



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (02) 8920-0689 / 8925-8275 / 0917-885-3367 / 0917-868-3367
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

MEMORANDUM

FOR : **The Director**
Environmental Management Bureau
Biodiversity Management Bureau
Ecosystem Research Development Bureau

FROM : **The OIC Director**
Policy and Planning Service

SUBJECT : **RATIFICATION OF THE HONG KONG INTERNATIONAL
CONVENTION FOR THE SAFE AND ENVIRONMENTALLY
SOUND RECYCLING OF SHIPS, 2009**

DATE : **13 FEB 2023**

This refers to the letter dated 11 January 2023 from the Maritime Industry Authority (MARINA), requesting the Department's inputs or concurrence on the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (The Hong Kong Convention).

The Convention was adopted at the diplomatic conference held in Hong Kong on May 2009. It is aimed at ensuring that ships when being recycled after reaching the end of their operational lives, do not pose any unnecessary risk to human health, safety, and the environment. It also intends to address all the issues around ship recycling, particularly the issues on ships sold for scrapping may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone-depleting substances, and others.

The government agencies identified to be involved in the implementation of the Hong Kong Convention are DOT, DFA, **DENR**, DOLE, MARINA, Philippine Coast Guard, DOF, BOC, and UP- Marine Science Institute.

In this regard, we would like to request your office to provide inputs or signify concurrence on the ratification of the Hong Kong Convention. For your reference, attached herewith is the ratification package from the MARINA consisting of the National Interest Analysis, Frequently Asked Questions, Briefer, and the draft Certificate of Concurrence (COC). We would appreciate receiving an advance copy of your responses on or before **February 18, 2023**, through our email address: psddivision@gmail.com, copy furnish policy@denr.gov.ph

For your information and appropriate action.


CHERYL LOISE T. LEAL



Office of the DENR Secretary <osec@denr.gov.ph>

RATIFICATION OF THE HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009

SRS Office <srs@marina.gov.ph>

Fri, Jan 13, 2023 at 2:37 PM

To: "DENR - Hon. Ramon J.P. Paje (osec@denr.gov.ph)" <osec@denr.gov.ph>

Cc: RAMON HERNANDEZ <rchernandez@marina.gov.ph>, Nikko Ariel Non <nabn.srsmarina@gmail.com>

Dear Sec. Lozaga:

We write once again to reiterate the intent of the Maritime Industry Authority (MARINA) to endorse, under the directive of the Department of Transportation, the ratification of the Hong Kong International Convention on the Safe and Environmentally Sound Recycling of Ships, 2009 (HK Convention).

The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention), was adopted at a Diplomatic Conference held in Hong Kong, China, from 11 to 15 May 2009, which was attended by delegates from 63 countries. The Convention is aimed at ensuring that ships, when being recycled after reaching the end of their operational lives do not pose any unnecessary risks to human health, safety and to the environment.

A 'Stakeholders' Consultative Forum on the Ratification and Implementation of the Hong Kong Convention, the Safe and Environmentally Sound Recycling of Ships' was organized and conducted by the Shipyards Regulation Service (SRS) in preparation for the ratification and subsequent implementation of the Hong Kong Convention in the Philippines. Relevant government and private stakeholders were invited nationwide thru a virtual platform. The consultation sought to accomplish public awareness through presentation and discussion of the details of the convention and the importance of ratifying it.

As of this letter, the ratification package consisting of the National Interest Analysis, Frequently Asked Questions, and the Briefer was completed and duly approved by the MARINA Administrator. It was then presented to the Inter-Agency Coordinating Committee on the Ratification and Implementation of Maritime Convention (ICCRIMC).

Your organization is a major stakeholder in the ratification of the HK Convention, for this reason we are furnishing you with a copy of the ratification package. We would very much appreciate your input on this matter. Most importantly, we attached a draft Certificate of Concurrence (COC) anticipating your support on the ratification of the HK Convention. We appreciate receiving your input and/or signed COC on or before 10 March 2023.

We would be anticipating your positive feedback on this. If, however you have any questions or concerns we are amenable to arrange a meeting with you. You may contact the MARINA Shipyards Regulation Service through email srs@mail.marina.gov.ph or at 8525-7212 and look for Engr. Nikko Ariel B. Non.

Thank you.

Shipyards Regulation Service (SRS)
MARITIME INDUSTRY AUTHORITY (MARINA)
8/F MARINA Building, Bonifacio Drive corner 20th Street
Port Area, Manila
Tel No. (02) 8525-7212

5 attachments

Certificate-of-Consurrence.docx
16K



FREQUENTLY ASKED QUESTION.pdf

1502K



BRIEFER ON THE HONG KONG INTERNATIONAL CONVENTION.pdf

1691K



NATIONAL INTEREST ANALYSIS.pdf

3009K



LETTER TO DENR RE RATIFICATION OF THE HONG KONG CONVENTION.pdf

563K



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

MARITIME INDUSTRY AUTHORITY



11 January 2023

Sec. Maria Antonia Y. Loyzaga
Secretary
Department of Environment and Natural Resources
East Ave., Central Diliman
Quezon City

**SUBJECT : RATIFICATION OF THE HONG KONG INTERNATIONAL
CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND
RECYCLING OF SHIPS, 2009**

Dear Sec. Loyzaga,

We write once again to reiterate the intent of the Maritime Industry Authority (MARINA) to endorse, under the directive of the Department of Transportation, the ratification of the Hong Kong International Convention on the Safe and Environmentally Sound Recycling of Ships, 2009 (HK Convention).

The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention), was adopted at a Diplomatic Conference held in Hong Kong, China, from 11 to 15 May 2009, which was attended by delegates from 63 countries. The Convention is aimed at ensuring that ships, when being recycled after reaching the end of their operational lives do not pose any unnecessary risks to human health, safety and to the environment.

A 'Stakeholders' Consultative Forum on the Ratification and Implementation of the Hong Kong Convention, the Safe and Environmentally Sound Recycling of Ships' was organized and conducted by the Shipyards Regulation Service (SRS) in preparation for the ratification and subsequent implementation of the Hong Kong Convention in the Philippines. Relevant government and private stakeholders were invited nationwide thru a virtual platform. The consultation sought to accomplish public awareness through presentation and discussion of the details of the convention and the importance of ratifying it.

As of this letter, the ratification package consisting of the National Interest Analysis, Frequently Asked Questions, and the Briefer was completed and duly approved by the MARINA Administrator. It was then presented to the Inter-Agency Coordinating Committee on the Ratification and Implementation of Maritime Convention (ICCRIMC).

MARINA Building
20th Street corner Bonifacio Drive
1018 Port Area (South), Manila

Tel. Nos: (632) 523-9078 / 526-0971
Fax No: (632) 524-2895
Website: www.marina.gov.ph

Your organization is a major stakeholder in the ratification of the HK Convention, for this reason we are furnishing you with a copy of the ratification package. We would very much appreciate your input on this matter. Most importantly, we attached a draft Certificate of Concurrence (COC) anticipating your support on the ratification of the HK Convention. We appreciate receiving your input and/or signed COC on or before 10 March 2023.

We would be anticipating your positive feedback on this. If, however you have any questions or concerns we are amenable to arrange a meeting with you. You may contact the MARINA Shipyards Regulation Service through email srs@mail.marina.gov.ph or at 8525-7212 and look for Engr. Nikko Ariel B. Non.

Thank you.

Very truly yours,


ATTY. HERNANI N. FABIA
Administrator

NATIONAL INTEREST ANALYSIS

on

Ratification and Implementation

of

***the Hong Kong International Convention
for the Safe and Environmentally Sound
Recycling of Ships, 2009***

NATIONAL INTEREST ANALYSIS: PHILIPPINES

Proposed ratification and subsequent implementation of Hong Kong International Convention, For the Safe and Environmentally Sound Recycling of Ships, 2009

A. Target Date of Ratification

December 2024

B. Reference Timelines

1. The Hongkong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention), was adopted at a diplomatic conference held in Hong Kong, China, from 11 to 15 May 2009,
2. This Convention shall enter into force 24 months after the date on which the following conditions are met:
 - .1 not less than 15 States have either it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with Articles 16;
 - .2 the combined merchant fleets of the State mentioned in paragraph 1.1 constitute not less than 40 per cent of the gross tonnage of the world's merchant shipping; and
 - .3 the combined maximum annual ship recycling volume of the States mentioned in paragraph 1.1 during the preceding 10 years constitutes not less than 3 per cent of the gross tonnage of the combined merchant shipping of the same States.
3. To date, the Convention has seventeen (17) ratifying member states as of September 2022 consisting of Belgium, Congo, Denmark, Estonia, France, Germany, Ghana, India, Japan, Malta, Netherlands, Norway, Panama, Serbia, Croatia, Germany and Turkey representing 29.77% of world merchant shipping tonnage.
4. Upon adoption of a National Work Program by the Interagency Committee for subsequent conduct of Stakeholders Consultations and submission of

instrument of accession and ratification to the Senate, the Philippine government expects the ratification to be made before December 2024.

C. Overview and Significance of the Convention

5. The Hong Kong Convention was adopted at a Diplomatic Conference held in Hong Kong, China, in May 2009 and was developed with inputs from IMO Member States and non-governmental organizations, and in co-operation with the International Labour Organization and the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
6. It intends to address issues around ship recycling, including the fact that ships sold for scrapping may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone depleting substances and others. It will address concerns about working and environmental conditions in many of the world's ship recycling facilities.
7. The Convention aimed to promote the substitution of hazardous materials in the construction and maintenance of ships by less hazardous or preferably non-hazardous materials without compromising the ship's safety, the safety and health of seafarers and the ships' operational efficiency.
8. The Hong Kong Convention is also aimed at ensuring that ships, when being recycled after reaching the end of their operational lives, do not pose any unnecessary risk to human health and safety or to the environment.

Options

9. Not to ratify the Convention and implement existing national policies and regulations relating to the Safe and Environmentally Sound Recycling of Ships.
10. Ratify the Convention and implement towards safe and environmentally sound ship recycling pursuant to national and international rules and regulations.

Impact Analysis

11. The option of non-ratification will mean no action being taken hence, the outdated existing national policies will be used in governing safe and environmentally sound recycling of ships.

12. As of December 2021, there are 97 Philippine registered overseas vessels, having a combined gross tonnage of 2,196,818.00 GT.
13. The shipbreaking/recycling industry will be one of the support mechanisms of the Administration regarding the proposed policy on the retirement of vessels 35 y/o and above.
14. The Philippines not being a Party to the Convention will mean absence of strong governing policy with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimize any adverse effects on human health and the environment.
15. By becoming a party to the Convention, the Philippines will be able to enforce the full range of requirements relating to the Convention to Philippine-registered ocean-going vessels and ship recycling/breaking entities.

D. Reasons for the Philippines to Take Action/ Ratify the Convention

16. The ratification of this Convention will update the outdated standards of existing national regulations of the Philippines on governing safe and environmentally sound recycling of ships.
17. The Convention will give way for additional standards in terms of personnel safety and proper environment management in ship recycling industry towards efficient and effective breaking and recycling of ships.
18. The Convention aims to protect human health and the environment by minimizing hazardous waste production to the least amount possible making use of an integrated life-cycle approach, which involves firm controls from the generation of hazardous waste to its storage, transport, treatment, re-use, recycling, recovery and final disposal;
19. Recycling of ships is a complex period in the life cycle of different type of ships which needs distinct attention especially in the operational control of the said industry.
20. Hong Kong Convention sets out the regulations concerning the design, construction, operation and maintenance of ships to control the installation and usage of hazardous materials on ships. In addition, it also requires both new and existing ships to maintain a ship specific "Inventory of Hazardous Materials" throughout the operational lifetime of the ship.
21. To encourage the development of a viable shipbuilding and ship repair industry to support the expansion and modernization of the Philippine

domestic merchant marine fleet and its strict adherence to safety standards which will ensure the seaworthiness of all sea-borne structures.

22. The Philippines' ratification to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 2009 will accord the status of a responsible Flag State which adopts and implements the IMO instruments. The Philippines has not acceded to the Protocol but the rules have been applied to Philippine-registered ships.
23. Once this Protocol has been ratified, it can serve as a basis for promulgation of local rules for the Philippines' domestic ships through the development of an effective solution to the issue of ship recycling, which will minimize, in the most effective, efficient and sustainable way, the environmental, occupational health and safety risks related to ship recycling.

E. Obligations under the Convention Reasons

19. The Administration shall require that Ship Recycling Facilities under its jurisdiction comply with the requirements set forth in this Convention and shall take effective measures to ensure such compliance.
 20. The Administration shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are surveyed and certified in accordance with the regulations in the Annex.
 21. The Administration shall report to the Organization, if requested, and to those Parties which request it, relevant information, in regard to this Convention, on which its decision for authorization was based. The information shall be exchanged in a swift and timely manner.
 22. The Administration shall co-operate in the detection of violations and the enforcement of the provisions of this Convention.
 23. The Administration shall report to the Organization and the Organization shall disseminate, as appropriate, the following information:
 - .1 a list of Ship Recycling Facilities authorized in accordance with this Convention and operating under the jurisdiction of that Party;
 - .2 contact details for the Competent Authority(ies), including a single contact point, for that Party;
 - .3 a list of the recognized organizations and nominated surveyors which are authorized to act on behalf of that Party in the administration of
-

matters relating to the control of Ship Recycling in accordance with this Convention, and the specific responsibilities and conditions of the authority delegated to the recognized organizations or nominated surveyors;

- .4 an annual list of ships flying the flag of that Party to which an International Ready for Recycling Certificate has been issued, including the name of the Recycling Company and location of the Ship Recycling Facility as shown on the certificate;
- .5 an annual list of ships recycled within the jurisdiction of that Party;
- .6 Information concerning violations of this Convention; and
- .7 actions taken towards ships and Ship Recycling Facilities under the jurisdiction of that Party. (ARTICLE 12)

F. Implementation (through a national law; enforcement and monitoring mechanism)

24. The Convention will be implemented through the national law to be legislated, and will apply to all Philippine-registered ocean-going vessels, including the shipbreaking and ship recycling facilities operating in the country.
25. Enforcement of the provisions of the Convention will be implemented through the designated agencies of government, pursuant to the national law legislated, and supplemented by appropriate rules and regulations as deemed warranted.

G. Costs (economic and financial implications)

26. The costs of compliance with the requirements of the Convention are costs that ships trading to and from the Philippines are likely to bear once the Convention enters into force, regardless of the Philippines' decision to implement the Convention. Philippine flagged and foreign flagged vessels within the coverage of the Convention will need to comply with the requirements.
27. Ship Recycling facility owners will undergo costs in additional set of standards compliance and operational management for environmental protection and personnel safety. Moreover, ship recycling entities personnel will incur additional time in developing procedures and systems to meet the requirements of the Convention. However, harmonized international measures may have lesser compliance costs than a patchwork of differing

national controls that currently applies for those ships trading into a number of different jurisdictions.

28. Also, Ship owners will face costs of management and seafarer time in developing procedures and systems to meet the requirements of the Convention.
29. The largest expense will be on to ship recycling facility owners and ship owners in enhancing the knowledge and skill of their personnel with regards to awareness and handling of Hazardous Material onboard ship as well as Hazardous Materials generated during Ship recycling process. Training with regards to this matter is a costly issue due to availability of the subject course.
30. On the part of the government, the costs of enforcement and implementation of the Convention will also be minimal, inasmuch as procedures for inspection and certification of covered ships and ship recycling facilities are already in place, as currently performed by agencies of government tasked to perform flag state and port state control functions.

H. Consultation (institutional arrangements; stakeholders; all concerned citizen)

31. Coordination meetings among the concerned agencies of government shall be undertaken, specifically DOTr, DENR, DOLE, MARINA, PCG, BUCUS, DFA, etc.
32. Conduct of public consultation to stakeholders prior to ratification of the Convention, and;
33. An orientation will also be conducted to stakeholders such as ship breaking companies, ship owners, concerned government agencies etc., on the implementation of policies relating to the Convention.

Future Actions

34. The Convention can be implemented as a national policy upon issuance of enabling law through legislation to cover all types of domestic ships.

LIST OF DATA NEEDED

1. Statistics on the number of Vessels (500 GT and above)
 2. Statistics on the number of MARINA-registered Shipbreaking/recycling Facility including human resources, machineries and equipment, summary of projects, etc.
 3. Domestic Shipping Sector Profile
-

4. Summary of all Laws, Regulations, Policies, Guidelines, Etc. covering Shipbreaking/recycling activities in PH (Personnel welfare and Environmental Protection)
5. Statistics on the number of Training Centers that have courses on Handling, management of Hazardous Materials.
6. List of Accredited Hazardous waste generator in PH.

GOVERNMENT AGENCIES INVOLVED

1. DOTR
2. DFA
3. Department of Environment and Natural Resources (DENR)
4. Department of Labor and Employment (DOLE)
5. MARINA
6. PCG
7. LGU
8. *DOF??*
9. *BUCUS*
10. UP-MSI



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
MARITIME INDUSTRY AUTHORITY



Briefer on the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009

A. BACKGROUND

The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention), was adopted at a Diplomatic Conference held in Hong Kong, China, from 11 to 15 May 2009, which was attended by delegates from 63 countries.

The Convention is aimed at ensuring that ships, when being recycled after reaching the end of their operational lives, do not pose any unnecessary risks to human health, safety and to the environment.

It intends to address all the issues around ship recycling, including the fact that ships sold for scrapping may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone-depleting substances and others. It also addresses concerns raised about the working and environmental conditions at many of the world's ship recycling facilities.

B. THE HONGKONG CONVENTION

The text of the Hong Kong Convention was developed over three and a half years, with input from IMO Member States and relevant non-governmental organizations, and in co-operation with the International Labour Organization and the Parties to the Basel Convention.

Regulations in the new Convention cover:

1. The design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling without compromising the safety and operational efficiency of ships;
2. The operation of ship recycling facilities in a safe and environmentally sound manner; and the establishment of an appropriate enforcement mechanism for ship recycling, incorporating certification and reporting requirements.

Sources:

<http://www.imo.org/en/OurWork/Environment/ShipRecycling/Pages/Default.aspx>

<http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/The-Hong-Kong-International-Convention-for-the-Safe-and-Environmentally-Sound-Recycling-of-Ships.aspx>

Entry into Force. Upon entry into force of the Hong Kong Convention, ships to be sent for recycling will be required to carry an inventory of hazardous materials, which will be specific to each ship. An appendix to the Convention provides a list of hazardous materials the installation or use of which is prohibited or restricted in shipyards, ship repair yards, and ships of Parties to the Convention. Ships will be required to have an initial survey to verify the inventory of hazardous materials, additional surveys during the life of the ship, and a final survey prior to recycling.

The Ship Recycling Plan. Ship recycling yards will be required to provide a Ship Recycling Plan, to specify the manner in which each individual ship will be recycled, depending on its particulars and its inventory. Parties will be required to take effective measures to ensure that ship recycling facilities under their jurisdiction comply with the Convention.

The following **guidelines** have been developed and adopted to assist States in the early implementation of the Convention's technical standards:

- 2011 Guidelines for the Development of the Ship Recycling Plan, adopted by resolution MEPC.196(62)
- 2012 Guidelines for Safe and Environmentally Sound Ship Recycling, adopted by resolution MEPC.210(63);
- 2012 Guidelines for the Authorization of Ship Recycling Facilities, adopted by resolution MEPC.211(63); and
- 2015 Guidelines for the development of the Inventory of the Hazardous Materials, adopted by resolution MEPC.269(68).

Additional **two guidelines** have been developed and adopted to assist States in the implementation of the Convention after it enters into force:

- 2012 Guidelines for the survey and certification of ships under the Hong Kong Convention, adopted by resolution MEPC.222(64); and
- 2012 Guidelines for the inspection of ships under the Hong Kong Convention, adopted by resolution MEPC.223(64).

C. PARTIES TO THE CONVENTION

There are fifteen (15) Contracting States namely: Belgium, Congo, Denmark, Estonia, France, Germany, Ghana, India, Japan, Malta, Netherlands, Norway, Panama, Serbia and Turkey. (*imo.org/status of conventions/ratification by treaty, 28 November 2019*)

Sources:

<http://www.imo.org/en/OurWork/Environment/ShipRecycling/Pages/Default.aspx>

<http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/The-Hong-Kong-International-Convention-for-the-Safe-and-Environmentally-Sound-Recycling-of-Ships.aspx>

The treaty will enter into force 24 months after three separate criteria have been met. It must be ratified by 15 States - but these States must represent 40% of world merchant shipping by gross tonnage, and a combined maximum annual ship recycling volume (during the preceding 10 years) of not less than 3% of their combined gross tonnage.

While there were already 17 Contracting States that ratified the Convention, the total gross tonnage of their fleet is only 29.77%.

D. BENEFITES TO BE DERIVED IN RATIFYING THE CONVENTION

1. The ratification of this Convention will update the outdated standards of existing national regulations and it can serve as a basis for promulgation of local rules for the Philippines' domestic ships through the development of an effective solution to the issue of ship recycling, which will minimize, in the most effective, efficient and sustainable way, the environmental, occupational health and safety risks related to ship recycling.
2. The Convention will give way for additional standards in terms of occupational safety and proper environment management in ship recycling industry towards efficient and effective breaking and recycling of ships.
3. The Convention aims to protect human health and the environment by minimizing hazardous waste production to the least amount possible making use of an integrated life-cycle approach, which involves firm controls from the generation of hazardous waste to its storage, transport, treatment, re-use, recycling, recovery and final disposal;
4. To encourage the development of a viable shipbuilding and ship repair industry to support the expansion and modernization of the Philippine domestic merchant marine fleet and its strict adherence to safety standards which will ensure the seaworthiness of all sea-borne structures.
5. The Philippines' ratification to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 2009 will accord the status of a responsible Flag State which adopts and implements the IMO instruments. The Philippines has not acceded to the Protocol but the rules have been applied to Philippine-registered ships.

E. RECOMMENDATION

The Philippines must ratify the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 2009.

Sources:

<http://www.imo.org/en/OurWork/Environment/ShipRecycling/Pages/Default.aspx>

<http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/The-Hong-Kong-International-Convention-for-the-Safe-and-Environmentally-Sound-Recycling-of-Ships.aspx>

Frequently Asksed Questions

1. What is the Hong Kong Convention?

The Hong Kong Convention was adopted at a Diplomatic Conference held in Hong Kong, China, in May 2009 and was developed with input from IMO Member States and non-governmental organizations, and in co-operation with the International Labour Organization and the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. It intends to address all the issues around ship recycling, including the fact that ships sold for scrapping may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone depleting substances and others. It will address concerns about working and environmental conditions in many of the world's ship recycling facilities.

Regulations in the new Convention cover: the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling without compromising the safety and operational efficiency of ships; the operation of ship recycling facilities in a safe and environmentally sound manner; and the establishment of an appropriate enforcement mechanism for ship recycling, incorporating certification and reporting requirements.

2. When will the HKC enter into force?

The convention will enter into force 24 months after the date on which the following conditions are met:

- At least 15 states have either signed/ accepted/ approved the convention
- Not less than 40% of the world's merchant shipping gross tonnage
- Ship recycling volume of the ratifying countries are not less than 3% of their combined gross tonnage

3. Why is the Hong Kong Convention needed?

Hong Kong Convention is needed to ensure that ships, when being recycled after reaching the end of their operational lives, do not pose any unnecessary risk to human health and safety or to the environment.

3. What are the benefits of the Hong Kong Convention?

The Hong Kong Convention intends to address all the issues around ship recycling, including the fact that ships sold for scrapping may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone-depleting substances and others. It also addresses concerns raised about the working and environmental conditions at many of the world's ship recycling locations.

4. What are hazardous materials?

It refers to materials posing harm to human health or the environment identified in the IMDG Code, the Basel Convention, or other international authorities or instruments.

5. What is ship breaking?

It refers to the dismantling of an uneconomical or unserviceable ships for the purpose of recovering useful steel and other dismantled parts and the rehabilitation and repair of usable machineries, instruments and devices.

6. What is ship recycling?

It is the activity of complete or partial dismantling of a ship at a Ship Recycling Facility in order to recover components and materials for reprocessing and re-use, whilst taking care 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. What is a shipbreaking/ship recycling permit?

It refers to authorization issued by the Administration which grants permission to a MARINA-Registered Shipbreaking/ Ship Recycling Yard to start the dismantling/ scrapping/ recycling of a particular ship in accordance with the approved shipbreaking/ ship recycling plan.

8. What is the ship recycling facility?

It is a defined area that is a site, yard or facility used for the recycling of ships.

9. What is the recycling company?

It is the owner of the Ship Recycling Facility or any other organization or person who has assumed the responsibility for operation of the Ship Recycling activity from the owner of the Ship Recycling Facility and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by this Convention.

10. What is the shipowner?

The shipowner is the person or persons or company registered as the owner of the ship or, in the absence of registration, the person or persons or company owning the ship or any other organization 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. However, in the case of a ship owned by a State and operated

by a company which in that State is registered as the ship's operator, "owner" shall mean such company. This term also includes those who have ownership of the ship for a limited period pending its sale or handing over to a Ship Recycling Facility.

11. What is a Shipbreaking/ Ship Recycling Facility Plan?

Refers to a plan for the development and implementation of safe working practices, equipment, technical handling and disposal, capability procedure and appropriate reception facilities for waste and hazardous materials, approved by the Administration.

12. What is Shipbreaking/Ship Recycling Plan?

Refers to a plan developed by the shipbreaking/ ship recycling yard in consultation with the shipowner, taking into account the potential hazards which may arise during the shipbreaking/ recycling operation, the relevant national and international requirements and the facility available at the relevant shipbreaking/ ship recycling facility in terms of materials, handling and the disposal of any waste generated during the shipbreaking/ recycling process which shall be approved by the Administration or its RO based on the guidelines for the Development of the SRP per IMO Res. MEPC.196(62).

13. What government agencies are involved in the implementation of the HK Convention?

As of to date, the government agencies identified to be involved in the implementation of the HK Convention are Department of Transportation, Department of Foreign Affairs, Department of Environment and Natural Resources, Department of Labor and Employment, Maritime Industry Authority, Philippine Coast Guard, Department of Finance, Bureau of Customs and University of the Philippines - Marine Science Institute.

(Agency/Organization letter head)

CERTIFICATE OF CONCURRENCE

BY CONCERNED AGENCIES AND OFFICIALS

This is to certify that the (Agency/Organization) has been consulted and thus, hereby concur with the request for action on the ratification of the Hong Kong International Convention on the Safe and Environmentally Sound Recycling of Ships, 2009.

Date

(Signatory)

Name

Position

Agency/organization