



To: Environmental Attachés and Counsellors at the Permanent Representations and Missions to the European Union

CC: European Commission

Attachment: Response submitted jointly by the European Environmental Bureau (EEB) and NGO Shipbreaking Platform to the European Commission questionnaire on the interpretation of requirements found in Regulation 1257/2013 (Ship Recycling Regulation)

CONCERNING: Development of Guidance Note for ship recycling facilities

Dear Environment Attaché, dear Counsellor,

Brussels, 12 May 2014

In light of this week's Member States' meeting to discuss the requirements for ship recycling facilities, we invite you to consider the recommendations made by NGO Shipbreaking Platform (NGO Platform), the European Environmental Bureau (EEB), and the more than 160 environmental, human and labour rights organisations we represent, outlined in this letter and substantiated in the attached response to the European Commission questionnaire on the interpretation of requirements found in Regulation 1257/2013 (Ship Recycling Regulation).

The NGO Platform is a global coalition of 17 environmental, human and labour rights organisations working to reverse the environmental and human rights abuses of current shipbreaking practices and to ensure the safe and environmentally sound dismantling of end-of-life ships worldwide. The EEB is Europe's largest coalition of grassroots environmental organisations and represents the demands of European citizens.

The new Ship Recycling Regulation rightly seeks to go beyond the Hong Kong Convention to create more stringent requirements for ship recycling facilities. Only operations that would be approved if conducted in an EU Member State can be listed under the new EU Ship Recycling Regulation. Ship recycling facilities in non-EU Member States thus need to satisfy the standards acceptable within the EU in order to qualify for the EU list of approved facilities. Guidance on the requirements as outlined in article 13 of the Ship Recycling Regulation should therefore at least include the following:

- a performance-based standard that defines specific operational requirements while also providing procedural guidance on how facilities can best manage changes and document performance in a consistent manner;

- cross references to existing European standards, also with regards to downstream waste management, and clarity in that the EU will only list facilities that meet these European standards;
- clarity that the shipbreaking facilities employing the beaching method will fail to meet approval; and
- provisions for regular revisions and updates according to experience and progress with regards to Best Available Techniques (BAT) and Best Environmental Practice (BEP).

To further make sure that especially facilities operating outside the EU comply with the Ship Recycling Regulation's requirements clear indications on the qualifications needed to be recognised as an independent verifier should be set out – these need to ensure that the independent verifier has the technical competence to undertake the work, that correct and valid evaluation and quality control mechanisms are used and that the work is carried out impartially. In that regard, it should be noted with concern that several substandard beaching facilities have already been ISO 30.000 certified by well established certifying bodies – not only does this highlight the problems of resorting to merely procedural standards that do not contain performance measures, but it also emphasizes the need for mandatory onsite auditing by the Commission or agents acting on its behalf as referred to in article 15.4 of the Ship Recycling Regulation.

Finally, concerns have been raised that not all ship recycling facilities in the EU operate according to existing requirements and that there are unacceptable variations in which laws are implemented for ship recycling activities amongst, and also within, certain Member States. It seems therefore that clear guidance as described above – clearly cross referencing to relevant existing EU laws, BAT and BEP – would also help Member States apply the new Regulation uniformly.

We remain of course available should you have any questions or wish to discuss the above-mentioned issues further with us.

Yours sincerely,

Patrizia HEIDEGGER
Executive Director NGO Shipbreaking Platform

A handwritten signature in black ink, appearing to read 'Patrizia Heidegger', with a long horizontal flourish extending to the right.

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