

**NO TO DUMPING TOXIC SHIPS ON DEVELOPING COUNTRIES**  
**YES TO CLEAN SHIPS – YES TO POLLUTER PAYS – YES TO GREEN JOBS IN EUROPE**

**Petition to the European Parliament and to the European Council  
for an enhanced ship recycling regulation**

**15 April 2013**

We, the undersigned organisations active in environmental protection, sustainable development, health, labour and human rights, call on the European Parliament and the European Council to strengthen the proposed regulation on ship recycling (COM(2012)118) as presented by the European Commission on 23 March 2012.

We believe that the proposed regulation will not prevent European owned ships – making up 40% of the world's fleet – from being scrapped on the beaches of Bangladesh, India, and Pakistan in foreseeable time. Nor do we believe that the proposed regulation will lead to substantial improvements to existing shipbreaking facilities in South Asia to lessen the severe environmental damage, the human rights abuses and loss of lives occurring at these facilities.

We call on the European Parliament and the Council of the European Union to work together to finally put an end to the breaking of ships on tidal beaches, to take care for workers' safety, to provide adequate protection of the marine environment from ship-borne pollutants and to hold the shipping industry accountable.

**A dangerous precedent in EU environmental law**

We believe that the proposal in its present form sets an extremely dangerous precedent insofar as it allows the EU to unilaterally withdraw from the UN Basel Convention. Under the Basel Ban Amendment - adopted in 1995 by the Parties to the Basel Convention and ratified by the EU in 1997 - exports of hazardous wastes such as end-of-life vessels to non-OECD countries, notably developing countries, are prohibited.

The European Commission has proposed to remove end-of-life ships from its implementing legislation of the Basel Convention, the EU Waste Shipment Regulation (EC 1013/2006). Under international law, however, such a unilateral withdrawal by the EU is illegal, as the Basel Convention has not removed ships from its definition of hazardous waste. The European Parliament and the Council must consider the gravity of this misstep.

We urge the European Parliament and the Council to improve the proposal so that it will remain in conformity with the binding legal provisions of the Basel Convention.

**No perpetuation of beaching of ships**

In addition, the Commission proposal lacks clarity when it comes to banning beaching, namely the sending of end-of-life ships flying a European flag and/or owned by European companies to the beaches in India, Pakistan and Bangladesh for dismantling. Nowhere does the proposal address the role of flags-of-convenience as a root of the systematic disregard of the international regulations and the continuous illegal export of toxic wastes to non-OECD countries.

The well-known loopholes, which allow shipowners to easily circumvent the Basel Convention and the Waste Shipment Regulation, must be closed. At the same time, the implementation of the already existing regimes must be enforced and ships must remain under the Waste Shipment Regulation.

### **A green shipping industry in Europe**

We demand that the new regulation includes an incentive to dismantle ships within the European Union and to support the European recycling industry as well as the environmentally sound and safe management of waste. Moreover, the proposal should draw a clear link between the support of pre-cleaning of the ships throughout their operational life and the development of green jobs in Europe. Not only would classification societies and other service providers benefit from mandatory inventories and auditing schemes for yards, but R&D within shipbuilding and dismantling, recycling and waste management, as well as refitting operations would also provide sorely needed jobs.

### **A financial mechanism to establish the polluter pays principle**

The current proposal does not display any ambition to hold the shipping industry accountable for externalizing the costs of the recycling of their vessels onto developing countries. Whereas EU environmental law clearly supports the polluter pays principle for other industries, it shies away from establishing a financial mechanism for the shipping industry in order to include those who benefit from the ships into the bill.

### **We demand an EU regulation on ship recycling that**

- upholds the current prohibition on the export of ships containing hazardous materials to developing countries and to enforce the existing ban;
- explicitly bans the method of beaching ships for dismantling;
- covers not only EU-flagged ships (as only 8% of end-of-life vessels still use EU flags), but also incorporates a financial mechanism to include European-owned vessels and ships calling at EU ports;
- promotes green ship building and ship recycling within the EU (cradle-to-cradle principle);
- establishes the polluter pays principle and holds the shipping industry accountable.

**Signed by:** the NGO Shipbreaking Platform, Belgium

Patrizia Heidegger

Executive Director

### **The Platform's member organisations also signed this petition:**

Basel Action Network (BAN), USA

Jim Puckett

Executive Director

Ban Asbestos, France

Annie Thébaud-Mony

Spokesperson and Chair of the Henri Pézerat association

Bangladesh Environmental Lawyers Association (BELA), Bangladesh  
Rizwana Hasan  
Chief Executive

Bangladesh Institute of Labour Studies, Bangladesh  
Nazrul Islam Khan  
Executive Director & Secretary General

The Bellona Foundation, Norway  
Svend Søyland  
Senior international advisor

The Corporate Accountability Desk – The Other Media, India  
Madhumitta Dutta  
Spokesperson

Transport & Environment, Belgium  
Bill Hemmings  
Programme manager

Fédération Internationale des Droits de l'Homme (FIDH), France  
Elin Wrzoncki  
Head of globalization and human rights office

Greenpeace, Netherlands  
Marietta Harjono  
Toxics Campaigner

International Ban Asbestos Secretariat (IBAS), UK  
Laurie Kazan-Allen  
Coordinator

Legal Initiative for Forest and Environment (LIFE), India  
Ritwick Dutta  
Environmental Lawyer

Stichting De Noordzee/The North Sea Foundation, Netherlands  
Merijn Hougee  
Project Manager

The Bangladesh Occupational Safety, Health and Environment Foundation (OSHE), Bangladesh  
Repon Chowdhury  
Executive Director

Sustainable Development Policy Institute (SDPI), Pakistan  
Kanwar Iqbal  
Senior Research Associate

Toxics Link, India  
Satish Sinha  
Associate Director

Young Power in Social Action (YPSA), Bangladesh  
Muhammad Ali Shahin  
Platform Project Coordinator in Bangladesh

**This petition was also signed by the following European NGOs:**

Catalan Oceanographic Association, Spain  
Fernando Condal Domingo  
Marine biologist

Clydebank Asbestos Group, UK  
Hope Roberston  
Secretary

Ecologistas en Acción, Spain  
Lydia Chaparro Elias  
Sea campaign coordinator

European Environmental Bureau, Belgium  
Jeremy Wates  
Secretary General

Greenpeace European Unit, Belgium  
Jorgo Riss  
Director

Legambiente, Italy  
Antonio Pergolizzi  
National coordinator – Ecomafie observatory

LPN – Liga para a Protecção da Natureza, Portugal  
Sidónio Paes  
Fisheries Policy Officer

LuminaConsult, Belgium  
Roberto Ferrigno  
Executive Director

MEDITERRANEAN SOS Network, Greece  
Ermioni Frezouli  
Environmental Policy Coordinator

Robin des Bois, France  
Jacky Bonnemains  
President

Seas at Risk, Belgium  
John Maggs  
Policy Advisor

Waste Free Oceans, Belgium  
Bernard Merx  
Co-founder and Project Manager

Zentralinstitut für Arbeitsmedizin  
und Maritime Medizin, Germany  
Dr. Evelyn Glensk