

CIRCULAR No 67

PORTUGUESE MARITIME ADMINISTRATION

SUBJECT | Inventory of Hazardous Materials - Asbestos Containing Materials ('ACMs') on board a ship

To | Shipowners, Companies, Charterers, Operators, Recognized Organizations and Masters of Portuguese flagged vessels

DISCLAIMER | This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

LEGAL REFERENCES | SOLAS Ch. II-1, Regulation 3.5.2;

MSC.1/Circ.1374, 3 December 2010;

MSC.1/Circ.1379, 8 December 2010;

MSC/Circ.1045, 28 May 2002;

MSC.1/Circ.1426, 13 June 2012;

Regulation (EU) No 1257/2013, 20 November;

Directive 2009/148/EC, 30 November;

Decree-Law No 266/2007, 24 July;

Decree-Law No 46/2008, 12 March;

Ordinance No 40/2014, 17 February.

1. OBJECTIVE

The aim of this Circular is to provide guidance to Shipowners, Companies, Operators, Recognized Organizations and Masters where an IHM reveals Asbestos Containing Materials ('ACMs') on board a ship, and to inform of the correct course of action required by the Portuguese Maritime Administration.

2. INTRODUCTION

As of 31st December 2020, Regulation (EU) No 1257/2013, 20 November (EU SRR) requires all existing EU flagged ships and non-EU flagged ships calling to an EU port or anchorage to carry on board an Inventory of Hazardous Materials (IHM) with a Certificate or Statement of Compliance, respectively.

As consequence of the entry in force of the EU SRR, some ships have been identified with ACMs' on board.

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1/5

CIRCULAR No 67

PORTUGUESE MARITIME ADMINISTRATION

Is the shipowner's responsibility for complying with the obligation to protect the health of workers on board, as well as removing ACMs present on the ship, and the Portuguese Maritime Administration is responsible for monitoring compliance with this legal obligation.

3. TIMELINE

- a) Ships built before 1st July 2002 are allowed to have existing ACMs installations on board.
- b) Between 1st July 2002 and 31st December 2010, new installations of ACMs are only permitted on ships for the following specified purposes:
 - Vanes used in rotary compressors and rotary vane vacuum pumps
 - Watertight joints and linings used for the circulation of fluids when, at high temperature (in excess of 350°C) or pressure (in excess of 7 / 106 PA), there is a risk of fire, corrosion or toxicity; and
 - Supple and flexible thermal insulation assemblies used for temperatures above 1,000°C.
- c) From 1st January 2011, new installation of ACMs on board all ships are prohibited.

4. COURSE OF ACTION

The course of actions to be taken will depend on the compliance of the above regulations, two scenarios are identified:

4.1 INSTALLATION MADE IN COMPLIANCE WITH APPLICABLE REGULATIONS

- a) Complete list of asbestos containing materials (ACMs) to be submitted to the RO (IHM);
- b) Evidences on the installation date to be provided to the RO (when not provided to be considered after 1st July 2002);
- c) Notify the national Authority for Labour Condition (article 3rd of Decree-Law No 266/2007 of 24th July).
- d) SMS to be updated and monitoring plan to be established based on MSC/Circ.1045 and Decree-Law No 266/2007 of 24th July;
- e) Removal work, if developed, shall have in consideration applicable convention, EU Directives and national law (article 24th of Decree-Law n. ° 266/2007 of 24th July), and national authorities notified at least 30 days before the removal job takes place.

CIRCULAR No 67

PORTUGUESE MARITIME ADMINISTRATION

4.2 INSTALLATION IS NOT IN COMPLIANCE WITH APPLICABLE REGULATIONS

- a) Complete list of ACMs to be submitted to the RO (IHM);
- b) Notify the national Authority for Labour Conditions (article 3rd of Decree-Law No 266/2007 of 24th July).
- c) Removal plan to be prepared and sent to the RO;
- d) Exemption request to be submitted to the RO, together with following documents:
 - i. ACMs removal schedule;
 - ii. SMS to be updated and monitoring plan based on MSC/Circ.1045 and Decree-Law No 266/2007 of 24th July;
- e) Crew to be informed about procedures in case of emergency when ACMs are to be removed;
- f) Personal protection and special asbestos disposal bags (labelled with asbestos warning signs and specified thickness of plastic) should be on board. Reference is made to the mandatory risk inventory and evaluation, according to the Decree-Law No 266/2007 of 24th July.
- g) Conditions and implementation of the conditions to be monitored by the ROs, during ISM audits and Safety Constructions Periodical Surveys.

5. REMOVAL, CLEANING, DECONTAMINATION

National Authority for Labour Conditions is to be notified at least 30 days before the removal is to take place.

6. NOTIFICATIONS

Below you can find the contact details of the Maritime Administration and National Authority for Labour Conditions

Maritime Administration:

- marad@dgrm.mm.gov.pt
- Technical.mar@madeira.gov.pt

National Authority for Labour Conditions:

- cl.lisboa.oriental@act.gov.pt

CIRCULAR No 67

PORTUGUESE MARITIME ADMINISTRATION

6.1 FORMS TO BE USED

a) For notification of ACMs:

[https://www.act.gov.pt/\(pt-PT\)/CentroInformacao/Formularios/Documents/Notificacao%20de%20Atividade%20com%20Exposi%C3%A7%C3%A3o%20ao%20Amianto_COM_SST01_2018_V1.pdf](https://www.act.gov.pt/(pt-PT)/CentroInformacao/Formularios/Documents/Notificacao%20de%20Atividade%20com%20Exposi%C3%A7%C3%A3o%20ao%20Amianto_COM_SST01_2018_V1.pdf)

b) For notification of removal:

[https://www.act.gov.pt/\(pt-PT\)/CentroInformacao/Formularios/Documents/Requerimento%20de%20Autoriza%C3%A7%C3%A3o%20de%20Trabalhos%20de%20Remocao%20ou%20Demolicao%20de%20Amia%20nto_REQ_SST01_2018_V1.pdf](https://www.act.gov.pt/(pt-PT)/CentroInformacao/Formularios/Documents/Requerimento%20de%20Autoriza%C3%A7%C3%A3o%20de%20Trabalhos%20de%20Remocao%20ou%20Demolicao%20de%20Amia%20nto_REQ_SST01_2018_V1.pdf)

7. EXEMPTION ISSUANCE

The exemption foreseen in section 4 of this document, will be issued by Recognized Organizations on behalf of Portuguese Maritime Administration as per agreement established between DGRM and RO's. after the relevant documents have been reviewed and found in compliance with the requirements.

Exemptions from the requirements of the applicable instruments are the prerogative of the Administration and must be approved by the Administration prior to issuance.

8. EXEMPTION VALIDITY

The validity of the exemption is of maximum 36 months, as per MSC.1/Circ.1374.

The date to be considered as starting the validity period will be the date on which the owner or company have been acknowledged.

Vessels transferring to the Portuguese Flag, which are already provided with an exemption issued by another State, the validity of the exemption will be maintained as per previous Flag or 36 months, whichever the less.

9. FINAL NOTES

- a) On board ships built before the 1st of July 2002 or new installations of ACM's between 1st July 2002 and 31st December 2010 for the specified purposes described above, asbestos is still allowed in the existing construction. It is the responsibility of the ship owner to

CIRCULAR No 67

PORTUGUESE MARITIME ADMINISTRATION

warrant that no ACM's are damaged and will not create a hazardous environment for the crew and persons visiting the ship or when working on its systems.

- b) Document MSC/Circ.1045 may be used as a guideline for maintenance of on board materials containing asbestos.
- c) Recognized Organizations that have an agreement signed with DGRM, must keep updated information of the Portuguese flagged vessels that contain ACMs and annually send the list of ships framable in the scenarios described on section 4 of this document.
- d) Permanent exemption shall not be granted, even in case that asbestos containing material cannot reasonably be safely removed and the asbestos containing material does not generate airborne asbestos fibers.
- e) In case IMO will consider the possibility to provide permanent exemption, when ACMs cannot reasonably be removed and the asbestos containing material does not generate airborne asbestos fibers, this possibility will be evaluated and this circular to be reviewed accordingly.

Lisbon, 15.04.2021

The General Director of Natural Resources, Safety and Maritime Services

For further information, please contact:

Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos

Avenida Brasília 1449 - 030 Lisboa, Portugal

Tel.: +351 213 035 700

www.dgrm.mm.gov.pt

E-mail: dsam.secretariado@dgrm.mm.gov.pt