



MARINE ENVIRONMENT PROTECTION
COMMITTEE
58th session
Agenda item 3

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RECYCLING OF SHIPS

Further development of the draft Convention

Submitted by Denmark

SUMMARY

<i>Executive summary:</i>	This document further elaborates on the issue of “Ready for Recycling” and on the reporting requirements as set out in the draft Convention
<i>Strategic direction:</i>	7.1
<i>High-level action:</i>	7.1.2
<i>Planned output:</i>	7.1.2.1
<i>Action to be taken:</i>	Paragraph 10
<i>Related documents:</i>	MEPC 57/WP.6, MEPC 57/3/18 and MEPC 57/3/21

Introduction

1 During MEPC 57 the Working Group on Ship Recycling discussed the submission by ICS (MEPC 57/3/18) and the submission from Denmark and France (MEPC 57/3/21) addressing “ready for recycling” and the reporting requirements of the Convention. There was support for the concept presented, but there was no agreement on the proposed changes to the text of the draft Convention. It was however agreed that the issue was important and should be subject to further discussions by the intersessional working group.

2 Some confusion was expressed during MEPC 57 with regard to the restructuring of the regulations. Taking these concerns into account, Denmark has prepared a new proposal incorporating the provision of early approval of the Ship Recycling Plan and the communication between competent authorities earlier in the “ship recycling process” in regulation 25, as recommended by some of the participants in the working group at MEPC 57.

3 The intention behind the proposal is to give competent authorities the possibility to make a timely intervention, if needed, and to avoid any late rejection of the ship by the recycling State. In the present draft, the recycling State will only receive the Ship Recycling Plan after the International Ready for Recycling Certificate has been issued by the flag State, and the ship will at that time be about to go to recycling.

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4 In the draft proposal, the flag State will prepare the International Ready for Recycling Certificate on the background of a Ship Recycling Plan developed by the Ship Recycling Facility and shall make sure that this recycling plan complies with the requirements of the Convention.

5 Denmark proposes to change regulation 25, so that: (i) the recycling State will receive the Ship Recycling Plan as soon as it has been finalized; and (ii) the Ship Recycling Plan will be approved by the recycling State before it is used by the flag State to issue the International Ready for Recycling Certificate. Point (ii) will facilitate the issuing of the International Ready for Recycling Certificate by the flag State as required in regulation 12.11 after a final survey in accordance with the provisions of regulation 11.1.4.

6 Denmark believes that the provision of approval of the Ship Recycling Plan by the recycling State should be an opt-out provision, as this should be the general requirement in the Convention and that Parties which do not find this necessary, due to national regulations, can opt out of the provision, when ratifying the Convention. However it is understood that some Parties would prefer this provision to be an opt-in provision, and in order to facilitate the discussion at MEPC 58, this has been included as an alternative.

7 Article 16 has to be changed as a consequence of the changes in regulation 25. As Parties always have the possibility to make reservations on specific provisions in the Convention at the time of ratification, article 16.6 can be deleted. In other words, if a Party wishes to opt-out of the provision to approve the Ship Recycling Plan, they can do this at the time of ratification, as set out in regulation 25.4.

8 In case Parties agree to go forward with the opt-in provision (alternative 1 in regulation 25.3) the changes also need to be incorporated in article 16.6.

9 The proposal is set out in the annex to this document.

Action requested of the Committee

10 The Committee is invited to consider the proposal contained in the annex to this document and to decide as appropriate.

ANNEX

PROPOSED CHANGES TO THE DRAFT CONVENTION

Regulation 25 – Initial notification and reporting requirements

1 A shipowner shall notify the Administration of his intention to recycle a ship [in due time][period to be decided] and in writing in order to enable the Administration to prepare the survey and certification required by this Convention.

2 A Ship Recycling Facility preparing to receive a ship for recycling shall [in due time][period to be decided] and in writing notify its competent authority(ies) of the intent. The notification shall include at least the following ship details:

- .1 the name of the State whose flag the ship is entitled to fly;*
- .2 the date on which the ship was registered with that State;*
- .3 the ship's identification number (IMO number);*
- .4 the hull number on new-building delivery;*
- .5 the name and type of the ship;*
- .6 the port at which the ship is registered;*
- .7 the name and the address of the shipowner;*
- .8 the name of all classification society(ies) with which the ship is classed; ~~and~~*
- .9 the ship's main particulars (Length overall (LOA), Breadth (Moulded), Depth (Moulded), Lightweight, Cargo carrying capacity, Gross and Net tonnage, and engine type)-; and*
- .10 the Inventory of Hazardous Materials*

The notification shall also include the Ship Recycling Plan.

3 The Ship Recycling Plan shall be approved by the Party authorising the Ship Recycling Facility. Approval of the Ship Recycling Plan will be deemed to have been given in circumstances where no written objection to the Ship Recycling Plan has been issued within [14 days] after the competent authority of the Recycling State has received the Ship Recycling Plan.

4 Notwithstanding paragraph 3, if the recycling State has notified the Depositary at the time of the ratification that it will not require approval of the Ship Recycling Plan, the Ship Recycling Plan shall not be approved by the competent authorities of the Ship Recycling Facility.

Alternative 1 (to paragraphs 3 and 4) – Opt in

[3 If the Recycling State has notified the Depositary in accordance with article 16.6, the Ship Recycling Plan shall be approved by the Party authorizing the Ship Recycling Facility. Approval of the Ship Recycling Plan will be deemed to have been given in circumstances where no written objection to the Ship Recycling Plan has been issued within [14 days] after the competent authority of the recycling State has received the Ship Recycling Plan.]

~~35~~ When the ship destined to be recycled has acquired the International Ready for Recycling Certificate, the Ship Recycling Facility shall report to its competent authority(ies) on the planned start of the ship recycling. The report shall be in accordance with the reporting format in appendix 7, and shall at least include a copy of the International Ready for Recycling Certificate and the Ship Recycling Plan.

~~46~~ Following submission of the report in accordance with paragraph ~~35~~, recycling of the ship may start.

~~5~~ Notwithstanding paragraph 4, if the recycling State has notified the Depositary in accordance with Article 16.6 that it requires a review period, recycling of the ship may start only if the competent authority(ies) of the recycling State has/have set forth no written objections to the report within (14) days of its registered reception, or following the resolution or withdrawal of any such written objection.}}

Article 16 – In case of use of alternative 1

[6 A State at the time it expresses its consent to be bound by this Convention, or thereafter by notification to Depositary, may declare that a ship may not be recycled in its territory unless its competent authority has approved/received the Ship Recycling Plan ~~notification of the intent to recycle such ship~~, and that competent authority, after review period not exceeding [14] days following the date of the registered reception of such notification, has not objected to such recycling.]
