



Department
for Environment
Food & Rural Affairs

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**Consultation on proposed measures to
implement elements of EU regulation
1257/2013 on ship recycling relating to the
authorisation of UK ship recycling facilities
Summary of response and the government
response**

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www.gov.uk/government/consultations/ship-recycling-authorising-uk-facilities-to-work-on-eu-flagged-ships

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Background

The purpose of the consultation was to give stakeholders the opportunity to comment on a proposed policy approach for separate GB and Northern Ireland 2015 Regulations, which would introduce a domestic legal framework implementing certain requirements of EU Regulation 1257/2013 on ship recycling (the EU Ship Recycling Regulation).

The consultation ran from 10 December 2014 to 20 January 2015. The consultation document was issued by e-mail to thirty three relevant stakeholders and was placed on the Gov.UK website.

The EU Regulation implements the EU's obligations under the Hong Kong Convention for the safe and environmentally sound recycling of ships which, once in force, will set global standards for ship recycling.

The proposed approach is intended to validate that UK facilities meet the environmental and health and safety requirements of the EU Regulation when undertaking recycling activities on ships that fall within the scope of the Regulation. The Regulation applies to ships flying the flag of a Member State that exceed 500 gross tonnes, but excludes warships, naval auxiliary or other ships owned or operated by a state and used on government non-commercial service.

This will ensure that the necessary controls are in place to protect the environment, the health and safety of workers and the population in the vicinity of the ship recycling facility caused by ship recycling activities.

This consultation focused on implementation of Article 13 and 14 of the EU Ship Recycling Regulation. The other Articles in the EU Regulation do not enter into force until a later date and implementation of these Articles will be consulted on separately in the future.

The consultation was primarily about addressing the following points:

Introducing the most appropriate measure for ensuring compliance with the relevant obligations in the EU Ship Recycling Regulation relating to the authorisation of ship recycling facilities in the UK;

Ensuring that UK facilities that wish to undertake recycling activities on ships flying the flag of EU Member States have a means of becoming authorised and are able to compete with other EU and international companies in that market;

Appointing competent authorities responsible for implementing and enforcing the relevant provisions of the EU Ship Recycling Regulation with regard to authorisation of UK facilities;

Developing an approach that doesn't impose unnecessary burdens on business and that implements a consistent method for authorising facilities, fully considering and integrating existing permitting, licensing and authorisation processes;

Enabling the competent authorities to vary existing permits and approvals so that they also provide authorisation for the purposes of the EU Ship Recycling Regulation and therefore avoid unnecessary duplication of information and work by operators of ship recycling facilities.

The proposals in the consultation document relate to the introduction of GB Regulations and separate Northern Ireland Regulations. However, as the measures proposed for both sets of Regulations were similar, it was agreed that it would be a joint consultation between Defra and the Department of Environment Northern Ireland. The Government response in this document therefore also includes Northern Ireland.

Response to public consultation

Defra received one response to the public consultation. This came from a UK ship recycling facility, Harland and Wolff Heavy Industries LTD.

Proposed measures to implement elements of EU Regulation 1257/2013 on ship recycling relating to the authorisation of UK ship recycling facilities

The consultation asked specific questions on the proposed approach to implement Articles 13 and 14 of the EU Ship Recycling Regulation. There was only one respondent to the consultation and a summary of the points raised in this response and the Government's response is detailed below.

Question 1: Do you agree with the proposed approach to the completion of a ship recycling facility plan (i.e. to avoid unnecessary work and duplication)? If not, why not?

Consultee response

The response was in agreement with the proposed approach.

Government response

We will be proceeding with the proposed approach.

Question 2: Do you agree with the proposed approach to vary existing permits and authorisations so that they are valid for the purposes of compliance with the EU Ship Recycling Regulation? If not, why not?

Consultee response

The response was in agreement with the proposed approach.

Government response

We will be proceeding with the proposed approach.

Question 3: Do you agree with the appointment of joint competent authorities to administer the relevant environmental and health and safety functions with a single point of contact? If not, why not?

Consultee response

The response was in agreement with the proposed approach.

Government response

We will be proceeding with the proposed approach.

Question 4: Do you agree with having the Environment Agency as the single point of initial contact for England, Scotland and Wales and the Northern Ireland Environment Agency as the single point of contact for Northern Ireland?

Consultee response

The response was in agreement with the proposed approach.

Government response

We will be proceeding with the proposed approach.

Question 5: Do you agree that authorisations should be valid for the maximum five year period permitted by the EU Regulations? If not, what is the justification for a shorter validity period and what do you suggest that should be?

Consultee response

The response was in agreement with the proposed approach.

Government response

We will be proceeding with the proposed approach.

Question 6: Are you the operator of a facility interested in becoming authorised for the purposes of compliance with the EU Ship Recycling Regulation?

Consultee response

The respondent confirmed its interest in becoming authorised for the purposes of compliance with the EU Regulation.

Government response

Prior to formal consultation, Defra wrote to all of the UK ship recycling facilities that are either currently operational and hold the appropriate permits and approvals, or that have previously been involved in ship recycling activities, to make them aware of the new EU Ship Recycling Regulation and to discuss compliance with its requirements. Five facilities responded but only three, including the respondent to the consultation, indicated a wish to become authorised. No other facilities have come forward in response to the public consultation.

The three UK facilities with an interest in being authorised have been involved in the development of these proposed measures and we will continue to involve them as we finalise the implementation of the new Regulations.

Question 7: Are the estimated costs an accurate reflection of the likely impacts upon stakeholders resulting from the new proposed measures? If not, please explain and provide evidence for why you think costs might be different.

Consultee response

The respondent sought clarification as to whether the new proposed measures would be a replacement to existing Waste Management Licences or would be in addition to this requirement.

Furthermore, it asked for confirmation that the Department of the Environment in Northern Ireland would take responsibility for ensuring its desire to become authorised for the

purposes of complying with the EU Ship Recycling Regulation is communicated to the relevant authorities.

Government response

The new limited measures being introduced are not a replacement of existing regulatory requirements but are in addition to them. Whilst many of the requirements in the EU Ship Recycling Regulation will already have been taken into account under existing environmental and health and safety requirements that ship recycling facilities must already comply with, it should be noted that existing permits and authorisations are not valid for the purposes of the EU Regulation. Existing permits will therefore need to be varied for those facilities wishing to become authorised for the purposes of recycling ships that fall within the scope of the EU Regulation.

Article 14(1) of the EU Ship Recycling Regulation provides scope for Member States to combine existing measures in place to meet national and EU requirements to form a single permit to also deliver the requirements of the EU Ship Recycling Regulation. The Government intends to take this course. Competent Authorities will be provided with the powers to vary existing permits in order that these address not only the requirements of existing regulations to which they refer, but also the requirements of the Ship Recycling Regulation.

Defra and the Department of Environment Northern Ireland will work closely with those UK facilities which have confirmed an interest in being authorised, and with the relevant competent authorities, in order to develop the practical means by which facilities can become authorised. A UK wide template for the completion of a ship recycling facility plan and detailed guidance to assist facilities to complete the plan, and for competent authorities to assess them, has been developed by the competent authorities in consultation with the companies that have expressed an interest and will be shared with them when they are ready and will be in place as soon as the new measures come into force.

Next steps

Having considered the response to consultation, the Government intends to proceed with the introduction of the proposed new measures. We intend to lay the new Ship Recycling Facilities Regulations in Parliament on 3 March 2014 to come into force from 26 March 2014.

We will work with the competent authorities to prepare detailed working arrangements. These are likely to be set out in a Memorandum of Understanding between the competent authorities.