

JANEZ POTOČNIK

Member of the European Commission

Brussels, 27. 11. 2012
Ref. Ares (2012) 1401216

Ms. Patrizia Heidegger
Executive Director
NGO Shipbreaking Platform
Rue de la Linière 11
1060 Brussels

Subject: Northern Vitality, second letter

Dear Ms Heidegger,

Thank you for your letter of 22 October 2012 concerning the ship "Northern Vitality", updating the information you sent to us on 6 September. The information you submit to us confirms what the German authorities have also transmitted to us.

The German authorities had to allow the ship to leave once it had been documented that it would travel for repair works to Bulgaria, and not for dismantling to Asia. The case underlines the importance of agreeing on a global solution on ship recycling. The current regulatory regime, the Waste Shipment Regulation, places responsibility on the waste administration of the country of dispatch, and can only effectively act once an "intention to discard" a ship is evident.

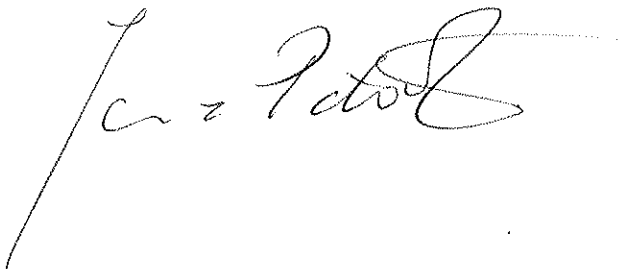
I appreciate that you have contacted the Bulgarian authorities as regards the concrete case of the "Northern Vitality". Also the Commission is alert of the situation and has contacted the Bulgarian authorities.

I expect the Bulgarian authorities to act in respect of the existing legal framework of the Waste Shipment Regulation. They should act if the ship leaves Bulgaria illegally, but can do so only if there is evidence indicating that the ship owner intends to dismantle it in contravention to EU rules.

In order to resolve the situation beyond the current case, we have to ensure that flag state administrations take responsibility for the sustainable recycling of ships. For ships not under an EU flag, this must be done via ratification of the Hong Kong Convention. The case of the Northern Vitality illustrates that the current legal situation is not sustainable as regards the recycling of ships, and that we need to move forward in the direction of the Hong Kong Convention.

The Commission proposal of 23 March 2012 for an EU Regulation on Ship Recycling is an important step forward in this direction, as it takes a life-cycle approach and includes responsibility of the flag administration. This proposal is now under discussion with the European Parliament and the Council. In that context, I thank you for the position paper you transmitted on 13 November, and for the views on recycling capacities submitted on 08 November.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. C. P. de la Torre', with a long, sweeping horizontal line extending to the right.