

# Ship recycling

2012/0055(COD) - 20/11/2013 - Final act

**PURPOSE:** to adopt new rules on ship recycling.

**LEGISLATIVE ACT:** Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC.

**CONTENT:** the new Regulation aims to prevent, reduce, minimise and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling. It also lays down rules to ensure the proper management of hazardous materials on ships.

The purpose is also to facilitate the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

**Inventory of hazardous materials:** the Regulation stipulates that each new ship shall have on board an inventory of hazardous materials, which shall identify at least the hazardous materials referred to in Annex II and contained in the structure or equipment of the ship, their location and approximate quantities. Existing ships must conform, as far as possible, in the practice of this requirement **by 31 December 2020**.

**Non-European ships,** like the European boats, are covered by the Regulation to the extent that they must have on board an inventory of hazardous materials, when calling at a port of a Member State.

**Ship recycling plan:** a ship-specific ship recycling plan shall be developed prior to any recycling of a ship by the operator of the ship recycling facility in accordance with the relevant provisions of the Hong Kong Convention. 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, where applicable.

**Surveys and certificates:** ships shall be subject to the following surveys: i) an initial survey;

ii) a renewal survey; iii) an additional survey; iv) a final survey. After successful completion of an initial or renewal survey, the administration or a recognised organisation authorised by it shall issue an inventory certificate for a period specified by the administration, which shall not exceed five years.

**European list:** the Regulation provides for the establishment of and the regular updating of the European List of ship recycling facilities. The list shall be published in the Official Journal of the European Union and on the website of the Commission not later than 31 December 2016. It shall be divided into two sub-lists indicating the ship recycling facilities located in a Member State and the ship recycling facilities located in a third country.

**Requirements necessary for ship recycling facilities:** in order to be included in the European List, a ship recycling facility should comply with certain requirements, in accordance with the relevant Hong Kong Convention provisions and taking into account the relevant guidelines of the IMO.

In accordance with the wishes of Parliament, several provisions were introduced to ensure that the recycling and treatment of waste is done with **respect for the environment**. Thus, a facility, should, inter alia, comply with the following requirements:

- it is authorised by its competent authorities to conduct ship recycling operations and be constructed and operated in a safe and environmentally sound manner;

- it operates from permanent built structures (dry docks, quays or concrete blocks);
- 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 and storage of hazardous materials and waste;
- it establishes and maintain an emergency preparedness and response plan.

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.

**Communications:** each Member State shall send to the Commission a report containing a list of the ships flying its flag to which a ready for recycling certificate has been issued, as well as information regarding illegal ship recycling, penalties and follow-up actions undertaken by the Member State.

**Penalties:** the Member States should lay down rules on penalties applicable to infringements of this Regulation and take all the necessary steps to ensure their application. The penalties must be effective, proportionate and dissuasive.

**Financial incentive:** by 31 December 2016, the Commission will submit 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.

**ENTRY INTO FORCE:** 30/12/2013. The Regulation is applicable from the earlier of the following two dates, but not earlier than 31 December 2015:

- a) six months after the date that the combined maximum annual ship recycling output of the ship recycling facilities included in the European List constitutes not less than 2.5 million light displacement tonnes (LDT).
- b) 31 December 2018.

**DELEGATED ACTS:** the Commission may adopt delegated acts in order to take into account of developments regarding the Hong Kong Convention. The power to adopt such acts is conferred on the Commission for a period of five years with effect from 30 December 2013. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects to the delegated act shall not enter into force.