

**Workshop Report
Ship Recycling 24 April 2007**



European Maritime Safety Agency

Workshop Report (draft)

**Ship Recycling – the draft IMO
Convention on the safe and
environmentally sound
recycling of ships**

Lisbon, 24 April 2007

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Report

**EMSA Workshop on Ship Recycling
Lisbon, 24 April 2007**

Background

In accordance with the objectives and tasks as laid down in its founding Regulation (EC) 1406/2002 (as amended), as well as under a specific mandate agreed with DG ENV, EMSA has been providing technical assistance to the European Commission on the issue of recycling of end of life vessels.

In view of recent developments at EU and global level as well as the upcoming international meetings on the draft IMO Convention on the safe and environmentally sound recycling of ships (hereinafter: "the draft Convention"), EMSA and the European Commission agreed that it would be opportune to organise a second expert Workshop on Ship Recycling. The Workshop would serve the exchange of views among Member State experts as well as representative from the EEA and Candidate Countries and to prepare the ground for EU coordination on the draft Convention.

IMO Assembly Resolution A.981(24) requested the MEPC to develop a new legally binding instrument on ship recycling; drafting has taken place and will continue in the period 2006-2007 and the new instrument should be ready for adoption in the biennium 2008-2009. The draft Convention, prepared by Norway and further developed by the IMO working and correspondence groups on ship recycling, is based on a "cradle to grave approach" and provides regulations for design/construction of ships, operation of ship recycling facilities and certification and reporting.

A background paper was drafted prior to the Workshop on the future IMO Convention on ship recycling, to provide guidance to the participants and to assist in the preparation of an EU coordinated view. The Working Paper is attached to this Report.

Workshop Objectives

The Workshop aimed to:

- stimulate the discussion and exchange of views among EU experts and the Commission on the problems associated with ship recycling, focusing on the draft Convention that is currently being developed by IMO.
- work towards a common understanding of some of the key areas in the draft IMO Convention, and work towards an EU coordinated view on the most controversial issues proposed in the draft Convention.

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Workshop Programme

The workshop was chaired by Mr. Panagiotis Petropoulos Head of Unit E (Implementation of EU Maritime Legislation).

The Executive Director of EMSA, Mr. Willem de Rooter, opened the Workshop with a welcome speech. Mr. Thomas Ormond (European Commission, DG ENV) provided the orientation speech, indicating what the European Commission hoped to see as an outcome of the Workshop.

The workshop covered all the issues on the agenda, and addressed the eleven questions raised in the Working Paper that had been distributed to the participants prior to the Workshop (see paragraph below).

Workshop Conclusions

The discussion during the Workshop was guided by a Working Paper, which provided the necessary background information and contained a list of questions corresponding with the main issues currently negotiated in the context of the draft IMO Convention. A summary of the responses to the questions is provided below. At the same time this summary reflects the main outcome of the Workshop and the conclusions that were reached.

Summary of the responses to the questions in the Working paper (2.5)

1. *Should the survey for producing an inventory of hazardous materials for existing ships be held within 5 [10] years after the entry into force of the draft Convention, or rather "no later than prior to recycling" (at the same time as the final survey)?*

In general there was a preference for preparing the inventory within 5 years after entry into force, rather than waiting until the last voyage of the ship, although some prioritization may have to be done to ensure sufficient availability of experts (items to be listed / timeframe for surveying ships). In any case, the workshop was not in favour of "no later than prior to recycling" in order to spread the costs over the lifetime of the ship.

2. *Is it feasible to produce a sufficiently accurate inventory of hazardous materials for existing ships, considering the difficulties in defining the exact quantities of hazardous materials on board the ship as well in collecting sufficient information based on surveying findings?*

Although the difficulties on defining exact location and quantities of such hazardous materials were recognised, it was considered feasible to draw up inventories for existing ships that are "sufficiently accurate", as long as type and location of the hazardous materials are determined, rather than demanding exact quantities.

3. *Is the proposed surveying system for the purpose of checking the inventory of hazardous materials too cumbersome, or is it absolutely*

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mandatory to keep the inventory up to date throughout the ship's life in order to guarantee safe and environmentally sound recycling?

The participants in the Workshop did not consider the proposed surveying system to check the inventory of hazardous materials too cumbersome. The initial survey, which is the vital part of the system, may be more difficult, but once that has been done, the proposed maintenance and regular update of the inventory is relatively straightforward.

4. *In addition to the exchange of information on the ship recycling facilities that have been authorized by a Party, should there be an inspection of recycling facilities (similar to the inspection of ships as foreseen in article 8) or would this run counter to the principle of sovereignty of the Parties?*

Some participants considered the inspection of recycling facilities as crucial to ensure the safe and environmentally sound recycling of ships, and wished to see this regulated in the draft Convention as a complement to the authorization regime. Others however rejected the idea of an inspection regime for recycling yards as this concept would be alien to the draft Convention as it stands now. Furthermore, it was pointed out that site-inspection was already foreseen in the draft Guidelines on the authorization of ship recycling facilities.

5. *What other mechanisms could be put in place in order to strengthen the authorization regime for ship recycling facilities?*

Mechanisms that were discussed included:

- having a list of authorised sites as reported through the draft Convention, to be published on the IMO website (article 7 of the draft Convention);
- establish a compliance mechanism further to article 13bis of the draft Convention;
- (voluntary) IMO audit scheme to be applied in the context of the draft Convention as foreseen in article 13bis;
- International labels and standards to be issued by independent organisations ("declaration of compliance").

However, some participants believed that the level control of the draft Convention as it stands now is sufficient, that the control on ship recycling facilities should be left to the Parties (as is currently foreseen in Regulation 16) and that further details should be laid down in the Guidelines to the draft Convention.

6. *Should the ship recycling plan describe the planned method of pre-cleaning / prior removal of hazardous materials to the maximum extent possible without causing or spreading contamination to any other areas inside and outside the vessel?*

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Participants disagreed on whether pollution prevention was adequately and sufficiently regulated in the draft Convention and the Guidelines. It was suggested that the issue of pre-cleaning (as a way of preventing pollution) could be further addressed in a separate section on “ready for recycling”, which is currently just mentioned as a placeholder in the draft Convention (Part B, Regulation 10). Some participants however noted that pre-cleaning of the vessel should be done at the final recycling yard *to the maximum extend practicable*, in order to avoid problems with the operation and seaworthiness of the vessel.

7. *Should an environmental baseline on pollution prevention be introduced in the general requirements for the operation of ship recycling facilities (Chapter 3, Regulation 18)?*

There was no clear discussion on this issue in the workshop. However, as becomes clear from written responses to the questions delivered by some participants after the Workshop, there is general feeling that the issue of environmental protection is sufficiently dealt with in the current Regulations in the draft Convention, and that further details should be addressed in the relevant Guidelines (distinguishing different scenarios and set ups for recycling of a vessel). However, the EC clearly objected beaching as an approved way of recycling, and argued for a clear prohibition on beaching in the draft Convention.

8. *In order to ensure full implementation of the draft Convention which mechanism would be preferred: an auditing scheme or rather a non-compliance mechanism, or both?*

The general view among participants was that the two mechanisms do not exclude each other and should be considered both in the further development of the draft Convention. Nevertheless, there seemed to be a general preference for a (voluntary) audit scheme to encourage consistency in implementation and standards.

9. *Should a requirement for prior informed (written) consent be introduced in the draft Convention, or would this lead to persistent commercial disputes and render the draft Convention commercially unviable?*

The requirement of prior (written) consent remained very controversial. Some argued that such a requirement would hinder commercial relations as it would completely disregard economic reality by creating excessive bureaucracy. However, the participants took note that prior (written) consent is not always required under waste shipment law, and that the international regime for waste shipments also functions with other control instruments, such as the tacit consent procedure, and pre-consented facilities, which could be further considered in the context of the draft Convention.

10. *Should a system of state-to-state notification be introduced in the draft Convention, to complement the control mechanisms as currently proposed?*

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Participants could not agree on the added value of state-to-state notification and on the administrative burden this system could produce. In general, the same arguments were brought up as regards the discussion on prior written consent (avoiding excessive bureaucracy, and recognising economic reality on the one side vs. proper information and control, allowing for timely intervention on the other side).

11. Does the draft Convention provide for an equivalent level of control as defined in the context of the Basel Convention?

The question on whether the draft Convention in its present form provides for an "equivalent level of control" to that of the Basel Convention remains disputed to the end, partly because certain issues still remain open in the text of the draft Convention (prior consent, state to state notification, reporting, control mechanisms, etc.). However, advocates of "equivalent level of control" emphasized that the new international regime on ship recycling need not necessarily be a replica of the Basel control system, as long as the future IMO Convention can generate real changes in the conditions under which end of life ships are being dismantled.

Other conclusions reached in the Workshop:

- If all major flag states and recycling states are to sign the draft Convention, it will be necessary to find a compromise somewhere between a total legalisation of the (unacceptable) status quo and a worldwide implementation of the more stringent EU requirements. On the other hand, the EU Member States cannot accede to the Convention if it does not generate *real* change towards the safe and environmentally sound recycling of ships.
- In view of the resistance by India and the non-participation of Bangladesh and Pakistan in the negotiations at IMO, it will be necessary for the EU to approach the major recycling states in order to negotiate with those countries on a bilateral basis and take legitimate concerns into account, however without watering down the draft Convention.
- It was acknowledged that the safe and environmentally sound recycling can be accomplished at relatively low cost (30 USD/tonne in China, versus 80 USD/tonne in Europe).

Annexes:

1. Workshop Agenda
2. List of Participants
3. Working Paper (EMSA Workshop on Ship Recycling)

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Agenda

Workshop on the draft IMO Convention on the safe and environmentally sound recycling of ships

24 April 2007

EMSA

Avenida Dom Joao II
Lote 1.06.2.5, 1998-001 Lisbon, 9th floor

(Chair: Mr. P. Petropoulos, EMSA HoU E, Implementation of Maritime Legislation)

- 9h00-9h30: *Registration and welcome coffee*
- 9h30 -9h45: Welcome Note by EMSA
- 9h45 – 10h15: Orientation speech by the European Commission
Thomas Ormond – DG ENV
- 10h15 – 10h45: Draft International Convention on the safe and environmentally sound recycling of ships; Report of the IMO Correspondence Group; latest state of play.
Mr. Sveinung Ofteidal - Norway
- 10h45 – 11h15: Questions and answers
- 11h15 – 11h30: *Coffee*
- 11h30 – 12h00: Survey and certification
Mr. Henning Gramann – Germany
- 12h00 – 12h30: Discussion
- 12h30 – 14h00: *Lunch*
- 14h00 – 14h30: Authorisation and environmental management of ship recycling facilities
Ms. Lone Schou - Denmark
- 14h30 – 15h00: Discussion
- 15h00 – 16h00: Reporting, control and enforcement
Mr. Roy Watkinson – UK
- Preparing a vessel for recycling –
Mr. Tom Peter Blankestijn – Netherlands
- New legally-binding instrument on Ship Recycling: towards the establishment of an appropriate control and enforcement mechanism for the recycling of ships". *Mr. Franck Lauwers – Malta*
- 16h00 -16h15: *Coffee*

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16h15 – 17h15: Discussion
17h15 - 17h30: Conclusions EMSA

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List of Participants – EMSA Workshop on Ship Recycling – 24 April 2007, Lisbon

Wohrer	Claude	FRANCE	Secrétariat Général de la Mer
Lebacqz	Xavier	FRANCE	Ministry of Defence
Karavezyris	Vassilios	GERMANY	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
Bethge	Petra	GERMANY	Bundesministerium für Verkehr, Bau und Stadtentwicklung
Kallipolitou	Venetia	GREECE	Ministry of Mercantile Marine
ORourke	Kevin	IRELAND	Maritime Survey Office
Reimanis	Madars	LATVIA	State Environmental Service of Latvia
Camilleri	Stephen	MALTA	Merchant Shipping Directorate
Arenesen	Einar	NORWAY	Norwegian Maritime Directorate
Wasowski	Wojciech Filip	POLAND	Maritime Office in Gdynia
Godinho	Vera	PORTUGAL	Port of Lisbon
Semedo	Jorge	PORTUGAL	IPTM
de Sousa	José Ventura	PORTUGAL	Portuguese Maritime Industries Association
Bucuresteanu	Dumitru	ROMANIA	Romanian Naval Authority
Hakguden	Fikret	TURKEY	Undersecretariat for Maritime Affairs
Ayvatoelu	Dimitri	TURKEY	Turkish Ship Recycling Association Expert
Simpson	Jonathan	UNITED KINGDOM	Department for Transport
Pointer	Terry	UNITED KINGDOM	Maritime and Coastguard Agency
Mikelis	Nikolaos		IMO
Gramann	Henning	GERMANY	Germanischer Lloyd/Germany
Lauwers	Franck	MALTA	Malta Environment & Planning Authority
Blankestijn	Tom Peter	THE NETHERLANDS	Maersk Benelux BV
Oftedal	Sveinung	NORWAY	Norwegian Ministry of Environment
Vedel	Lis	DENMARK	Danish EPA
Schou	Lone	DENMARK	Danish EPA
Watkinson	Roy	UNITED KINGDOM	DEFRA
Ormond	Thomas		DG ENV
Petropoulos	Panagiotis		EMSA (Chair of the Meeting)

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De Ruiter	Willem	EMSA
Bobo Remijn	Anna	EMSA
Vartio	Mikael	EMSA