



To:

Ms. LEHTOMAKI Paula
Minister of the Environment
MINISTRY FOR THE ENVIRONMENT
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Concerning: URGENT // Illegal export of the vessel ONYX (former M/S Casino Express, now renamed Kaptain Boris) to shipbreaking yard in South Asia

Dear Minister LEHTOMAKI,

Brussels, 7 May 2010

With this letter, the NGO Shipbreaking Platform wishes to alert the Finnish Government regarding a pending violation of the European Waste Shipment Regulation. Recalling our letter dated 16 October 2009, we are concerned that the vessel now named "Kaptain Boris" (former ONYX, C-Express, M/S Casino Express) is on its way to a South Asian shipbreaking beach after having departed the port of Vaasa, Finland in November 2009.

The "Kaptain Boris" is a car-passenger ferry formerly owned by the Finnish shipping company RG Line, and was laid up in Vaasa, Finland since August 2005. On 8 July 2007 the ship was reported to have been sold for scrap. Alerted by the NGO Shipbreaking Platform, the Finnish Environment Institute (SYKE) classified the ship as hazardous waste in accordance with the Waste Shipment Regulation due to large quantities of asbestos and PCB found onboard and made it clear that any export of the vessel would require a special permit for moving hazardous waste. However, in November 2009, SYKE lifted the transport ban – in spite of early warnings not to allow this from the NGO Shipbreaking Platform – and allowed the ship to depart the port of Vaasa with a stated destination of Dubai. The vessel arrived in Dubai in late April, five months after its initial departure. Upon its arrival it was immediately sold, re-named (Kaptain Boris) and reflagged (to Sierra Leone). The vessel has since then disappeared, embarking according to reliable sources on its final voyage in contravention to the Waste Shipment Regulation.

SYKE lifted the transport ban in November 2009 based on assurances from the then owner, Attar Construction, that the vessel would not be scrapped abroad, but rather that it would be repaired and would continue use as a cargo vessel. Attar Construction has seemingly committed fraud in the face of the Finnish authorities and the international and European rules governing the transboundary movement of hazardous waste. The new owners, Red Line Shipping Ltd was only recently founded and registered in the Marshall Islands, most likely a shelter company for this single transaction.

We recall that the Basel Convention, which has been transposed into the European Waste Shipment Regulation, clearly states: *For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes: [...] (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or [...] (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law, shall be deemed to be illegal traffic.*

Further: *In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are: (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable, (b) are otherwise disposed of in accordance with the provisions of this Convention, within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export (Article 9.2).*

Based on the enclosed information we therefore call upon Finland to exercise its duty in enforcing the European Waste Shipment Regulation to prevent the dumping of toxic waste on the beaches of South Asian shipbreaking yards. The Platform expects that Finland call the vessel back and urgently warn its Indian, Bangladeshi and Pakistani counterparts of the imminent breach of the Basel Convention and violation of the European Waste Shipment Regulation, requesting these countries to refuse the "Kaptain Boris" entry into their territorial waters.

We also kindly ask you to notify the Platform as a matter of urgency upon receipt of this letter as to what actions shall be taken by Finnish authorities to prevent a violation of Waste Shipment Regulation.

Yours sincerely,



Ingvild Jenssen
Director NGO Platform on Shipbreaking

The NGO Platform on Shipbreaking is a global coalition of environmental, human and labour rights organisations. The current members are: the Basel Action Network (BAN), Greenpeace, the International Federation of Human Rights (FIDH), the European Federation of Transport and Environment (T&E), Bellona, the North Sea Foundation, the Ban Asbestos Network, Prevention of Hazardous Shipbreaking Initiative Turkey, Young Power in Social Action (YPSA), Bangladesh Environmental Lawyers Association (BELA), Bangladesh Institute of Labour Studies (BILS), Toxic Links, Gujarat Occupational Safety and Health Association and the Corporate Accountability Desk India.



For more information please visit
www.shipbreakingplatform.org