013 年 12 月 1 日以降起工の船舶: 完工日
      2013 年 12 月 1 日より前に起工された船舶であって、
      (1) 船舶のバラスト水容量が 1500 m^3 より少ない船舶: 2016 年 1 月 1 日より後の最初の first scheduled drydocking
      (2) 船舶のバラスト水容量が 1500 m^3 以上 5000 m^3 以下の船舶: 2014 年 1 月 1 日より後の最初の first scheduled drydocking
      (3) 船舶のバラスト水容量が 5000 m^3 より大きい船舶: 2016 年 1 月 1 日より後の最初の first scheduled drydocking

（次頁に続く）

NOTES:

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- バックナンバーは ClassNK インターネット・ホームページ(URL: www.classnk.or.jp)においてご覧いただけます。

3. 適用延期の期間が改訂された。新規の適用延期または、追加の適用延期が申請され、USCG が認めた場合、新しい適用延期の期間は以下のとおりとなる。
   A. 新規の適用延期申請の場合、適用延期の期間は、本船の original compliance date より後の、その次の scheduled drydocking まで。
   B. 追加の適用延期申請の場合、追加される適用延期の期間は、USCG により現状認められている適用延期の期間より後の、scheduled drydocking まで。
      しかしながら、当該 scheduled drydocking が USCG により現状認められている適用延期の期間から 2 年より前に実施される場合、UCSG は、適用延期の期間を、更にその次の scheduled drydocking とする可能性がある。

4. 適用延期申請の際に求められる情報の内容が更新された。
   詳細は、添付の新しいポリシーレターの 6 項を参照。

USCG より発行されました新しいポリシーレターは下記の USCG HP よりダウンロード可能です。

CG-OES Policy Letter 13-01, Revision 2, 16 November 2015:
USCG Homeport (https://homeport.uscg.mil/mycg/portal/ep/home.do) --> Environmental -->
Ballast Water Management Program --> Regulations and Policy Documents -->
Extended Compliance Dates – Application, Guidance, and Approved Vessels

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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本部 管理センター別館 機関部
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Tel.: 03-5226-2022 / 2023
Fax: 03-5226-2024
E-mail: mcd@classnk.or.jp

添付:

1. CG-OES Policy Letter 13-01, Revision 2, 16 November 2015

U.S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

Stop 7509
2703 Martin Luther King Jr. Ave. S.E.
Washington, DC 20593-7509
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CG-OES Policy Letter
No. 13-01, Revision 2
16 November 2015

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From: S. J. KELLY, CAPT
COMDT (CG-OES)

To: Distribution

Subj: EXTENSION OF IMPLEMENTATION SCHEDULE FOR APPROVED BALLAST WATER MANAGEMENT METHODS, Revision 2

Ref: (a) Title 33 Code of Federal Regulations (CFR) Part 151 Sections 1513 & 2036
(b) Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (Federal Register/Volume 77, No. 57/March 23, 2012/page 17254)

1. PURPOSE. This policy letter provides revised guidance to vessel owners and operators seeking to extend compliance dates for implementing approved Ballast Water Management (BWM) methods. Reference (a) contains provisions for the Coast Guard to grant an extension to a vessel's original compliance date under the implementation schedule in 33 CFR 151.1512 and 151.2035. Every extension request and supplemental extension request must document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 33 CFR 151.2025 by the date stipulated in the implementation schedule, or the end date specified in the current extension granted by the Coast Guard, is not possible for the subject vessel.[1]

2. ACTION. Area, District, and Sector Commanders and Captains of the Port should ensure that the provisions of this policy are brought to the attention of the appropriate individuals in the maritime industry. Internet release is authorized.

3. DIRECTIVES AFFECTED. CG-OES Policy Letter No. 13-01, Rev. 1 dated Sept 10, 2015 is superseded.

4. BACKGROUND. Reference (b) became effective on June 21, 2012, and established a quantitative ballast water discharge standard (BWDS) and approved BWM methods for many of the non-recreational vessels equipped with ballast tanks that operate in waters of the U.S. Exemptions from applicability of the regulations finalized by Reference (b) are detailed in 33 CFR 151.1502 (Subpart C – Great Lakes and Hudson River) and 33 CFR 151.2015 (Subpart D – Waters of the United States). The original compliance dates for implementation of approved BWM methods vary based on a vessel's ballast water capacity and construction date. The implementation schedule for compliance with approved BWM methods for Subpart C is

[1] Some vessels that are not covered by the applicability requirements of Reference (b) may still be subject to the ballast water management requirements of the U.S. EPA Vessel General Permit (VGP) issued under Section 402 of the Clean Water Act. Please note statement in Section 6 of this policy letter regarding EPA's policy on Coast Guard extension letters. A discussion of the VGP is beyond the scope of this policy letter. The EPA's 2013 VGP can be found on the Internet at http://water.epa.gov/polwaste/npdes/vessels/Vessel-General-Permit.cfm

shown in Table 151.1512(b), and the implementation schedule for Subpart D is shown in Table 151.2035(b). All owners and operators of vessels equipped with ballast water tanks and operating in waters of the U.S. (including the Great Lakes) must follow applicable BWM requirements when conducting ballast operations in waters of the U.S.

5. <u>ORIGINAL COMPLIANCE DATE & FIRST SCHEDULED DRYDOCKING</u>.

The "original compliance date" for a vessel is determined by the Implementation Schedule in either Table 151.1512(b) for Subpart C or 151.2035(b) for Subpart D. New vessels (those constructed on or after December 1, 2013) must use an approved BWM method by their delivery date. Existing vessels (those constructed before December 1, 2013) must use an approved BWM method by their original compliance date. An existing vessel's original compliance date depends upon the vessel's ballast water capacity and is set as the first scheduled drydocking date after a date specified in either Table 151.1512(b) or 151.2035(b), as applicable.

The BWM regulations do not define "first scheduled drydocking". The following guidance is applicable to the first scheduled drydocking and other drydocking dates for existing vessels:

- In all cases, a vessel's "first scheduled drydocking" date for the purposes of compliance with the BWM implementation schedule is the date the vessel enters a drydock. For example, if a vessel enters drydock on or before December 31, 2015 and does not leave drydock until after January 1, 2016, the drydock is not considered the "first scheduled drydocking after January 1, 2016" for purposes of compliance;

- A drydocking begun after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable, which is necessary for emergency repairs is not considered the first scheduled drydocking. However, if this drydocking satisfies the Administration for endorsing the Certificate of Inspection, passenger ship safety certificate, cargo ship safety certificate, or cargo ship safety construction certificate as the required survey of the bottom of the ship, this drydocking date is considered the first scheduled drydocking;

- A scheduled drydocking begun after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable, to satisfy a statutory bottom survey requirement or to accomplish planned work (such as a drydocking to install exhaust gas cleaning equipment or to install a new bottom coating system), as opposed to emergency work, is considered the "first scheduled drydocking".

An underwater inspection in lieu of drydocking (UWILD) is not considered the "first scheduled drydocking"; instead:

- For vessels that undergo one UWILD and one drydocking for statutory purposes every five years, the first scheduled drydocking is the first drydocking conducted for statutory purposes after the date specified in either Table 151.1512(b) or 151.2035(b), as applicable;

- For vessels that do not routinely undergo drydockings, their original compliance date is 1 January 2014 or 1 January 2016, depending on the vessel's ballast water capacity.

The Coast Guard recommends vessel owners maintain, in contracts, records, or logbooks, documentation of the date the vessel entered/left the drydock and the reason why the vessel was drydocked, and be prepared to present the information to Coast Guard compliance personnel if there are any questions concerning the vessel's compliance.

6. EXTENSION REQUESTS AND SUPPLEMENTAL EXTENSION REQUESTS.

6(a). PROCEDURES FOR EXTENSION APPLICATION:

The Coast Guard may grant an extension to the implementation schedule listed in 33 CFR 151.1512(b) or 33 CFR 151.2035(b) only in cases where the master, owner, operator, agent or person in charge of a vessel can document that, despite all efforts, compliance with the requirement under 33 CFR 151.1510 or 33 CFR 151.2025 is not possible. Circumstances that may merit an extension request include limited availability (or no availability) of Coast Guard type-approved BWMS (including constrained shipyard capability and capacity to install the system prior to the deadline) and lack of availability of, or ability to use exclusively, water from a U.S. public water system (PWS). Every realistic option should be exhausted before an extension request is submitted. Extensions will be granted for no longer than the minimum time needed, as determined by the Coast Guard, for the vessel to comply with the requirements in 33 CFR Subparts C or D.

Vessels that intend to retain ballast water on board when operating in waters of the U.S., or intend to discharge ballast water to a facility onshore or to another vessel for purposes of treatment, do not need an extension. These approved BWM methods must be included in the vessel's BWM Plan.

Vessel owners and operators requesting an extension or supplemental extension of compliance date should recognize the Coast Guard determines "original compliance date" by the following implementation schedule as listed in 33 CFR 151.1512(b) or 33 CFR 151.2035(b):

A. For vessels constructed on or after December 1, 2013: the date of vessel delivery.

B. For vessels constructed before December 1, 2013, and
   1. having less than 1500 m^3 ballast water capacity: the date of the first scheduled drydocking after January 1, 2016; or
   2. having 1500-5000 m^3 ballast water capacity: the date of the first scheduled drydocking after January 1, 2014; or
   3. having greater than 5000 m^3 ballast water capacity: the date of the first scheduled drydocking after January 1, 2016.

Determining the correct original compliance date is critical, as extension requests must be submitted at least 12 months prior to this date. In certain circumstances, a party may be unable to meet the 12 month requirement (e.g., establishing new ownership of the vessel). In such cases, the extension request should be submitted as early as possible with supporting documentation justifying the party's reason for not meeting the regulatory deadline.

The terms of ballast water extensions to the "next scheduled drydocking" after a vessel's original compliance date will be reflected in a revised approval letter. For vessels that have received extension letters prior to the publication date of this Policy Letter, Rev. 2, the Coast Guard will apply the new terms when it applies for a supplemental extension.

A vessel may need a supplemental extension because compliance is still not possible. For this vessel, the supplemental extended compliance date will be its next scheduled drydocking after its

current extended compliance date. However, if the vessel's next scheduled drydocking is less than two years away, the Coast Guard may grant an extension to the second scheduled drydocking that the applicant provides (see Section 6(b) below).

Extension requests must be written in English and submitted electronically as an e-mail, with an application spreadsheet with required information attached, to: environmental_standards@uscg.mil

A copy of the recommended format for the application spreadsheet is available for download on the Coast Guard's Internet portal at http://homeport.uscg.mil/ballastwater, in the "Regulations and Policy Documents" folder where this policy letter is located.

The vessel specific information shall include:

1. Vessel Name (do not include designations such as M/V unless part of official name);
2. Vessel IMO number (or other official number if vessel does not have IMO number);
3. Total ballast water capacity in cubic meters (m^3);
4. Scheduled delivery date after December 1, 2013 for a new vessel (See 33 CFR 151.1512(b) or 151.2035(b) for definition of "new vessel"; and 33 CFR 151.1504 or 151.2005 for definition of "constructed"); or
5. First and second scheduled dry docking dates after January 1, 2014 or January 1, 2016, as applicable, for an existing vessel; and
6. Company name and mailing address, and email addresses of contacts.

The following information will aid the Coast Guard in making its decision:

1. Documentation from shipyards indicating a lack of capability or capacity to install a BWMS on the vessel to comply with the implementation schedule;
2. Documentation of non-availability of suitable onshore facilities or another vessel to receive untreated ballast water;
3. Documentation of non-availability of water from a U.S. public water system that can be used as ballast water;
4. Documentation attesting that Coast Guard type approved BWMS suitable for specific vessels of a particular design are not yet available;
5. A statement that the vessel has a BWM plan that the vessel will follow for discharges that take place in waters of the U.S.;
6. Estimate as to when the vessel will be able to implement an approved BWM method;
7. If the vessel will conduct ballast water exchange during the extension period, the request should include a statement that the vessel will conduct complete ballast water exchange in an area 200 nautical miles from any shore prior to discharging ballast water into waters of the U.S., unless the provisions of 33 CFR 151.2040 apply, or otherwise if so required by a U.S. state;
8. In cases where the vessel has sought a classification society "safety exemption" from conducting ballast water exchange, the extension request must detail the reasons for the safety exemption and how operational practices have been adapted so that only the amount of ballast water operationally necessary is discharged into waters of the U.S.

6(b). PROCEDURES FOR SUPPLEMENTAL EXTENSION APPLICATION:

If an extended compliance date proves insufficient due to unanticipated delays or changes in circumstances, a master, owner, operator, agent, or person in charge of the vessel may submit a supplemental extension request for the vessel. The supplemental extension request should be submitted not less than 90 days prior to the end or termination date specified in the prior extension granted by the Coast Guard. The supplemental request must reference the original vessel name and IMO number and clearly state the reason(s) why the vessel needs additional time to comply with the BWM requirements, including situation-specific documentation.

To minimize redundancy, if all documented reasons provided in the initial extension request are unchanged, a declarative statement to that effect can be made for each vessel identified in the request for a supplemental extension. Additionally, if an owner or operator has more than one vessel with the same expiring extension date, then all such vessels may be covered by one request.

The vessel specific information shall include:

1. Vessel Name (do not include designations such as M/V unless part of official name);
2. Vessel IMO number (or other official number if vessel does not have IMO number);
3. Reason that supplemental extension is requested;
4. If applicable, a declarative statement that all documented reasons provided in the initial extension request are unchanged; and
5. Next two scheduled dry docking dates after original compliance dates.
6. Changes to company name or mailing address, and email addresses of contacts.

7. REVIEW AND NOTIFICATION OF RESULTS. Extension requests will be evaluated based on the information and documentation provided. As the Coast Guard may need further clarification prior to making a decision, current contact information must be provided with all submittals.

The Coast Guard will respond to all extension requests with a rationale for the decision. When an extension is granted, the duration of the extension will be specified in the decision letter, a copy of which must be retained onboard the vessel. The letter must also be available to Coast Guard vessel inspectors and port state control officers, as well as other federal, state, and local officials with jurisdiction over ballast water discharges into waters of the U.S. A vessel's approved extension letter may be transferred to a new owner for the remainder of its extended compliance date.

Information on the decision will be uploaded to the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) Database so Coast Guard field personnel can verify a vessel's compliance status. Summary information concerning all approved extensions will be posted in the "Regulations and Policy Documents" folder on the U.S. Coast Guard's Internet portal at http://homeport.uscg.mil/ballastwater.

Vessel owners and operators should be aware that the Environmental Protection Agency (EPA) 2013 Vessel General Permit (VGP) contains ballast water treatment technology requirements. In Section 1.9 of the 2013 VGP, the EPA advises that "where the U.S. Coast Guard has granted or

denied an extension request pursuant to 33 CFR 151.2036, that information will be considered by EPA, but is not binding on EPA." As such, vessel owners/operators are encouraged to contact EPA at the earliest opportunity to inquire about their vessel's status regarding 2013 VGP ballast water technology requirements.

8. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to, nor does it impose, legally-binding requirements on any party. It represents the Coast Guard's current view on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying existing statutory and regulatory requirements.

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Distribution: COMDT (CG-CVC)
COMDT (CG-ENG)
USCG Marine Safety Center (MSC)
All Area/District(p) offices
All Sectors/MSUs/MSDs

標題

USCG のバラスト水処理装置搭載の適用延期の内容に関する最新情報について

ClassNK
テクニカル
インフォメーション

No. TEC-1099
発行日 2017 年 1 月 10 日

各位

United States Coast Guard（以下：USCG）は、33 CFR 151 Subparts C 及び D に基づき、バラスト水処理装置搭載の適合期限延長に関するポリシーレターを既に発行しております（詳細は、ClassNK テクニカル・インフォメーション No.TEC-1056 を参照下さい）。
今般、USCG として初のバラスト水処理装置の型式承認が発表された旨、及び今後適合期限延長を申請する場合、USCG の定める適合期限までに USCG により型式承認されたバラスト水処理装置の搭載が不可能であることを証拠書類と共に書面で示さなければならない旨等が記載された Marine Safety Information Bulletin (14-16)が発行されました。

本 Marine Safety Information Bulletin (14-16)の適合期限に関する主な内容は、以下のとおりです。

1. 現在の延長承認のレターの取扱い
   延長承認は現在の延長承認のレターに記載された適合期日まで有効です。再延長申請も可能であるものの、型式承認されたバラスト水処理装置が入手可能な場合には、3 項に例示されるような要件に適合できない理由を裏付ける証拠書類を提出する必要があります。

2. 今後の適合期限延長について
   いかなる手段を講じた場合であっても、以下のいずれの要件にも適合することが不可能である旨を書面で示すことができる場合のみ、USCG の判断で必要最小限の期限延長が認められます。
   - USCG に型式承認されたバラスト水処理装置を使用して排出基準に適合する
   - Alternate Management System（以下：AMS）として認められた機種を一時的に使用する（AMS については ClassNK テクニカル・インフォメーション No.TEC-0951 を参照下さい）。
   - 米国の公共水道水のみをバラスト水として使用する。
   - バラスト水をバラスト水受入施設に陸揚げする。
   - 未処理のバラスト水を米国海域内(12 海里以内)で排出しない。

3. 適合期限延長申請における裏付ける証拠書類の例
   - 適合期限までに承認されたバラスト水処理装置の搭載が不可能であることを示す、船主/運航会社とバラスト水処理装置メーカー間の文書
   - USCG に型式承認されたバラスト水処理装置では設計上の制限があること
   - USCG に型式承認されたバラスト水処理装置を搭載する上での安全の問題があること
   - USCG に型式承認されたバラスト水処理装置を搭載できないその他の理由

（次頁に続く）

NOTES:

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- ClassNK 及びその役員、職員、代理もしくは委託事業者のいずれも、掲載情報の正確性及びその情報の利用あるいは依存により発生する、いかなる損失及び費用についても責任は負いかねます。
- バックナンバーは ClassNK インターネット・ホームページ(URL: www.classnk.or.jp)においてご覧いただけます。

4. USCG に適合期限延長の申請を受け付けられているが、承認されていない場合
   USCG は適合期限が 2019 年 1 月 1 日以降の船舶に対して、期限延長レターを発行しておりません。USCG に型式承認されたバラスト水処理装置が利用可能となったことで、これらの申請のステータスは"received（受付済み）"から"held in abeyance（保留）"に変更となります。延長の承認を得るためには、3 項の証拠書類を提出する必要があります。

5. USCG に型式承認されたバラスト水処理装置が利用可能となったことによる適合期限及び AMS に与える影響
   船舶の適合期限日は変更されません。また AMS を搭載している船舶についても、従来通り、適合期限日後より 5 年まで AMS の使用が認められます。

詳細につきましては、添付の Marine Safety Information Bulletin (14-16)を参照いただきますようお願いいたします。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

一般財団法人　日本海事協会 （ClassNK）
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添付:

1. Marine Safety Information Bulletin, December 2, 2016 (OES-MSIB Number: 14-16)

Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Office of Operating and Environmental Standards
2703 Martin Luther King Jr Ave, SE, STOP 7509
Washington, DC 20593-7509

OES-MSIB Number: 14-16
Date: December 2, 2016
E-Mail: environmental_standards@uscg.mil

Ballast Water Management (BWM) Extension Program Update

On December 2, 2016, the Marine Safety Center announced the approval of the first Coast Guard type approved Ballast Water Management System (BWMS). This bulletin provides answers to frequently asked questions concerning: 1) the extension program, 2) vessel compliance dates, and 3) use of Alternate Management Systems (AMS).

Title 33, Code of Federal Regulations Part 151, Subparts C and D (33 C.F.R. 151 Subparts C and D) allow the Coast Guard to grant an extension to a vessel's compliance date if the master, owner, operator, agent, or person in charge (collectively "owner/operator") documents that, despite all efforts, compliance with one of the approved ballast water management methods, including installation of a Coast Guard type approved BWMS, is not possible. Now that a type approved BWMS is available, any owner/operator requesting an extension must provide the Coast Guard with an explicit statement supported by documentary evidence (*e.g.,* a delay in commercial availability) that installation of the type approved system is not possible for purposes of compliance with the regulatory implementation schedule.

Will the Coast Guard honor my existing extension letter?

Extension letters will remain valid until the extended compliance date specified in the extension letter. Upon expiration of the extension, a vessel must have implemented one of the approved ballast water management methods specified in 33 C.F.R. § 151.1510 or § 151.2025. Supplemental extensions may be requested; however, if a type approved BWMS is available, requests must provide the necessary evidence to show why compliance is not possible (see below for examples of appropriate documentation).

Will the Coast Guard continue to grant extensions now that a BWMS has received Coast Guard type-approval?

Commercial seagoing ships operating in U.S. waters (within 12 nautical miles) and not otherwise exempted are required to manage ballast water in one of five ways: 1. Use a U.S. type-approved BWMS to meet the discharge standard; 2. Temporarily use a foreign type-approved BWMS that has been accepted by the U.S. Coast Guard as an Alternate Management System (AMS); 3. Use and discharge ballast water obtained exclusively from a U.S. Public Water System (PWS); 4. Discharge ballast water to a reception facility; 5. Do not discharge ballast water inside 12 nautical miles.

Extensions are allowed for by regulation (33 C.F.R. § 151.2036). Therefore, the Coast Guard will continue to accept requests for extensions. An extension to a vessel's compliance date may be granted in cases where the ship owner/operator can document that despite all efforts, compliance with the requirements listed above is not possible. If an applicant is unable to clearly document that compliance is not possible, the vessel will not be granted an extension and will have to employ one of the approved ballast water management methods specified in 33 C.F.R. § 151.1510 or § 151.2025.

This release has been issued for public information and notification purposes only.

If granted, the length of the extension will be for the minimum time needed, as determined by the Coast Guard and based on the documentation provided, for the vessel to comply with the ballast water discharge standard and other regulatory requirements. For example, if an applicant provides documentation that a vessel's drydocking was postponed by three months, that applicant may receive a letter extending compliance for only three months. These determinations will be made on a case-by-case basis.

Examples of additional documentation in support of extension requests:

- Written correspondence between the owner/operator and the applicable BWMS manufacturer(s) that confirm BWMS are not available for installation on that particular vessel or class of vessels until after the compliance date.
- Vessel design limitations with type approved BWMS currently available.
- Safety concerns related to installing type approved systems currently available.
- Any other situation that may preclude a vessel from being fitted with a type approved system.

What if the Coast Guard has received, but has not approved, my extension application?

The Coast Guard has not issued extension letters to vessels with compliance dates on or after January 1, 2019. Now that a type approved system is available, the status of these applications will be changed from "received" to "held in abeyance" since the application's original criteria are no longer valid. In order to receive approval for an extension, additional information must be submitted including appropriate documentation as to why compliance with the requirements is not possible.

How will the availability of a type approved system affect my vessel's compliance date and/or AMS status?

The vessel's compliance date will remain the same. Any vessel with an AMS will still be allowed to use that AMS for up to five years after the compliance date. It is recommended owners/operators review Coast Guard MSIB 10-16.

How will the Coast Guard verify my compliance with the regulations?

Coast Guard Port State Control Officers may verify compliance with the regulations at any time while the vessel is in waters subject to the Coast Guard's jurisdiction, and Coast Guard Marine Inspectors may verify compliance with the regulations at any time. In order to prevent delays to vessel schedules, the master, owner, operator, agent, or person in charge of a vessel is reminded to keep BWM records onboard the vessel and immediately available for review by Coast Guard officials. Such records may include, but are not limited to: BWM plan, current extension letter granted to the vessel, vessel certificates, contracts and/or records verifying the date the vessel entered its last dry dock, BWMS installation documents, and vessel log books. Failure to comply with the ballast water regulations may result in civil or criminal penalties as provided at 33 C.F.R. § 151.2080.

Where can I get more information?

The Coast Guard's Internet portal at http://homeport.uscg.mil/ballastwater provides access to regulations, policy letters, informational bulletins, and extension application status to help the maritime industry comply with the BWM requirements. Please send questions not answered on Homeport regarding the Coast Guard's BWM extension program and requests for compliance extension to: environmental_standards@uscg.mil

-uscg-

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標題

燃費報告制度に関する欧州規則 (EU MRV) について

ClassNK

テクニカル
インフォメーション

No. TEC-1100
発行日 2017 年 1 月 31 日

各位

弊会テクニカルインフォメーション TEC-1031 (2015 年 6 月 2 日付) にて既にお知らせしておりますとおり、燃費消費実績報告制度に関する欧州規則 (EU MRV 規則) が 2015 年 7 月 1 日に発効されました。
これによりEU加盟国管轄内の港に寄港する5,000GTを超える船舶については、燃料消費量等のデータ収集・報告を実施するための監視計画書(モニタリングプラン)及び排出報告書(エミッションレポート)を作成し、EU 各国のいずれかの認定団体より認定を得た検証者への提出が義務付けられることとなりました。
船社様(船舶の所有者又は、船舶管理者あるいは運航に責任を持つ者)におかれましては、2017 年 8 月 31 日までにモニタリングプランを認証者へ提出することが求められており、同プラン作成のための対応が適宜進められていることと思慮致します。

弊会におきましては、2017 年 3 月末までに検証者として認定を受けるべく鋭意準備を進めております。併せて、本会は細則制定に関わる ESSF shipping MRV verification and accreditation subgroup のメンバーとして積極的に参加し、欧州委員会における技術的な細則制定の動きを引き続き注視し、本件に関する最新情報を提供して参ります。

なお、下記 URL より欧州委員会が提供する Documentation(含、最新のテンプレート及び規則)をご確認いただけますので、ご活用願います。
http://ec.europa.eu/clima/index_en> Policies > Reducing emissions from transport > Shipping

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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◇2018 年 3 月 31 日までの担当部署
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標題

USCG のバラスト水処理装置搭載の適合延期の内容に関する最新情報について

ClassNK

テクニカル
インフォメーション

No. TEC-1107
発行日 2017 年 3 月 29 日

各位

2016 年 12 月に、United States Coast Guard（以下: USCG）に型式承認されたバラスト水処理装置が発表され、バラスト水処理装置搭載の適合期限延長に関する Marine Safety Information Bulletin (14-16)が発行されております（詳細については、ClassNK テクニカル・インフォメーション No.TEC-1099 を参照下さい）。
今般、適合期限延長に関して更なる通知(Marine Safety Information Bulletin, March 6, 2017 (OES-MSIB Number: 003/17))がございました。

本通知の主な内容は下記のとおりです。

1. 適合期限延長の期間は、本船の適合期限日によって次のとおりとなります。
   (1) 2018 年 12 月 31 日までに適合期限日を迎える船舶
      - 本船に搭載可能な USCG に型式承認されたバラスト水処理装置を特定しているものの、適合期限日までに十分な時間がなく搭載できない場合は、詳細な搭載計画を提出する必要がございます。その場合、USCG の判断で最長 18 カ月の延長が認められます。
      - 本船に搭載可能な USCG に型式承認されたバラスト水処理装置がない場合は、いかにして適合させるかの計画を提出する必要がございます。その場合、USCG の判断で最長 30 カ月の延長が認められます。

   (2) 2019 年 1 月 1 日以降 2020 年 12 月 31 日までに適合期限日を迎える船舶
      - USCG は、本船の適合期限日の 18 カ月前から、延長申請に関して検討を開始いたします。

   (3) 2021 年 1 月 1 日以降に適合期限日を迎える船舶
      - 適合期限延長は認められず、本船の Compliance Date までに USCG に型式承認されたバラスト水処理装置を搭載する必要がございます。

2. Alternate Management System（以下: AMS）について
   AMS を搭載している船舶については、従来通り、適合期限日後より 5 年間 AMS の使用が認められます。USCG に型式承認されたバラスト水処理装置を搭載することが不可能な場合は、本船の適合期限日までであれば、AMS を搭載することができ、適合期限日後より 5 年間使用が認められます。

（次頁に続く）

NOTES:

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3. 現在の延長承認レターの取扱い
   延長承認は、船主、運航者等が変更された場合でも、引き続き延長承認のレターに記載された適合期日まで有効です。

4. 適合期限延長の申請について
   適合期限延長は本船の適合期限日より前の12カ月から16カ月の間に申請いただく必要がございます。

詳細につきましては、添付の Marine Safety Information Bulletin (003/17)を参照いただきますようお願いいたします。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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Tel.:　03-5226-2022 / 2023
Fax:　03-5226-2024
E-mail:　mcd@classnk.or.jp

添付:

1. Marine Safety Information Bulletin, March 6, 2017 (OES-MSIB Number: 003/17)

Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Office of Operating and Environmental Standards
2703 Martin Luther King Jr Ave, SE, STOP 7509
Washington, DC 20593-7509

OES-MSIB Number: 003/17
Date: March 6, 2017
E-Mail: environmental_standards@uscg.mil

Ballast Water Management (BWM) Extension Program Update

Vessel owners/operators are required to comply with the U.S. ballast water regulations provided in Title 33 Code of Federal Regulations (CFR) Part 151, Sections 151.1510 or 151.2025. Upon a vessel's compliance date, these regulations require use of one of the approved ballast water management methods listed in the regulations. One of the approved methods is installation and operation of a U.S. type-approved ballast water management system (BWMS). Information about Coast Guard type-approved BWMS is available at the Coast Guard "Maritime Commons" blog, Maritime Information Exchange (CGMIX), and Homeport internet portal.

33 CFR 151.2036 allows the Coast Guard to grant an extension of a vessel's compliance date to an owner/operator who has documented that, despite all efforts, compliance with one of the approved ballast water management methods is not possible. This bulletin provides new guidance with regard to compliance date extension requests.

If a type-approved system is not available for a vessel, and compliance with the other approved ballast water management methods is not possible, the vessel owner/operator may apply for an extension of the vessel's compliance date. Whether a type-approved system is "available" will be based on evidence submitted by the vessel owner/operator with the application for extension.

The length of compliance date extensions, when granted, will be based on the availability of Coast Guard type-approved systems and detailed installation plans. Vessel owners and operators should anticipate that this will not typically align with scheduled dry docking.

Vessels having a compliance date before and including December 31, 2018: These requests will be evaluated as follows:

1) Extension requests that do not provide a justification as to why compliance with one of the BWM methods in 33 CFR 151.1510 or 151.2025 is not possible by the current compliance date will be denied.

2) Vessel owners and operators who have identified that a Coast Guard type-approved BWMS is available for a vessel but do not have enough time to install it prior to the vessel's compliance date must provide a strategy, including a detailed installation plan, for how the vessel would be brought into compliance by installing a Coast Guard type-approved BWMS before the end of the extension. Extensions granted on this basis should be expected not to exceed 18 months.

3) Vessel owners and operators who have identified that a Coast Guard type-approved BWMS is not available for a vessel must provide a strategy, including a timeline, for how the vessel would be brought into compliance before the end of the extension. Extensions granted on this basis should be expected not to exceed 30 months.

This release has been issued for public information and notification purposes only.

Vessels having a compliance date between January 1, 2019 and December 31, 2020: The Coast Guard will begin considering these requests 18 months prior to the vessel's compliance date. These requests could be impacted by changes in the market or availability of type-approved systems. Owners and operators are encouraged to submit additional information in support of their extension request.

Vessels having a compliance date of January 1, 2021 or later: We do not anticipate granting extensions. Vessel owners and operators should plan to be in compliance on their current compliance date.

Alternative Management System (AMS): Vessels having an AMS installed do not qualify for an extension because the vessel is in compliance with the regulations; the AMS can be used for a period of five years after the vessel's compliance date. Once Coast Guard type-approved BWMS are available for a vessel, the vessel will no longer be able to install AMS in lieu of type-approved systems. Therefore, if a vessel is not past its compliance date and installing an AMS is being considered as a compliance method, the vessel owner or operator should evaluate whether a Coast Guard type-approved BWMS is available for the vessel. If it is determined that such as system is not available, an AMS can be installed before the vessel's compliance date and used for up to five years after the vessel's compliance date.

Existing compliance date extensions are valid until the date specified in the letter and may be transferred to a new owner/operator for the remainder of its term. Upon the letter's expiration, a vessel must implement one of the approved ballast water management methods specified in 33 CFR 151.1510 or 151.2025.

Extension requests: Vessel owners and operators are reminded to submit a request for an extension 12-16 months before the vessel's compliance date. Requests that are submitted less than 12 months prior to the vessel's compliance date are in jeopardy of being denied. The Coast Guard requires this time to review the application, request additional information from the applicant, and make a determination whether to grant or deny the request. If the extension request is denied, this allows the vessel owner or operator enough time to prepare for and install a BWMS, or assess compliance options using another approved ballast water management method prior to the vessel's compliance date.

Additional extensions: If the Coast Guard grants an extension for a vessel, the vessel owner/operator should plan operations to ensure the vessel will be in compliance at the vessel's extended compliance date. Issuance of supplemental extensions should not be anticipated.

-uscg-

This release has been issued for public information and notification purposes only.

標題

燃費報告制度に関する欧州規則（EU MRV）に関する最新情報について

ClassNK
テクニカル インフォメーション

No. TEC-1111(revised*)
発行日 2017 年 6 月 1 日

各位

ClassNK テクニカル・インフォメーション No.TEC-1031（2015 年 6 月 2 日付）及び TEC-1100（2017 年 1 月 31 日付）にて既にお知らせしておりますとおり、船社様におかれましては、2017 年 8 月 31 日までに EU MRV 規則に適合したモニタリングプラン（MP）を作成し、認証機関へ提出することが求められております。更に、2018 年 1 月 1 日からは MP に従った航海データ収集とエミッションレポート（ER）の作成及び認証機関への提出が必要となります。

弊会におきましては、2017 年 3 月 1 日に英国の認定団体である UKAS（United Kingdom Accreditation Service）より認証機関として認定を受け、MP 及び ER の認証、また適合証書（DOC）の発行を行うことが可能となりました。

また、弊会より、本規則に対応した認証用アプリ「ClassNK MRV Portal」をリリースすることとなりました。本認証用アプリをご利用いただくことにより、MP、ER の提出や認証をスムーズに実施いただけます。本認証用アプリには追加の機能として、MP テンプレートのダウンロード、モニタリングデータの管理（本船もしくは陸上からサーバーへの、モニタリングデータや信憑書類（BDN, B/L 等）の送付等）などの機能が搭載されております。本機能により管理及び蓄積されたデータは、ER へご活用いただくことが可能です。

今回は先行して MP に必要な個船や会社の情報を入力する機能をリリースし、モニタリングデータ及び ER に関する機能は 2017 年 9 月に始動予定です。~~ClassNK MRV Portal を用いてデータを提出して頂くことで、認証コストの削減に繋がりますので、是非ご活用ください。~~

なお、船会社殿で本規則にご対応いただくにあたり、船会社殿の管理手順に従い MP の作成、データのモニタリング、データの精度確認を実施いただくこととなりますので、本認証用アプリの利用がそのまま認証取得に結びつくものではございません。

詳細については、下記ホームページに掲載のパンフレットよりご覧頂けます。

http://www.classnk.or.jp/hp/ja/authentication/eumrv/index.html
ホーム ＞ 認証サービス ＞EU MRV 規則に基づく認証

（次頁に続く）

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また、下記 URL より欧州委員会が提供する Documentation（含、最新の規則及びテンプレート）をご確認いただけますので、ご活用願います。

http://ec.europa.eu/clima/index_en
European Commission > Climate Action > EU Action > Transport > Shipping

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◇2018 年 3 月 31 日までの担当部署
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*2017 年 9 月 1 日付けにて改訂。改訂前の 2017 年 6 月 1 日付け TEC-1111 は無効とする。

標題

シップリサイクルに関する欧州規則により船舶への備付が求められるインベントリ等の整備、並びに、審査手数料の早期対応優遇措置について

ClassNK
テクニカル
インフォメーション

No. TEC-1120
発行日 2017 年 8 月 2 日

各位

シップリサイクルに関する欧州規則(2013 年 12 月 30 日発効)により、EU 籍船(新船)については、遅くとも 2018 年 12 月 31 日から、EU 籍現存船及び EU 加盟国に寄港する非 EU 籍船については、2020 年 12 月 31 日から、「インベントリ」(船内に存在する有害物質の種別や概算量、所在位置などを示した一覧表)の備え置き等が義務化されます。また、EU 加盟国に寄港する非 EU 籍船に対しては、PSC が実施される予定で、旗国又は代行機関が検査を行い、発行した適合鑑定書(Statement of Compliance)の備付けの確認も行うとされています。つきましては、期限までに審査済みのインベントリ及び適合鑑定書の船舶への備付けを終えるようご留意ください。

上記については、TEC-0978(2014 年 1 月 15 日)及び TEC-1051(2015 年 10 月 27 日)にてお知らせ済みですが、期限が近づいてきたことから、ご準備等ついて再確認いただけますよう、本テクニカルインフォメーションにてお知らせ申し上げる次第です。
とくに、就航船については、専門家方式(①専門家による文書調査・目視サンプリングチェック計画(VSCP)の作成、②船上調査(サンプリングを含む)・NK 検査員立会い、③サンプルの分析・調査結果の整理、④IHM の編集、の手順)でインベントリが作成されることから、相応の作成期間が見込まれます。船舶の運航スケジュールやドックスケジュールを勘案され、期限までに審査済みのインベントリ及び適合鑑定書(Statement of Compliance)の船舶への備付を終えるようご計画ください。期限直前には、専門家への依頼が集中し、ご計画通りに準備が進められない状況も想定されますので、早期対応をお勧めします。

また、弊会では、予てより、船主及び造船所各位のお申し込みにより、ボランタリーベースで有害物質インベントリに対し机上及び現場検査を実施したうえで、シップリサイクル条約に適合している旨の鑑定書を発行しております。2008 年当時に本業務を開始するにあたり、正規手数料として、50 万円(1 隻当たり)の鑑定手数料を設定いたしましたが、早期対応いただける各位への優遇措置として、正規手数料から 20 万円を値引きした 30 万円(1 隻当たり)を申し受けておりました。
この早期対応優遇措置について、当初はシップリサイクル条約の発効要件達成までを目途としておりましたが、その後制定されたシップリサイクルに関する EU 規則により、インベントリの備え置きが義務化されたことから、今後インベントリの鑑定は更に普及するものと想定されます。既に 2017 年においては、弊会新造登録船の内、概ね半数に鑑定書を発行させていただいております。

(次頁に続く)

NOTES:

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このような状況に鑑み、早期対応優遇措置は一定の役割を果たしたものと判断するに至り、2018 年 1 月以降にお申し込みを受領した船舶より、下記のとおり早期対応優遇措置の適用を終了することと致しましたので、お知らせいたします。
なお、早期対応優遇措置期間である 2017 年中にお申し込みいただけた場合であっても、これまでと同様、建造契約が締結されていない新造船や専門家とインベントリ作成時期が合意されていない就航船につきましては、申込みの対象外とさせていただきますので、ご了解願います。

【改定内容】

現行	改定
有害物質インベントリの鑑定 基本手数料（1件）:500,000円（税抜き） ※ただし、早期減額対応として300,000円	有害物質インベントリの鑑定 基本手数料（1件）:500,000円（税抜き） ※ただし、2017年12月28日までに申込みを受けた場合、早期減額対応として300,000円

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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◇2018 年 3 月 31 日までの担当部署
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標題

米国海域を航行する際のバラスト水管理方法に関する注意喚起

ClassNK

テクニカル
インフォメーション

No. TEC-1131
発行日 2017 年 9 月 14 日

各位

米国は、バラスト水管理条約に批准しておりませんが、米国海域でバラスト水を排出する船舶に対して 33 CFR 151 Subparts C 及び D に基づいたバラスト水管理を要求しております。

最近、United States Coast Guard （以下：USCG）による適合期限延長許可を得ていない船舶で、compliance date を超えているにも関わらず、バラスト水処理装置によって処理されていないバラスト水を排出している船舶がいるとの報告が多数あるとの情報がございました。
本船の compliance date を超えた船舶が米国海域内を航行する場合、下記のいずれかのバラスト水管理が求められますので、ご注意ください。

- USCG に型式承認されたバラスト水処理装置を使用する
- 米国の公共水道水のみをバラスト水として使用する
- Alternate Management System として認められた機種を一時的に使用する
- バラスト水を米国海域内(12 海里以内)で排出しない
- バラスト水をバラスト水受入施設に陸揚げする

compliance date（original compliance date）についてはテクニカルインフォメーション No.TEC-1056 を参照下さい。
Alternate Management System についてはテクニカルインフォメーション No.TEC-0951 を参照下さい。

詳細につきましては、添付の Marine Safety Information Bulletin (MSIB Number: 007-17)を参照いただきますようお願いいたします。

また、USCG による規制の他、州が定める地域規制にも適合することが要求されますので、米国海域内を航行する場合は事前に州が定める地域規制をご確認ください。

（次頁に続く）

NOTES:

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添付：

1. Marine Safety Information Bulletin (MSIB Number: 007-17)

Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Office of Commercial Vessel Compliance
2703 Martin Luther King Jr Ave SE, STOP 7501
Washington, DC 20593-7501
E-Mail: HQS-PF-FLDR-CG-CVC@USCG.MIL

MSIB Number: 007-17
Date: June 30, 2017

Acceptable U.S. Ballast Water Management Methods vs. BWM Convention Methods

Non-recreational vessels, U.S. and foreign, that are equipped with ballast tanks are required to comply with the U.S. ballast water regulations provided in Title 33 Code of Federal Regulations (CFR) Part 151 Subparts C & D when operating in the waters of the United States, except as expressly provided in 33 CFR 151.2015 & 151.2020.

The purpose of this bulletin is to remind masters, owners/operators, agents and persons-in-charge of vessels that the United States is **not** signatory to the International Convention for the Control and Management of Ship's Ballast Water and Sediment (BWM Convention) and that vessels discharging ballast water (BW) into the waters of the U.S. **must** comply with the requirements of 33 CFR 151 Subparts C and D.

Recently, the National Ballast Information Clearinghouse has received a number of reports indicating that untreated ballast water exchanges had been undertaken by vessels beyond their compliance date and without a valid Coast Guard extension. An investigation into these circumstances has found that "Statement(s) of Compliance for Ballast Water Management" endorsed for "sequential exchange method" [Regulation D-1 of the BWM Convention] have been misinterpreted as applying to the U.S. BW regulations. These Statements of Compliance are issued under the provisions of the BWM Convention, which the United States is **not** signatory to. Under the U.S. BW regulations, meeting the BWM Convention requirements for sequential exchange is **not** an acceptable BWM method for vessels beyond the compliance date specified in 33 CFR 151.1512 & 151.2035 without a valid Coast Guard extension. Accordingly, vessels beyond their compliance date are reminded to employ one of the following BWM methods when operating in the waters of the United States:[1]

- Use a Coast Guard-approved ballast water management system (BWMS);
- Use only water from a U.S. public water system (PWS);
- Use an alternate management system (AMS) [NOTE: Only valid for 5-years from compliance date];
- Do not discharge BW into waters of the United States (includes the territorial sea as extended to 12 nautical miles from the baseline); or
- Discharge to a facility onshore or to another vessel for purposes of treatment.

Masters, owners/operators, agents and persons-in-charge are further reminded to maintain an up-to-date vessel specific BWM plan as detailed in 33 CFR 151.2050(g) and to provide training on the application of ballast water and sediment management and treatment procedures as required by 33 CFR 151.2050(h). These plans should include options for the Master to consider if the BWMS stops operating or becomes unexpectedly unavailable during a voyage, and the need to contact the cognizant COTP or District Commander as soon as possible to discuss options not addressed above.

Violations of the U.S. ballast water regulations may result in costly delays, environmental deficiencies, civil enforcement action, and ineligibility for the QUALSHIP 21/E-Zero designation. For vessels subject to the International Safety Management (ISM) Code, companies are reminded of their obligation to ensure compliance with mandatory rules and regulations under Part A/1.2.3.1 and A/6.4 as well as 33 CFR 96.240(b).

For regulatory details, the CFRs can be conveniently accessed online at https://www.ecfr.gov/. Please submit specific questions regarding this MSIB to the email address listed at the top of bulletin.

[1] The Coast Guard may allow the discharge of untreated ballast in extraordinary circumstances as provided in 33 CFR 151.1515 and 151.2040.

標題

米国の港へ向かう船舶のバラスト水処理装置が作動不能な場合の取り扱い

ClassNK

テクニカル
インフォメーション

No. TEC-1148
発行日 2018 年 4 月 3 日

各位

米国は、バラスト水管理条約に批准しておりませんが、米国海域でバラスト水を排出する船舶に対して 33 CFR 151 Subparts C 及び D に基づいたバラスト水管理を要求しております。
この度、United States Coast Guard（以下：USCG）より、米国の港へ向かう船舶のバラスト水処理装置が作動不能な場合の対応に関するガイダンス（CG-CVC Policy Letter 18-02）が発行されました。

compliance date を超えた船舶のバラスト水処理装置が作動不能な場合、33 CFR 151.2025(a)に規定されている、下記のいずれかのバラスト水管理を行うことができます。

- 米国の公共水道水のみをバラスト水として使用する
- 陸から 200 海里離れた場所でバラスト水交換を行う
- バラスト水を米国海域内(12 海里以内)で排出しない
- バラスト水をバラスト水受入施設若しくは他船に排出する

ただし、バラスト水交換を行う場合は、District Commander 若しくは Captain of the Port（COTP）の許可を得る必要がございます。

なお、本ガイダンスは USCG に型式承認されたバラスト水処理装置若しくは Alternate Management System（AMS）を搭載している船舶に適用されます。ただし、悪天候、船舶の損傷及び浸水等、非常時の際には適用されません。

compliance date（original compliance date）については、テクニカル・インフォメーション No.TEC-1056 を参照下さい。
Alternate Management System については、テクニカル・インフォメーション No.TEC-0951 を参照下さい。

詳細につきましては、添付のガイダンス(CG-CVC Policy Letter 18-02)を参照いただきますようお願いいたします。

また、米国海域内を航行する場合は、USCG による規制の他、州が定める地域規制にも適合することが要求されますので、事前に州が定める地域規制もご確認ください。

（次頁に続く）

NOTES:

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- バックナンバーは ClassNK インターネット・ホームページ(URL: www.classnk.or.jp)においてご覧いただけます。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

一般財団法人 日本海事協会 （ClassNK）
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Fax: 03-5226-2024
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添付:

1. CG-CVC Policy Letter 18-02

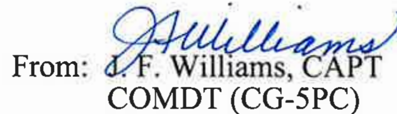
U.S. Department of Homeland Security
United States Coast Guard

Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave. S.E.
Stop 7501
Washington, DC 20593-7501
Staff Symbol: CG-CVC
Phone: (202) 372-1221
Email: CG-CVC-1@uscg.mil

16711/Serial No. 1636
CG-CVC Policy Letter 18-02

FEB 1 4 2018



From: J. F. Williams, CAPT
COMDT (CG-5PC)

To: Distribution

Subj: GUIDELINES FOR EVALUATING POTENTIAL COURSES OF ACTION WHEN A VESSEL BOUND FOR A PORT IN THE UNITED STATES HAS AN INOPERABLE BALLAST WATER MANAGEMENT (BWM) SYSTEM

1. Purpose. This Policy Letter provides guidance to vessel masters, owners, operators, agents, and persons in charge of vessels subject to Subparts C and D of Part 151 of Title 33 of the Code of Federal Regulations (33 CFR 151 Subparts C and D) as well as Coast Guard personnel when evaluating potential courses of action when a vessel destined for a U.S. port has an inoperable ballast water management system (BWMS). This Policy Letter does not address situations where the inoperable BWMS is the result of an emergency situation caused by weather, vessel casualty, flooding, etc.

2. Background.

   a. As a reminder, the United States is **not** a party to the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) and will not accept BWM Convention certificates as equivalent to U.S. domestic requirements. Accordingly, vessels discharging ballast water (BW) into the waters of the U.S. must comply with the requirements of 33 CFR 151 Subparts C and D, as applicable.

   b. 33 CFR 151 Subparts C and D provide vessels a list of approved ballast water management (BWM) methods including the use of a BWMS, use of ballast water from a U.S. public water system (PWS) that meets the requirements of 40 CFR parts 141 and 143, performing complete ballast water exchange (BWE) in an area 200 nautical miles from any shore, retaining all BW while in the waters of the U.S., or discharging to a shoreside facility or another vessel for the purpose of treating the BW. (See 33 CFR 151.1510 and 33 CFR 151.2025.)

   c. This guidance applies to ships using a Coast Guard approved BWMS or a BWMS accepted by the Coast Guard as an Alternate Management System (AMS).

   d. This guidance may also be followed when the Coast Guard finds a vessel entering port or in port with an inoperable BWMS.

3. Discussion.

   a. A vessel that HAS NOT passed its compliance date[1] and has an inoperable BWMS may use any of the other BWM methods set forth in 33 CFR 151.1510(a) or 33 CFR 151.2025(a), as appropriate. Such a vessel remains eligible to claim the route exemption allowed by 33 CFR 151.2040(a) and not perform ballast water exchange (BWE) if its voyage will not take it beyond 200 nautical miles from shore for enough time to perform BWE.

   b. A vessel that HAS passed its compliance date and has an inoperable BWMS may use one of the other BWM methods outlined in 33 CFR 151.2025(a). If the vessel intends to use 33 CFR 151.2025(a)(3), BWE, it must obtain approval from the District Commander or Captain of the Port (COTP) first. The route exemption provided in 33 CFR 151.2040(a) is not available to a vessel using BWE pursuant to 33 CFR 151.2040(b).

   c. If the vessel is otherwise unable to comply with 33 CFR 151.1510(a) or 33 CFR 151.2025(a), the person directing the movement of a vessel must ensure that the inoperable BWMS is reported to the nearest COTP or District Commander as soon as possible. Using guidance provided in the vessel's BWM Plan, the person making the report should be prepared to discuss alternative BWM strategies available to the vessel based on its capabilities, route and voyage duration. An alternative strategy that results in the discharge of untreated BW into the waters of the U.S. will only be authorized for safety or stability concerns, and should not be implemented unless authorized by the COTP or District Commander.

   d. The regulations in 33 CFR 151 Subparts C and D provide an exhaustive list of options available to ships subject to those regulations for non-safety related situations. Alternative strategies should be derived from the BWM methods identified in 33 CFR 151.1510(a), 33 CFR 151.2025(a), or 33 CFR 151.2055, as applicable.

   e. While 33 CFR 151.1515 and 33 CFR 151.2040 require the person directing the movement of the vessel to report an inoperable BWMS to the nearest COTP or District Commander, the Coast Guard recommends the person directing the movement of the vessel also contact the COTP at the next port of call, if different than the nearest COTP, ***as soon as practicable***.

   f. A lack of consumables that render a BWMS inoperable does not meet the intent of "stops operating properly" as used in 33 CFR 151.1510 or 33 CFR 151.2040 and will not be justification to employ an alternative management method.

   g. Submitting a BWM report to the National Ballast Information Clearinghouse (NBIC) does not fulfill the requirement to notify the COTP; NBIC is not a USCG unit and does not have the capability of notifying the COTP of the failure.

[1] For the purpose of the Policy Letter, Compliance Date is also used to mean Extended Compliance date.

h. USCG units should promptly respond to a vessel that has reported its BWMS inoperable to gather details on the vessel's proposed interim BWM practices (e.g., the source of ballast water for a vessel wishing to use BWE) and a repair timeline for the inoperable BWMS, including details on the availability of repair parts and/or service technicians. While the Coast Guard cannot require a vessel to provide repair details, doing so can help expedite the COTP or District Commander's decision on alternatives and route approval. Conversely, without the repair details the Coast Guard may have to wait until the BWMS is repaired before allowing a vessel to continue on its route.

i. The COTP may accept one of the approved BWM methods pursuant to 33 CFR 151.2040(b)(1) after considering a variety of factors, such as the operating history of the vessel, the operating history of its BWMS (e.g., has the vessel reported the system inoperable in the past, and if so, how often), the training provided to the members of the crew who operate and maintain the BWMS, and the possibility of the system being repaired during the vessel's port visit.

j. A vessel past its compliance date and reporting its BWMS as inoperable for the first time may be allowed to use BWE in lieu of using the BWMS, provided the COTP is notified in advance and BWE is acceptable to the COTP. Absent safety or stability concerns BWE must occur in an area 200 miles from any shore. In cases where a vessel is past its compliance date, has more than one documented report that its BWMS was inoperable, and reports its BWMS as being inoperable on a subsequent voyage to the U.S., a COTP should validate: 1) the date of the most recent BWMS repair, 2) the date and location of when the BWMS was last operable, and 3) crew training records demonstrating competency in the operation and maintenance of the BWMS. After consideration of the totality of the vessel's record, a COTP may allow the vessel to employ an alternative BWM method, including BWE 200 nautical miles from any shore. However, vessel owner/operators and COTPs are reminded that the discharge of unmanaged BW[2] into waters of the U.S. is prohibited except in emergencies where the safety or stability of the vessel is jeopardized.

k. When the person directing the movement of a vessel presents a repair proposal, the COTP should evaluate it like any other repair proposal. After reviewing the proposal, the COTP may accept the work as proposed or suggest changes to the proposal that would make it more reasonable.

l. If the vessel has additional scheduled port calls in the U.S. prior to sailing foreign, the COTP may allow the vessel to continue its voyage if the repairs will not be completed prior to departing the COTP's zone. Any deficiency issued by the COTP should identify whether the vessel must perform BWE between BW discharge events. The original COTP should coordinate with other COTPs or District Commanders where the vessel intends to travel.

[2] Unmanaged ballast water is water that has not been managed in accordance with 33 CFR 151.1510(a) or 33 CFR 151.2025(a).

m. When entering the deficiency into MISLE, the Coast Guard unit should ensure that both the deficiency and a MISLE Special Note (good for two years) are created. While duplicative, both have value. The deficiency improves MISLE search results, while Special Notes are easier to spot for other MISLE users.

n. Any vessel past its compliance date must repair its BWMS before returning to the U.S. after sailing foreign if the BWMS is the vessel's primary BWM method.

4. BWMS Manufacturers Declaring Bankruptcy. Ships should not receive special consideration by field units if they request consideration pursuant to 33 CFR 151.2040 due to an inoperable BWMS manufactured by a company that had filed for protection under bankruptcy laws.

5. Conclusion. Vessel owners and operators must maintain the BWMS onboard their vessels in accordance with the manufacturer's specifications, 33 CFR 151.2025(a)(1). Additionally, they must train the master and crew on the application of ballast water and sediment management and treatment procedures, 33 CFR 151.2050(h). For the BWMS to operate reliably, they must be used regularly by crews trained to use the BWMS. The Coast Guard also highly encourages vessels to use their BWMS regularly, even if not bound to or departing from the United States. During discussions with many people involved in the marine industry, we continually hear of how difficult BWMS are to maintain, yet we also hear that the systems are only used during voyages to the U.S. and that some crews receive little or no training in operating and maintaining the system. For the systems to operate reliably, they must be used regularly by crews trained to use the system. Regular usage improves crew operational knowledge of the BWMS, thereby improving the BWMS' reliability.

#

標題

シップリサイクルに関する欧州規則の適用開始について

ClassNK

テクニカル
インフォメーション

No. TEC-1170
発行日 2018年12月28日

各位

シップリサイクルに関する欧州規則の概要等につきましては、これまでに弊会テクニカル・インフォメーション TEC-0978 等によりお知らせしていますが、同規則の規定にしたがって、2018 年 12 月 31 日からシップリサイクルに関する欧州規則の適用が始まりますので、ご留意願います。
これにより、EU 籍船及び EU 加盟国に寄港する非 EU 籍船に対して「インベントリ」(船内に存在する有害物質の種別や概算量、所在位置などを示した一覧表。以下、「IHM」という。)の備え置き等が表 1 のスケジュールにしたがって義務化されるほか、EU 籍船については、EU リスト(EU 規則により承認された船舶リサイクル施設のリスト)に掲載された船舶リサイクル施設で船舶解撤を行う義務が課されます。
EU 規則の要求事項の概要につきましては、2014 年 1 月 15 日発行の弊会テクニカル・インフォメーション TEC-0978 を参照願います。

表 1 IHM の作成・備え置きの期限

分類	定義	IHM 第 I 部作成・備え置き期限
EU 籍新船	以下のいずれかを満たす EU 籍船 ① 2018 年 12 月 31 日(適用日)以降に建造契約が結ばれる船舶 ② 建造契約がない場合、2019 年 6 月 30 日(本規則の適用日後 6 ヶ月経過した日)以降に起工される船舶またはこれと同等の建造段階にある船舶 ③ 2021 年 6 月 30 日(適用日後 30 ヶ月経過した日)以降に引き渡しが行われる船舶	2018 年 12 月 31 日(適用日)以降の引渡しまで
EU 籍現存船	EU 籍新船以外の EU 籍船	2020 年 12 月 31 日まで(2020 年 12 月 31 日までに解撤される場合、解撤前までに作成)
非 EU 籍船	EU 加盟国に寄港・停泊する船舶	2020 年 12 月 31 日まで

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NOTES:

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1. EU 籍船に対する検査及び証書（IHM 証書）の発行

1.1 一般

EU 規則の適用開始に伴い、EU 籍船について、弊会は旗国の代行機関（RO）として、2018 年 12 月 31 日から、EU 規則の規定にしたがって表 2 に示す検査及び証書（IHM 証書及びリサイクル準備証書）の発行を実施します。表 1 の期限までに EU 規則に適合する IHM を作成し、初回検査を受け、EU 規則に基づくインベントリ証書の交付を受ける必要があります。

表 2 EU 籍船に対する検査及び証書

検査の種類	内容	検査実施者
初回検査	IHM の検査、証書の発行	旗国（又は RO）が実施
更新検査	IHM の検査、証書の発行（又は、有効期限 5 か月の延長の裏書。ただし、5 か月以内に新証書と交換。）	旗国（又は RO）が 5 年ごとに実施
追加検査	IHM の検査、証書の裏書	IHM に影響のある改造等を行った場合であって、船舶所有者からの申し出のあった時に旗国（又は RO）が実施
最終検査	IHM 及び船舶リサイクル計画の検査、リサイクル準備証書の発行	リサイクル開始前に旗国（又は RO）が実施

（次頁に続く）

1.2 検査及びインベントリ証書発行の申し込み

表 3 の船舶の区分を参照の上、弊会支部又は本部に申し込みを行ってください。

表 3 EU インベントリ証書の発行のための申請及び検査手順

<table>
<tr><th colspan="2">船舶の区分</th><th>申込者</th><th>申請先</th><th>提出書類等</th><th>初回検査の申込みの時期及び検査の手順</th></tr>
<tr><td colspan="2">① 新船及び現存船であって船舶の建造中に新船方式（IMO ガイドライン 4.1 の方法）で IHM を作成する船舶</td><td>造船所</td><td>支部</td><td>・申込書（Form-1A）
・NK インベントリガイドラインに定める書類</td><td>下記の手順を考慮して、できるだけ早い時期
1. IHM の事前審査
2. 船上検査
3. IHM の審査</td></tr>
<tr><td rowspan="3">②現存船（上記①の現存船を除く）</td><td>初めて IHM を作成する船舶</td><td>船舶所有者</td><td>本部（SMD）</td><td>・申込書
・NK インベントリガイドラインに定める書類</td><td>下記の手順を考慮して、できるだけ早い時期
1. 目視／サンプリングチェック計画（Visual Sampling Check Plan (VSCP)）の審査
2. 船上検査
3. IHM の審査</td></tr>
<tr><td>すでに IHM 及び NK 発行の SOC を保有している船舶（ただし、EU 規則に適合する旨の記載がない SOC）</td><td>船舶所有者</td><td>本部（SMD）</td><td>・申込書
・すでに保有する SOC、IHM 等
・EU 規則に適合するための追加調査に係る必要書類
（詳細は SMD にお問い合わせください）</td><td>下記の手順を考慮して、できるだけ早い時期
1. 追加調査のための VSCP の審査
2. 船上検査
3. 追加調査の結果を反映した IHM の審査</td></tr>
<tr><td>すでに EU 規則に適合する IHM 及び NK 発行の SOC を保有している船舶</td><td>船舶所有者</td><td>支部</td><td>・申込書
・すでに保有する SOC、IHM 等</td><td>定期的検査等の際
1. 船上検査</td></tr>
</table>

（次頁に続く）

(注1) EU 籍船に備え付けるインベントリの作成方法
EU 規則では、シップリサイクル条約の IHM 記載対象物質に、ペルフルオロオクタンスルホン酸（PFOS）及びヘキサブロモシクロドデカン（HBCDD）の 2 物質が追加されています。
新船の場合は、IMO ガイドライン（決議 MEPC.269(68)）の 4.1 に規定される手順（PFOS 及び HBCDD を追加した様式による材料宣誓書（MD）及び供給者適合宣誓書（SDOC）の収集による方法）で調査を行う必要があります。
現存船の場合は、PFOS 及び HBCDD について EMSA's Best Practice Guidance on the Inventory of Hazardous Materials（2016 年 10 月発行）の Annex C を参照し、IMO ガイドライン（決議 MEPC.269(68)）の 4.2 に規定される手順で調査を実施することになります。可能な場合は、上記の新船の方式で IHM を作成しても差し支えありません。EMSA's Best Practice Guidance on the Inventory of Hazardous Materials は、以下から入手可能です。
http://www.emsa.europa.eu/emsa-documents/latest/item/2874-emsa-s-best-practice-guidance-on-the-inventory-of-hazardous-materials.html

(注 2) 弊会が発行した適合鑑定書（SOC）を保有する EU 籍船の初回検査
上述のとおり、欧州規則では、PFOS 及び HBCDD の 2 物質が追加されていますが、現存船の初回作成時の IHM において、HBCDD の調査は義務ではありません。このため、これまでに弊会が SOC を発行した EU 籍現存船の IHM については、特に SOC に EU 規則第 5 条への適合に関する記載のない限り、少なくとも PFOS の追加調査が必要になります。
2020 年 12 月 31 日までに、少なくとも PFOS について追加調査を行い、その結果を反映して改正した IHM（EU 規則第 5 条にしたがって作成した旨の記載のあるもの）及びそれまでの IHM の維持更新に関係する MD/SDOC を添えて、初回検査を受検する必要があります。ただし、弊会が発行した SOC に EU 規則第 5 条への適合に関する記載がある船舶の場合は、PFOS の追加調査は不要ですので、維持・更新された IHM 及び維持更新に関係する MD/DOC を添えて、初回検査を受検することになります。

2. 非 EU 籍船に対する検査及び適合鑑定書（SOC）の発行
2020 年 12 月 31 日以降に EU の港等に寄港する非 EU 籍船について、EU 規則第 12 条 6 項において、船籍国の規則にしたがって、船籍国主管庁（又は代行機関）による IHM の検査を受けたのちに発行された SOC を備え置くことが規定されています。しかしながら、EU 以外の国・地域からインベントリ等について規則を定めた旨の通知や当該規則に基づく検査の実施の指示は、これまで受けておりません。
従いまして、非 EU 籍船に対しては、これまでと同様に、IMO ガイドライン（決議 MEPC.269(68)）を踏まえて弊会が策定した「船舶に搭載される有害物質一覧表に関するガイドライン」（以下、「NK ガイドライン」）に基づき検査を行い、SOC を発行します。
今後、各船籍国から、自国の規則による検査及び SOC 発行の指示を受けた場合、それに基づき所要の検査を行う予定です。当該検査の際は、弊会がすでに実施した検査の内容及び発行済みの SOC の内容を勘案して、検査を実施します。
なお、非 EU 籍船であっても、任意に EU 規則第 5 条の要件に適合した IHM（追加物質対応）を作成・維持する船舶に対しては、シップリサイクル条約に加え、EU 規則第 5 条に適合して作成されている旨の SOC を発行します。

（次頁に続く）

（注）これまでに弊会が適合鑑定書（SOC）を発行した非 EU 船の IHM
これまでに弊会が SOC を発行した非 EU 籍船の IHM については、PFOS が適用除外であるため、現状のままで欧州規則に適合しています。
EU 規則第 12 条第 3 項の規定では、非 EU 籍船の IHM の作成にあたって、少なくとも EU 規則の Annex I の物資について調査することを要求しています。また、Annex I の物質のうち、PFOS は EU 籍船以外には非適用です。このため、非 EU 籍船の調査対象物質は、IMO ガイドライン（決議 MEPC269.(68)）の A 表有害物質と同一であり、IMO ガイドライン（決議 MEPC.269(68)）に基づく IHM は、EU 規則の要件を満足していることになります。

3. PrimeShip-GREEN/SRM の拡張機能
弊会は、新造船のインベントリ作成を支援するシステム PrimeShip-GREEN/SRM を提供しております。欧州規則により追加される PFOS 及び HBCDD に対応する機能が従前より付加されており、EU 規則第 5 条に適合した IHM の作成が可能となっています。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

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