



REPORT

On the public consultation on the Green Paper on "Better ship dismantling" (COM(2007) 269 final)

The consultation on the Green Paper on "Better ship dismantling" closed on 30 September 2007. In total, 44 responses were received in this period. 12 EU Member States, 2 local authorities, 6 NGOs, 14 industry associations or companies and 5 trade unions sent their comments, while 5 replies came from academia, media and others. Not all contributions answered directly to the questions put forward in the consultation paper; 2 stakeholders sent in information brochures on their activities and 3 stakeholders provided information on future projects or the ship dismantling situation in South Asia. Therefore, the relevant feedback can be counted from about 39 contributions.

The feedback on the questions of the Green Paper can be summarised as follows:

Question 1: How can the enforcement of current Community law (Waste Shipment Regulation) affecting end-of-life ships be improved? What is the best mix of measures to divert EU-flagged or EU-owned vessels to dismantling sites with high environmental and safety standards?

The majority of the stakeholders consider that the Waste Shipment Regulation (WSR) is difficult to apply in this case and indicate that a legally binding definition on when a ship can be considered waste is crucial. However, other stakeholders hold the view that a definition is not necessary but that practical criteria to determine whether a ship is an end-of-life ship or not should be developed. In order to apply the WSR and guide the authorisation for import and export of waste, it is suggested that the EU should adopt its own certification system, to be controlled by an EU authority.

Concerning the measures to divert EU-flagged/owned vessels to dismantling sites with high standards, it is suggested that the EU should compile a list of green recycling facilities, and that authorities should apply stricter controls to older ships and hold shipowners liable who would be fined if not dismantling the ships in adequate sites. It is also mentioned that voluntary commitments by shipowners could improve the situation. Some stakeholders point to the recent proposals in the International Standardization Organization (ISO) for an international standard ISO 30000 "Specifications for management systems for safe and environmentally sound ship recycling facilities" and ISO 30003 "Requirements for bodies providing audit and certification of ship recycling management systems".

Question 2: Would guidance on waste shipment rules and definitions on end-of-life ships help to improve implementation of rules and business practices, and what form should it take?

Guidance and clear definitions are welcomed. However, most stakeholders express the view that guidance should be in line with the discussions at IMO level on a draft Ship Recycling Convention and accompanying guidelines. It is suggested that resources should be directed to improving such guidelines and implementing them at an early stage. Guidelines on the "green passport", the "inventory of hazardous materials" and the term "properly emptied" (of hazardous materials) are indicated as examples in this context.

Question 3: What is the best way of steering the current negotiations on the IMO Ship Recycling Convention in order to improve ship dismantling practices globally?

National binding solutions can escape enforcement. Therefore it is generally seen as very important to support the work at IMO level to establish a globally binding regime on ship dismantling. Many stakeholders also emphasise the necessity of cooperation with other international bodies (ILO, Basel Convention) and with the recycling states on this issue. A stronger coordination within the EU is supported by several Member States and other stakeholders. There is limited support for EU membership in the IMO.

Question 4: Should the EU aim at global environmental and safety standards under the IMO Convention that are comparable with EU standards?

Most stakeholders are in favour of aiming at global environmental and safety standards that are compatible with EU standards, while at the same time taking into account the special needs of developing countries. Several Member States point to the necessity of a gradual improvement, in order not to endanger a worldwide agreement on common minimum standards.

Question 5: How can the EU best ensure that European ships are dismantled in a safe and environmentally sound way during the interim period before the IMO Convention becomes effective? What about ships owned by the public sector? Will national strategies and voluntary commitments by ship-owners be sufficient? What additional measures would be needed at EU level?

It is suggested that the EU should do its best to reduce the transitional period (until the entry into force of the IMO convention). Various measures improving transparency and awareness and the application of EU law are proposed. Many stakeholders see a role for the EU in coordinating and supporting voluntary measures by shipowners. In addition, some Member States and NGOs are in favour of EU legislation anticipating the entry into force of the IMO convention by incorporating its expected provisions. It is also suggested that the EU should ensure strict public procurement rules for the dismantling of state-owned ships and compile a list of the single hull oil tankers that are to be phased out.

Question 6: Should the EU and its Member States take an active role in increasing the EU's own ship recycling capacity, and how?

In general stakeholders do not indicate that there is a need for increasing ship dismantling capacity in the EU but rather recommend the upgrading of existing facilities.

Some Member States and commercial stakeholders point to the possibility of stimulating the demand for EU capacity by restricting exports to non-OECD countries. It is also suggested that the EU could undertake research on issues like ships' inventories of hazardous waste, economic instruments to reflect the "polluter pays" principle, and the coordination of calls for tender by European navies.

Question 7: What measures and actions should the EU take to encourage South Asian states to introduce and implement higher environmental and safety standards for ship dismantling?

Many stakeholders take the view that the EU should conduct public awareness campaigns and provide technical assistance to South Asian countries. Also partnerships between shipowners and recycling facilities, such as between a leading EU shipping company and facilities in China, are seen as helpful and worth of encouragement from the EU. Guidance to shipbreaking countries for the implementation of the Basel Convention is also suggested.

Question 8: What measures and actions should the EU take to encourage ship-owners to direct end-of-life ships to dismantling sites with high environmental and safety standards?

Direct high-level talks between the Commission and major stakeholders (e.g. shipping companies and associations) are suggested as an important means to encourage voluntary action. There is some support for the establishment of an EU certification system for clean ship dismantling (as long as it is compatible with the rules of the envisaged convention and not too bureaucratic) and for awards for exemplary green recycling. Several stakeholders highlight the importance of Member States' leadership on environmentally sound dismantling of their own vessels. Other suggestions, apart from financial mechanisms mentioned below under 9), include stricter enforcement of waste shipment rules, the linking of maritime subsidies to the beneficiary's use of clean and safe dismantling facilities, and the setting up of pilot projects for clean ship dismantling.

Question 9: How should the EU secure sustainable funding for clean ship dismantling in accordance with the polluter pays principle, and what measures and actions should it take?

The majority of stakeholders is of the opinion that the establishment of a sustainable funding mechanism to ensure clean ship dismantling should be in line with the polluter pays principle. Several stakeholders refer to other EU legislation on waste (end-of-life-vehicles, waste electrical and electronic equipment, batteries) where extended producer responsibilities have been established. It is suggested that in the case of ships, due to their long lifetime, a system of shared responsibility for shipyards and shipowners should be set up. Some stakeholders provide detailed suggestions for funding options (e.g. taxes to be levied on each new ship, port fees, yearly tax linked to IMO registration, etc). The general view is that, if a ship dismantling fund is set up, it should be done at IMO level. Many stakeholders see the need for an EU study exploring such funding possibilities.

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