



NGO  
SHIPBREAKING  
PLATFORM



**TO:** ENV-SHIP-RECYCLING@ec.europa.eu

**CONCERNING:** Draft FAQ for the interpretation of EU Regulation 1257/2013 requirements for ship recycling facilities

Brussels, 24 October 2014

The NGO Shipbreaking Platform (NGO Platform), the European Environmental Bureau (EEB), and the more than 160 environmental, human and labour rights organisations we represent wish with this note to provide our comments to the draft European Commission's (EC) Frequently Asked Questions (FAQ) for the interpretation of the EU Regulation 1257/2013 provisions on the requirements for ship recycling facilities.

The NGO Platform is a global coalition of 19 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.

Our organisations are in general **supportive of the EC's approach**, in particular with regards to the following elements included in the FAQ:

- The clarity provided on the requirements related to containment of hazardous materials. It has been key to our organisations that the EU does not rubberstamp the beaching method as practised in South Asia. We are satisfied that in line with preamble 7 and article 13 of the Ship Recycling Regulation (SRR), and also in line with the communications of European Parliament (EP) and Irish Council Presidency following the adoption of the text of the SRR, as well as with statements made by EC DG ENV's Director General during a hearing in the EP on 6 November 2012, the FAQ underscores the fact that the beaching method does not meet the environmental and safety standards required to dismantle ships without endangering human health and the environment. It is worth noting that the *word* "beaching" was included (and the method disqualified) in earlier versions of the EP readings of the EC proposal for a new Regulation, and only removed because it was agreed during the tripartite negotiations that the EU approach should be descriptive rather than proscriptive, i.e. should be "method-neutral" and outline only standards that need to be met. The fact that 'beaching' per se is not mentioned in the Regulation, nor the FAQ, does

therefore not mean that the beaching method is approved by the EU, as some stakeholders are trying to advocate. Indeed, the beaching method would never be allowed in the EU, it has also already been explicitly out-lawed in China. It should further be noted that even if ship tanks are cleaned and the vessel hull coatings do not contain TBT, there are many other hazardous materials that remain impossible to contain on a tidal beach, such as heavy metals in paint chips and other hazardous materials also released when breaking a ship vertically and dropping the cut-off blocks onto permeable tidal zones. Even if a completely toxic-free ship did exist, the beaching method also raises concerns related to workers safety and more specifically to the lack of being able to provide for rapid emergency response in case of accidents.

- The requirement that facilities will at an individual level need to ensure basic human and workers' rights. Especially with regards to ship recycling facilities based outside the EU it has been important for us that focus be put on not only environmental standards, but also on standards that foster decent working conditions and sustainable livelihoods. Good governance structures, also at the facility level, are vital to ensuring working conditions that do not endanger human health.
- That downstream waste management will need to be broadly equivalent to EU laws as referenced to in Annex I of the FAQ. Whilst the International Maritime Organisation's (IMO) Hong Kong Convention (HKC) stops at the gate of the ship recycling facility, we have applauded the EU for regulating ship recycling beyond the ship recycling facility. Indeed, international waste law covers downstream waste management, including disposal.

We find that the **following issues are not sufficiently covered** in the FAQ:

- It is important to avoid double standards and bring clarity to the fact that non-EU facilities are required to meet the same standards as ship recycling facilities based in the EU. Indeed to counter the current uneven level playing field that provides increased market shares to substandard shipbreaking facilities, the requirements set out in the SRR need to be equal for all. It should be made clearer that the EU requirements supersede possibly weaker national requirements in non-EU countries – to be EU listed a non-EU facility must thus operate in a manner that is no less safe and environmentally sound than what is required from a facility operating within the EU. To also ensure that *within* the same facility the same precautions are taken when dismantling all ships, including non-EU flagged ships, a reference to the "no more favourable clause" that is part of the IMO's HKC is recommended.
- Similarly, to avoid double standards and at the same time ensure uniformity in the applications received from ship recycling facilities wishing to be included on the EU List of approved facilities it is recommended that the EC develop a checklist for the independent verifiers to use when inspecting the yards. The same checklist can then also be used during an audit visit to the yard by the EC or agents acting on its behalf.

- With regards to ensuring impartial and independent auditing of facilities, the FAQ should clearly state that the independent verifiers cannot at the same time be hired by the EC to conduct audits of the yards, nor to evaluate received applications on behalf of the EC. It is strongly recommended that the EC resort to internal capacity found within EMSA, the EEA or the IMPEL network for conducting revisions of received applications and audits of the yards.
- Regarding 'control of leakages' emphasis should equally be put on measures related to reducing air emissions, such as the ODS polyurethane foams and those related to the metal smelters downstream.
- Finally, though it may be obvious, it would be beneficial to highlight in the FAQ that a facility will be excluded from the list if non-compliance with the requirements of article 13, 15.2(d) and 15.5 are discovered, and relate this to the article 23 on request for action.

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



[www.shipbreakingplatform.org](http://www.shipbreakingplatform.org)

Jeremy WATES  
Secretary General EEB



[www.eeb.org](http://www.eeb.org)