



MINISTER Joerg Bode
Minister fuer Wirtschaft, Arbeit und Verkehr
Friedrichswall 1
30159 Hannover
Deutschland
Fax: 0049 511 120-5772

SENT BY FAX AND E-MAIL

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

Dear Minister Bode,

06 September 2012

The NGO Shipbreaking Platform alerts with this letter the German 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*, currently laid up in the port of Wilhelmshaven, has just been sold for breaking (see information and photo below).

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 Germany to India would thus constitute a violation of:

- ✘ the Basel Ban Amendment, which Germany 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 the disposal (Article 36); and

- ✘ the outstanding legal commitments by Germany arising from the Basel Convention and the Stockholm Convention on Persistent Organic Pollutants.

The *NORTHERN VITALITY* has been sold to the cash buyer company Global Marketing Systems (GMS) and 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 GMS's weekly newsletter dated 24 August 2012 (see annex to this letter), and on the website of Optima shipbrokers: http://www.optimashipbrokers.com/images/weekly/2012/optimas_report_week_34.pdf

Based on the information supplied above it is incumbent on Germany to act at once to enforce the EU Waste Shipment Regulation and prevent the imminent departure of the vessel *NORTHERN VITALITY* to a non-OECD country for breaking.

German authorities need to immediately contact the ship and obtain copies of the sales transaction. It is likely orders for departure have been received by crew already, and therefore imperative that Germany act at once. German authorities should indeed seek to avoid a similar situation as was the case of the scandalous export of the ex-NORWAY (aka SS Blue Lady, ex-France) to Asia from Bremerhaven, Germany on 23 May 2005.

Thank you in advance for notifying the NGO Shipbreaking Platform upon receipt of this letter as to what actions shall be taken by German 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,



Ingvild Jenssen
Executive Director
NGO Shipbreaking Platform

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 German Basel Focal Point; German State and Federal MPs; the European Commission; the Basel Convention Secretariat; German members of the European Parliament; and German press.

NORTHERN VITALITY



Current location:
Wilhelmshaven, Lower Saxony

Destination:
Alang shipbreaking yards, India

Owner:
Norddeutsche Vermögensanlage GmbH &
Company KG

- *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

- *Expected Hazardous Materials on board:*
asbestos, refrigerants, devices that contain mercury, operational oily wastes (sludge, oil residues, etc.), stores such as paint tins, heavy cleaning agents.

- *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 - Hamburg 20095 , Germany
Tel: +49 40 309050
Fax: +49 40 30905100
Email: nv@norddeutsche.de - Web: www.norddeutsche.de
- *Class:* Germanischer Lloyd (since the beginning)