

ANAVE - Circular de Régimen Interior

Madrid, 14 de noviembre de 2018
Ref. SMA 43/2018/MC

Asunto: Reglamento UE Reciclaje Buques - Obligaciones armadores desde 1 enero 2020

Muy Srs. nuestros:

En nuestra [Circular](#) de fecha 2 de octubre de 2018 y Ref: SMA 32/2018/ES, les recordábamos a partir del 31-12-2018 resultarán de aplicación algunas nuevas obligaciones derivadas del Reglamento UE 1257/2013 relativo al reciclaje de buques, en particular:

- Todos los "buques nuevos" de pabellón europeo deberán llevar a bordo un **Inventario de materiales peligrosos**.
 - A efectos del reglamento, se entiende por "buque nuevo" aquellos buques cuyo contrato de construcción se celebre el 31-12-2018 o con posterioridad o, si no hay contrato de construcción, cuya quilla haya sido colocada 6 meses después de dicha fecha o cuya entrega se produzca 30 meses después de dicha fecha.
- Los buques existentes de pabellón europeo **que se envíen a desguace**, a partir del 31-12-2018 deberán:
 - Llevar a bordo el inventario de materiales peligrosos.
 - Reciclarse en instalaciones de la "lista europea", siguiendo los procedimientos que se indican en el reglamento.
- El resto de buques (pabellón no europeo o que no esté previsto su desguace), deberán llevar a bordo el inventario a partir del 31-12-2020.

Como complemento de lo anterior, queremos informarles de que recientemente, las principales organizaciones marítimas internacionales (entre ellas ECSA, ICS, BIMCO, Intertanko e Intercargo) habían dirigido una carta conjunta al comisario europeo de Asuntos Marítimos, Karmenu Vella, manifestando su preocupación porque la "lista europea" de instalaciones de reciclaje es aún bastante limitada, tanto en su capacidad total de reciclaje como en la posibilidad de recibir buques de muy gran porte. Por tanto, consideraban poco realista exigir la utilización únicamente de esas instalaciones desde el 01.01.2019 e instaban a la Comisión a incluir en la misma instalaciones situadas fuera de la UE, especialmente en la India, que habían sido ya inspeccionadas por sociedades de clasificación y obtenido certificados de cumplimiento de los requisitos del reglamento.

El comisario Vella ha respondido con la carta, de fecha 12 de los corrientes, que adjuntamos como **Anexo** para conocimiento de las empresas asociadas. En esencia, dice:

- Antes de final de este año, la Comisión tiene previsto aprobar una nueva versión de la "lista europea", que pasará a tener un total de 26 instalaciones, de ellas 23 en la UE, 2 en Turquía y 1 en los EEUU. La Comisión ha recibido ya peticiones de otras 24 instalaciones, de ellas 13 de la India, 6 de Turquía 4 de China y otra de EEUU. De éstas últimas ya han sido inspeccionadas por la Comisión 2 de la India y 2 de Turquía.
- De unos datos recabados por EMSA, se desprende que las necesidades de reciclaje de buques de banderas UE serán de unas 588.000 LDT/año (LDT = Light Displacement Tonnes, desplazamiento en rosca), mientras que la capacidad de las instalaciones de la lista europea a finales de este año será al menos de 614.000 LDT/año, pudiendo llegar incluso a 1.720.000 LTD/año. Además, algunas de estas instalaciones pueden reciclar "buques muy grandes".
- Por tanto, cree que hay suficiente capacidad para las necesidades previsibles.
- La Comisión es consciente de que actualmente muchos buques de banderas UE y de otras banderas no UE, pero controlados por armadores europeos, no se reciclan en instalaciones

de la lista europea, por lo que la obligación de hacerlo a partir del 31.12.2018 supondrá un cambio en la práctica habitual.

- La Comisión no cree que reabanderar los buques fuera de la UE para enviarlos al reciclaje sea una solución adecuada, hace una "llamada a la responsabilidad de los armadores" y les recuerda que "los buques de banderas no-UE permanecen sujetos al Convenio de Basilea y que cuando operen en aguas de la UE, también al Reglamento europeo 1013/2006, sobre Transporte de Residuos".

Este asunto se tratará en la reunión de presentación del Informe de ANAVE sobre normativa de Seguridad y Medio Ambiente que tendrá lugar el día **28 de noviembre**, a la cual les hemos convocado mediante nuestra [Circular](#) de fecha 7 de noviembre y referencia 40/2018/AB.

Muy cordialmente

Manuel Carlier
Director General

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Brussels, 12.11.2018
Ref. Ares (2018)5975998

Mr Panos Laskaridis
European Community Shipowners' Associations (ECSA)
Rue Ducale 67/B2
1000 Bruxelles

Dear Mr Laskaridis,

Thank you for your letter dated 4 October 2018, sent on behalf of ECSA, the International Chamber of Shipping, the Asian Shipowners' Association, BIMCO, INTERTANKO and INTERCARGO concerning the European Union's Ship Recycling Regulation.

The Ship Recycling Regulation is an important piece of legislation designed to improve health and safety, as well as environmental conditions in the ship breaking industry. Since its adoption by the Council and the European Parliament in 2013, many efforts have been made to reach these objectives and the aim is now to ensure its implementation as of 31 December 2018.

The establishment of the EU List of ship recycling facilities is a key element of the Ship Recycling Regulation. The European Commission is fully committed to ensure that the List contains all yards which meet the requirements of the Regulation and that it is regularly updated to include additional yards. A draft 4th version of this List has been published for public feedback in September and should be adopted by the Commission before the end of the year¹. It will contain 26 yards: 23 yards located in 12 EU Member States, two yards located in Turkey and one yard located in the USA. Work is ongoing to assess the remaining applications to the EU list (13 applications from Indian yards, 6 from Turkish yards, 4 from Chinese yards² and one from an US yard). The Commission carried out inspections of two yards in India in September and two Turkish yards in October. More inspections will follow in the coming months.

The applications are thoroughly assessed by the Commission on a case-by-case basis, in accordance with the requirements set up by the Council and the European Parliament in the EU Ship Recycling Regulation.

¹ See https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-3974022_en

² In view of the decision by the Chinese authorities to ban as of 2019 the import of solid waste, including end-of-life vessels, the assessment of the 4 Chinese yards has not been a priority in the last months

I have noted your concerns relating to the capacity of the current List. My services have been working with the European Maritime Safety Agency (EMSA) on the number and weight of the EU-flagged vessels which got dismantled in the last five years. The figures show that the yearly average weight of all EU-flagged vessels which were dismantled over the period 2013-2017 amounted to 588.000 Light Displacement Tonnes (LDT). In comparison, the historical capacity of the fourth version of the EU list will amount to 614.000 LDT and its theoretical maximum capacity to 1,72 million LDT. The information provided by the countries on the yards located in their territories also shows that a number of them would be able to recycle very large vessels. We therefore believe that there is a sufficient potential in the EU list of ship recycling facilities to accommodate for the recycling needs of the EU shipping industry.

We are aware that a large number of EU-flagged vessels, as well as vessels owned by EU companies but flying another flag, are currently not recycled in facilities included in the EU list. In that respect, the obligation, as of 31 December 2018, for ship owners to recycle EU-flagged vessels only in these facilities will represent a change compared to current practices. We believe that this corresponds to the objective of the Ship Recycling Regulation, which is to enhance safety, health and environment standards for ship recycling and thereby change practices where this is needed.

We would also like to clarify that the Commission does not believe that re-flagging vessels to non EU-flags is a solution when it comes to ship recycling. I call on the responsibility of ship owners in that respect and would like to remind that non-EU flagged end-of-life vessels remain subject to the provisions of the Basel Convention and, when they operate in EU waters, the provisions of the Waste Shipment Regulation.

I call on your organisations to ensure that ship owners take the necessary steps to comply with the obligations of the Ship Recycling Regulation, in particular that they only recycle EU-flagged vessels in EU-listed yards as of 31 December 2018. This means in practice working with these yards and the relevant administrations or recognised organisations to plan ahead the recycling operations, obtain the necessary documentation and ensure that the recycling activities take place pursuant to the provisions of the Regulation (especially its Articles 6 to 9).

The shipping industry is a key player in the ship recycling industry and we count on your support to move together towards sustainable ship recycling practices, in respect of the Ship Recycling Regulation.

Finally, I would also like to take the opportunity to stress that the Commission is an active promoter of the 2009 Hong Kong Convention. The Commission encourages EU Member States to ratify this Convention at each of its meetings, and is raising the issue with a number of third countries in bilateral policy dialogues.

Yours sincerely,



Karmenu Vella

Cc: Mr Guy Platten, ICS

Mr Ang Chin Eng, Secretary General, Asian Shipowners Association

Mr Angus R. Frew, Secretary General & CEO, BIMCO

Mr Tim Wilkins, Environmental Director, Regional Manager Asia-Pacific, INTERTANKO

Dr Kostas Gkonis, Secretary General, INTERCARGO