Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

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Amendments to the Regulations on the recycling of ships and mobile offshore units, etc., for the implementation of the Hong Kong Convention

1. Introduction

The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships was adopted by the International Maritime Organization (IMO) in Hong Kong on 15 May 2009.
The purpose of the Convention is to prevent, reduce, minimise and, as far as practicable, eliminate accidents, injuries and other undesirable effects on health and the environment as a result of ship recycling.

The Ministry of Climate and Environment has adopted amendments to the Regulations on the recycling of ships and mobile offshore units, and the Norwegian Maritime Authority (NMA) had adopted amendments to the Regulations on port State control, as a result of the entry into force of the Hong Kong Convention. These regulatory amendments will enter into force on 26 June 2025, the same date as the Convention enters into force. Amendments to the Regulations on fees payable for services provided by the Norwegian Maritime Authority will be laid down by the Ministry of Trade, Industry and Fisheries, with entry into force from the date determined by the Ministry.

The Regulations on the recycling of ships and mobile offshore units establish requirements for Norwegian ships covered by the Convention to carry an International Certificate of Hazardous Materials (IHM Certificate), which is issued with a validity of up to five years. Furthermore, amendments are laid down in the NMA's Fees Regulations so that they include supervision and issuance of certificates in accordance with the Convention.

For foreign ships calling at Norwegian ports or being recycled in Norway, amendments have been laid down in the Ship Recycling Regulations to ensure compliance with the Convention. In addition, amendments have been made to the Port State Control Regulations to provide a legal basis for the inspection of foreign ships in Norway.

Discussions are currently underway on the interaction between the Hong Kong Convention and the Basel Convention, particularly with respect to the regulation of hazardous waste in the context of ship recycling. The discussion concerns whether the requirements of the Basel Convention will continue to apply in full after the Hong Kong Convention enters into force. Since the requirements of the Hong Kong Convention will apply in full regardless, and we await clarification at the international level, this issue is not further addressed here.

2. The consultation

The Norwegian Environment Agency and the Norwegian Maritime Authority submitted a proposal for regulatory amendments to implement the Hong Kong Convention for public consultation on 23 May 2025, with a consultation deadline of 20 June 2025. The shortened consultation period was justified by the fact that the Convention enters into force on 26 June 2025, and that Norwegian ships must be able to obtain certification in accordance with the Convention from that date.

A total of seven consultation responses were received, one of which contained no comments.

The Federation of Norwegian Industries supports the proposal but emphasises that Norway should work towards harmonising the Hong Kong Convention with the EU Ship Recycling Regulation. There is also a call for guidance in connection with the entry into force of the Convention and regarding the relationship between the Convention, the Ship Recycling Regulation, the Basel Convention, and the Waste Shipment Regulation.

The Bellona Foundation and the NGO Shipbreaking Platform, in a joint response, highlight the weaknesses of the Hong Kong Convention and argue that Norway must take an active role in the IMO to improve the Convention to a level equivalent to the EU Ship Recycling Regulation. They further point out that Norway should commit to upholding the Basel Convention's requirements for transboundary control of hazardous waste and contribute constructively to ensuring effective implementation of the Basel Convention in conjunction with the Hong Kong Convention.

The Norwegian Shipowners' Association welcomes the entry into force of the Hong Kong Convention but stresses that shipowners should be able to relate to a single certification and inspection regime. Regarding requirements for ship recycling facilities, the Association notes that maintaining a regional regulatory framework that prevents the use of facilities approved under the Convention is a disadvantage and encourages the authorities to work towards having the Convention as the sole regulatory framework for ship recycling. The Association also emphasises that clarification of the relationship between the Hong Kong Convention and the Basel Convention is essential.

Fiskebåt and the Norwegian Fishermen's Association point out that the requirement for two certificates covering equivalent requirements is unnecessarily bureaucratic and urge Norwegian authorities to work towards harmonising the certificates.

The Norwegian Labour Inspection Authority notes that the general requirements of the Hong Kong Convention concerning occupational health and safety, training, etc., are largely covered by the Working Environment Act and associated regulations, including the Internal Control Regulations. Regarding the reporting requirement in Regulation 23 to the Convention, the Labour Inspection Authority believes that changes to national regulations are necessary to implement the Convention's requirements in Norwegian law.

Apart from the input from the Labour Inspection Authority, which will be followed up further, and a minor editorial change to the title of section 1a, no need for changes to the proposal submitted for consultation has been identified.

3. Further details on the amendments to the Regulations

The Hong Kong Convention requires States to ensure that both ships and ship recycling facilities comply with the requirements for the safe and environmentally sound recycling of ships. This circular addresses the regulatory amendments concerning the obligations of shipowners and ships. For information on the obligations of ship recycling facilities, please refer to the Norwegian Environment Agency's website. For a complete overview of the Convention's requirements, reference is made to the consultation documents[1]:

A translated version into Norwegian of the Hong Kong Convention, including its annexes and Appendices 1 and 2, will be published together with the Ship Recycling Regulations as an attachment on Lovdata.

[1] Høring - Forslag om endringer i forskrift om gjenvinning av skip og flyttbare innretninger m.fl. for gjennomføring av Hongkong-konvensjonen - Sjøfartsdirektoratet

Norwegian ships covered by the Convention are already subject to requirements related to the inventory of hazardous materials, certification, and recycling under the EU Ship Recycling Regulation, which has been implemented in Norwegian law through the Ship Recycling Regulations. Foreign ships calling at Norwegian ports are also required under the same regulations to provide documentation demonstrating that an inventory of hazardous materials on board has been prepared. The Convention requirements not already covered by the previous Ship Recycling Regulations and the Port State Control Regulations have now been incorporated into these same regulations, pursuant to Section 33 and 36 of the Ship Safety and Security Act.

Section 36 of the Ship Safety and Security Act authorises the Ministry of Climate and Environment to adopt regulations on the safe handling of ships that are to be permanently taken out of service. When the Ship Safety and Security Act was adopted in 2007, work on the Convention had already commenced. Section 36 was drafted with future international regulations in mind and, unlike the other provisions in Chapter 5 on environmental safety, it also regulates occupational health and safety (life and health) in addition to the external environment. The requirements are also authorised under section 33 of the Ship Safety and Security Act, which stipulates that the operation of a ship must be conducted in such a way that pollution of the external environment from the ship does not occur in violation of section 31, which contains the prohibition against pollution on ships. This provision provides the legal basis for establishing regulatory requirements, including those related to environmental certificates.

3.1 Requirements for Norwegian ships

3.1.1 Requirement for IIHM Certificate under the Hong Kong Convention

Norwegian ships are, under the Ship Recycling Regulations, required to hold a Certificate on Inventory of Hazardous Materials (IHM Certificate) and a Ready for Recycling Certificate (RRC Certificate) in accordance with the EU Ship Recycling Regulation. Article 5 of the Regulation requires an inventory of hazardous materials that includes the same substances covered by the Hong Kong Convention, as well as perfluoroctane acid (PFOS) and hexabromcyclodecane (HBCDD).

In accordance with Articles 8 and 9 of the Regulation, an initial survey must be conducted, followed by the issuance of an IHM Certificate verifying the contents of the inventory. The general inspection requirements in the Regulation are consistent with those of the Convention, as described above. In addition, Article 8(1) of the Regulation states that inspections shall take into account relevant guidelines from the IMO.

Although the IHM Certificate under the Regulation covers more substances and therefore also meets the content requirements of the Hong Kong Convention, Norwegian ships must also comply with the Convention's requirement to hold an International Certificate on Inventory of Hazardous Materials[2] (IIHM Certificate). This ensures that Norwegian ships in international operation carry certificates recognised by Parties to the Hong Kong Convention as the required documentation under the Convention. The requirement for Norwegian ships covered by the Convention to hold an IIHM Certificate, under the conditions and within the deadlines set out in the Convention's Annex, is therefore established in the new section 1b, first paragraph of the Ship Recycling Regulations. All new ships from 26 June 2025 must hold an IIHM Certificate based in the inventory of hazardous materials. For existing ships, the certificate must be issued at the first scheduled renewal survey after 26 June 2025, and no later than 26 June 2030.

These requirements apply to ships defined in Article 3(1.1) of the Ship Recycling Regulations. This definition is consistent with the definition of a ship in Article 2.7 of the Hong Kong Convention. The requirements do not apply to ships exempted under Article 2(2) of the Ship Recycling Regulation, which corresponds to the exemptions in Articles 3.2 and 3.3 of the Hong Kong Convention. Accordingly, a new section 1 has been introduced to clarify that this definition of "ship" applies to the requirements in

[2] International Certificate on Inventory of Hazardous Materials

sections 1b and 1c. This means that both ships and mobile offshore units, including towed vessels, are covered by the requirements.
The requirements will not apply to ships of less than 500 gross tonnage, war ships, naval auxiliary vessels or other ships owned or operated by a state and currently only used non-commercial governmental service, as well as ships that throughout their operational life sail only in waters under the sovereignty or jurisdiction of the state whose flag the ship flies. The current practice, where the trading certificate generally determines whether the ship must have certificates in accordance with the Ship Recycling Regulation, will also be continued. If the ship has a trading certificate allowing the ship to leave Norwegian jurisdiction, the starting point is that the ship is not exempt from the requirement for an IIHM Certificate in accordance with the Hong Kong Convention.

Since the periodic inspections under the Regulation are aligned with the Convention, the NMA considers that a single inspection will be sufficient to issue both the IHM and the IIHM Certificates. The NMA has assessed that the validity of the IIHM Certificate under the Convention shall be up to five years, the same as for the corresponding certificate under the Regulation. The joint periodic inspection i\under the Regulation and the Convention may therefore also be harmonised with other IMO inspections as indicated in the Convention. The validity of the certificate is implemented in section 3, first paragraph, first sentence of the Ship Recycling Regulation. The interval for the renewal inspection is likewise set to five years, in section 3, first paragraph, second sentence. Section 3, second paragraph, stipulates that certificates under the Regulation shall be issued either by the Norwegian Maritime Authority or by a recognised organisation.

The Norwegian Maritime Authority will further assess whether the dual certification requirement under the Regulation and the Convention can, in practice, be addressed through a single joint certificate, and has taken the initiative with the European Commission to establish guidance or other measures that may help shipowners avoid duplicate certification. The European Commission has announced a consultation regarding amendments to the certificate template under the Ship Recycling Regulation in autumn 2025[3].

Recycling of Norwegian ships in brief
Under the Ship Recycling Regulation, recycling requires the issuance of an RRC Certificate following a final inspection. This inspection verifies that the Inventory of Hazardous Materials complies with the requirements of Article 5, that the Ship Recycling Plan reflects the information in the inventory and meets the requirements of Article 7, and that the recycling facility is listed on the European List. The NMA has assessed that it is not necessary to require Norwegian ships to obtain an International Ready for Recycling Certificate[4] (IRRC) under the Hong Kong Convention in addition to the RRC Certificate. This is because such ships may only be recycled at facilities approved under the Ship Recycling Regulation and in accordance with its requirements and procedures. If recycling is to take place at a facility that is both listed on the EU's approved ship recycling facilities and located in a state that is part to the Hong Kong Convention – and that state requires an IRRC Certificate – the shipowner may request the issuance of such a certificate on a voluntary basis.

3. 2 Foreign ships
3.1.2 Requirement for IIHM Certificate or equivalent documentation under the Hong Kong Convention
Requirements for foreign ships calling at Norwegian ports are set out in the new section 1b, second paragraph. The definition of "ship" in section 1a applies correspondingly to this provision. Foreign ships must hold an IIHM Certificate if flagged in a state that is part to the Convention, and equivalent documentation if flagged in a non-part state. In practice, it may be relevant to distinguish between ships flagged in EEA states and those flagged outside the EEA. The proposed wording of the provision allows for acceptance of IHM Certificates for ships flagged in EEA states that are parties to the Convention.

[3] Ship recycling – format of the certificate on the inventory of hazardous materials
[4] International Ready for Recycling Certificate

3.2.2 Requirements for recycling of foreign ships in Norway
Regulation 8 of the Hong Kong Convention stipulates that ships may only be recycled at ship recycling facilities approved by the competent authorities and capable of recycling the ship in accordance with the Ship Recycling Plan. Before recycling, the quantity of cargo residues, fuel oil, and waste on board must be minimised, and cargo tanks and pump rooms must be prepared to ensure safe recycling. The shipowner must complete the Inventory of Hazardous Materials, and prior to recycling, the ship must be certified by the flag state as Ready for Recycling. In accordance with Regulation 24, the shipowner must notify the administration in writing and in good time of ships intended for recycling, so that inspections and issuance of the IRRC Certificate can be prepared. Before recycling, the shipowner must ensure that the ship recycling facility receives all available information about the ship, enabling the facility to prepare a Ship Recycling Plan.

To clarify the requirements for foreign ships to be recycled in Norway, section 1c of the Ship Recycling Regulation sets out obligations for shipowners of non-EEA flagged ships stating that ships may not be recycled in contravention of the Convention. The definition of "ship" in section 1a applies correspondingly to this provision. Ships flagged in EEA states are covered by the Ship Recycling Regulation and thus fall under section 1 of the Regulation.

The requirements in the new section 1c are proposed to apply to both shipowners and ship recycling facilities involved in recycling ships not flagged in EEA states. This enables Norwegian authorities to follow up with both parties in the event of unlawful recycling in Norway. The second paragraph of the provision sets out the requirements for a recycling facility to be permitted to recycle a ship not flying the flag of an EEA state, and the fourth paragraph clarifies that the same requirements apply to the shipowner in order to recycle a non-EEA flagged ship at Norwegian facilities.

In the event of a breach of the recycling requirements, Norwegian authorities will, in accordance with the Convention, assess whether the matter should be followed up by Norwegian authorities or referred to the flag state.

3. 2. 3 Port State Control
To provide a legal basis for the inspection of foreign ships in Norwegian ports in accordance with the Hong Kong Convention, section 2 of the Port State Control Regulations is amended to include the Convention in the list of conventions that apply as regulations for foreign ships present in Norwegian waters, to the extent that each convention applies to such ships. The legal basis for the Port State Control Regulations has also been updated to refer to section 33 of the Ship Safety and Security Act, which includes provisions on environmental certificates.

3.3 Amendments to provisions on authority and fees
Following the introduction of new sections 1b and 1c in the Ship Recycling Regulation, section 5, second paragraph clarifies that the Norwegian Maritime Authority shall make decisions pursuant to section 1b and section 1c, fourth paragraph, and shall supervise compliance with these provisions.

The NMA's Fees Regulations includes provisions on fees that cover the NMA's costs related to inspections and certificates under the Ship Recycling Regulations. The Regulations are amended throughout to clarify that all inspections and certificates under the Ship Recycling Regulation – i.e. certificates issued under both the Ship Recycling Regulation and the Hong Kong Convention – are covered.

4. Administrative and financial implications
Very few non-EEA flagged ships are recycled in Norway; in 2024, no such ships were recycled. It is therefore assumed that implementation of the Convention will have limited impact on the number of ships recycled in Norway, and no significant climate or environmental effects are expected.

For Norwegian ships, the implementation of the Convention will not introduce any new substantive requirements but will entail an additional certification obligation for ships in operation. As both the IHM Certificate and the IIHM Certificate may be issued based on a single inspection, the costs to shipowners will be limited to the issuance of the additional certificate, as well as subsequent endorsements and renewals.

For foreign ships calling at Norwegian ports, the implementation of the Convention will require an IIHM Certificate for ships flagged in states that are parties to the Convention, or equivalent documentation for ships flagged in non-party states. As previously mentioned, the Norwegian Maritime Authority will assess what documentation will be required to meet these obligations. However, since foreign ships calling at ports within the EEA are already required to hold either an IHM Certificate or a Statement of Compliance under the Ship Recycling Regulation, the cost implications for shipowners are expected to be limited.

The implementation of the Convention will also introduce new requirements for non-EEA flagged ships to be recycled in Norway. Shipowners must ensure that the condition of the ship complies with the requirements of the Regulation and must arrange for an inspection and obtain an IRRC Certificate from the Flag State administration or alternatively provide equivalent documentation. For ships flagged in states that are parties to the Hong Kong Convention, these are obligations that would in any case be imposed under national legislation.

Ship recycling facilities are already required, under permits issued pursuant to section 11 if the Pollution Control Act, to demand environmental assessment of ships to be recycled, including a review of the vessel's construction and waste content. This information must therefore already be provided by shipowners seeking to recycle ships at Norwegian facilities. For ships to be exported or imported to or from Norway for recycling, and which require authorisation under the Waste Shipment Regulation or the Basel Convention, shipowners must already provide information on the ship's hazardous material content to the party responsible for the export. These requirements will remain in force after the regulatory amendments enter into effect. For further information on the export/import of ship waste, reference is made to the Norwegian Environment Agency.

Authorities will need to allocate some resources to guidance and clarification in the initial period following the entry into force of the new regulations. The NMA is responsible for Norwegian ships under the Ship Safety and Security Act, issues certificates under the Ship Recycling Regulation, and supervises compliance with the requirements for both Norwegian ships and foreign ships calling at Norwegian ports. Implementation of the Hong Kong Convention will entail some administrative costs related to the establishment of new certificates and inspection procedures. The NMA may also receive requests to issue certificates under the Hong Kong Convention, but in practice, most certificates under the current Ship Recycling Regulation are issued by recognised organisations. The changes are therefore expected to have limited impact on the Norwegian Maritime Authority.

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This document has been electronically approved and therefore does not contain handwritten signatures.

Sjøfartsdirektoratet
Norwegian Maritime Authority

Attachments:
Proposed amendments to the Ship Recycling Regulations
Proposed amendments to the Port State Control Regulations
Proposed amendments to the NMA's Fees Regulations (will be attached when adopted)