



WORKSHOP REPORT

Workshop on Ship Recycling

**27 & 28 June 2011
Lisbon**

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I. Introduction-background information

The Hong Kong Convention for the Safe and Environmentally Sound Recycling of Ships (HKC) was adopted in May 2009. To enter into force the Convention will need to be ratified by both flag and recycling States. Pending its entry into force, which cannot realistically be expected before 2020, IMO Members have been encouraged to apply the technical requirements of the Convention on a voluntary basis (Resolution 5 of the Hong Kong Diplomatic Conference). Work is currently undergoing at the IMO to develop and adopt a set of voluntary technical guidelines supporting the Convention.

The Council welcomed the adoption of the HKC, which represents an important step towards the phasing out of unsafe and environmentally harmful practices and urged the EU Member States to ratify the Convention as soon as possible. According to the Council, EU implementation should focus on the early ratification of the HKC by the Member States, interim measures and additional EU legislation.

Also the Parties to the Basel Convention (BC) welcomed the adoption of the HKC and they are currently assessing the equivalence between the levels of control and enforcement of the HKC and BC. The EU and all its Member States are Parties to the BC, which has been transposed in EU legislation with the Waste Shipment Regulation (WSR). The regulation also incorporates the "Basel ban" prohibiting exports of hazardous waste from OECD to non-OECD countries. Under the WSR, therefore, end of life ships which are waste cannot be exported outside the OECD for dismantling due to their content of hazardous substances (e.g., asbestos, PCB). In principle, exports could be possible after a "pre-cleaning" of the ship of hazardous materials. This option, however, is highly expensive as it would require a (partial) dismantling and the consequent towing of the ship to the dismantling facilities.

In practice, the export ban under the WSR is not working and it is hardly enforceable to end-of-life ships. One of the main reasons is the lack of adequate recycling capacity in OECD countries, but also the difficulty to determine when a ship become waste and which is the state of export. These loopholes have been used by ship-owners to circumvent the ban and question the enforceability of the WSR in relation to end-of life ships. It is a matter of fact that in 2009, the overwhelming majority of EU flagged ships was dismantled in ship recycling facilities located in non-OECD countries (mainly in South Asian facilities using the so called "beaching" method).

Since 17% of the world tonnage is registered under an EU flag and about 37 % belongs to EU owners, ensuring better ship dismantling practices worldwide is a priority for the EU. The Commission has taken different steps towards the developments of an EU strategy (2007 Green Paper; 2008 Communication on an EU Strategy on better ship dismantling) which has been supported by the European Parliament and the Council (respectively resolution on 26 March 2009, and conclusions on 21 October 2010). Finally, responding to an invitation from the Council, in March 2010 the Commission published a Communication providing an assessment of the link between the HKC, the BC and the WSR. The Commission services are in the process of finalizing an impact assessment supporting EU legislation on ship dismantling.

On this background the Commission is organising a workshop to hear Member State's and relevant stakeholder's views on some outstanding issues related to ship dismantling.

II. Workshop objectives

The overall objectives of the workshop were to present and discuss:

- the state of play of the work being done on ship recycling within the IMO, BC, and EU;
- the current practices applied by the ship recycling industry in South-Asia, China and Turkey, and the technical measures that might be necessary to comply with the requirements of the HKC (including good waste management of wastes produced in recycling facilities);
- interim measures by the industry to prepare for the entry into force of the HKC, including:
 - transitional measures for shipowners and recyclers;
 - the establishment of Inventories of Hazardous Materials;
 - the development of Ship Recycling Plans and Ship Recycling Facility Plans;
 - the authorization of Ship recycling Facilities;
- possible ways forward to improve the ratification of the HKC, including the identification of obstacles and how to address them;
- how to ensure the availability of sufficient green and safe ship recycling facilities worldwide, and make sure that these facilities are being used (economics of ship dismantling); and
- action to be taken in preparation of the 10th Conference of the Parties of the BC.

III. Workshop programme

The workshop on ship recycling was held on 27-28 June 2011 at EMSA's premises in Lisbon. The workshop was attended by the delegations of 19 EU Member States and Norway; representatives from the European Commission (DG ENV and DG MOVE), the secretariats of the IMO and Basel Convention and stakeholders from the industry and NGO Platform on Shipbreaking. The full list of participants is provided in Annex I to this report.

The workshop started with a general session open to all Member States and relevant stakeholders chaired by Mr Julio Garcia Burgues (HoU, Waste Management Unit, DG ENV). The general session opened with welcome addresses from Mr Willem De Ruiter (EMSA's Executive Director); Mrs Soledad Blanco (Director of DG Environment) and Mr Fotis Karamitsos (Director of DG MOVE) who all underlined the firm EU commitment towards ensuring best ship

dismantling practices worldwide and the need to promote the prompt entry into force of the HKC, especially in view of the large number of ships expected to go for dismantling in the coming years.

After introducing the latest state of play of the HKC, Dr Nikos Mikelis from the IMO Secretariat highlighted the important role that EU could play in the interim period, either by regulating a package of interim measures based on the key technical standards of the HKC and exempting end-of-life ships from the WSR or by adopting a voluntary package of measures that would allow compliant ships to be exempted from the WSR.

Ms Susan Wingfield from the Secretariat of the Basel Convention informed the participants of the latest developments of the preliminary assessment of the equivalency between the levels of control and enforcement of the HKC and the BC and recent initiatives on Technology and Knowledge Transfer (e.g., Izmir workshop, July 2010) undertaken within the framework of the BC/IMO/ILO Global Programme for Sustainable Ship Recycling. The boundary issues between HKC and BC and how the two conventions could complement each other to ensure ESM of hazardous material were also discussed.

The representative from the European Commission (DG ENV) discussed the state of play at EU level and the main shortcomings of the export ban under the WSR. Based on data from 2009, the largest part of EU flagged ships was dismantled in SRFs located in non-OECD countries in clear contravention to the export ban under the WSR. As a possible way forward the Commission suggested the adoption of ad hoc EU legislation transposing the HKC into EU law and allowing ships covered under the HKC to be dismantled in facilities outside the OECD as long as they are certified by a third party as complying with HKC standards.

A representative from the Industry (Green Ship Recycling Services) presented views on ship recycling practices in Bangladesh, India and Pakistan, which all use the beaching method, emphasising the main shortcomings in terms of HSE, infrastructure, training, knowledge, use of machinery, attitude, with India apparently having a more long-term business strategy than the others. The situation seems to be more encouraging in China, which according to the industry representative (Sea2Cradle) is making good progress towards improving its recycling practices (for instance beaching is prohibited by law) in compliance with the HKC standards and it is expected to ratify the HKC in 2012. Likewise, Turkey has taken considerable steps to make ships recycling practices safe and green (Loyal Ship Recycling).

After a panel discussion on interim measures by the industry to prepare for the entry into force of the HKC, which will be summarised below, the NGO platform for shipbreaking presented the environmental and human right's point of view on ship recycling.

On the second day a specific session was held to discuss actions before entry into force of the HKC in the EU. This session was open to the European Commission, Member States and secretariats of the IMO and Basel Convention only and was chaired by Mrs Soledad Blanco (Director of DG ENV). The session focussed on obstacles to the ratification of the HKC; exchange of views on interim solutions and preparation to the 10th Conference of the Parties of the Basel Convention.

The Agenda of the workshop is provided in Annex 2 to this report.

IV. Workshop summary

The section below presents the exchange of views on the main issues, according to the agenda topics. It is not the aim to draw firm conclusions.

Day I- General Session

Interim measures by the industry to prepare for the entry into force of the Hong Kong Convention

In October 2009, the Industry Working Group on Ship Recycling adopted "Guidelines on transitional measures for shipowners selling ships for recycling" providing guidance for shipowners on how to voluntarily apply certain elements of the Hong Kong Convention before it enters into force. These measures are voluntarily implemented by the industry. While Inventories of Hazardous Materials are being developed by shipowners for ships going for recycling, it is important that recycling facilities actually use the information and develop Ship Recycling Plans which demonstrate their commitments regarding worker's health and the protection of the environment.

BIMCO informed the participants that a new "green" ship recycling contract has been adopted by its Documentary Committee in Vancouver on 6 June. The internationally used contract for the sale of second hand vessels (SALEFORM 93) is also currently being revised.

During the panel discussions, it was clarified that the price offered by a facility is not the sole driver for shipowners choice. This is demonstrated by the consequent volume of EU flagged ships dismantled in China even if its facilities offer lower prices than their counterparts in Bangladesh and Pakistan. Further discussions on how to identify green and safe facilities, showed that a country by country approach might not be the optimal one since the management of facilities can divert significantly within the same country. The role of the brokers ("cash buyers") was highlighted as well as the need for them to improve significantly their practices (by establishing inventories, asking for certificates to their flag states) instead of only looking at maximizing their incomes as it is currently the case.

Issues to consider prior to the entry into force of the Hong Kong Convention

1. What are the possible alternatives to the prohibition of exporting end-of life ships to non-OECD countries?

It was generally agreed that the export ban under the WSR is not working and it is hardly enforceable to end-of-life ships. One of the main reasons is the lack of adequate recycling capacity in OECD countries, but also the ease of changing flag and the difficulty to determine when a ship becomes waste and which is the state of export. These loopholes have been used by ship-owners to circumvent the ban and question the enforceability of the WSR. It was also pointed out that the

export ban under the WSR may block good initiatives by ship-owners, preventing them to dismantle their ships in green and safe facilities outside the OECD. This was not the original intention of the European legislator. The COM is seeking stakeholders' views on how to solve the deadlock and presented different scenarios for discussion:

A: (baseline) the EU legislation remains unchanged and the HKC enters into force in 2020

B: implementing key elements of the HKC in the WSR. HKC enters into force in 2020

C: exclude ships under the scope of the HKC from the WSR (2025)

D: develop an ad-hoc legislation based on the HKC to cover life cycle of ships (2020)

E: supplementing D by

- Addressing also small ships and governmental vessels,
- Only allowing dismantling in facilities comparable with EU ones
- Third Party certified ship dismantling facilities only

« Worst case scenario »: no change at EU level and the HKC does not enter into force. One Member State pointed out that there is even a worse scenario, which is the having a new EU legal instrument in place and the HKC not entering into force.

The COM made it clear that the objective of any EU initiative is not to amend or deviate from international agreements, but to ensure that they are properly translated into EU legislation and that they are fully enforceable by EU Member States. This is currently not the case with the BC in relation to end-of-life ships.

The general feeling is that the HKC is better suited to the shipping reality and provides a comprehensive framework to ensure that ships are dismantled in safe and environmental sound facilities. Unlike the BC, however, the HKC does not deal with the downstream management of waste and this is generally considered as the main shortcoming of the Convention compared to Basel. One of the proposals made was that EU legislation should ensure proper downstream management of waste by allowing EU ships to be dismantled only in SRFs that are able to manage hazardous waste in a safe and environmental sound manner.

There seems to be general support for the adoption of an EU package of interim measures implementing the key elements of the HKC at EU level. This package could be adopted by means of an EU legislative instrument allowing ships covered by the HKC to be dismantled only in facilities that meet the safety and environmental standards of the Convention even outside OECD.

Also the idea of a third party (EU) auditing certification scheme met some support during the discussions. Some suggested a mechanism similar to the one established by Regulation 2009/391 to authorise recognised organisations to

conduct survey and certification on behalf of the EU Member States. However, it is still unclear whether SRFs in non-OECD countries would be in favour of an EU certification scheme. Indeed, the HKC (regulation 15.3) does not refer to third party audit/certification of SRFs, but only to voluntary audits by the Competent Authority of the recycling State or by its recognized organizations. It was noticed that such voluntary audits are very important and could be included in a new EU regulation as some experts mandated by EU could be part of the recognized organization in charge of the audit, provided that the Competent Authority is willing to do so. Some pointed out that this is a very sensitive issue which will need to be clarified through bilateral agreements and voluntary audit as defined in regulation 15.3 should be used very carefully and fully respect the principle of sovereignty of parties.

At least one participant, however, specifically did not support the idea of taking end-of-life ships out of the scope of the WSR and pointed to the need of finding ways to make the WSR work by providing clear guidelines on when ships become waste and which can be considered the exporting states (looking at the commercial interests of the ship). Transposing the HKC into EU law and taking end-of-life ships out of the WSR would open up new loopholes and create a dangerous precedent for other industries. Such an approach, moreover, might not be supported by the European Parliament who in its 2009 resolution urged the COM to find ways to fully enforce the WSR.

Those supporting strengthening the enforcement of the WSR pointed to the need to pre-clean ships prior to export to non-OECD countries. The majority, however, agreed that unless you are selecting one specific substance (e.g., asbestos or small quantities of PCBs), getting rid of all hazardous materials onboard a ship, including paints, engine, etc., would be impossible without (partially) dismantling the ship, which means that the ship would lose mobility and would have to be towed to the recycling facilities. Pre-cleaning and towing are very expensive operations and make this option unpractical. Pre-cleaning, therefore, should not be the main issue and the focus should rather be on how to properly deal with hazardous materials in SRFs.

There was some discussion on the issues of reflagging and the role of cash-buyers (one participant considered that 85% of ships going for recycling are sold to cash-buyers), which should be considered when developing EU legislation on ship recycling and need practical solutions.

Some pointed out that if it is accepted to send a ship for recycling outside the OECD, it is necessary to ensure that the IHM is precise enough, which can only be done properly for new ships. There should be further consideration on how to ensure accuracy of IHM for existing ships.

2. How to ensure the availability of sufficient green and safe ship recycling facilities worldwide?

It was noticed that there are little or no economic drivers to have adequate recycling capacity in OECD countries because of the fierce competition they face from SRFs in South Asia and China. Recycling facilities in these countries, due to

cheap labour costs, steel needs, and poor or non-existent environmental, safety and health regulations, can offer higher dismantling prices compared to facilities in OECD (with the exception of Turkey). According to the data presented by the COM the average price for using SRFs in China, India, Bangladesh, Pakistan and Turkey is much higher than for SRFs in Europe (e.g., 299 \$/LDT in Bangladesh against 82 \$/LDT in EU). Therefore, it is not surprising that ship-owners decide to use the loopholes offered by the current legislation to circumvent the export ban and use more profitable facilities outside the OECD. Raising standards in non-OECD countries would also re-establish a level playing field.

In 2009, about 60% of all ships were recycled in India, Bangladesh and Pakistan. It was generally agreed that the EU should find ways to encourage these countries to upgrade their facilities and improve safety and environmental standards. China has been identified as a key player and the situation is evolving in an encouraging direction. Together with Turkey, China is making good progress in meeting HKC standards and has been mentioned several times as a responsible non-OECD recycling country, which could receive EU ships for dismantling. China has a capacity of 500-600 vessels annually and is still investing in ship recycling. However, downstream management of waste coming from the recycling facilities is still an open issue in this country. It was mentioned that European companies are active in developing and managing waste treatment facilities in the country. As an OECD country, Turkey is already entitled to receive EU ships for dismantling and Turkey's regulatory framework is similar to the EU one. It has an annual capacity of 900,000 LTD (237 ships dismantled in 2010). So far, for economic reasons, Turkey has mainly focused on smaller regional tonnage, but technically is able to receive ships of any type and size.

It was stressed that recycling is a business and the best way to ensure sufficient green capacity is to create a market. By requiring that EU ships can only be dismantled in SRFs meeting the HKC standards, the EU can play a crucial role in this direction. The market share created by EU ships for dismantling would represent a considerable business opportunity and would work as a driver for recycling countries to ensure full compliance with the HKC and to open up for inspection and certification by the EU. It was pointed out that the EU certification could work as an incentive for recycling countries to raise their standards to be able to access the EU market.

The main challenge is that in some non-OECD countries, like Bangladesh, there is a serious lack of infrastructure. The EU and others (e.g., Japan) could use their aid programme and technology and knowledge transfer to assist these countries in improving their standards and developing proper infrastructures -along the line of what the Norwegian Aid Agency has done in Bangladesh.

3. How to ensure that these facilities are used (the economics of ship dismantling)?

There are considerable differences in dismantling prices between OECD and non-OECD, but among non-OECD the difference is not enormous (approximately 50\$/LDT more to use green facilities in China compared to those in South Asia).

To encourage ship-owner to make responsible decisions and pay the additional 50 \$ there is a need for incentives.

It was pointed out that the objective of the EU is to encourage ship-owners to properly implement the HKC. Many supported the idea that any EU legislation should be accompanied by economic incentives and/or disincentives (such as a system of penalties) to encourage ship-owners to recycle their ships in facilities which meet the HKC standards.

Various forms of incentives have been mentioned, including taxes, state aid, port fees and a specific fund. However, some pointed out that that creating a new recycling fund might be difficult because of the financial crisis, would be time-consuming and would generate additional administrative burden. Creating a new market demand for green ship recycling and the subsequent market opportunities would already work as incentives without the need to establish other mechanisms.

4. What can be done to ensure good management of waste produced in recycling facilities?

It was generally considered that the main shortcoming of the HCK, compared to the BC, is that it does not deal with the downstream management of waste. Therefore, there should be a strong link between the HKC and BC to ensure that the waste produced by the SRF is managed according to ESM standards. However, it was pointed out that the concept of ESM is still fairly vague in the BC and should be further clarified (for instance in a Technical Manual to support the Facility Guidelines).

It was pointed out that any EU legislation should ensure that SRFs can only be certified and allowed to dismantle EU ships if they are able to manage hazardous waste in a safe and environmental sound manner. However, in many recycling countries there is a serious lack of proper infrastructures to treat wastes coming from SRFs. This is a tricky issue which, according to some, enters within the exclusive competence and sovereignty of the recycling States. As an alternative to an EU certification of waste management facilities, some suggested a transport note to be signed by both the SRF and the final waste handling facility.

Finally, there was a suggestion that the EU legislation should include a duty to re-import hazardous waste along the lines of the BC and the EU should invest in waste management facilities in these countries.

Annex 1 – List of participants

Country	Name	First Name	Organisation	E-mail
Belgium	Werkers	Steven	Federal Public Service Mobility & Transport	steven.werkers@mobilit.fgov.be
Belgium	Janssens	Gudrun	Flemish Waste Agency	gudrun.janssens@ovam.be
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Poland	Zaplatka	Agnieszka	Ministry of Infrastructure	azaplatka@mi.gov.pl

Poland	Gosk	Magda	Division of Transboundary Movement of Waste		<i>M. gosk @ sios.gov.pl</i>
Portugal	Semedo	Jorge	IPTM - Instituto Português e dos Transportes Marítimos		<i>jorge.semedo@imarpor.pt</i>
Romania	Bucuresteanu	Dumitru	Romanian Naval Authority		
Slovenia	Grubišič	Lea	Ministry of transport - Slovenian Maritime Administration		<i>lea.grubisic@gov.si</i>
Spain	Lorens	Javier	Directorate General for the Merchant Navy		<i>jlorenc@fomento.es</i>
United Kingdom	Timpson	Ian	Department for Transport		<i>ian.timpson@dft.gsi.gov.uk</i>
United Kingdom	Gadsby	Alison	Department for Environment Food and Rural Affairs		<i>alison.gadsby@defra.gsi.gov.uk</i>
Speaker	Gramann	Henning	GSR Services e K		<i>henning.gramann@gsr-services.com</i>
Speaker	Jenssen	Ingvild	NGO Platform		
Speaker	Loicq	Benoit	ECSA		<i>Loicq@eccsa.eu</i>
Speaker	Townsend	Robin	IACS		<i>robin.townsend@lr.org</i>
Speaker	Ayvatoğlu	Dimitri	Loyal Ship recycling		<i>dayvatoğlu@leyal.com.tr</i>
Speaker	Blankestijn	Tom Peter	Sea2Cradle		<i>blank3556@planet.nl</i>
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	van den Bergh	Ruud	EMF		<i>ruudberg@bg.fmv.nl</i>

Annex 2 – Agenda of the workshop**Chairman: Julio Garcia Burgués – European Commission (DG ENV)****General session (for all participants) – 27 June 2011***8h30 – 9h00 Registration and welcome tea/coffee***Introduction**

9h00 – 9h15 Welcome and introduction by:

-Willem de Ruiter – Executive Director, EMSA**-Soledad Blanco – Director, DG ENV****-Fotis Karamitsos – Director, DG MOVE****Latest state of play**

9h15 – 9h35

The Hong Kong Convention on Ship Recycling (HKC):

-views on the entry into force

-development of technical guidelines

-package of interim measures

Nikos Mikelis – IMO

9h35 – 9h55

State of play regarding the Basel Convention (BC):

-assessment of the equivalent level of control (outcome of OEWG 7 and preparation for COP 10)

-how to ensure technology transfer : the example of the Ship Recycling Technology & Knowledge Transfer Workshop organized in Turkey in July 2010

-boundary issues between HKC and BC

Susan Wingfield

9h55 – 10h15

State of play at EU level

Julio Garcia Burgués – European Commission/DG ENV**Overview of current recycling practices**

10h15 – 10h35

Recycling practices in Bangladesh, India and Pakistan

Henning Gramann – Green Ship Recycling Services

10h35 – 10h55

Recycling practices in China

Tom Peter Blankestijn – Sea2Cradle

10h55 – 11h15

Recycling practices in Turkey

Dimitris Ayvatoglu – Leyal Ship Recycling*11h15 – 11h35 Tea/coffee*

Interim measures by the industry to prepare for the entry into force of the Hong Kong Convention*Moderator: DG MOVE*

- 11h35 – 12h15 Panel discussion on:
- transitional measures for shipowners and recyclers
 - establishment of Inventories of Hazardous Materials
 - development of the Ship Recycling Plans
 - development of the Ship Recycling Facility Plan
 - authorization of Ship Recycling Facilities

Panel consisting of:**Tom Peter Blankestijn (Sea2Cradle)****Dimitris Ayyatoglu (Loyal Ship Recycling)****Benoît Loicq (ECSA)****Robin Townsend (IACS)****Nikos Mikelis (IMO)**

- 12h15 – 12h30 The Environmental and Human Rights NGO's point of view
Ingvild Jensen – NGO Platform on Shipbreaking

12h30 – 14h00 Lunch break

14h00 – 17h00 Issues to consider prior to the entry into force of the Hong Kong Convention*Moderator DG ENV*

1. What are the possible alternatives to the prohibition of exporting end-of-life ships to non-OECD countries?
2. How to ensure the availability of sufficient green and safe ship recycling facilities worldwide?

15h20 – 15h40 Coffee break

3. How to ensure that these facilities are used (the economics of ship dismantling)?
4. What can be done to ensure good management of waste produced in recycling facilities?

17h00 Closing of day 1

Specific session (for the Commission, Member States and secretariats of the IMO and of the Basel Convention only) – 28 June 2011

8h30 – 9h00Tea/coffee

**Round table discussions:
Actions before the entry into force of the Hong Kong Convention in EU**
Moderator: DG ENV

9h15 – 10h15 Ratification of the Hong Kong Convention on Ship Recycling: identifying and addressing the obstacles.

10h15 – 10h45 Exchange of views on interim solutions before the entry into force of the Hong Kong Convention.

10h45– 11h15Tea/coffee

11h15 – 12h15 Preparing for the 10th Conference of the Parties.

12h15-12h30 Closing of the workshop