



**RULES FOR CERTIFICATION OF SHIP RECYCLING  
FACILITIES ACCORDING TO THE REQUIREMENTS  
SET OUT IN HONG KONG CONVENTION DATED  
2009 AND IN THE REGULATION (EU) NO.  
1257/2013**

**Valid from April 12<sup>th</sup>, 2018**

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<b>CHAPTER 1 – OVERVIEW .....</b>	<b>3</b>
<b>CHAPTER 2 – CONTRACT REVIEW .....</b>	<b>3</b>
<b>CHAPTER 3 – SELECTION OF THE TEAM .....</b>	<b>4</b>
<b>CHAPTER 4 – INITIAL AUDIT .....</b>	<b>4</b>
<b>CHAPTER 5 – SURVEILLANCE AUDITS .....</b>	<b>5</b>
<b>CHAPTER 6 – MODIFICATION OF CERTIFICATE .....</b>	<b>6</b>

## CHAPTER 1 – OVERVIEW

### 1.1 Scope

These Rules define the procedures applied by RINA for certification of ship recycling facilities according to the requirements set out in Hong Kong International Convention dated 2009 (HKC)<sup>1</sup> and/or Regulation (EU) n. 1257/2013 of the European Parliament and of the Council of 20 November 2013 (SRR)<sup>2</sup>.

These Rules are also applicable to the ship recycling facility located in a third Country in order to be included in the European List with reference to Article 15 of the SRR.

RINA can publish specific Rules/Guidelines integrating the requirements of these Rules.

RINA applies its current fees and guarantees fairness and uniformity of application.

RINA may legitimately refuse certification requests related to ship recycling facilities and/or their activities that are subject to restriction, suspension or proscription by a public authority.

### 1.2 Certification criteria

The HKC 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.

The SRR's purpose is to prevent, reduce, minimize and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling activities ensuring, in particular, that hazardous waste from such ship recycling is subject to environmentally sound management.

The SRR also aims to facilitate the ratification of the HKC.

The above-mentioned Convention and Regulation contain:

- The dispositions 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;

<sup>1</sup> For the safe and environmentally sound recycling of ships.

<sup>2</sup> On ship recycling and amending Regulation (EC) n. 1013/2006 and Directive 2009/16/EC.

- The procedure to issuing the Authorisation of ship recycling facilities located in a Member State;
- The ship recycling procedures for facilities located in a third Country;
- The establishment of a European List of ship recycling facilities (*'the European List'*) fulfilling the requirements set out in the SRR; and
- The requirements necessary for ship recycling facilities to be included in the European List.

### 1.3 Terminology

The terminology used in these Rules is the same as that used in the HKC and in the SRR.

In particular, the SRR defines "ship recycling" as "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".

### 1.4 Principles for certification

RINA conducts all activities ensuring accuracy, prudence, pertinence, credibility, reliability, completeness, consistency, transparency, impartiality, independence and safeguard against conflicts of interest and confidentiality.

## CHAPTER 2 – CONTRACT REVIEW

### 2.1 Request

The ship recycling facilities<sup>3</sup> wishing to obtain the certification of ship recycling facilities according to the requirements set out in HKC and/or in the SRR must provide RINA with a basic set of data by filling in a specific questionnaire.

RINA can proceed to draw up the offer if at least the following data/documents are available:

- Name and address of the ship recycling facility;

<sup>3</sup> Or ship recycling company owning a ship recycling facility.

- Location and characteristics of all sites involved in the recycling services; and
- Further information required in the informative questionnaire.

These data are used by RINA to make its offer.

## 2.2 Contract

Ship recycling facilities must formalise their order by sending RINA the request form or a contract duly signed by the Chief Executive Officer (CEO) or authorised representative by way of a power of attorney.

On receipt of the request form or the signed contract and the related documentation/annexes, and after a preliminary review to check their completeness, RINA informs the ship recycling facility of its acceptance of the order.

Only after RINA notifies acceptance of the order to the ship recycling facility, the contract between RINA and the ship recycling facility can be considered as stipulated.

The contract stipulated between RINA and the ship recycling facility covers:

- The initial audit and the issuance of a certificate valid for 5 years from the date of issuance;
- One or more surveillance audits; and
- Any additional services stated in the offer.

## CHAPTER 3 – SELECTION OF THE TEAM

### 3.1 Team assignment

RINA selects the team who performs the audit and the personnel who performs the independent technical review on the basis of the knowledge, skills and competency required.

### 3.2 Team communication

In advance of the audit, RINA notifies the ship recycling facility in writing of the names of the team members.

The ship recycling facility may object to these appointments, within 5 working days of the notification, giving their reasons.

RINA reconstitutes the team in response to any valid objection.

## CHAPTER 4 – INITIAL AUDIT

### 4.1 Overview

RINA verifies that the ship recycling facility meets the requirements set out in the HKC and/or in the SRR.

The final result of this process is:

- An Audit Report summarising the results of the audit; and
- A Certificate of Compliance renewable every 5 years and subjects by one or more surveillance audits; or
- If the activity is carried out for a ship recycling facility located in a third Country in order to be included in the European List with reference to Article 15 of the SRR, a Certificate of Compliance renewable every 5 years and subjects by a mid-term review to confirm compliance with the requirements set out in Article 13 of the of the SRR.

### 4.2 Documental review

The ship recycling facility is to make available to RINA the documents related to the compliance with the requirements set out in the HKC and/or in the SRR.

If the activity is carried out for a ship recycling facility located in a third Country in order to be included in the European List with reference to Article 15 of the SRR, the document that the ship recycling facility shall be required to provide RINA is at least a correlation table with reference to Commission Implementing Decision (EU) 2015/2398 of 17 December 2015 “*On information and documentation related to an application for a facility located in a third country for inclusion in the European List of ship recycling facilities*”.

RINA may, at its discretion, request also other documents for review, considered important for the purpose of the documental review.

The team reviews the documents to ensure that they meet the certification criteria.

Following the document review, the team may identify additional questions and issues that need to be addressed with the ship recycling facility.

### 4.3 Site visit

The process also demands a visit on the site/sites to collect evidence of implementation of the documental system and to verify the operational structure and organization of the ship recycling facility.

During the on-site visit there are considered also the following:

- Any environmental accidents and/or emergencies at the site and other events that could have had negative effects on the environment and other events that could have had a negative effect on worker health and safety; and
- Any observations or reports from competent authorities responsible for environmental control and/or responsible for controlling the workplace.

The date of the on-site visit is agreed with the ship recycling facility sufficiently in advance and officially confirmed at least 1 week before.

### 4.4 List of Findings

After the site visit, the team provides a List of Findings that need to be further elaborated, addressed or integrated by the ship recycling facility.

The findings can be Corrective Action Requests (CAR), Clarifications Requests (CL) and Recommendations (REC).

The ship recycling facility is to provide the additional clarifications or make the necessary improvements to the documentation, system and organisation.

According to the nature of the improvements/corrections and/or the documentation provided, an additional on-site visit could be needed to check the correct implementation of the CARs.

### 4.5 Audit Report

Upon receipt of responses and modified documents from the ship recycling facility to the issues, an Audit Report is prepared describing the audit process and including the conclusions and the Final Opinion.

The Final Opinion is positive if the findings (if any), classified as CARs and/or CLs, have been solved by the ship recycling facility and accepted by RINA.

The Audit Report includes then a positive Final Opinion if the ship recycling facility is compliant with verification criteria and a negative Final Opinion if the ship recycling facility is not compliant with the certification criteria.

### 4.6 Independent technical review

The Audit Report prepared by the team is subjected to an independent technical review to ensure that it meets all the RINA requirements.

### 4.7 Approval of the Audit Report

The Audit Report is subsequently approved by the authorised people.

### 4.8 Dispatch of the documents to the ship recycling facility

Once the audit process has been completed, the ship recycling facility receives the Audit Report and, if the Final Opinion is positive, a Certificate of Compliance containing the following information:

- Name, address and other relevant information related to the ship recycling facility;
- The written attestation that:
  - the ship recycling facility operates in compliance with the requirements set out in the HKC; or
  - the ship recycling facility operates in compliance with the requirements set out in the SRR;
- The date of issuance;
- The date of expiry;
- Any reservations or limitations; and
- An authorised signature.

## CHAPTER 5 – SURVEILLANCE AUDITS

During the period of validity of the Certificate of Compliance, the ship recycling facility must maintain unchanged the conditions according to which certification was granted.

The Certificate of Compliance is renewable every 5 years and it is subject by one or more surveillance audits or, if the activity is carried out for a ship recycling facility located in a third

Country in order to be included in the European List with reference to Article 15 of the SRR, is subjects by a mid-term review to confirm compliance with the requirements set out in Article 13 of the SRR.

The surveillance audits are carried out with a site visit at the ship recycling facility's site. RINA undertakes surveillance audits and informs the ship recycling facility of the audit outcome as stated in previous chapter, as applicable.

The validity of the certificate is confirmed following the positive outcome of the surveillance audits.

## **CHAPTER 6 – MODIFICATION OF CERTIFICATE**

### **6.1 Suspension of the Certificate of Compliance**

The validity of the certificate issued may be suspended according to what is stated in the RINA's "*General Contract Conditions Governing System, Product and Personnel Certification*" and in the following specific cases:

- If the facility does not allow the surveillance audits to be carried out at the required times;
- In the case of significant changes to the certified service, which have not been communicated to and accepted by RINA;
- Any serious complaints received by RINA; and
- Any other circumstance which, in the opinion of RINA, has a negative influence on compliance of the certified facility.

Suspension will be communicated to the facility in writing, establishing the conditions for reinstatement of certification and the date by which these conditions are to be met.

### **6.2 Reinstatement of the Certificate of Compliance**

If suspension is due to the negative outcome of the audit, reinstatement of the Certificate is subject to an audit on the deficiencies which led to suspension. This supplementary audit has to be, carried out within 30 days maximum of the suspension and with a positive outcome.

If the reasons for the suspension are not eliminated within the above period, the Certificate will be withdrawn.

### **6.3 Withdrawal of the Certificate of Compliance**

The validity of the certificate issued may be withdrawn according to what is stated in the RINA's "*General Contract Conditions Governing System, Product and Personnel Certification*" and in the following specific cases:

- When situations arise, such as those mentioned in the previous chapter for suspension, which are considered particularly serious;
- If major non conformities are found during the periodic audit(s);
- If the ship recycling facility improperly or misleadingly uses or advertises the Certificate of Compliance obtained; and
- If the outcome of the supplementary audit to reinstate the Certificate of Compliance is negative and the non-conformities have not been resolved.

Withdrawal of the certificate and the reasons will be communicated to the facility in writing.

### **6.4 Renunciation of Certification of Compliance**

The facility may submit a request to RINA to renounce its Certificate of Compliance.

RINA, on receipt of such a communication, will begin the procedure to render the Certificate of Compliance invalid.

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