

TO : Commissioner Karmenu VELLA
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NGO
SHIPBREAKING
PLATFORM

URGENT

Concerning: Illegal export of *POLSTEAM* vessels

Dear Commissioner Karmenu VELLA,

7 September 2015

The NGO Shipbreaking Platform is an international coalition of environmental and human rights organisations seeking ethical and environmentally sound solutions to the current shipbreaking crisis. It has come to our attention that the Polish state owned shipping company *POLSTEAM* has since 2009 exported 13 end-of-life vessels to South Asia for dangerous and polluting shipbreaking. Several of these vessels were sold whilst operating in EU waters (see annex) and thus were exported from the EU in contravention with the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal as incorporated to EU law via Regulation (EC) No 1013/2006 on Shipments of Waste. All the vessels further spent most of their operational life navigating EU waters under the Polish government's ownership.

The type and vintage of the *POLSTEAM* ships are assuredly going to contain significant amounts of hazardous materials such as asbestos and toxic paints, all listed hazardous wastes under the Basel Convention.

One of the last *POLSTEAM* ships sold for scrap was the bulk carrier *ARMIA LUDOWA*. It was reportedly sold to Bangladesh breakers on 05 April 2015 whilst in Maltese waters. It left Malta on the 09 April 2015 and sailed directly to the scrapping beach in Chittagong, Bangladesh where shipbreaking is globally acknowledged not to respect even minimum human rights and environmental standards.

POLSTEAM is undergoing a fleet replacement and investment programme for the years 2015 to 2020 and still owns **at least 15 vessels built in the 1990s that are likely candidates for scrapping** in the next couple of years. We have therefore called upon the Polish Government to take the necessary action concerning *POLSTEAM*'s ship recycling practices as a matter of urgency.

With this letter, the NGO Shipbreaking Platform, the European Environmental Bureau, Fundacja Instytut na rzecz Ekorozwoju and Towarzystwo na Rzecz Ziemi call upon the Commission to also remind Poland of its obligations under Regulation (EC) No 1013/2006 on Shipments of Waste as well as the standards for ship recycling as required in the upcoming Regulation No 1257/2013 on Ship Recycling. None of the South Asian yards meet the requirements of the new EU Regulation on Ship Recycling and as an EU Member State owned shipping company, *POLSTEAM* should set an example and adhere to a ship recycling policy that is in line with EU standards and legislation. It is a disgrace to have a Member State listed amongst the top dumpers of toxic end-of-life ships on the beaches of developing countries.

Further, India, Bangladesh and Pakistan as import countries of the *POLSTEAM* vessels broken since 2009, and Malta, UK, Portugal and Spain as export countries for some of these ships are all parties to the Basel Convention. As Member States of the EU, the latter countries are also legally bound to the Waste Shipment Regulation which incorporates the Basel Convention into Community law and includes the so-called "Basel-Ban" which prohibits the export of hazardous wastes to non-OECD countries for disposal.

Taking note of a similar cases where Member States were obliged to halt the imminent illegal exports of end-of-life ships to South Asia from the EU (such as the GLOBAL SPIRIT case in Belgium last summer) the *POLSTEAM* vessels – as long as not fully decontaminated – are to be considered hazardous waste as defined in the Basel Convention and the Waste Shipment Regulation. In light of evidence that several *POLSTEAM* vessels departed from the EU to the beaching yards in South Asia, we call on the Commission to raise this issue with the Member States concerned.

We hereby expresses again our deep concerns about the Polish government's breach of existing EU and international legislation and its poor practice of selling end-of-life vessels for dangerous and polluting shipbreaking on the beaches of India, Bangladesh and Pakistan. We urge the Commission to publicly articulate the

legislative context of the EU on shipments of waste, as well as the EU requirements for safe and environmentally sound ship recycling, and to ensure that Poland comply with these rules.

We remain available should you wish to further discuss this matter with us.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Patrizia Heidegger', with a long horizontal flourish extending to the right.

Patrizia Heidegger
Executive Director
NGO Shipbreaking Platform

On behalf of the following NGOs: *European Environmental Bureau, Polish environmental NGOs Fundacja Instytut na rzecz Ekorozwoju and Towarzystwo na Rzecz Ziemi, as well as the NGO Shipbreaking Platform members: Ban Asbestos Network, Bangladesh Environmental Lawyers Association, Bangladesh Institute for Labour Studies, Basel Action Network, Bellona, Corporate Accountability Desk India, European Federation for Transport and Environment, Greenpeace, North Sea Foundation, OSHE, Sustainable Development Policy Institute Pakistan, The Centre for the Rule of Law – Islamabad, Legal Initiative for Forest and Environment, Toxics Link, The International Federation for Human Rights, and Young Power in Social Action.*

See www.shipbreakingplatform.org for more information

ANNEX I Polska Zegluga Morska (POLSTEAM) vessels sold for substandard breaking since 2009

Beneficial Owner	Ship Name	IMO #	Last flag	Last voyage from EU	Destination	Beaching	Built	Type
Polska Zegluga Morska (POLSTEAM)	Solidarnosc	8813934	Vanuatu	Left UK 30.05	Pakistan	14/08/2015	1991	Bulker
Polska Zegluga Morska (POLSTEAM)	Armia Ludowa	8502535	Liberia	Left Malta 09.04	Bangladesh	10/05/2015	1987	Bulker
Polska Zegluga Morska (POLSTEAM)	Polska Walczaca	9011923	Vanuatu	NA	Bangladesh	11/02/2015	1992	Bulker
Polska Zegluga Morska (POLSTEAM)	Szare Szeregi	8813958	Vanuatu	NA	Pakistan	27/09/2014	1991	Bulker
Polska Zegluga Morska (POLSTEAM)	Legiony Polskie	8919611	Vanuatu	NA	Pakistan	15/09/2014	1991	Bulker
Polska Zegluga Morska (POLSTEAM)	Orleta Lwowskie	8813960	Vanuatu	Left UK 14.07	Pakistan	15/09/2014	1991	Bulker
Polska Zegluga Morska (POLSTEAM)	Armia Krajowa	8813946	Vanuatu	Left UK 04.04	India	18/05/2014	1991	Bulker
Polska Zegluga Morska (POLSTEAM)	Stanis	8502559	St Kitts & Nevis	Left Italy 13.05	Bangladesh	15/10/2013	1988	Bulker
Polska Zegluga Morska (POLSTEAM)	Maciej Rataj	8219322	Malta	Left Spain 16.03	Bangladesh	28/05/2013	1985	Bulker
Polska Zegluga Morska (POLSTEAM)	Major Hubal	8219310	Malta	Left Portugal 15.01	India	30/03/2013	1985	Bulker
Polska Zegluga Morska (POLSTEAM)	Ziemia Chelminska	8207769	Liberia	Left Spain 30.09	India	30/11/2011	1984	Bulker
Polska Zegluga Morska (POLSTEAM)	Penelope	8908870	Bahamas	NA	India	18/06/2011	1996	Tanker
Polska Zegluga Morska (POLSTEAM)	General Dabrowski	8124292	Panama	Left UK 05.01	Bangladesh	20/04/2011	1982	Bulker
Polska Zegluga Morska (POLSTEAM)	Uniwersytet Slaski	7637852	Malta	Left UK 30.09	Bangladesh	6/01/2010	1979	Bulker