

# Ship recycling

2012/0055(COD) - 28/03/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Carl SCHLYTER (Greens/EFA, SE) on the proposal for a regulation of the European Parliament and of the Council on ship recycling.

The committee recommends that the position of the European Parliament adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

**Objective:** Members seek to clarify that the purpose of this Regulation is to prevent, reduce to a minimum and, to the extent possible, eliminate accidents, injuries and **other adverse effects on human health and the environment** caused by the recycling and treatment of EU ships, inter alia by recycling them in EU listed facilities located in the Union or outside the Union, and to improve the conditions for the recycling of non-EU ships.

The Regulation shall also:

- reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the work place and environmental standards;
- facilitate ratification of the Hong Kong Convention.

This Regulation shall apply to **EU ships**. Certain provisions of this Regulation shall also apply to non-EU ships calling at a port or anchorage of a Member State to engage in a ship/port interface.

**Hazardous materials:** the new application of **anti-fouling systems containing organotin compounds** as a biocide or any other anti-fouling system whose application or use is prohibited by the Convention on the Control of Harmful Anti-fouling Systems shall be prohibited on ships.

Members call for an **inventory of hazardous materials** to be established and kept available on board each new EU ship.

The following timelines shall apply for the establishment of an inventory:

- for ships more than 25 years old, one year after entry into force of this Regulation;
- for ships more than 20 years old, two years after entry into force of this Regulation;
- for ships more than 15 years old, three years after entry into force of this Regulation four years after entry into force of this Regulation;
- for ships less than 15 years old, four years after entry into force of this Regulation.

**Financial mechanism for the environmentally sound recycling and treatment of EU and non-EU ships:** the Commission shall designate a legal entity responsible for managing a **Recycling Fund**. Its objective shall be:

- for EU ships: to contribute to making their recycling in compliance with this Regulation economically viable;
- for non-EU ships: to contribute to making their recycling economically viable, if they choose to be recycled at EU listed facilities.

A **fee** should be paid by all ships using EU ports based on their tonnage. The fees would go to a fund, which would give a **premium for the actual recycling** by ship recycling facilities that comply with the provisions of this regulation to make them competitive. A premium would only be paid for the recycling of ships that fly an EU flag since at least two years. Members shall ensure that ships that deposit a **financial guarantee** as a guarantee that they will go to EU listed facilities for recycling and treatment should be exempted from the recycling levy.

**Recycling plan:** the report calls for the development of a ship-specific ship recycling plan **for any EU ship more than 20 years old or prior to any recycling of a ship**, whatever the earlier, no later than 30 months after entry into force of this Regulation. Such a plan should be approved by the competent authorities. The requirement for ships that are older than 20 years to develop a ship recycling plan should be **passed on from owners selling an EU ship to a new owner** that intends to fly the flag of a third country.

**Intent to recycle:** Members consider that the process of notifying the ship recycling facility and the relevant authorities should be simplified in order to reduce the bureaucratic burden.

**Surveys:** the initial survey of a new vessel shall be conducted before the ship is put in service. For existing vessels, an initial survey shall be conducted **within five years of entry into force of this Regulation**. An additional survey should be mandatory whenever a significant change occurs.

The officers carrying out the surveys may, at any time or at the duly substantiated request of port authorities which have serious concerns about the condition of a ship that has put into port, decide to carry out an **unannounced inspection** in order to determine whether the ship complies with this Regulation.

**Contract between the shipowner and a ship recycling facility:** the contract shall include the following obligations for the shipowner:

- to provide the ship recycling facility at least four months prior to the intended date for the ship recycling with all the ship-relevant information necessary for the development of the ship recycling plan, or in cases where the ship owner is not in possession of such information, to inform the ship recycling facility and collaborate with them to ensure that any lacunae are adequately resolved;
- to send a ship for ship recycling only when the ship recycling plan has been explicitly approved by the competent authority;
- to cover the actual extra costs in the event that the content of hazardous materials on board is significantly higher than indicated in the inventory of hazardous chemicals, but does not render the intended ship recycling impractical or undermine safety or protection of the environment.

**Inspections:** Member States shall apply control provisions for EU ships equivalent to those laid down in Directive 2009/16/EC, in accordance to their national legislation. A more detailed inspection shall be carried out, taking into account guidelines developed by the IMO, where an inspection reveals that a ship does not comply with certain requirements.

**Additional measures applicable to non-EU ships:** Member States shall ensure that non-EU ships comply with the requirements concerning the control of hazardous materials. They shall prohibit the installation or use of the materials on non-EU ships whilst in its ports, anchorages, shipyards, ship repair yards or offshore terminals. Member States shall ensure that effective, proportionate and dissuasive penalties are applicable to owners of non-EU ships that do not comply with these provisions.

**More explicit requirements on ship recycling facilities:** Members consider that several supplementary provisions should be established to ensure that recycling and waste treatment occur in an environmentally sound manner (permanent and built structures with sufficient cranes available to clarify that sites using the beaching method would not qualify for the European list; identification of all relevant sub-contractors; a

traceability system for the hazardous materials removed from the ships; adequate insurance cover; monitoring of pollution).

**Criminal penalties for certain violations:** Directive 2008/99/EC on the protection of the environment through criminal law establishes criminal penalties for illegal waste shipments. Such penalties should also be applicable for violations of this Regulation that could lead to unsound recycling.