

Ship recycling

2012/0055(COD) - 22/10/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 591 votes to 47, with 27 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on ship recycling.

The matter had been referred back to the competent committee during the meeting of 18 April 2013.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They modify the proposal as follows:

Objectives of the regulation: it is specified that the regulation should:

- 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;
- enhance safety, the protection of human health and of the Union marine environment **throughout a ship's life-cycle**, in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management;
- lay down rules to ensure the **proper management of hazardous materials** on ships;
- facilitate the ratification of the **Hong Kong International Convention**, 2009, for the safe and environmentally sound recycling of ships.

The regulation should apply to EU vessels. Some measures should also apply to all ships calling at a port or anchorage of a Member State.

Inventory of hazardous materials: each new ship shall have on board an inventory of hazardous materials, which shall identify at least the hazardous materials contained in the structure or equipment of the ship, their location and approximate quantities. Existing ships shall comply, as far as practicable, with this requirement.

General requirements for ship owners: owners shall: i) provide the operator of the ship recycling facility **with all ship-relevant information**, necessary for the development of the ship recycling plan;

ii) **notify** in writing the relevant administration, of the intention to recycle the ship in a specified ship recycling facility or facilities.

In addition, owners shall: i) provide the operator of the ship recycling facility with a **copy of the ready for recycling certificate**; ii) be **responsible for the ship**.

Ship recycling plan: the plan established by the ship recycling facility operator shall: i) clarify whether and to what extent any preparatory work - such as identification of potential hazards - is to take place at a location other than the ship recycling facility identified in the ship recycling plan; ii) include the location where the ship will be placed during recycling operations and iii) a concise plan for the arrival and safe placement of the specific ship to be recycled.

The ship recycling plan shall be tacitly or explicitly approved by the competent authority in accordance with the requirements of the state where the ship recycling facility is located.

Surveys: where the administration uses recognised organisations to conduct surveys, it shall, as a minimum, empower such recognised organisations to: i) require a ship that they survey to comply with this Regulation; and ii) carry out surveys if requested by the appropriate authorities of a Member State.

The initial survey of a new ship shall be conducted before the ship is put in service, while the initial survey for an existing vessel shall be carried out within five years of the regulation coming into force.

Issuance and endorsement of certificates: according to the amended text, the administration or a recognised organisation authorised by it shall issue an inventory certificate after an initial or renewal survey.

Where the renewal survey is successfully completed, the inventory certificate shall be delivered in the three month period before the expiry date of the existing inventory certificate. The new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing one.

Port State control: Member States shall apply control provisions for ships in accordance with their national law having regard to Directive 2009/16/EC. A **more detailed inspection** may be carried out where an inspection shows that a vessel does not meet certain requirements.

A ship may be warned, detained, dismissed or ordered to depart if it fails to submit a copy of the inventory certificate or the ready for recycling certificate. Access to a specific port or anchorage may be permitted in the event of force majeure or overriding safety considerations, provided that adequate measures have been implemented to ensure safe entry.

Requirements for ships flying the flag of a third country: non-European ships, like all European ships, will be covered by the regulation insofar as they are required to establish an inventory of hazardous materials when the call at an EU port.

Requirements applicable to ship recycling facilities: the Parliament introduced several measures to ensure that recycling and treatment of waste is carried out in an environmentally sound manner. In order to be included in the European List, a ship recycling facility shall comply, among others, with the following requirements:

- it is **authorised** by its competent authorities to conduct ship recycling operations;
- it operates from **built structures** (dry docks, quays or concrete slipways);
- it prepares a ship recycling facility **plan**;
- it **prevents adverse effects** on human health and the environment, including the demonstration of the control of any leakage;
- it ensures **safe and environmentally sound management** of hazardous materials and waste;
- it ensures rapid access for **emergency response equipment**, such as fire-fighting equipment and vehicles, ambulances and cranes, to the ship and all areas of the ship recycling facility.

Ship recycling facilities located in a third country: a ship recycling company owning a ship recycling facility located in a third country and intending to recycle ships flying the flag of a Member State **shall submit an application to the Commission** for inclusion of that ship recycling facility in the European List.

Compliance by ship recycling facilities located in third countries with the requirements shall be certified following **a site inspection** by an independent verifier with appropriate qualifications.

Establishment and updating of the European List: the European List shall include all of the following information about the ship recycling facility: a) the method of recycling; b) the type and size of ships that can be recycled; c) any limitation and conditions under which the ship recycling facility operates, including as regards hazardous waste management; and d) the maximum annual ship recycling output.

Enforcement: Member States shall lay down provisions on penalties applicable to infringements of this Regulation and shall take all the measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive.

Financial incentive: [the Commission shall](#), no later than three years after the entry into force of the regulation, submit to the European Parliament and to the Council a report on the feasibility of a **financial instrument** that would facilitate safe and sound ship recycling and shall, if appropriate, accompany it by a legislative proposal.