RECYCLING OF SHIPS

Comments on the proposal for a new legally-binding instrument on recycling of ships

Submitted by the Secretariat of the Basel Convention

SUMMARY

Executive summary: This document provides comments on the draft text for a new legally-binding instrument for safe and environmentally sound recycling of ships submitted by Norway (MEPC 54/3)

Action to be taken: Paragraph 12

Related document: MEPC 54/3

Introduction

1. This document provides comments on document MEPC 54/3 and is submitted in accordance with the provisions of paragraph 4.10.5 of the Committee’s Guidelines.

2. A draft text for a legally binding instrument for safe and environmentally sound recycling of ships has been submitted by Norway for consideration by the Committee at its fifty-fourth session, in support of resolution A.981(24) adopted by the twenty-fourth session of the Assembly of the International Maritime Organization which requested the Committee to produce a draft text for a new legally-binding instrument for a safe and environmentally sound recycling of ships, while noting the role of the Basel Convention on matters related to ship recycling. The present document provides comments on the draft text submitted by Norway.

3. The Basel Convention welcomes the efforts to develop a legally-binding instrument on the recycling of ships, and recalls decision VII/26 adopted by the Seventh Meeting of the Conference of the Parties to the Basel Convention, which invited “the International Maritime Organization to continue to consider the establishment in its regulations of mandatory requirements, including a reporting system for ships destined for dismantling, that ensure an equivalent level of control as established under the Basel Convention and to continue work aimed at the establishment of mandatory requirements to ensure the environmentally sound management of ship dismantling, which might include pre-decontamination within its scope”. The Basel Convention considers that a new legally-binding instrument can contribute to the protection of human health and the environment against the adverse effects which may result from the transboundary movement of ships bound for recycling.
Comments

4 In the further development of a new legally-binding instrument, the Committee is invited to consider the Basel Convention Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships (“the Technical Guidelines”). The Committee may find the following sections particularly helpful in the development of the instrument:

- With respect to the draft regulations under chapter B-II (Preparation for ship recycling), chapter 4 of the Technical Guidelines concerning good practice in environmental control procedures at ship-dismantling facilities; and

- With respect to the draft regulations under Section C (Requirements of ship recycling facilities), chapter 5 of the Technical Guidelines concerning good practice in design, construction and operations of ship dismantling facilities, and chapter 6, about achieving environmentally sound management.

5 It is noted that Regulation B-II-1, on general requirements under the chapter on preparation for ship recycling, states in paragraph 1(b) that each ship to be recycled shall “be provided with a plan for ship operations in the period prior to entering the ship recycling facility in order to minimize the containment of cargo residues, bunker residues and wastes produced on the ship, but prior removal of materials shall not be required if the recycling facility chosen is fully authorized to manage the type or amount of the material”. Taking into account the final report of the second session of the Joint ILO/IMO/Basel Convention Working Group on ship scrapping in which it is stated, at paragraph 8.18, that the Group agreed that the issue of pre-cleaning and preparation of ships was an important issue, which had to be addressed in a realistic manner and address the safety of seafarers, as well as workers at recycling yards, and the protection of the environment, the Committee is invited to consider whether this proposal should include a specific statement that the recycling facility be duly authorized in accordance with the standards set forth in Section C.

6 It is noted that draft regulation C-3 (recycling facility management plan), relating to the contingency and preparedness plan, waste management operations, worker health and safety, monitoring, record keeping, etc. is to be developed. The Committee is invited to take particular account of chapter 5 of the Technical Guidelines concerning good practice in design, construction and operations of ship dismantling facilities, which provides specific guidance on the handling and disposal of relevant waste streams in an environmentally sound manner. This same chapter may also be helpful in the development of regulation C-5 on the safe and environmentally sound removal of hazardous wastes.

7 It is noted that, in the proposed reporting requirements under section D, the draft requires a ship to notify to its Administration and the recycling facility to its competent authority of the intention to recycle a ship. The draft proposal requires the ship destined to be recycled to acquire an International Ready for Recycling Certificate. Once such a Certificate has been acquitted, the recycling of the ship may commence if the competent authority of the recycling State has no objections.
8 The Committee is invited to consider the recommendations contained in the final report of the second session of the Joint ILO/IMO/Basel Convention Working Group, paragraph 8.13 of which recommends that the experience of prior informed consent as established under the Basel Convention and other existing reporting systems be considered in the development in the IMO of a reporting system as part of a mandatory instrument for ship recycling.

9 The Basel Convention requires that the importing/recycling State receives adequate information to allow it to determine whether to consent, or deny permission, to recycle within its jurisdiction. A notification requesting consent must include detailed information of the wastes in question, proposed methods of disposal, and confirmation of the existence of a contract providing that the recycling will be conducted in an environmentally sound manner. In this regard, reference is made to draft regulations D-I(2), and D-I(3), as well as the guidelines in annex 2 that are to be developed. The Committee is invited to further consider the mechanism by which to ensure that the appropriate information is transmitted in advance to the competent authority of the recycling State, and whether to state more specifically that a notification of intent to recycle should be accompanied by an International Ready for Recycling Certificate, an inventory of the hazardous wastes on board the ship, and other detailed information.

10 The Basel Convention requires that the prior informed consent of transit States is obtained, as well of as the importing/recycling State. The draft instrument does not appear to address the issue of transit States and the Committee is invited to consider whether such States should be addressed in the draft instrument.

11 Finally, it is observed that the appendices to annex 1 and the guidelines in annex 2 are to be developed. The Basel Convention remains ready to assist in the development of such text on relevant matters, such as the control of hazardous materials and environmentally sound management by, for example, providing concrete proposals for such text.

Action requested of the Committee

12 The Committee is invited to take into account the comments provided in its consideration of the draft text for a legally-binding instrument on recycling of ships submitted by Norway.