



NGO SHIPBREAKING PLATFORM

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URGENT / RE: Imminent illegal export of container ship from Germany to India

The NGO Shipbreaking Platform alerts with this letter the European Commission regarding a pending violation of the European Union (EU) Waste Shipment Regulation. We have information confirming that a container ship named the *NORTHERN VITALITY*, currently laid up in the port of Wilhelmshaven, in Germany, has just been sold for breaking to India (see information and photo below).

We note that Recital 35 of the Waste Shipments Regulation (EC) No 1013/2006, states that *"a ship may become waste as defined in Article 2 of the Basel Convention and that at the same time it may be defined as a ship under other international rules."* This language echoes the language in decision VII/26 of the Basel Convention that furthermore states: *"recognizing that many ships and other floating structures are known to contain hazardous materials and that such hazardous materials may become hazardous wastes as listed in the annexes to the Basel Convention."* Further, that same decision: *"Reminds the Parties to fulfill their obligations under the Basel Convention, where applicable, in particular their obligations with respect to prior informed consent, minimization of transboundary movements of hazardous wastes and the principles of environmentally sound management."*

We also note that the export of the *NORTHERN VITALITY* from Germany to India would thus constitute a violation of:

- the Basel Ban Amendment, which Germany has ratified, and the EU Council Regulation (EC) No 1013/2006 on Shipments of Waste, which incorporates the Basel Convention into Community law prohibiting the export of hazardous waste to non-OECD countries for the disposal (Article 36); and
- the outstanding legal commitments by Germany arising from the Basel Convention and the Stockholm Convention on Persistent Organic Pollutants.

The *NORTHERN VITALITY* has been sold to the cash buyer company Global Marketing Systems (GMS) and will be broken in India under conditions which cause great damage to the workers' health and lives, and the environment. The vessel is expected to contain hazardous materials such as asbestos, refrigerants and mercury within its structure and electronic equipment; operational oily wastes such as sludge and oil residues; and stores including paint tins and heavy cleaning agents. The evidence of intent to break the ship is found in GMS's weekly newsletter dated 24 August 2012 (see annex to this letter), and on the website of Optima shipbrokers: <http://bit.ly/TYLxyp>.

The NGO Shipbreaking Platform hereby expresses its deep concerns about this possible breach of existing EU and international legislation. We have called on the German government to take the necessary action concerning the illegal export of the *NORTHERN VITALITY* as a matter of urgency.

We now urge the Commission to publicly articulate the legislative context of the EU on shipments of waste and to demand that Germany comply with these rules and halt the departure of the *NORTHERN VITALITY* before she leaves the port of Wilhelmshaven.

We remain available should you wish to further discuss this matter with us.

Yours Sincerely,

Ingvild Jenssen
Executive Director
NGO Shipbreaking Platform

On behalf of the following NGOs: Basel Action Network, Bellona, European Federation for Transport and Environment, North Sea Foundation, Greenpeace, International Ban Asbestos Network, International Federation for Human Rights, Corporate Accountability Desk India, Toxics Link, Gujarat Occupational Health and Safety Association, Bangladesh Environmental Lawyers Association, Young Power in Social Action and Bangladesh Institute of Labour Studies

NORTHERN VITALITY



Current location: Wilhelmshaven, Lower Saxony

Destination: Alang, India

Owner: Norddeutsche Vermögensanlage GmbH & Company KG

- *IMO number:* 9122423
- *Flag:* Antigua & Barbuda
- *Type of vessel:* Fully Cellular Containership
- *Size of vessel:* GT: 29115; length: 185.23m
- *Year of build:* 1997
- *Place of build:* Hyundai Heavy Industries Company Limited (HHI), Ulsan, South Korea
- *Expected Hazardous Materials onboard:* asbestos, refrigerants, devices that contain mercury, operational oily wastes (sludge, oil residues, etc.), stores such as paint tins, heavy cleaning agents.
- *Beneficial owner:*
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- *Class:* Germanischer Lloyd (since the beginning)