



Concerning the Illegal Export of the ACL Ships ATLANTIC CARTIER and ATLANTIC CONVEYOR

Brussels, 10 October 2017

Dear Basel Focal Point,

In mid-July, the Atlantic Cartier (IMO 8215481) left the port of Hamburg after ACL, a subsidiary of the Italian Grimaldi Group, decided to sell the vessel for breaking in India. Subsequently, on 19th August, the sister ship of the Cartier, the Atlantic Conveyor (IMO 8215534), equally owned by ACL, also left Hamburg for scrapping in India despite the German authorities having been alerted in time to act and stop the illegal export. While it may have been too late to intervene and stop the first ship, the Cartier, from being illegally exported, it is important to stress that German authorities, as well as the UK, were alerted about the well-known intention of ACL to send also the Conveyor for scrap. We regret that no action was taken to prevent the Conveyor from leaving the EU.

Once having left the port of Hamburg, both the Cartier and the Conveyor operated for a short while in South-Eastern Africa, under the same name, flag and ownership. Yet, as soon as the attention on them settled down, both ships sailed to Alang, India, which is the place where they are currently waiting to be scrapped. It should be noted that the intention of ACL to scrap these two vessels in India can be dated back to 2016, after ACL used the cash-buyer GMS Inc. to scrap another ship - the Atlantic Concert (IMO 8214164) and left a note on GMS' website explicitly stating that they would use GMS to scrap the sister ships Cartier and Conveyor in 2017 [1]. It was also well known within the shipping business that these vessels were sold to GMS for scrapping prior to their last operational voyage to Hamburg [2] and the logos of both the Cartier and the Conveyor had also been painted over before the final voyage [3]. As a further demonstration of ACL's intention to scrap the vessels, the AIS signal of the Atlantic Conveyor mockingly said that its destination once it had left Hamburg was "*Steaming 4 Sunshine*" until it reached Bahavnagar, India. Consequently, there should remain no doubt that ACL lied to the German authorities in concealing its intentions to scrap the Cartier and Conveyor.

The departure of the two vessels from Hamburg - after it was decided by the owner that they would be scrapped - constitutes a breach of **Article 36 of the Waste Shipment Regulation (EC) No 1013/2006 (WSR)**. Article 36 WSR prohibits the export of hazardous waste from an EU Member State to a country outside the OECD. In the future, the **Ship Recycling Regulation (SRR)** will cover EU flagged vessels. However, since it has not yet entered into force, the fact that the ACL ships were flying the flag of an EU Member State, Sweden, has no current bearing on the breach of the WSR.

Moreover, the fact that ACL contacted the Swedish authorities in August – while the ships were trading in Africa – asking for recommendations on how best to scrap the vessels, is a clear indication that ACL was aware of the rules stipulated within the WSR and that ACL knew at that point it was too late for any authority to prevent the ships from being beached. While Swedish authorities rightly advised ACL to recycle the ships within the EU or, alternatively, to recycle them in an OECD country, there was no

way for authorities to ensure that ACL would act on this advice, as the ships were no longer within EU waters. Rather, it is our view that this communication was a way for ACL to make it seem like it had acted diligently by seeking advice from Sweden as well as to fraudulently make it seem as the decision to dispose of the ships was only taken once the vessels had left the EU.

In light of the above, the NGO Shipbreaking Platform is with this letter requesting that Germany holds ACL liable for the illegal export of both the Cartier and Conveyor. There are very strong indications that ACL had taken the decision to scrap both vessels before they left Hamburg. ACL thus provided German authorities with fraudulent information about supposed continued operational use in order to circumvent falling under the scope of the WSR. There is currently a similar case being investigated by DEFRA in the UK: the illegal export of the North Sea Producer. The Antwerp port state control faced similar lies of further operational use in the case of the City of Tokyo. In Norway, the Tide Carrier is currently under arrest and the authorities have pressed criminal charges against the owners for having attempted to illegally export the ship under the false pretext of reparations in Oman. We encourage Germany to cooperate with Member States in the efforts to end illegal exports of end-of-life ships.

Furthermore, we find it is necessary to point out that even once the SRR enters into force, ships not flying the flag of an EU-member state will continue to fall under the WSR. In addition, with the entry into force of the SRR, it is very likely that there will be an increase in the number of ships that swap their EU Member State flag to that of a non-EU flag so as to circumvent the SRR. As such, the WSR remains imperative as these ships will continue to fall within its scope of application. Clearly, it remains paramount that competent authorities in Member States make a real effort to ensure enforcement of the WSR by revealing the lies provided by ship owners to hide their intent to dispose end-of-life that have been operating in EU waters.

We would finally like to bring to your attention, that, as far as German-owned ships are concerned, the Platform has recorded a stark increase in ships sold to the beaches in South Asia. In 2016, a record-breaking 97 German owned ships were beached; many as a result of bankruptcy of ship funds where courts ordered the sale of ships. Evidently, it is unacceptable that court decisions on bankruptcy cases in shipping do not take into account the human and environmental costs of the sale of ships for dirty and dangerous scrapping. As such, we also ask the German authorities to coherently raise awareness to ensure that the courts act in line with the spirit of existing legislation.

We remain available to assist should you have any questions or other.

Yours Sincerely,



Ingvild Jenssen
Director and Founder
NGO Shipbreaking Platform

The NGO Shipbreaking Platform is a global coalition of 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. www.shipbreakingplatform.org

NOTES

[1] See statement issued by ACL in 2016 on GMS Inc. website:
http://www.gmsinc.net/gms_new/index.php/gms-references

“In September 2016, Atlantic Container Line AB (ACL), a Grimaldi Group company, sold the Atlantic Concert, one of our five G3 multipurpose container/RORO vessels, for recycling to nominees of Global Marketing Systems, Inc. (GMS).. GMS have conducted themselves with professionalism and integrity in this transaction and have cooperated with us every step of the way.

ACL’s biggest concern was for our ship to be recycled at an ISO certified “green” recycling yard, and we were able to do that with GMS.

ACL has sister ships of the Atlantic Concert which will be recycled in 2017. We will not hesitate for a moment to do business with GMS again.

It has been a pleasure to work with a company like GMS, who does business with integrity and professionalism.

We have no hesitation in recommending GMS as a partner to work with for ship recycling.”

- Atlantic Container Line AB

[2] See the article published by THB on 24 July 2017:

Montag, 24. Juli 2017
THB | Deutsche Schifffahrts-Zeitung

MARITIME WIRTSCHAFT | 3

Fünfter ConRo-Neubau für ACL in Fahrt

55.600-tdw-Frachter „Atlantic Sun“ nach Übernahme im Nordatlantikdienst – „Atlantic Cartier“ an indische Abrecher

Vor 50 Jahren lieferte die Emden Werft Rheinstahl Nordseewerke den ConRo-Frachter „Atlantic Span“ (18.441 tdw) an die schwedische Reederei Transatlantic. Kurz darauf startete ein Konsortium aus fünf europäischen Reedereien mit diesem Schiff in Göteborg den ConRo-Liniendienst Atlantic Container Line (ACL) zur Ostküste Nordamerikas.

Mit der „Atlantic Sun“ übernahm die inzwischen zur Grimaldi-Gruppe gehörende ACL jetzt den letzten von fünf Neubauten ihrer vierten Schiffsgeneration (G-4) von der Bauwerft Hudong-Zhonghua in Shanghai. Die neue Serie der weltgrößten ConRo-Carrier wurde mit der Erstabfertigung der „Atlantic Star“ Ende 2015 am Unikai Terminal in Hamburg eingeleitet. Im März 2016 lieferten die Chinesen die zweite Einheit „Atlantic Sail“, im August 2016 kam die „Atlantic Sea“ erstmals



Zum Abbruch nach Alang: „Atlantic Cartier“ vom 1984/85 gebauten Vorgängertyp G-3

an die Elbe. Die „Adantic Sky“ verließ Shanghai Ende März 2017 zur Jungferreise, dort wo jetzt die „Adantic Sun“ übergeben wurde. Heimathafen aller fünf Einheiten ist Liverpool.

Die 296 Meter langen, 37,60 Meter breiten und auf 11,50 Metern Maximaltiefgang 55.600 Tonnen tragenden

100.430-BRZ-Frachter können rollende Ladung bis 7,40 Metern Höhe auf 28.900 Quadratmetern Gesamtstellfläche, 3800 TEU an Deck, und zusätzlich rund 1300 Pkw aufnehmen. Sie ersetzen fünf 57.255-BRZ-Carrier mit den Baujahren 1984 und 1985.

Das Typschiff „Atlantic Companion“ wurde mitler-

weile ebenso zur Verschrottung ins indische Alang gebracht wie die beiden Einheiten „Adantic Compass“ und „Adantic Concert“. Vor wenigen Tagen hat sich auch die „Atlantic Cartier“ aus Hamburg und Göteborg verabschiedet und ohne Ladung Kurs auf Indien genommen. Voraussichtlich am 8. Au-

gust macht mit der „Atlantic Conveyor“ die letzte Einheit dieses Typs noch einmal mit einkommender Ladung aus Nordamerika bei Unikai fest, um dann ebenfalls die letzte Reise nach Indien anzutreten.

Neben ihren ConRo-Carriern beschäftigt ACL seit Ende April 2017 den von der griechischen Reederei Costamare zur Tagesrate von 7250 Dollar eingecharterten Containerfrachter „Itea“. Der 1998 gebaute 48.000-Tonner hat Stellplätze für 3842 TEU. Die „Itea“ soll zurückgeliefert werden, sobald alle Neubauten die aktuell noch laufenden Nachbesserungsarbeiten hinter sich haben. ACL lässt unter anderem bei Blohm + Voss in Hamburg einige Modifikationen vornehmen. Die Reederei rechnet damit, dass ab Ende Oktober alle fünf Einheiten planmäßig im Verkehr von und nach Halifax, New York, Baltimore und Portsmouth eingesetzt werden können. ED/fab

See also <https://felixstowedocker.blogspot.be/2017/08/the-last-g3-acls-atlantic-conveyor.html>

[3] See <http://www.shipspotting.com/gallery/photo.php?lid=2701050> and <http://www.shipspotting.com/gallery/photo.php?lid=2720226>