

Platform News – New Briefing Paper “What a difference a flag makes – Why ship owners’ responsibility to ensure sustainable ship recycling needs to go beyond flag state jurisdiction”

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What a difference a flag makes

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to ensure sustainable ship recycling
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Briefing Paper
April 2015

Brussels, 13 April 2015 – The NGO Shipbreaking Platform publishes today a briefing paper titled "What a difference a flag makes - Why ship owners' responsibility to ensure sustainable ship recycling needs to go beyond flag state jurisdiction". The briefing paper raises concerns regarding new legislation meant to regulate ship recycling practices, in particular the European Union Ship Recycling Regulation and the International Maritime Organisation's Hong Kong Convention, and argues that legislation mainly based on flag state jurisdiction will neither be able to solve the problems of substandard shipbreaking nor enforce the polluter pays principle on ship owners. The analysis of the link between flags of convenience (FOCs), in particular "end-of-life flags" and substandard shipbreaking practices, shows that FOCs are likely to undermine the implementation of the polluter pays principle by making it easy for ship owners to circumvent legislation by flagging-out to a non-party or a non-compliant flag. In conclusion, the briefing paper asserts that solutions urgently needed to ensure sustainable ship recycling must go beyond flag state jurisdiction in order to close the loopholes created by the FOC system. Currently, most ship owners circumvent existing legislation meant to protect in particular developing countries from hazardous wastes present within the structure of end-of-life vessels, and are therefore not held accountable for polluting and dangerous shipbreaking practices. Only a small number of ship-owning companies have taken voluntary measures to ensure the clean and safe recycling of their obsolete vessels. For the sake of higher profits, most ship owners sell their end-of-life vessels with the help of a cash buyer to a shipbreaking yard that lacks proper infrastructure and safe working conditions. It is a choice of profits at the cost of people and the environment. The European Union has a particular responsibility to provide solutions to the shipbreaking problem as around 40% of the world's commercial fleet is owned by European companies and one third of the tonnage broken every year in substandard yards in South Asia was sold by European companies. The EU is thus the single largest market sending end-of-life ships for dirty and dangerous shipbreaking. Hazardous waste usually follows the path of least resistance – and backed by noncompliant FOCs, ship owners will be able to continue choosing profits at the cost of people and the environment unless other incentives are introduced to promote clean and safe recycling. The Platform has alerted the new EU Environment Commissioner Karmenu Vella about the high number of European ships sold for substandard shipbreaking, and [has reminded him with a letter](#) that most EU-owned end-of-life vessels make use of FOCs and will thus not fall under the EU Ship Recycling Regulation. "*The EU is at risk of failing to fulfill its promise of reversing the current trend where Europe's ship owners can profit from dirty and dangerous shipbreaking,*" says Patrizia Heidegger, Executive Director of the NGO Shipbreaking Platform. "*We call on the Commissioner to present an instrument which goes beyond flag state jurisdiction, such as the currently discussed financial mechanism, and creates a strong incentive for ship owners to choose clean and safe recycling.*" >> Download the report [here](#) or by clicking on the cover above