

Ship recycling

2012/0055(COD) - 18/04/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 499 votes to 50, with 55 abstentions, **amendments** on the proposal for a regulation of the European Parliament and of the Council on ship recycling.

The matter was referred back to the committee. The vote on the resolution was postponed to a later date.

The main amendments adopted in plenary concern the following issues:

Objective: Parliament seeks to specify 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;
- improve the conditions for the recycling of **non-EU ships**;
- **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. Parliament calls 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.

Incentive-based system: in view of the current situation of ship recycling, characterised by an extreme externalisation of costs and unacceptable conditions involved in the dismantling of ships, the Commission shall, **before the end of 2015, submit a legislative proposal** for an incentive-based system that would facilitate safe and sound ship recycling.

Ship-specific ship recycling plan: Members call for this to be developed 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 the entry into force of this Regulation. Such a plan should be approved by the competent authorities.

Ship owners selling an EU ship more than 20 years old to a new owner that intends to fly the flag of a third country shall ensure that the contract with the new ship owner stipulates that the new owner, and any subsequent owners, take over the responsibility for developing a ship recycling plan in the event that they wish to call at Union ports or anchorages.

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**. 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: Parliament has introduced embers consider that several supplementary provisions should be established to ensure that recycling and waste treatment occurs in an environmentally sound manner. In order to be included in the European list, a ship recycling facility shall comply with the following requirements:

- operate from permanent built structures (dry docks, quays or concrete slip-ways);
- have sufficient cranes available for lifting parts cut from a ship;
- ensure that all wastes prepared for recycling are only transferred to recycling facilities authorised to deal with their recycling without endangering human health and in an environmentally sound manner;
- ensure appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts
- ensure functioning equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations;
- ensure appropriate storage for explosive and/or inflammable materials and gas, including the prevention of fire hazards and excessive stockpiling;
- ensure appropriate impermeable and sheltered storage and containment for solid and liquid PCB /PCT waste or material.

The ship recycling facility shall:

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provide evidence that the ship recycling facility complies with all **health and safety provisions** under the laws of that country;

- identify all subcontractors directly involved in the process of ship recycling and provide evidence of their permits;
- have adequate insurance to cover health and safety liabilities and the costs of environmental remediation in compliance with relevant legislation of the Member State or third country where the facility is located.

Inclusion of a ship recycling facility in the European List: in order to be included in the European list, ship recycling facilities shall be audited by an international team of experts nominated by the Commission prior to their inclusion in the European list and once every two years thereafter. The ship recycling facility shall also agree that it may be subject to additional unannounced site inspections by an international team.

The European List shall include the following information about the ship recycling facility: (a) the method of recycling; (b) the type and size of ships that are suitable for recycling; and (c) any limitation under which the facility operates, including as regards hazardous waste management.

Criminal penalties for certain violations: Member States shall ensure that penalties pursuant to Directive 2008/99/EC on the protection of the environment through criminal law are applicable to the owners of EU ships that: were sent for recycling without complying with the general requirements pursuant to this Regulation or were sent for recycling without an inventory certificate.