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

2012/0056(NLE) - 29/11/2013 - Legislative proposal

PURPOSE: to authorise 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.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, was adopted on 15 May 2009 under the auspices of the International Maritime Organisation (IMO). It covers the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling without compromising ship safety and operational efficiency.

The Convention enters into force 24 months after the date of ratification by at least 15 States representing a combined merchant fleet of at least 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same States.

In its conclusions of 21 October 2009, the Council strongly encouraged the Member States to ratify the Convention as a matter of priority so as to facilitate its entry into force as early as possible and to generate a real and effective change on the ground.

The Union cannot accede to the Convention, as only States can be parties thereto. Thus, the Council should authorise Member States having ships flying their flag or registered under their flag which fall within the scope of the Convention to ratify or accede to it. This is the aim of this proposal.

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

CONTENT: with this proposed Decision, it is proposed to invite the Council to authorise the Member States to ratify or accede to, for the parts falling under the exclusive competence of the Union, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

Aims of the Convention: 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. It 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.

For further details of the main provisions of the Convention, *please refer to the summary of the initial legislative proposal dated 23/03/2012*.

Entry into force: Member States which have ratified or acceded to the Convention shall notify the Commission thereof within 6 months of the date of deposit of their instruments of ratification or accession with the Secretary-General of the IMO.

The Council will review the progress of the ratification by 31 December 2018.