



STATUTORY INSTRUMENTS.

**S.I. No. 555 of 2018**



EUROPEAN UNION (SHIP RECYCLING) REGULATIONS 2018

## EUROPEAN UNION (SHIP RECYCLING) REGULATIONS 2018

I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Regulation (EU) 1257/2013 of the European Parliament and of the Council of 20 November 2013<sup>1</sup> on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, hereby make the following regulations:

*Citation and commencement*

1. (1) These Regulations may be cited as the European Union (Ship Recycling) Regulations 2018.

(2) These Regulations come into operation on 31 December 2018.

*Interpretation*

2. (1) In these Regulations—

“Council Regulation” means Regulation (EU) 1257/2013 of the European Parliament and of the Council of 20 November 2013<sup>1</sup> on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC;

“inspector” means a person appointed under Regulation 5;

“Marine Survey Office” means that part of the Department of Transport, Tourism and Sport which is known by that name;

“master” in relation to a ship, means the person having, for the time being, the command or charge of the ship;

“Minister” means the Minister for Transport, Tourism and Sport.

(2) A word or expression which is used in these Regulations and is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation.

*Administration*

3. The Marine Survey Office is designated as the administration in the State for the purposes of Article 18 of the Council Regulation.

*Recognised Organisations*

4. (1) Where an organisation is a recognised organisation under the European Communities (Ship Inspection and Survey Organisations) Regulations

<sup>1</sup>O.J. No. 330, 10.12.2013, p.1.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th December, 2018.*

2011 (S.I. No. 275 of 2011), the organisation shall be a recognised organisation for the purposes of these Regulations and Article 8 of the Council Regulation.

(2) A person who is not a recognised organisation shall not undertake a survey of a ship pursuant to Article 8 of the Council Regulation.

#### *Inspectors*

5. (1) The Minister may appoint such and so many persons as he or she thinks fit to be inspectors for the purposes of ensuring compliance with these Regulations and the Council Regulation.

(2) An inspector shall be furnished with a warrant of his or her appointment and when exercising any power conferred on him or her under these Regulations an inspector shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection.

(3) An inspector may for the purpose of ensuring that these Regulations and the Council Regulation are being complied with—

- (a) at all reasonable times, board any ship while the ship is in the State,
- (b) require any person on board the ship to produce to the officer such documents, records (in whatever form kept) or certificates or answer such questions relating to the inspection, that the inspector requires,
- (c) require any person on board the ship to furnish him or her with his or her name and address,
- (d) take copies of or extracts from any such documents, records or certificates.

(4) For the purpose of boarding a ship in order to exercise his or her functions under these Regulations, an inspector may require the owner or master of the ship to take such measures and provide such facilities as may be necessary to enable him or her to go on board.

(5) An inspector may, for the purposes of these Regulations, require the owner or master of a ship to be and remain on board whilst he or she is carrying out an inspection and the inspector may require that person to answer any questions or to furnish any information which may appear to the inspector to be necessary or relevant.

(6) A person shall not—

- (a) obstruct or interfere with an inspector in the exercise of the inspector's powers under this Regulation,
- (b) without reasonable excuse, fail to comply with a request or a requirement of an inspector under this Regulation, or

- (c) make a statement to such inspector which the person knows is false or misleading.

*Offences*

6. (1) A person who contravenes Articles 4, 5 or 6 of the Council Regulation commits an offence.

(2) A person who contravenes Regulation 4(2) commits an offence.

(3) A person who—

- (a) refuses or neglects to make any answer, or to give any return, or to produce any document to an inspector, or to make or subscribe to any declaration, or to certify a copy of any entry which the inspector is entitled to require,
- (b) on being requested by an inspector to stop a ship for the purpose of enabling the inspector to board the ship in order to carry out an inspection, fails or neglects to bring the ship to a stop,
- (c) wilfully impedes an inspector in the exercise of his or her functions under these Regulations, or
- (d) being the owner or master of a ship required to stay on board by an inspector, fails to do so,

shall be guilty of an offence.

*Penalties*

7. (1) A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a class A fine, or
- (b) on conviction on indictment, to a fine not exceeding €300,000.

(2) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(4) Summary proceedings for an offence under these Regulations may be brought and prosecuted by the Minister.



GIVEN under my Official Seal,  
13 December 2018.

SHANE ROSS,  
Minister for Transport Tourism and Sport.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for offences, penalties, powers of inspection as well as the empowerment of recognised organisations, as required by Regulation (EU) 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.

Regulation (EU) 1257/2013 provides for the reduction of the negative impacts linked to the recycling of ships flying the flag of Member States, including the prevention and minimisation of adverse effects to human safety and the environment caused by ship recycling. It deals with both maritime environment and land side aspects of ship recycling. The land side aspects to Regulation (EU) 1257/2013 are a matter for the Minister for Communications, Climate Action and Environment.

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