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TECHNICAL WORKING GROUP
OF THE BASEL CONVENTION
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DISMANTLING OF SHIPS

Note by the secretariat

I. Background

1. Decision V/28 on the dismantling of ships adopted by the Conference of the Parties at its fifth meeting gives a mandate to:

(a) The Technical Working Group, to collaborate, through the secretariat of the Basel Convention, with the appropriate body of the International Maritime Organization on the subject of the full and partial dismantling of ships and to prepare guidelines for the environmentally sound management of the dismantling ships;

(b) The Technical Working Group and the Legal Working Group, to discuss the legal aspects under the Basel Convention relating to the issue of the full and partial dismantling of ships.

II. Implementation

2. The secretariat of the Basel Convention will attend the 44th meeting of the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) that will discuss the issue of the dismantling of ships the week of 6 March 2000. This will assist the secretariat in fine tuning its cooperation with IMO on this issue. The secretariat will report on the outcome of the MEPC 44 to this meeting.

3. Norway has submitted a proposal to IMO on the recycling of ships that will be considered by the MEPC 44. A copy of the submission by Norway is enclosed with this note as requested by the Norwegian Ministry of the Environment.

4. As instructed by the Conference of the Parties in its decision V/28, the secretariat, under the guidance of the Technical Working Group and in cooperation with IMO, should initiate the preparation of technical guidelines for the environmentally sound management of the partial and full dismantling of ships. Such guidelines could address in particular the disposal of hazardous and other wastes generated at the site where ships are being scrapped, including elements regarding the management of the scrap yard and its facilities (eg: handling, storage, segregation, transport of hazardous and other wastes). A part of the technical guidelines would also address the issue of the partial dismantling of ships. The secretariat would welcome any technical assistance from Parties in developing such guidelines.

III. Suggested action

5. The Technical Working Group may wish to:

(a) consider providing guidance to the secretariat on the preparation of technical guidelines for the environmentally sound management of the partial and full dismantling of ships;

(b) encourage one or more Parties to take the lead, together with the secretariat, in the preparation of the first draft text of the technical guidelines referred to above;

(c) consider, together with the Legal Working Group, how to progress with the legal aspects under the Basel Convention relating to the issue of the partial and full dismantling of ships.

RECYCLING OF SHIPS
Proposal for an IMO work plan

Submitted by Norway

SUMMARY

<i>Executive summary:</i>	This document provides further proposals on how to include the recycling of ships in the work programme of the MEPC with the aim to develop safety and environmental measures regarding recycling of ships.
<i>Action to be taken:</i>	See paragraph 8
<i>Related documents:</i>	MEPC 42/22 paragraphs 19.22 and 19.23, MEPC 43/18/1, MEPC 43/21 paragraph 18.15

1. Background

At the forty-third session of the Marine Environment Protection Committee, Norway proposed in MEPC 43/18/1 to include the issue of ship scrapping in the work programme of MEPC and give it a high priority. The conclusions of the discussion are reflected in MEPC 43/21 para 8.15: “*After an extensive exchange of views, the majority of the delegations who spoke supported the inclusion of ship scrapping in the work programme of the Committee. Recognizing the divergence of views and that more information on how to deal with this complicated issue would help the Committee to make a decision, the Committee decided to include the item of ship recycling in the agenda of MEPC 44 and invited Norway and other interested Members to provide more information to the next session of the Committee particularly on how this matter should be handled by IMO*”.

The compelling need for inclusion of recycling of ships in the MEPC’s work programme was documented in MEPC 42/18/1. That document identifies a number of environmentally hazardous substances which normally are present in a ship decommissioned for recycling, and describes the environmental and safety risks involved when a ship is decommissioned and recycled. Information and views which supported Norway’s conclusion were also presented to the Committee in MEPC 43/18/6, MEPC 43/18/9, MEPC 43/18/10 and MEPC 43/INF.8.

2. Scope of the proposal

The main purpose of this document is to outline a plan for the IMO’s further work on the issue of recycling of ships. The main elements presented in the document are:

- defining basic principles and main challenges
- ideas on elements in an international recycling regime
- defining the role of the IMO
- suggesting an IMO work plan

3. Basic principles and assumptions

In the IMO's work on recycling of ships, some basic principles and assumptions should be acknowledged:

- i. *The recycling of ships, as a concept, is environmentally beneficial.* Ship breaking supplies second-hand material and equipment for reuse. Furthermore it supplies raw materials to the steel industry for both re-rolling and re-melting. Steel scrap from ships breaking provides an alternative to the use of unrenewable ore resources, allowing the manufacturing of steel to be undertaken in a more energy-efficient manner.
- ii. *Although acceptable practices can be identified, existing practices in ship recycling are in sum not satisfactory and pose a constant risk to the environment and to human safety and health.*
- iii. *The cradle-to-grave perspective should be applied in the efforts to protect the environment from the consequences of shipping and shipping-related activities.* As any other industry, the shipping industry has a responsibility to secure environmental-friendly waste management of their products.
- iv. *Availability of adequate scrapping capacity is an important factor to secure safe and environmentally sound shipping (Ref. Resolution MEPC.53(32)).* In noting this view, Norway underlines that mechanisms in MARPOL and SOLAS should be kept robust to protect the environment and ensure the safety of sailing ships, regardless of any changes in recycling capacity by market or by regulations.

4. Outline of the proposal for an international ship recycling regime

4.1 Main challenges

To ensure universally acceptable environmental and safety standards of ship recycling activities, Norway is of the opinion that the goal should be to develop a binding international regime. Global minimum standards are needed to prevent circumvention and to ensure quality shipping. However, a stepwise approach could be used both regarding the scope, i.e. what should be included in a future ship recycling regime, and regarding the type of instruments to be developed. As an intermediate step, the Committee may find it desirable to develop a guideline or code of practice.

In discussing the complex matter of recycling of ships, several challenges can be identified. However, in the light of the present practices and the trend showing an increasing number of vessels which will be taken out of service in the near future, special consideration should be given to short-term measures. This approach will not be in opposition to a broader perspective on environmental responsibility from cradle to grave. A broader perspective might imply discussions on a variety of questions on how ships are designed, constructed, operated and recycled, but it is recommended that the Committee as a first step focus on immediate needs.

In MEPC 43/18/1 Norway outlined some initial ideas for an international regime for the decommissioning of ships. The regime could, *inter alia*, involve requirements relating to the ship and the scrap yards and procedures to follow when the ship is taken out of trade and delivered to the scrap yard.

4.2 Measures to be taken before the ship enters the scrap yard.

Inventory dossier

Today, most of the ships sold for recycling are sold "as is". The scrap yard has various information of the ship, at least information of commercial interest, but it can be questioned whether there is sufficient information available to ensure safe and environmentally sound

recycling of ships. Generally the material composition, the structure, components and systems of a vessel will reflect the era in which it was built. Likewise, cargo residues, system agents and onboard spares and consumables will reflect its type and pattern of trade.

A relevant requirement is to develop a ship inventory dossier which will define the environmental status of the vessel. The dossier can summarise all onboard substances requiring particular attention. It can further identify, localise and quantify the hazardous waste (OECD-referenced) and it can provide those requirements associated with the various waste groups identified. This information is intended to enable the yards to plan and prepare for safe and environmentally sound operations. The ship inventory dossier is also likely to give information of commercial interest.

The information in the inventory dossier should be open for verification by a competent body (ref. paragraph 4.4). The dossier can serve as documentation for possible future certification requirements prior to decommissioning.

Waste removal guidelines

In MEPC 43/18/1 Norway described the idea of defining a minimum acceptable environmental standard for ships presented for recycling. Although preparations to meet the defined environmental standard could be required, a definition of a minimum environmental standard for a ship presented for recycling might be a difficult task. A matter which is more important than the location of the preparations, i.e. where the removal of hazardous substances takes place, is the manner in which the substances are removed and treated. Therefore the development of waste removal guidelines should be considered.

4.3 Requirements relating to the scrap yard

The safe dismantling of ships is totally dependent on the practices at the individual scrap yard as well as the availability of facilities for the environmentally sound management of waste emanating from the scrapping activity. Norway's document MEPC 43/18/1 proposes development of international standards, certification of recycling sites and elements such as reporting and control as matters that should be addressed.

Our general view is that the requirements and guidelines which will be developed must be environmentally acceptable and realistic. We are convinced that the more advanced the first generation guidelines are, the less is the likelihood of their successful implementation. It is important, though, that mechanisms for improvement are included in the guidelines.

Regarding the development of such guidelines reference is also made to the decisions of the fifth meeting of the Conference of the Parties to the Basel Convention in December 1999 (MEPC 44/16/xx).

4.4 Defining procedures and roles

When ships are taken out of service to be recycled a sound procedure should involve the flag state, the port (receiving) state and the Organization. For a new ship to leave the shipyard to be put into service a number of certificates have to be present. To obtain the certificates the shipowner has to document to the flag state administration that all requirements are met. Likewise, when a ship leaves service the shipowner could be required to document, by a "decommissioning certificate", that all decommissioning requirements are met. A vessel presented for scrapping could in this way be subject to inspection in much the same way as a ship in operation.

The receiving state should be responsible for the enforcement of requirements at the scrap yards and for ensuring that the scrap yards only contract vessels with a decommissioning certificate. The flag state should receive a final report at the point of completion of the decommissioning which states whether the decommissioning has been performed in accordance with the requirements. Likewise, the Organization should be notified when a decommissioning certificate is issued and when the decommissioning is completed.

5. IMO's role in recycling of ships

Before a plan of the IMO's work on the issue can be outlined, it is essential to discuss an appropriate role for the IMO. As reflected in MEPC 43/21 the issue of scrapping is already discussed in other UN organisations. The seventh session of the UN Commission on Sustainable Development discussed the issue of scrapping of ships and agreed to call on the IMO to look into the issue (MEPC 43/9/3 and MEPC 44/13). Furthermore the matter was discussed 6-10 December 1999 at the fifth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (MEPC 44/16/xx). The Conference decided to give a mandate to the Basel Convention Technical Working Group to collaborate, through the secretariat of the Basel Convention, with the appropriate body of the International Maritime Organization on the subject of the full and partial dismantling of ships.

Noting the decisions of CSD 7 and the fifth Conference of the Basel Convention, and noting further the IMO Convention Article 1): "*The purposes of the Organization are: (c) To provide for the consideration by the Organization of any matters concerning shipping and the effect of shipping on the marine environment that may be referred to it by any organ or specialized agency of the United Nations;*", recycling of ships is therefore clearly within the scope of the IMO. The IMO should therefore, in accordance with the IMO Convention, take the lead in the international discussions on recycling of ships and co-operate with other organizations.

Recycling of ships is clearly a ship-shore interface issue. IMO has shore-based requirements in the MARPOL 73/78 Convention, and shore-based activities in the MEPC's important work on reception facilities and FAL's working group on ship-shore interface. Furthermore, the Technical Co-operation Committee is also involved in shore-based projects.

There are precedents in the Organization's activities today to justify a leading role for the IMO in the recycling of ships. However, regardless of precedents, the IMO as a dynamic organization should take all the necessary steps to achieve its objectives: 'safer shipping and cleaner oceans'.

6. Establishment of priority

Based on the information presented to the Committee, it is the firm opinion of Norway that the issue of ship recycling should be included in the work programme of MEPC and given a high priority. Using the Guidelines on the Organization and Method of Work of the Marine Safety Committee and the Marine Environment Protection Committee and their Subsidiary Bodies (MSC/Circ.931, MEPC/Circ.366), good reasoning for this is found in Appendix I paragraph 5.

7. IMO's work plan

The International Maritime Organization should take the lead in the international efforts to ensure safe and environmental-friendly recycling of ships. The IMO perspective on the issue of recycling of ships should focus on environmental protection. Therefore the work should continue to be addressed in the MEPC. Safety aspects related to the ship itself should be considered by the MSC and its sub-committees, as appropriate. In addition, the issue should be addressed in the TCC

because technical co-operation will most likely be beneficial in improving international standards in ship recycling.

As MEPC 43/18/1 points out, the recycling of ships also involves other organisations, especially the UNEP/Basel Convention on land-based environmental considerations, and the ILO on labour safety and health. At an early stage, communication should be in the form of exchange of information on the subject. At a later stage, views on the road ahead and closer co-operation might be needed, but the need for joint interorganisational working groups is not envisaged at this stage.

In order to move forward towards an international regime, a correspondence group could be established at an early stage. The main tasks of a correspondence group could be to i) collect further information on the environmental and human safety problems concerning recycling of ships, ii) identify measures to be taken to reduce the environmental and safety risks related to recycling of ships, with special emphasis on measures to be taken in the vessels, iii) collect information on national legislation and guidelines in the area, iv) gather views on the approach of an international instrument or instruments on the issue, and v) gather views on the merit and possible content of an Assembly resolution. The correspondence group should be established at MEPC 44 and report to MEPC 45.

Pending the report of the correspondence group and the views of the member states it is envisaged that a working group could be established at MEPC 45. This implies that MEPC 44 should decide to assign one working group to the issue of ship recycling. The tasks of this working group should be to prepare a draft Assembly resolution on the recycling of ships which might address the problem, the need for action and the targets and the road ahead. Following the completion of the draft Assembly resolution, the tasks of the working group should be to follow up the resolution and work towards the agreed ship recycling goals of the IMO.

A draft work plan is presented in Table 1. The draft plan is intended to show how progress can be made and how the work can be organised.

Table 1.

	MEPC 44	MEPC 45	MEPC 46	MEPC 47
Key actions	<ul style="list-style-type: none"> - adopt recycling of ships in the work programme - establish a correspondence group - define co-operative body 	<ul style="list-style-type: none"> - endorse the report of the correspondence group - adopt terms of reference for a working group - start of working group 	<ul style="list-style-type: none"> - working group - adopt draft assembly resolution on the need for international measures on the recycling of ships including target dates 	<ul style="list-style-type: none"> - working group - decide on draft structure of an international regime
Communication IMO Committees		MSC, TCC	(MSC)	(MSC)
Communication UN bodies	UNEP/Basel Convention, ILO	UNEP/Basel Convention, ILO	UNEP/Basel Convention, ILO	UNEP/Basel Convention, ILO

8. Action requested by the Committee

The Committee is invited to endorse the proposal to include recycling of ships on the work programme as a high priority issue. As a first step the Committee should establish a correspondence group as described in paragraph 7 in this document. The Committee is also invited to consider developing a draft Assembly resolution on the need for an international ship recycling regime, and to note the need for interorganisational co-operation.