Basic information

2012/0056(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009: ratification or accession by Member States **Subject** 3.20.15.06 Maritime or inland transport agreements and cooperation 3.40.04 Shipbuilding, nautical industry 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution 3.70.09 Transfrontier pollution 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 3.70.18 International and regional environment protection measures and agreements	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	SCHLYTER Carl (Verts/ALE)	29/05/2012
	Shadow rapporteur FJELLNER Christofer (PPE) AYALA SENDER Inés (S&D) DAVIES Chris (ALDE) VAN DALEN Peter (ECR) WILS Sabine (GUE/NGL) CYMAŃSKI Tadeusz (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
TRAN Transport and Tourism	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union	Council configuration	Meetings	Date
	Agriculture and Fisheries	3308	2014-04-14

European Commission	Commission DG	Commissioner
	Environment	POTOČNIK Janez

Key events

Date	Event	Reference	Summary
23/03/2012	Preparatory document	COM(2012)0120	Summary
29/11/2013	Legislative proposal published	15902/2013	Summary
13/01/2014	Committee referral announced in Parliament		
10/03/2014	Vote in committee		
11/03/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0166/2014	Summary
13/03/2014	Decision by Parliament	T7-0238/2014	Summary
14/04/2014	Act adopted by Council after consultation of Parliament		
14/04/2014	End of procedure in Parliament		
30/04/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0056(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p8-a2 Treaty on the Functioning of the European Union TFEU 192-p1 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/09188

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE527.888	07/02/2014	
Committee report tabled for plenary, 1st reading/single				

reading		A7-0166/2014	11/03/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0238/2014	13/03/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15902/2013	29/11/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0120	23/03/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Decision 2014/0241
OJ L 128 30.04.2014, p. 0045 Summary

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.

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.

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

2012/0056(NLE) - 11/03/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Carl SCHLYTER (Greens/EFA, SE) on the draft Council decision concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union.

Given that the Convention is a step at global level to move towards a safer and more environmentally sound recycling of non-EU ships, Members called on the European Parliament to give its consent the Council Decision allowing Member States to ratify or accede to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, in the interests of the European Union.

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

2012/0056(NLE) - 13/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 439 votes to 41, with 22 abstentions, a legislative resolution on the draft Council decision concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union.

Parliament gave its consent to the draft Council decision.

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

2012/0056(NLE) - 14/04/2014 - Final act

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.

NON-LEGISLATIVE ACT: Council Decision 2014/241/EU concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union.

BACKGROUND: current legislation at international and European levels has proven ineffective to put an end to environmentally unsound and unsafe practices in dismantling ships. This widespread non-compliance is due, among other things, to 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.

To address this situation, in 2004, the Parties to the Basel Convention called on the International Maritime Organisation (IMO) to draw up strict requirements in regard to the recycling of ships.

The Hong Kong Convention for the Safe and Sound Recycling of Ships was adopted in May 2009 by the International Maritime Organisation. However, to enter info force, the convention needs to be ratified 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.

The Union cannot accede to the Convention, as only States can be parties thereto. Thus the Council authorises 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.

Objectives of the Convention: the Convention 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. It also covers the operation of ship recycling facilities in a safe and environmentally sound manner, and the establishment of an appropriate enforcement mechanism for ship recycling.

Ratification: Member States which have ratified or acceded to the Convention shall notify the Commission thereof. The Council will review the progress of the ratification by 31 December 2018.

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

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.