



NGO
SHIPBREAKING
PLATFORM

Commissioner Janez POTOČNIK
European Commission
B-1049 Brussels
Fax: +32 (0)2 298 82 88
E-mail: janez.potocnik@ec.europa.eu

SENT BY FAX AND E-MAIL

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

Brussels, 22 October 2012

Dear Commissioner Potočnik,

Following a letter the NGO Shipbreaking Platform sent you on 6 September 2012, the Platform was pleased to be informed by the European Commission that the EC alerted the German federal ministry of environment of the then-imminent violation of the European Union (EU) Waste Shipment Regulation by the owners of the containership *NORTHERN VITALITY*. Over the last few weeks, the Platform was in contact with the Environment ministry of Lower Saxony, which was responsible for enforcing the regulation.

However, the Platform now alerts the Commission that the *NORTHERN VITALITY* has been sold to a recently founded German company and will soon arrive in Bulgaria for repair. It is suspected that this company, Erste Roland Shipping GmbH, was only set up to facilitate the export of the ship for breaking purposes and that, once the ship reaches the port of Varna in Bulgaria, it will continue sailing towards India in order to be beached. The ship left Germany on 11 October and will soon enter the Mediterranean Sea.

The two sister ships of the *NORTHERN VITALITY*, the *NORTHERN FELICITY* and the *NORTHERN DIGNITY*, have both sailed under the flag of St Kitts and Nevis towards Alang, India, where they are now both located. The Platform is concerned that the *NORTHERN VITALITY* will soon be joining them and will be broken in India under conditions that cause great damage to the workers' health and lives, as well as 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 export of the *NORTHERN VITALITY* from Bulgaria to India for breaking would constitute a breach of the Waste Shipments Regulation (EC) No 1013/2006, which 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 Bulgaria to India would thus constitute a violation of:

- the Basel Ban Amendment, which Bulgaria 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 Bulgaria arising from the Basel Convention and the Stockholm Convention on Persistent Organic Pollutants.

The NGO Shipbreaking Platform hereby expresses its deep concerns about this possible breach of existing EU and international legislation. We have called on the Bulgarian 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 Bulgaria will comply with these rules and halt the departure of the *NORTHERN VITALITY* for India once she arrives in the port of Varna.

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

Yours Sincerely,



Patrizia Heidegger
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.