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**SENT BY FAX AND E-MAIL**

**URGENT / RE: Imminent illegal export of container ship from Bulgaria to India**

Brussels, 17 October 2012

Dear Minister Karadjova,

The NGO Shipbreaking Platform alerts with this letter the Bulgarian government and media regarding a pending violation of the European Union (EU) Waste Shipment Regulation. We have information confirming that a container ship named the "NORTHERN VITALITY" (see information and photo below), until recently laid up in the port of Wilhelmshaven, Germany, was sold for breaking and will soon reach the port of Varna, Bulgaria, for repair work. The ship will then leave Varna to head for Alang, India, where it will be beached and dismantled in conditions harmful to the environment and to human health.

We note that Recital 35 of the Waste Shipments Regulation (EC) No 1013/2006, states that *"a ship may become waste as defined in Article 2 of the Basel Convention and that at the same time it may be defined as a ship under other international rules."* This language echoes the language in decision VII/26 of the Basel Convention that furthermore states: *"recognizing that many ships and other floating structures are known to contain hazardous materials and that such hazardous materials may become hazardous wastes as listed in the annexes to the Basel Convention."*

Further, that same decision: *Reminds the Parties to fulfil their obligations under the Basel Convention, where applicable, in particular their obligations with respect to prior informed consent, minimization of transboundary movements of hazardous wastes and the principles of environmentally sound management.* We also note that the export of the *NORTHERN VITALITY* from Bulgaria to India would thus constitute a violation of:

- the Basel Ban Amendment, which Bulgaria has ratified, and the EU Council Regulation (EC) No 1013/2006 on Shipments of Waste, which incorporates the Basel Convention into Community law prohibiting the export of hazardous waste to non-OECD countries for disposal (Article 36); and
- the outstanding legal commitments by Bulgaria arising from the Basel Convention and the Stockholm Convention on Persistent Organic Pollutants.

The *NORTHERN VITALITY* will be broken in India under conditions which cause great damage to the workers' health and lives, and the environment. The vessel is expected to contain hazardous materials such as asbestos, refrigerants and mercury within its structure and electronic equipment; operational oily wastes such as sludge and oil residues; and stores including paint tins and heavy cleaning agents.

The evidence of intent to break the ship is found in trading agent GMS's weekly newsletter dated 24 August 2012 and on the website of Optima shipbrokers (see annexes to this letter).

This week the German press informed the NGO Shipbreaking Platform that the *NORTHERN VITALITY* was sold by her current owner, "Reederei Karl Schluter GmbH & Company KG" to another German company, "Erste Roland Shipping GmbH", which was created on 28 September 2012 (see annex to this letter). The ship will soon arrive at the Odessos ship repair yard in Varna, where some maintenance work may be performed. The Platform suspects the recently founded company "Erste Roland Shipping GmbH" was only set up for the purpose of facilitating the export of this toxic ship to India, thereby effectively bypassing German authorities' efforts to enforce European regulation.

Based on the information supplied above it is incumbent on Bulgaria to act at once to enforce the EU Waste Shipment Regulation and, once the *NORTHERN VITALITY* is located in the port of Varna, prevent her imminent departure to a non-OECD country for breaking. Bulgarian authorities need to immediately contact the German authorities (see annex for contact details) who have been in contact with the ship owner, and obtain copies of the sales transaction showing the ship will be leaving Bulgaria to go to India.

Thank you in advance for notifying the NGO Shipbreaking Platform upon receipt of this letter as to what actions shall be taken by Bulgarian authorities to prevent a violation of the Waste Shipment Regulation. We stand ready to assist you in any way we can with supplying necessary information on the case.

Sincerely yours,



Patrizia Heidegger  
Executive Director, NGO Shipbreaking Platform

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*On behalf of the following NGOs:* Basel Action Network, Bellona, European Federation for Transport and Environment, North Sea Foundation, Greenpeace, International Ban Asbestos Network, International Federation for Human Rights, Corporate Accountability Desk India, Toxics Link, Gujarat Occupational Health and Safety Association, Bangladesh Environmental Lawyers Association, Young Power in Social Action and Bangladesh Institute of Labour Studies

Please note that a copy of this letter has also been sent to:

The Bulgarian Basel Convention focal point (Industrial and Hazardous Waste Management Department at Waste Management and Soil Protection Directorate, Ministry of Environment and Water); the Environmental Executive Agency, Ministry of Environment and Water; European Commission; the Basel Convention Secretariat; Bulgarian members of the European Parliament; and Bulgarian press.

## NORTHERN VITALITY



**IMO number:** 9122423

**Flag:** Antigua & Barbuda

**Type of vessel:** Fully Cellular Containership

**Size of vessel:** GT: 29115; length: 185.23m

**Year of build:** 1997

**Place of build:** Hyundai Heavy Industries Company Limited (HHI),  
Ulsan, South Korea

**Class:** Germanischer Lloyd

- **Current location:** Wilhelmshaven, Lower Saxony
- **Suspected destination:** Alang, India
- **Expected Hazardous Materials onboard:** asbestos, refrigerants, devices that contain mercury, operational oily wastes (sludge, oil residues, etc.), stores such as paint tins, heavy cleaning agents
  
- **Current beneficial owner:**  
Reederei Karl Schluter GmbH & Company KG  
Adolf Steckel Street 17  
Rendsburg 24768 , Germany  
Tel: +49 4331 14370, +49 4331 143725  
Fax: +49 4331 143710, +49 4331 143780  
Email: rks@rks-rd.de  
Web: www.rks-rd.de
  
- **Mother company:**  
Norddeutsche Vermögensanlage GmbH & Company KG  
Rolandsbrücke 4  
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