Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009: ratification or accession by Member States

2012/0056(NLE) - 23/03/2012 - Preparatory document

PURPOSE: to requiring Member States to ratify or to accede to the Hong Kong International Convention of 2009 for the Safe and Environmentally Sound Recycling of Ships, in the interests of the European Union.

PROPOSED ACT: Council Decision.

BACKGROUND: **current legislation** at international and European levels has proven **ineffective to put an end to environmentally unsound and unsafe practices in dismantling ships**. The current widespread non-compliance is linked to : (i) the lack of recycling capacity available within the OECD in particular for the largest commercial ships ; (ii) the fierce and unfair competition between the substandard facilities and other facilities with higher technical standards which are only able to occupy market niches for special types of ships like small ships and government vessels including warships or the fleet of committed shipowners; (iii) the fact that the current legislation is not adapted to the specificities of ships and international shipping.

At the end of their operating life, most of the large commercial seagoing vessels are still dismantled in substandard facilities located in Asia (India, Pakistan and Bangladesh), usually through "beaching" method and with significant environmental and health impacts. The situation is expected to worsen since large numbers of ships are expected to be sent for dismantling in the coming years.

The Hong Kong Convention for the Safe and Sound Recycling of Ships was adopted in May 2009 by the International Maritime Organisation. It needs to be ratified by a sufficient number of both large flag and recycling States in order to enter into force and start producing effects.

The environmentally sound management of ship dismantling is a priority for the European Union and the **early implementation of the Convention** is one of the key actions proposed in the Communication of the Commission 'An EU Strategy for better ship dismantling'.

The proposal is closely linked to the proposal for a regulation of the European Parliament and of the Council on ship recycling to implement the Hong Kong International Convention.

IMPACT ASSESSMENT: no impact assessment has been undertaken.

LEGAL BASIS: Article 192(1), in conjunction with Article 218(6)(a)(v) and the first subparagraph of Article 218(8) TFEU.

CONTENT: the Hong Kong Convention aims at ensuring that ships, when being dismantled after reaching the end of their operational live, do not pose any unnecessary risks to human health and safety and to the environment. The Convention addresses the issues around ship dismantling in their entirety as well as concerns raised about the working and environmental conditions at many of the ship dismantling locations around the world.

So far none of the Member States has ratified the Convention or acceded to it and only three Member States have signed it. Some provisions of the Convention fall within the exclusive competence of the Union as regards ship recycling. The Union cannot ratify the Convention, as only States can be parties thereto.

Accordingly, **it is proposed that the Council require Member States to ratify the Convention or to accede to it in the interests of the Union.**

Ratification of the Convention or accession to it by Member States would carry weight in the international arena and would speed up the entry into force of the Convention.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.