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Subject: Proposal for a Regulation of the European Parliament and of the Council on  
ship recycling  
- Preparation for the informal trilogue

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Delegations will find in Annex to this note the 4-column table sent to the European Parliament with a view to the third informal trilogue on Monday 17 June on the above-mentioned proposal.

In the Council position (third column), changes to the Commission proposal are set out in **bold** and [...] for deletions. In the fourth column, modifications to the Council text on the relevant EP amendments are highlighted by underlining.

**Proposal for a Regulation of the European Parliament and of the Council on ship recycling**

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 1</b> <b>Title</b>			
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ship recycling	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on <i>the environmentally sound recycling and treatment of ships and amending Directive 2009/16/EC and Regulation (EC) No 1013/2006</i>	Proposal for a Regulation of the European Parliament and of the Council on ship recycling <b>and amending Regulation (EC) No 1013/2006</b>	Proposal for a Regulation of the European Parliament and of the Council on ship recycling <b>and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC</b>
<b>Citation 6 (new)</b>			
		After consulting the Committee of the Regions,	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 1</b>			
<p>(1) Ships which constitute waste and which are subject to a transboundary movement for recycling are regulated by the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal ('the Basel Convention') and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on the shipment of waste<sup>1</sup> Regulation (EC) No 1013/2006 implements the Basel Convention as well as an amendment<sup>2</sup> to the Convention adopted in 1995, which has not yet entered into force at international level, and which establishes a ban on exports of hazardous waste to countries that are not members of the Organisation for Economic Co-operation and Development (OECD). Since ships contain hazardous materials, they are generally classified as hazardous waste and are therefore prohibited from being exported for recycling in facilities in countries not</p>		<p>(1) Ships which constitute waste and which are subject to a transboundary movement for recycling are regulated by the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal ('the Basel Convention') and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on the shipment of waste<sup>1</sup>. Regulation (EC) No 1013/2006 implements the Basel Convention as well as an amendment<sup>2</sup> to the Convention adopted in 1995, which has not yet entered into force at international level, and which establishes a ban on exports of hazardous waste to countries that are not members of the Organisation for Economic Co-operation and Development (OECD). [...]</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
members of the OECD.			
<p>_____</p> <p><sup>1</sup> OJ L 190, 12.7.2006, p. 1  <sup>2</sup> Amendment to the Basel Convention ('Ban amendment') adopted by Decision III/1 of the Parties to the Basel Convention</p>		<p>_____</p> <p><sup>1</sup> OJ L 190, 12.7.2006, p. 1  <sup>2</sup> Amendment to the Basel Convention ('Ban amendment') adopted by Decision III/1 of the Parties to the Basel Convention</p>	
<b>Amendment 2</b> <b>Recital 1 a (new)</b>			
	<p><i>(1a) The predominant method of dismantling ships through the so-called 'beaching' method does not and cannot represent safe and sound recycling and should therefore no longer be tolerated.</i></p>		<p><b>See new recital 5a</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 2</b>			
<p>(2) The mechanisms for controlling and enforcing the current legislation at international and European level are not adapted to the specificities of ships and international shipping and have proved to be ineffective in preventing unsafe and unsound ship recycling practices.</p>		<p>(2) The mechanisms for controlling and enforcing the current legislation at international and European level are not adapted to the specificities of ships and international shipping. <b>Efforts involving inter-agency cooperation between International Labour Organisation (ILO), International Maritime Organisation (IMO) and the Secretariat of the Basel Convention have been successful in reaching agreement on the introduction of mandatory requirements at global level aimed at ensuring an efficient and effective solution to unsafe and unsound ship recycling practices in the form of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships ('the Hong Kong Convention').</b></p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 3 Recital 3</b>			
<p>(3) Current ship recycling capacity in OECD countries which is legally accessible to ships <i>flying the flag of a Member State is insufficient. Safe and sound recycling capacity which already exists in countries which are not members of the OECD is sufficient to treat all EU-flagged ships and is expected to expand further by 2015 as the results of actions taken by recycling countries to meet the requirements of the Hong Kong Convention.</i></p>	<p>(3) Current ship recycling capacity in OECD countries which is legally accessible to ships <i>that constitute hazardous waste for export is not sufficiently exploited. There is a controversy about the accessibility and capacity of ship recycling facilities in the United States. Irrespective of the situation in the United States in that regard, there is significant potential capacity in certain Member States and OECD countries, which could nearly suffice for recycling and treating ships flying the flag of a Member State (EU ships), if it was fully mobilised. Together with existing and potential safe and sound recycling capacity in countries which are not members of the OECD, there should be sufficient capacity to treat all EU ships.</i></p>	<p>(3) Current ship recycling capacity in OECD countries which is legally accessible to ships flying the flag of a Member State is insufficient. Safe and sound recycling capacity which already exists in countries which are not members of the OECD is sufficient to treat all [...] ships <b>flying the flag of a Member State</b> and is expected to expand further by 2015 as the results of actions taken by recycling countries to meet the requirements of the Hong Kong Convention.</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 4 Recital 3 a (new)</b>			
	<p><i>(3a) The current situation of ship recycling is characterised by an extreme externalisation of the costs. Ship recycling facilities with little or inexistent standards for the protection of workers, human health and the environment offer the highest price for waste ships. As a result, the large majority of the global ship fleet sent for recycling is taken apart on the beaches of certain countries under humanly degrading and environmentally destructive conditions that are unacceptable. It is appropriate to create a financial mechanism, applicable to all ships calling at Union ports irrespective of the flag they are flying, to counterbalance this situation by contributing to render environmentally sound recycling and treatment of ships which constitute hazardous waste competitive vis-à-vis substandard operations.</i></p>		<p><b>Linked to issue of financial incentives (AM 120)</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 5 Recital 3 b (new)</b>			
	<p><i>(3b) In view of the "polluter pays" principle, the costs of environmentally sound recycling and treatment of ships should be covered by ships owners. In the interest of protecting human health and the environment, a financial mechanism should be established to generate resources that would contribute to making environmentally sound recycling and treatment of both EU ships and non-EU ships in EU listed facilities economically competitive. All ships calling at Union ports and anchorages should contribute to the costs of environmentally sound recycling and treatment of ships so as to counterbalance the economic incentive to go to substandard operations, and to provide a disincentive to out-flagging. Ships that deposit a financial guarantee as a guarantee that they will go to EU listed facilities for recycling and treatment should be exempted from the recycling levy. The</i></p>		<p><b>Linked to issue of financial incentives (AM 120)</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<i>recycling levy as well as the financial guarantee should be fair, non-discriminatory and transparent.</i>		

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 6 Recital 4</b>			
<p>(4) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships ('the Hong Kong Convention') was adopted on 15 May 2009 under the auspices of the International Maritime Organization <i>at the request of the Parties to the Basel Convention</i>. The Hong Kong Convention will only enter into force 24 months after the date of ratification by at least 15 States representing a combined merchant fleet of at <i>less</i> 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same States. <i>The Member States should ratify the Convention at the earliest opportunity in order to hasten its entry into force</i>. The Convention covers the <i>design, construction, operation and preparation of</i></p>	<p>(4) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships ('the Hong Kong Convention') was adopted on 15 May 2009 under the auspices of the International Maritime Organization. The Hong Kong Convention will only enter into force 24 months after the date of ratification by at least 15 States representing a combined merchant fleet of at <i>least</i> 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same States. The Convention covers the <i>use of hazardous materials in ships</i> so as to facilitate safe and environmentally sound recycling without compromising ship safety and operational efficiency; it also covers, <i>through guidelines</i>, the</p>	<p>(4) The Hong Kong [...] Convention [...] was adopted on 15 May 2009 under the auspices of the International Maritime Organization at the request of the Parties to the Basel Convention. The Hong Kong Convention will only enter into force 24 months after the date of ratification by at least 15 States representing a combined merchant fleet of at <b>least</b> 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same States. [...] The Convention covers the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling without compromising ship safety and operational efficiency; it also covers the operation of ship recycling facilities in a safe and</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p><i>ships</i> so as to facilitate safe and environmentally sound recycling without compromising ship safety and operational efficiency; it also covers the operation of ship recycling facilities <i>in a safe and environmentally sound manner</i>, and <i>the establishment of an appropriate</i> enforcement mechanism for ship recycling.</p>	<p>operation of ship recycling facilities, and <i>includes an</i> enforcement mechanism for ship recycling. <i>The Hong Kong Convention does not apply to government-owned ships nor to vessels under 500 Gross Tonnes (GT), nor to vessels operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly. The Hong Kong Convention also does not cover the actual recycling of the steel recovered at the ship recycling facility or the operations of facilities managing waste materials downstream of the initial ship recycling facility. The Hong Kong Convention does not seek to prevent the export of ships that constitute hazardous waste to non-OECD countries - a practice currently prohibited under Regulation (EC) No 1013/2006. It is expected that it will take up to a decade before the Hong Kong Convention enters into force.</i></p>	<p>environmentally sound manner, and the establishment of an appropriate enforcement mechanism for ship recycling.</p>	<p><b>For the last part of the amendment, see new recital 6a.</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 4a (new)</b>			
		<p><b>(4a) This Regulation aims at facilitating early ratification of the Hong Kong Convention both within the EU and in third countries by applying proportionate controls to ships and ship recycling facilities based on the Convention.</b></p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 7 Recital 5</b>			
<p>(5) The Hong Kong Convention provides explicitly for its Parties to take more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimise any adverse effects on human health and the environment. The establishment of a European list of ship recycling facilities fulfilling the requirements set out in this Regulation <i>would</i> contribute to that objective as well as to better enforcement by facilitating the flag states' control of ships going for recycling. Those requirements for ship recycling facilities should be based on the requirements of the Hong Kong Convention.</p>	<p>(5) The Hong Kong Convention provides explicitly for its Parties to <b><i>be able to</i></b> take more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimise any adverse effects on human health and the environment. The establishment of a European list of ship recycling facilities fulfilling the requirements set out in this Regulation <i>should</i> contribute to that objective as well as to better enforcement by facilitating the flag states' control of ships going for recycling. Those requirements for ship recycling facilities should be based on the requirements of the Hong Kong Convention, <b><i>but should go beyond them so as to achieve a level of protection of human health and the environment that is broadly equivalent to that of the Union. This should also contribute to increasing the competitiveness of</i></b></p>	<p>(5) The Hong Kong Convention provides explicitly for its Parties to take more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimise any adverse effects on human health and the environment. <b>Taking this into account, this Regulation should therefore provide protection from the possible adverse effects of hazardous materials on board all ships calling at EU ports and anchorages while ensuring the respect of the provisions applicable to those materials under international law. The purpose of this Regulation is also to reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the workplace and environmental standards.</b> The establishment of a European list of ship recycling facilities fulfilling</p>	<p><b><u>Compromise text, linked to AM 59, Article 11a, and AM 62:</u></b></p> <p>(5) The Hong Kong Convention provides explicitly for its Parties to take more stringent measures consistent with international law, with respect to the safe and environmentally sound recycling of ships, in order to prevent, reduce or minimise any adverse effects on human health and the environment. <b>Taking this into account, this Regulation should therefore provide protection from the possible adverse effects of hazardous materials on board all ships calling at EU ports and anchorages while ensuring the respect of the provisions applicable to those materials under international law. In order to ensure the control of the requirements relating to hazardous materials under this Regulation, Member States should apply their national provisions to implement</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<i>the environmentally safe and sound recycling and treatment of ships in European facilities.</i>	the requirements set out in this Regulation would contribute to that objective as well as to better enforcement by facilitating the flag states' control of ships going for recycling. Those requirements for ship recycling facilities should be based on the requirements of the Hong Kong Convention.	<p><b>Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control. Currently, port State control inspectors are tasked with the inspection of certification and active testing for hazardous materials, including asbestos, under the International Convention for the Safety of Life at Sea (SOLAS). The Paris Memorandum of Understanding provides a harmonized approach for those activities.</b></p> <p><b>(5a) The purpose of this Regulation is also to reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the workplace and environmental standards and to direct ships flying the flag of a Member State to facilities that practice safe and environmentally sound methods to dismantle ships. The competitiveness of safe and environmentally sound recycling</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
			<p><b>and treatment of ships in European facilities should thereby also be increased.</b> The establishment of a European list of ship recycling facilities fulfilling the requirements set out in this Regulation would contribute to <b>these objectives</b> as well as to better enforcement by facilitating the flag states' control of ships going for recycling. Those requirements for ship recycling facilities should be based on the requirements of the Hong Kong Convention. <b>In this regard, facilities approved in accordance with this Regulation should meet the necessary requirements to ensure protection of the environment, the health and safety of workers and the environmentally sound management of the waste recovered from a recycled ship. Facilities which do not meet these minimum requirements should therefore not be included in the European List.</b></p> <p><b>(cf. Amendments 14 and 62)</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b><u>Recital 5b (new)</u></b>			
			<p><b><u>Compromise text in relation to AM 94:</u></b></p> <p><b>(5b) The principle of equality in Union law should be applied and its application monitored, in particular when establishing and updating the European list of ship recycling facilities in respect of EU and non-EU facilities fulfilling the requirements set out in this Regulation.</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 6</b>			
(6) Flag states which are sending their ships to upgraded recycling facilities meeting the requirements of the Hong Kong Convention have an economic interest in ensuring that the Hong Kong Convention enters into force as soon as possible, in order to ensure a worldwide level playing field.		[...]	
<b>Recital 6a (new)</b>			
		<b>(6a) Member States are encouraged to adopt appropriate measures to ensure that ships excluded from the scope of this Regulation act in a manner consistent with this Regulation, so far as is reasonable and practicable.</b>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 8 Recital 7</b>			
<p>(7) The ships not covered by the <i>scopes</i> of the Hong Kong Convention <i>and</i> this Regulation should continue to be recycled in accordance with the requirements of Regulation (EC) No 1013/2006 and of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives respectively,</p>	<p>(7) Ships not covered by the <i>scope</i> of the Hong Kong Convention, <i>ships that are not able to travel by their own means, unless they have a valid contract for full repair, and ships that do not comply with the applicable provisions under Union and international law with regard to safety when they become waste in the territory under the jurisdiction of a Member State</i>, should continue to be recycled in accordance with the requirements of Regulation (EC) No 1013/2006 and of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives respectively.</p>	<p>(7) <b>It is necessary to avoid duplication and to exclude ships flying the flag of a Member State falling under the scope of this Regulation, from Regulation (EC) No 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste and from Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste <sup>1</sup> respectively.</b> The ships not covered by the <i>scope</i> of the Hong Kong Convention and this Regulation should continue to be recycled in accordance with the requirements of Regulation (EC) No 1013/2006 and of Directive 2008/98/EC [...] respectively.</p> <p><sup>1</sup> OJ L 312, 22.11.2008, p. 3.</p>	<p><b><u>Compromise text as part of a package on WSR exclusion (AM 109, Art. 29):</u></b></p> <p>(7) <b>It is necessary to avoid duplication and to exclude ships flying the flag of a Member State falling under the scope of this Regulation, from Regulation (EC) No 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste and from Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste <sup>1</sup> respectively. Regulation (EC) No 1013/2006 applies to shipments of waste from the EU, subject to exclusions for certain categories of waste where an alternative regime applies. This Regulation subjects ships within its scope to controls throughout their life-cycle and aims at securing recycling of those ships in an environmentally sound manner. It is therefore</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
			<p>appropriate to specify that a ship subject to the alternative control regime throughout its life-cycle under this Regulation should not be subject to Regulation (EC) No 1013/2006. The ships not covered by the scope of the Hong Kong Convention and this Regulation should continue to be subject to Regulation (EC) No 1013/2006, Directive 2008/98/EC and Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, respectively.</p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 7a (new)</b>			
			<p><b><u>Compromise text in relation to AMs 10, 24, 96 and 110 concerning transit:</u></b></p> <p><b>(7a) It is also acknowledged that ships continue to be subject to other international conventions to ensure their safe operation at sea during the operational part of their life-cycle and, while they may exercise certain navigational rights and freedoms, ships are expected to provide advance notification of a proposed voyage and to provide prior notice of entry into port. States may choose to apply further controls in accordance with other international treaties. Additional transit controls are therefore not considered necessary in this Regulation.</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 9 Recital 8</b>			
(8) It is necessary to clarify the <i>respective scopes</i> of this Regulation, Regulation (EC) No 1013/2006 and Directive 2008/98/EC in order to avoid <i>the duplication of regulatory instruments that have the same objective</i> .	(8) It is necessary to clarify the <i>scope respectively</i> of this Regulation, Regulation (EC) No 1013/2006 and Directive 2008/98/EC in order to avoid <i>applying different legal requirements in the same situation</i> .	[...]	<i>See amendment 8, covered by Council wording of recital 7.</i>
<b>Amendment 10 Recital 8 a (new)</b>			
	<i>(8a) The application of this Regulation should respect the rights of transit countries under international law.</i>		<i>See Council wording for new recital 7a.</i>  <b>Linked to sanctions package</b>
<b>Amendment 11 Recital 9 a (new)</b>			
	<i>(9a) Member States should arrange for a swift ratification of the IMO Hong Kong Convention with the aim of improving ship recycling practices and conditions.</i>		<i>Covered by new recital 4a.</i>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 9a (new)</b>			
			<p><b><u>Compromise text covering AM 21:</u></b></p> <p><b>(9a) In the context of this Regulation, the meaning of the term 'recycling' is different from the definition given in Article 3(17) of Directive 2008/98/EC where 'recycling' means a waste recovery operation, whereas 'ship recycling' in accordance with this Regulation means the activity of complete or partial dismantling of a ship at a ship recycling facility without covering the further processing or disposal in separate facilities;</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 12 Recital 11</b>			
<p>(11) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that these penalties are applied so as to prevent circumvention of ship recycling rules. The penalties, which may be of a civil or administrative nature, should be effective, proportionate and dissuasive.</p>	<p>(11) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that these penalties are applied so as to prevent circumvention of ship recycling rules. The penalties, which may be of a <i>criminal</i>, civil or administrative nature, should be effective, proportionate and dissuasive.</p>	<p>(11) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that these penalties are applied so as to prevent circumvention of ship recycling rules. The penalties, which may be of a civil or administrative nature, should be effective, proportionate and dissuasive.</p>	<p><b><u>Compromise text as new recital 11a:</u></b></p> <p><b>(11a) The Commission should examine the appropriateness of bringing under the scope of Directive 2008/99/EC on the protection of the environment through criminal law offences relating to infringements of this Regulation. The Commission should report on its findings by [four years after date of entry into force of this Regulation] to the European Parliament and the Council, if appropriate accompanied by legislative proposals, subject to appropriate information being made available by the Member States.</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Recital 12</b>			
<p>(12) In order to take into account developments regarding the relevant international conventions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the updating of the Annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</p>		[...]	<p><b>Linked to issue of delegated acts (requested by the EP for Annex I and IA)</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 13 Recital 14</b>			
<p>(14) Since the objective to prevent, reduce or eliminate adverse effects on human health and the environment caused by the recycling, <i>operation and maintenance</i> of ships flying the flag of a Member State cannot be sufficiently achieved by the Member States due to the international character of shipping and ship recycling, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>	<p>(14) Since the objective to prevent, reduce or eliminate adverse effects on human health and the environment caused by the recycling <i>and treatment of EU</i> ships cannot <i>always</i> be sufficiently achieved by the Member States <i>alone</i> due to the international character of shipping and ship recycling, and can therefore <i>in some cases</i> be better achieved at Union level <i>although the ratification of Hong Kong Convention would transfer the Union competence for regulating ship recycling issues back to EU Member States</i>, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>	<p>(14) Since the objective to prevent, reduce or eliminate adverse effects on human health and the environment caused by the recycling, operation and maintenance of ships flying the flag of a Member State cannot be sufficiently achieved by the Member States due to the international character of shipping and ship recycling, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 14</b> <b>Article 1 – paragraph 1</b>			
<p>1. The purpose of this Regulation is to prevent, reduce <i>or</i> eliminate adverse effects on human health and the environment caused by the recycling, <i>operation and maintenance</i> of ships <i>flying the flag of a Member State</i>.</p>	<p>1. The purpose of this Regulation is to prevent, reduce <i>to a minimum and, to the extent possible</i>, eliminate <i>accidents, injuries and other</i> adverse effects on human health and the environment caused by the recycling <i>and treatment</i> of EU ships, <i>inter alia by recycling them in EU listed facilities located in the Union or outside the Union, and to improve the conditions for the recycling of non-EU ships</i>. <i>The purpose of this Regulation is also to reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the work place and environmental standards. This Regulation aims also at facilitating ratification of the Hong Kong Convention.</i></p>	<p>1. The purpose of this Regulation is to prevent, reduce, <b>minimise and to the extent practicable</b> eliminate <b>accidents, injuries and other</b> adverse effects on human health and the environment caused by ship-recycling. <b>It shall enhance safety, the protection of human health and the EU marine environment throughout a ship’s operating life, in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management.</b></p> <p>The purpose of this Regulation is also to ensure the proper management of hazardous materials on ships.</p> <p>This Regulation also aims at facilitating the ratification of the Hong Kong Convention (hereinafter 'the Convention').</p>	<p><b><u>Compromise text provisionally agreed:</u></b></p> <p>1. The purpose of this Regulation is to prevent, reduce, <b>minimise and to the extent practicable</b> eliminate <b>accidents, injuries and other</b> adverse effects on human health and the environment caused by ship-recycling. <b>It shall enhance safety, the protection of human health and the EU marine environment throughout a ship’s life-cycle, in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management.</b></p> <p>The purpose of this Regulation is also to ensure the proper management of hazardous materials on ships.</p> <p>This Regulation also aims at facilitating the ratification of the Hong Kong Convention (hereinafter 'the Convention').</p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point -1 (new)</b>			
		(-1) 'Convention' means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009;	<u>Council text provisionally agreed</u>
<b>Amendment 15</b>			
<b>Article 2 – paragraph 1 – point 1 a (new)</b>			
	<i>1a. 'EU Ship' means a ship flying the flag of a Member State or operating under its authority;</i>		Covered in Council text by using, where appropriate, "ships flying the flag of a Member State".  <u>Council text provisionally agreed</u>
<b>Amendment 16</b>			
<b>Article 2 – paragraph 1 – point 1 b (new)</b>			
	<i>1b. 'non-EU Ship' means a ship flying the flag of a third country;</i>		Covered in Council text by using, where appropriate, "ships flying the flag of a third country".  <u>Council text provisionally agreed</u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 2</b>			
<p>(2) ‘new ship’ means either of the following:</p> <p>(a) ship for which the building contract is entered into on the day of the entry into force of this Regulation or thereafter;</p> <p>(b) ship where, in the absence of a building contract, the keel is laid or the ship is at a similar stage of construction on the day of entry into force of this Regulation or six months thereafter;</p> <p>(c) ship whose delivery takes place on the day of entry into force of this Regulation or thirty months thereafter;</p>		<p>(2) ‘new ship’ means <b>a ship</b>:</p> <p>(a) [...] for which the building contract is <b>placed</b> on the <b>date</b> of <b>application</b> of this Regulation or thereafter; <b>or</b></p> <p>(b) [...] in the absence of a building contract, the keel <b>of which</b> is laid or <b>which</b> is at a similar stage of construction <b>six months after the date</b> of <b>application</b> of this Regulation or [...] thereafter; <b>or</b></p> <p>(c) [...] whose delivery takes place <b>thirty months after the date</b> of <b>application</b> of this Regulation or [...] thereafter;</p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 3</b>			
(3) ‘tanker’ means an oil tanker as defined in Annex I to the Convention for the Prevention of Pollution from Ships (MARPOL) or an NLS tanker as defined in Annex II to that Convention;		(3) ‘tanker’ means an oil tanker as defined in Annex I to the Convention for the Prevention of Pollution from Ships (MARPOL) or a <b>Noxious Liquid Substances</b> (NLS) tanker as defined in Annex II to that Convention;	<b><u>Council text provisionally agreed</u></b>
<b>Amendment 17</b>			
<b>Article 2 – paragraph 1 – point 3 a (new)</b>			
	<i>3a. 'waste' means waste as defined in Article 3(1) of Directive 2008/98/EC;</i>		<i>Covered in this Article, new paragraph 1a point 1.</i>
<b>Amendment 18</b>			
<b>Article 2 – paragraph 1 – point 3 b (new)</b>			
	<i>3b. 'hazardous waste' means hazardous waste as defined in Article 3(2) of Directive 2008/98/EC;</i>		<i>Covered in new paragraph 1a point 2.</i>
<b>Amendment 19</b>			
<b>Article 2 – paragraph 1 – point 3 c (new)</b>			
	<i>3c. 'treatment' means treatment as defined in Article 3(14) of Directive 2008/98/EC;</i>		<i>Covered in new paragraph 1a point 3.</i>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 20</b> <b>Article 2 – paragraph 1 – point 3 d (new)</b>			
	<i>3d. 'environmentally sound management' means environmentally sound management as defined in Article 2(8) of Regulation (EC) No 1013/2006;</i>		<i>Covered in new paragraph 1a point 7.</i>
<b>Article 2 – paragraph 1 – point 4</b>			
<p>(4) 'hazardous material' means any material or substance which is liable to create hazards to human health or the environment, including any substance which is considered to be dangerous under Council Directive 67/548/EEC<sup>1</sup> and Regulation 1272/2008 of the European Parliament and of the Council<sup>2</sup>;</p> <p><sup>1</sup>OJ 196, 16.8.1967, p. 1 <sup>2</sup>OJ L 353, 31.12.2008, p. 1</p>		<p>(4) 'hazardous material' means any material or substance which is liable to create hazards to human health <b>and/or</b> the environment [...];</p>	<p><b><u>Compromise text in new recital 9b:</u></b></p> <p><b>(9b) Council Directive 67/548/EEC, the Dangerous Substances Directive, and Regulation 1272/2008 of the European Parliament and of the Council, the Classification, Labelling and Packaging of Substances and Mixtures Regulation, together form part of the EU implementation of the Globally Harmonised System for the classification and labelling of chemicals. They provide useful guidance in determining what constitutes a hazardous material.</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 21</b> <b>Article 2 – paragraph 1 – point 5</b>			
5. ‘ship recycling’ means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing and re-use, whilst taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further <i>processing or disposal</i> in separate facilities;	5. ‘ship recycling’ means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing and re-use, whilst taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further <i>treatment</i> in separate facilities; <i>the meaning of the term ‘recycling’ in the context of this Regulation is therefore different from the definition given in Article 3(17) of Directive 2008/98/EC;</i>	(5) ‘ship recycling’ means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing, <b>preparation for re-use</b> and re-use, whilst taking care of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities;	<b>In relation to last sentence of EP amendment <u>see compromise text in new recital 9a</u></b>
<b>Amendment 22</b> <b>Article 2 – paragraph 1 – point 6</b>			
6. ‘ship recycling facility’ means a defined area that is a <i>site</i> , yard or facility located in a Member State or in a third country and used for the recycling of ships;	6. ‘ship recycling facility’ means a defined area that is a <i>built</i> yard or facility located in a Member State or in a third country and used for the recycling of ships;	(6) ‘ship recycling facility’ means a defined area that is a site, yard or facility located in a Member State or in a third country and used for the recycling of ships;	<b><u>Compromise text:</u></b>  (6) ‘ship recycling facility’ means a defined area that is a <u>site</u> , yard or facility located in a Member State or in a third country and used for the recycling of ships;

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 23</b> <b>Article 2 – paragraph 1 – point 7</b>			
7. 'recycling company' means, the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for the operation of ship recycling from the owner of the ship recycling facility;	7. ' <i>ship</i> recycling company' means, the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for the operation of ship recycling from the owner of the ship recycling facility;	(7) ' <i>ship</i> recycling company' means, the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for the operation of <b>the</b> ship recycling <b>activity</b> from the owner of the ship recycling facility;	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 8</b>			
(8) 'administration' means a governmental authority designated by a State as responsible, within a specified geographical area or area of expertise, for duties related to ships entitled to fly its flag or to ships operating under its authority;		(8) 'administration' means a governmental authority designated by a <b>Member</b> State as responsible [...] for duties related to ships <b>flying</b> its flag or to ships operating under its authority;	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 9</b>			
(9) 'competent authority' means a governmental authority designated by a State as responsible, within a specified geographical area or area of expertise, for duties related to ship recycling facilities operating within the jurisdiction of that State;		(9) 'competent authority(ies)' means a governmental authority <b>or authorities</b> designated by a State as responsible <b>for ship recycling facilities</b> , within a specified geographical area(s) or area(s) of expertise, <b>relating to all operations</b> within the jurisdiction of that State;	<b><u>Council text provisionally agreed</u></b>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 24</b> <b>Article 2 – paragraph 1 – point 9 a (new)</b>			
	<i>9a. "transit" means movement of a ship to its destination of recycling in accordance with this Regulation through the territory of a country other than the country of dispatch or destination and which is entitled to oppose such a movement under international law.</i>		<b><u>EP willing to withdraw AM as part of a package on sanctions (see new recital 7a)</u></b>
<b>Article 2 – paragraph 1 – point 10</b>			
(10) 'gross tonnage' means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships or any successor convention;		(10) 'gross tonnage' means the gross tonnage (GT) calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, <b>1969</b> , or any successor convention;	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 11</b>			
(11) 'competent person' means a person with suitable qualifications, training, and sufficient knowledge, experience and skill, for the performance of the specific work;		[...]	<b><u>Provisionally agreed not to delete the definition.</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 12</b>			
(12) ‘employer’ means a natural or legal person that employs one or more workers engaged in ship recycling;		[...]	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 13</b>			
(13) ‘shipowner’ means the natural or legal person registered as the owner of the ship, including the natural or legal person owning the ship for a limited period pending its sale or handover to a ship recycling facility, or, in the absence of registration, the natural or legal person owning the ship or any other organisation or person who has assumed the responsibility for operation of the ship from the owner of the ship as well as a legal person operating a state-owned ship;		(13) ‘ship owner’ means the natural or legal person registered as the owner of the ship, including the natural or legal person owning the ship for a limited period pending its sale or handover to a ship recycling facility, or, in the absence of registration, the natural or legal person owning the ship or any other organisation or person, <b>such as the manager or the bareboat charterer</b> , who has assumed the responsibility for operation of the ship from the owner of the ship as well as a legal person operating a state-owned ship;	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 14</b>			
(14) ‘new installation’ means the installation of systems, equipment, insulation or other material on a ship after the day of entry into force of this Regulation;		(14) ‘new installation’ means the installation of systems, equipment, insulation or other material on a ship after the <b>date of application</b> of this Regulation;	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 14a (new)</b>			
		<b>(14a) ‘Ship recycling plan’ means a plan developed by the operator of the ship recycling facility(ies) for each specific ship taking into account the relevant International Maritime Organization (IMO) guidelines and resolutions;</b>	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 14b (new)</b>			
		<p><b>(14b) ‘Ship recycling facility plan’ means a plan prepared by the operator of the ship recycling facility and adopted by the board or the appropriate governing body of the ship recycling company that describes the operational processes and procedures involved in ship recycling at the ship recycling facility and that covers in particular worker safety and training, protection of human health and the environment, roles and responsibilities of personnel, emergency preparedness and response and systems for monitoring, reporting and record-keeping, taking into account the relevant IMO guidelines and resolutions;</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 15 - introductory sentence</b>			
(15) ‘safe-for-entry’ means a space on a ship that meets the following criteria:		(15) ‘safe-for-entry’ means a space [...] that meets the following criteria:	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 16 - introductory sentence</b>			
(16) ‘safe-for-hot work’ means a space on a ship that meets the following criteria:		(16) ‘safe-for-hot work’ means a space [...] that meets the following criteria:	<b><u>Council text provisionally agreed</u></b>
<b>Article 2 – paragraph 1 – point 16 - lit d</b>			
(d) all adjacent spaces have been cleaned or treated sufficiently to prevent the start or spread of fire;		(d) all adjacent spaces have been cleaned <b>or inerted</b> or treated sufficiently to prevent the start or spread of fire;	
<b>Article 2 – paragraph 1 – point 17</b>			
(17) ‘site inspection’ means an inspection of the ship recycling facility confirming the condition described by the verified documentation;		[...]	<i>Definition of 'site inspection' moved to new paragraph 1a point 5.</i>
<b>Article 2 – paragraph 1 – point 18</b>			
(18) ‘statement of completion’ means a confirmatory statement issued by the ship recycling facility that the ship recycling has been completed in accordance with this Regulation;		(18) ‘statement of completion’ means a confirmatory statement issued by the <b>operator of the</b> ship recycling facility that the ship recycling has been completed in accordance with this Regulation;	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 18a (new)</b>			
		(18a) 'inventory certificate' means a ship specific certificate supplemented by an inventory of hazardous materials that is issued to ships flying the flag of a Member State in accordance with Articles 5 and 10;	<u>Council text provisionally agreed</u>
<b>Article 2 – paragraph 1 – point 18b (new)</b>			
		(18b) 'ready for recycling certificate' means a ship specific certificate supplemented by an inventory of hazardous materials and the approved ship recycling plan that complies with Article 5(8), Article 7 and Article 10(2);	<u>Compromise text provisionally agreed:</u>  (18b) 'ready for recycling certificate' means a ship specific certificate that is issued to ships flying the flag of a Member State and complies with Article 10(2) and that is supplemented by an inventory of hazardous materials in accordance with Article 5(8) and the approved ship recycling plan in accordance with Article 7;

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1 – point 18c (new)</b>			
		(18c) 'statement of compliance' means a ship specific certificate supplemented by an inventory of hazardous materials that is issued to ships flying the flag of a third country in accordance with Article 11b;	<u>Council text provisionally agreed</u>  <u>See compromise proposal for AM 108</u>
<b>Article 2 – paragraph 1 – point 19</b>			
(19) 'worker' means any person who performs work, either regularly or temporarily, in the context of an employment relationship, including the personnel working for subcontractors;		[...]	<i>Definition of 'worker' moved to new paragraph 1a point 6.</i>
<b>Article 2 – paragraph 1 – point 20a (new)</b>			
		(20a) 'light displacement tonnes (LDT)' means the weight of a ship in tonnes without cargo, fuel, lubricating oil in storage tanks, ballast water, fresh water, feedwater, consumable stores, passengers and crew and their effects. The LDT is the sum of the weight of the hull, structure, machinery, equipment and fittings of the ship;	<u>Council text provisionally agreed</u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 25</b> <b>Article 2 – paragraph 1 – point 20 a (new)</b>			
	<i>(20a) 'abandoned ship' means a ship which has been left unattended and derelict in an Union port by its last recorded owner;</i>		<u>EP provisionally agrees to withdraw AM</u> <i>Term not used in Regulation</i>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 1a (new)</b>			
		<p><b>1a. For the purposes of Article 7(2)(d) and Articles 12 to 16 the following definitions apply:</b></p> <p><b>(1) 'waste' means waste as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste;</b></p> <p><b>(2) 'hazardous waste' means hazardous waste as defined in Article 3(2) of Directive 2008/98/EC;</b></p> <p><b>(3) 'treatment' means treatment as defined in Article 3(14) of Directive 2008/98/EC;</b></p> <p><b>(4) 'waste management' means waste management as defined in Article 3(9) of Directive 2008/98/EC;</b></p>	<p><b><u>Add the following definition:</u></b></p> <p><b>(2a) 'operationally generated waste' means waste water and residues generated by the normal operation of ships subject to the requirements of the MARPOL Convention;</b></p> <p><b><u>Furthermore, add a new recital 9c:</u></b></p> <p><b>(9c) Keeping an inventory of hazardous materials on board a ship throughout its lifecycle is a key control within the Hong Kong Convention and within this Regulation. In accordance with the IMO Guidelines of 17 July 2009 for the Development of the Inventory of Hazardous Materials (Resolution MEPC.179(59)), a ship destined to be recycled should minimise the amounts of operationally generated waste in the period prior to entering the ship recycling facility. If the</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p>(5) 'site inspection' means an inspection of the ship recycling facility confirming the condition described by the verified documentation;</p> <p>(6) 'worker' means any person who performs work, either regularly or temporarily, in the context of an employment relationship, including the personnel working for <b>contractors and</b> subcontractors;</p> <p><b>(7) 'environmentally sound management' means taking all practicable steps to ensure that waste and hazardous materials are managed in a manner which will protect human health and the environment against the adverse effects which may result from such materials and wastes.</b></p>	<p><b>operationally generated wastes are intended for delivery with the ship to a ship recycling facility, the approximate quantities and locations of these wastes should be listed in Part II of the inventory.</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 2 – paragraph 2</b>			
<p>2. For the purposes of point 11 of paragraph 1, a competent person may be a trained worker or a managerial employee capable of recognising and evaluating occupational hazards, risks, and employee exposure to potentially hazardous materials or unsafe conditions in a ship recycling facility, and who is capable of specifying the necessary protection and precautions to be taken to eliminate or reduce those hazards, risks or exposures.</p> <p>Without prejudice to Directive 2005/36/EC of the European Parliament and of the Council<sup>1</sup>, the competent authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.</p> <p><sup>1</sup>OJ L 255, 30.9.2005, p. 22.</p>		[...]	<b><u>Provisionally agreed not to delete this paragraph</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 26</b> <b>Article 3 – paragraph 1</b>			
1. This Regulation shall apply to ships <i>entitled to fly the flag of a Member State or operating under its authority.</i>	1. This Regulation shall apply to <i>EU</i> ships. <i>Article 5a, Article, 5b, Article 11b and Article 23(1) and Article 29(1) of this Regulation shall also apply to non-EU ships calling at a port or anchorage of a Member State to engage in a ship/port interface.</i>	1. This Regulation, <b>with the exception of Article 11b</b> , shall apply to ships <b>flying</b> the flag of a Member State [...].  <b>Article 11b of this Regulation shall apply to ships flying the flag of a third country calling at a port or anchorage of a Member State.</b>	<b>EP amendment covered by Council text.</b>  <b>Linked to issue of WSR, AM 109, and recital 7 and 7a</b>
<b>Article 3 – paragraph 2 – point a</b>			
(a) any warships, naval auxiliary, or other ships owned or operated by a Member State and used, for the time being, only on government non-commercial service;		(a) any warships, naval auxiliary, or other ships owned or operated by a [...] State and used, for the time being, only on government non-commercial service;	<b>Linked to issue of WSR, AM 109, and recital 7 and 7a</b>
<b>Article 3 – paragraph 2 – point c</b>			
(c) ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly.		(c) ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the <b>Member</b> State whose flag the ship is <b>flying</b> .	<b>Linked to issue of WSR, AM 109, and recital 7 and 7a</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 27</b> <b>Article 3 – paragraph 2 – points c a (new) and c b (new)</b>			
	<i>(ca) ships that are not able to travel by their own means, irrespective of the flag they fly and thus constitute waste for the purposes of Regulation (EC) No 1013/2006, unless they have a valid contract for full repair;</i> <i>(cb) ships that do not comply with the applicable provisions under Union and international law with regard to safety.</i>		<u>See compromise text in recital 7 (new)</u>
<b>Amendment 28</b> <b>Article 4 – title</b>			
Control of hazardous materials	Control of <i>prohibited or restricted</i> hazardous materials	Control of hazardous materials	<u>Council text provisionally agreed</u>
<b>Article 4 – paragraph 1</b>			
1. The new installation of materials which contain asbestos or polychlorinated biphenyls shall be prohibited in accordance with Council Directive 96/59/EC <sup>1</sup> on all ships.		[...]	<u>Council text provisionally agreed</u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 4 – paragraph 2</b>			
<p>2. New installations of materials which contain controlled substances as defined in Regulation (EC) No 1005/2009 of the European Parliament and of the Council<sup>2</sup> shall be prohibited on all ships.</p> <p><sup>1</sup>OJ L 243, 24.9.1996, p. 31. <sup>2</sup>OJ L 286, 31.10.2009, p. 1</p>		[...]	<b><u>Council text provisionally agreed</u></b>
<b>Article 4 – paragraph 3</b>			
<p>3. The new installation of materials containing perfluorooctane sulfonic acid (PFOS) and its derivatives (PFOS) shall be prohibited in accordance with Regulation (EC) No 757/2010 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup> OJ L 223, 25. 2010, p. 29.8.</p>		[...]	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 29</b> <b>Article 4 – paragraph 3 a (new)</b>			
	<i>3a. The new application of anti-fouling systems containing organotin compounds as a biocide or any other anti-fouling system whose application or use is prohibited by the International Convention on the Control of Harmful Anti-fouling Systems on Ships shall be prohibited on ships.</i>		<i>Covered by Annex I as modified in Council text, see last row of the table at the end of this document.</i>  <b><u>Council position provisionally agreed</u></b>
<b>Article 4 – paragraph 4</b>			
4. Member States shall take all of the following measures: (a) prohibit or restrict the installation or use of hazardous materials referred to in paragraphs 1 to 3 on ships entitled to fly its flag or operating under its authority; (b) prohibit or restrict the installation or use of such materials on ships whilst in its ports, shipyards, ship repair yards or offshore terminals; (c) effectively ensure that ships comply with the requirements set out in points (a) and (b).		[...] The installation or use of hazardous materials referred to in <b>Annex I</b> on ships <b>shall be prohibited or restricted as specified in Annex I, without prejudice to the requirements of other relevant Union legislation which may require further measures.</b> [...]	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 30 Article 5</b>			
<p>Inventory of hazardous materials</p> <p>1. <i>An</i> inventory of hazardous materials shall be kept on board of each new ship.</p> <p>2. <i>An</i> inventory of hazardous materials shall be established before a ship goes for recycling and kept on board.</p>	<p>Inventory of hazardous materials</p> <p>1. <i>Member States shall ensure that an</i> inventory of hazardous materials shall be <i>established and kept available</i> on board each new <i>EU</i> ship.</p> <p>2. <i>Member States shall ensure that for existing EU ships, an</i> inventory of hazardous materials shall be established <i>in accordance with the timelines indicated in paragraph 2a, or</i> before a ship goes for recycling, <i>whatever the earlier</i>, and kept <i>available</i> on board.</p>	<p>Inventory of hazardous materials</p> <p>1. <b>Each new ship shall have on board an inventory of hazardous materials, which shall identify at least the hazardous materials referred to in Annex IA and contained in the structure or equipment of the ship, their location and approximate quantities.</b></p> <p>2. Existing ships shall comply as far as practicable with <b>paragraph 1 not later than five years from the date of application of this Regulation or before going for recycling if this is earlier. The hazardous materials listed in Annex I, at least, shall be identified when the inventory of hazardous materials is developed.</b></p>	<p><b>Package on date of application and inventory, including the transitional period of Art. 28(2)</b></p> <p><b><u>Compromise text for paragraph 2 (see also Art. 11b(1) and (8)):</u></b></p> <p>2. Existing ships shall comply as far as practicable with <b>paragraph 1 not later than five years from [the date of entry into force of this Regulation + two years] or in case of ships going for recycling, from the date of application of this Regulation. The hazardous materials listed in Annex I, at least, shall be identified when the inventory of hazardous materials is developed.</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>2a. The following timelines shall apply for the establishment of an inventory:</i></p> <ul style="list-style-type: none"> <li><i>– for ships more than 25 years old on ...*;</i></li> <li><i>– for ships more than 20 years old on...**;</i></li> <li><i>– for ships more than 15 years old on ...***;</i></li> <li><i>–for ships less than 15 years old on ...****.</i></li> </ul> <hr/> <p><i>* OJ: please insert date: one year after entry into force of this Regulation</i></p> <p><i>** OJ: please insert date: two years after entry into force of this Regulation</i></p> <p><i>*** OJ: please insert date: three years after entry into force of this Regulation</i></p> <p><i>**** OJ: please insert date: four years after entry into force of this Regulation</i></p>		

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p><i>3. Existing ships registered under the flag of a third country and applying to be registered under the flag of a Member State shall ensure that an inventory of hazardous materials is kept on board.</i></p> <p>4. The inventory of hazardous materials shall:</p> <p>(a) be specific to each ship;</p> <p>(b) provide evidence that the ship complies with the prohibition or restrictions on installing or using hazardous materials in accordance with Article 4;</p> <p>(c) identify, at least, the hazardous materials referred to in Annex I and contained in the structure or equipment of the ship, their location and <i>approximate</i> quantities.</p>	<p><i>deleted</i></p> <p>4. The inventory of hazardous materials shall:</p> <p>(a) be specific to each ship;</p> <p>(b) provide evidence that the ship complies with the prohibition or restrictions on installing or using hazardous materials in accordance with Article 4;</p> <p>(c) <i>for new ships</i>, identify, at least, the hazardous materials referred to in Annex I and contained in the structure or equipment of the ship, their location and <i>precise</i> quantities;</p>	<p>[...]</p> <p>4. The inventory of hazardous materials shall:</p> <p>(a) be specific to each ship;</p> <p>(b) provide evidence that the ship complies with the prohibition or restrictions on installing or using hazardous materials in accordance with Article 4;</p> <p>(c) <b>be compiled taking into account the relevant IMO guidelines;</b></p>	<p><i>Issue of existing third country ships applying to be EU registered moved to new Article 11b(8).</i></p> <p><i>Relevant provisions on the content of the inventory for new and existing ships set out in the Council text in paragraph 1 and 2 of this Article.</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p>5. In addition to paragraph 4, for existing ships a plan shall be prepared describing the visual/sampling check by which the inventory of hazardous materials <i>is</i> developed.</p> <p>6. The inventory of hazardous materials shall consist of three parts: (a) a list of hazardous materials referred to in Annex I and contained in the structure or equipment of the ship, their location and <i>approximate</i> quantities (Part I);</p>	<p><i>(ca) for existing ships, identify, at least, the hazardous materials referred to in Annex I and contained in the structure or equipment of the ship, their location and quantities as precisely as practicable;</i></p> <p>5. In addition to paragraph 4, for existing ships a plan shall be prepared describing the visual/sampling check by which the inventory of hazardous materials <i>has been</i> developed.</p> <p>6. The inventory of hazardous materials shall consist of three parts: (a) a list of hazardous materials referred to in Annex I and contained in the structure or equipment of the ship, their location and quantities (Part I) <i>in accordance with point (c) of paragraph 4;</i></p>	<p><b>(d) be verified either by the administration or a recognised organisation authorised by it.</b></p> <p>5. In addition to paragraph 4, for existing ships a plan shall be prepared describing the visual/sampling check by which the inventory of hazardous materials is developed <b>taking into account the relevant IMO guidelines.</b></p> <p>6. The inventory of hazardous materials shall consist of three parts: (a) a list of hazardous materials referred to in Annexes I and IA, <b>as appropriate</b>, and contained in the structure or equipment of the ship, their location and approximate quantities (Part I);</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p>(b) a list of the waste present on board the ship, including waste generated during the operation of the ship (Part II);</p> <p>(c) a list of the stores present on board the ship once the decision to recycle it has been taken (Part III).</p> <p>7. Part I of the inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex I and relevant changes in the structure and equipment of the ship.</p> <p>8. Prior to recycling, the inventory shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated wastes and Part III for stores, and be verified by the Member State whose flag the ship is flying.</p>	<p>(b) a list of the waste (<i>both hazardous and non-hazardous</i>) present on board the ship, including waste generated during the operation of the ship, <i>and its approximate quantities</i> (Part II);</p> <p>(c) a list of the stores present on board the ship once the decision to recycle it has been taken (Part III).</p> <p>7. Part I of the inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex I and relevant changes in the structure and equipment of the ship.</p> <p>8. Prior to recycling, the inventory shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated wastes and Part III for stores, and be verified by the Member State whose flag the ship is flying.</p>	<p>(b) a list of the <b>operationally generated</b> waste present on board the ship [...] (Part II);</p> <p>(c) a list of the stores present on board the ship [...] (Part III).</p> <p>7. Part I of the inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex <b>IA</b> and relevant changes in the structure and equipment of the ship.</p> <p>8. Prior to recycling <b>and taking into account the relevant IMO guidelines</b>, the inventory of <b>hazardous materials</b> shall, in addition to the properly maintained and updated Part I, incorporate Part II for operationally generated wastes and Part III for stores, and be verified by the <b>administration or a recognised organisation</b></p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		authorised by it.	
9. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 concerning the updating of the list of items for the inventory of hazardous materials in Annex I.	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 concerning the updating of the list of items for the inventory of hazardous materials in Annex I <i>to ensure that the list includes at least the substances listed in Appendices I and II of the Hong Kong Convention, and to take account of relevant Union legislation which provides for the phasing out or restriction of the use or installation of hazardous materials.</i>	[...]	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 120 Article 5 a (new)</b>			
	<p data-bbox="629 347 1088 416"><i>Article 5a Incentive-based system</i></p> <p data-bbox="629 531 1088 925"><i>In view of the current situation of ship recycling, characterised by an extreme externalisation of costs and unacceptable conditions involved in the dismantling of ships, the Commission shall, before the end of 2015, submit a legislative proposal for an incentive-based system that would facilitate safe and sound ship recycling.</i></p>		<p data-bbox="1592 347 1845 376"><b><u>Compromise text:</u></b></p> <p data-bbox="1592 421 1856 485"><b>Article 29a Financial incentive</b></p> <p data-bbox="1592 531 2033 895"><b>The Commission shall, by [two years after the entry into force], submit to the European Parliament and to the Council a report on the feasibility of a financial instrument that would facilitate safe and sound ship recycling and shall, if appropriate, accompany it by a legislative proposal.</b></p>
<b>Amendment 33 Article 6 – title</b>			
<i>Preparation for recycling: general requirements</i>	<i>General requirements for ship owners</i>	<b>General requirements for ship owners</b>	<i>Provisionally agreed (EP and Council text identical)</i>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 6 – paragraph -1 (new)</b>			
		<p><b>-1. When preparing to send a ship for recycling, ship owners shall:</b></p> <p><b>(a) provide the operator of the ship recycling facility with all the ship-relevant information necessary for the development of the ship recycling plan required by Article 7;</b></p> <p><b>(b) notify, in due time and in writing, the relevant administration of the intention to recycle the ship in a specified ship recycling facility or facilities. The notification shall include at least:</b></p> <p><b>(i) the inventory of hazardous materials; and</b></p> <p><b>(ii) all the ship-relevant information provided under point (a) of this paragraph.</b></p>	<p><b><u>Compromise text provisionally agreed:</u></b></p> <p><b>"(b) notify in writing, <u>within a timeframe to be determined by the administration,</u> the relevant administration of the intention to recycle the ship in a specified ship recycling facility or facilities. The notification shall include at least: (rest unchanged). "</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 6 – paragraph 1 – introductory sentence</b>			
1. Shipowners shall ensure that ships:		1. Ship owners shall ensure that ships <b>destined to be recycled</b> :	
<b>Amendment 34</b>			
<b>Article 6 – paragraph 1 – point a</b>			
(a) prior to publication of the European List, are only recycled in ship recycling facilities that are <i>located</i> in the Union or in a <i>country member</i> of the OECD. ;	(a) prior to publication of the European List, are only recycled in ship recycling facilities that are <i>duly authorised by the competent authorities</i> in the Union or in a <i>member country</i> of the OECD. ;	[...]	<b>Linked to transitional period</b>
<b>Article 6 – paragraph 1 – point b</b>			
(b) after publication of the European List, are only recycled at ship recycling facilities that are included in the European list;		(b) [...] are only recycled at ship recycling facilities that are included in the European list of <b>ship recycling facilities</b> (hereinafter 'the European List') as established in accordance with <b>Article 16</b> ;	<b>Linked to transitional period</b>
<b>Article 6 – paragraph 1 – point d</b>			
(d) update and complete the inventory of hazardous materials in accordance with Article 5;		[...]	<i>Duplication with Article 5.</i>  <b><u>Council text provisionally agreed</u></b>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 6 – paragraph 1 – point e</b>			
(e) hold a ready for recycling certificate issued by the Member State whose flag they are flying prior to any recycling activity.		(e) hold a ready for recycling certificate issued by the <b>administration or a recognised organisation authorised by it</b> prior to any recycling activity <b>after the receipt of the ship recycling plan approved in accordance with Article 7(3).</b>	<b><u>Council text provisionally agreed</u></b>
<b>Article 6 – paragraph 2</b>			
2. Shipowners shall also ensure that tankers arrive at the ship recycling facility with cargo tanks and pump rooms in a condition that is ready for certification as safe-for-entry and safe-for-hot work.		2. Ship owners shall [...] ensure that tankers arrive at the ship recycling facility with cargo tanks and pump rooms in a condition that is ready for certification as [...] safe-for-hot work.	<i>"safe-for-entry" deleted as it is covered by "safe-for-hot work" according to definition 16.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Article 6 – paragraph 3 (new)</b>			
		<b>3. Ship owners shall provide the operator of the ship recycling facility with a copy of the ready for recycling certificate issued in accordance with Article 10.</b>	<i>Covers AM 49</i>  <b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 6 – paragraph 4 (new)</b>			
		<p><b>4. Ship owners shall be responsible for the ship and shall make arrangements to maintain the ship in compliance with the flag State requirements of the administration up until such time as the operator of the ship recycling facility accepts responsibility for that ship. The operator of the ship recycling facility may decline to accept the ship for recycling if the condition of the ship does not correspond substantially with the particulars of the inventory certificate, including where Part I of the inventory of hazardous materials is not properly maintained and updated, reflecting changes in ship structure and equipment. In such circumstances, the ship owner shall retain responsibility for that ship and shall inform the administration thereof without delay.</b></p>	<p><i>Based on Art. 9(3)(c) of the Commission proposal, linked to AM 51 and 52</i></p> <p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 35</b> <b>Article 7 – paragraph 1</b>			
1. A ship-specific ship recycling plan shall be developed prior to any recycling of a ship.	1. A ship-specific ship recycling plan shall be developed <i>for any EU ship more than 20 years old</i> or prior to any recycling of a ship, <i>whatever the earlier, no later than ...*</i>  * <i>OJ: please insert date: 30 months after entry into force of this Regulation</i>	1. A ship-specific ship recycling plan shall be developed prior to any recycling of a ship. <b>The ship recycling plan needs to address any ship-specific considerations that are not covered in the ship recycling facility plan or that will require special procedures.</b>	<b>Linked to package on scope and WSR exclusion, AM 109, and recital 7</b>
<b>Amendment 36</b> <b>Article 7 – paragraph 2 – point a</b>			
(a) be developed by <i>the</i> ship recycling facility taking into account information provided by the shipowner in accordance with point (b) of Article 9(3);	(a) <i>prior to publication of the European List</i> , be developed by <i>a</i> ship recycling facility <i>that is located in the Union or in a member country of the OECD</i> , taking into account information provided by the ship owner in accordance with point (b) of Article 9(3);	(a) be developed by the <b>operator of the</b> ship recycling facility(ies) <b>in accordance with the relevant provisions of the Convention and taking into account the relevant IMO guidelines and</b> information provided by the ship owner in accordance with point (a) of Article 6(-1) <b>so that it properly reflects the information contained in the inventory of hazardous materials;</b>	<b>Linked to Art. 6(1) and the transitional period (package on date of application and inventory)</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 37</b> <b>Article 7 – paragraph 2 – point a a (new)</b>			
	<i>(aa) after publication of the European List, be developed by a ship recycling facility that is included in the European List, taking into account the information provided by the ship owner in accordance with point (b) of Article 9(3);</i>		<b>Linked to Art. 6(1) and the transitional period (package on date of application and inventory)</b>
<b>Article 7 – paragraph 2 – point aa (new)</b>			
		<b>(aa) clarify whether and to what extent any preparatory work – such as pre-treatment, identification of potential hazards and removal of stores – will take place at a location other than the ship recycling facility identified in the ship recycling plan. The ship recycling plan should include the location where the ship will be placed during recycling operations and a concise plan for the arrival and safe placement of the specific ship to be recycled;</b>	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 7 – paragraph 2 – point b</b>			
(b) be drawn up in an official language of the country authorizing the ship recycling facility and where the language used is not English, French or Spanish, the Ship Recycling Plan shall be translated into one of those languages ;		[...]	<i>Moved to Article 17 new paragraph (1).</i>  <b><u>Council text provisionally agreed</u></b>
<b>Article 7 – paragraph 2 – point c</b>			
(c) include information concerning the establishment, maintenance and monitoring of the safe-for-entry and safe-for-hot work criteria and other necessary information;		(c) include information concerning the establishment, maintenance and monitoring of the safe-for-entry and safe-for-hot work <b>conditions for the specific ship, taking into account features such as its structure, configuration and previous cargo,</b> and other necessary information <b>on how to be implemented;</b>	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 38</b> <b>Article 7 – paragraph 2 – point d</b>			
(d) include information on the type and amount of hazardous materials and waste generated by the recycling of the specific ship, including those materials identified in the inventory of hazardous materials, and on how these hazardous materials and waste will be <i>managed</i> in the facility as well as in subsequent waste <i>management</i> facilities;	(d) include information on the type and amount of hazardous materials and of waste generated by the recycling of the specific ship, including those materials <i>and the waste</i> identified in the inventory of hazardous materials, and on how these hazardous materials and <i>that</i> waste will be <i>treated</i> in the facility as well as in subsequent waste <i>treatment</i> facilities;	(d) include information on the type and amount of hazardous materials and <b>of</b> waste generated by the <b>ship</b> -recycling of the specific ship, including those materials <b>and the waste</b> identified in the inventory of hazardous materials, and on how these hazardous materials and <b>this</b> waste will be managed in the <b>ship recycling</b> facility as well as in subsequent [...] facilities;	<b><u>Compromise text provisionally agreed:</u></b>  (d) include information on the type and amount of hazardous materials and <b>of</b> waste generated by the <b>ship</b> -recycling of the specific ship, including those materials <b>and the waste</b> identified in the inventory of hazardous materials, and on how these hazardous materials and <b>this</b> waste will be managed <b>and stored</b> in the <b>ship recycling</b> facility as well as in subsequent [...] facilities;
<b>Article 7 – paragraph 2 – point e</b>			
(e) where more than one ship recycling facility is used, identify the ship recycling facilities to be used and specify the recycling activities and the order in which they occur at each authorised ship recycling facility.		(e) where more than one ship recycling facility is <b>to be used, be prepared separately, in principle, by each of the facilities involved, and</b> identify the <b>order of use and the authorised activities that will occur at those</b> ship recycling facilities [...].	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 39</b> <b>Article 7 – paragraph 2 – point e a (new)</b>			
	<i>(ea) be updated within six months of a renewal survey or an additional survey.</i>		
<b>Amendment 40</b> <b>Article 7 – paragraph 2 a (new)</b>			
	<i>2a. Ship owners selling an EU ship more than 20 years old to a new owner that intends to fly the flag of a third country shall ensure that the contract with the new ship owner stipulates that the new owner, and any subsequent owners, take over the responsibility for developing a ship recycling plan in the event that they wish to call at Union ports or anchorages.</i>		<b>Linked to package on scope and WSR exclusion, AM 109, and recital 7</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 7 – paragraph 3 (new)</b>			
		<p><b>3. The ship recycling plan has to be tacitly or explicitly approved by the competent authority in accordance with national requirements, where applicable.</b></p> <p><b>Explicit approval shall occur when the competent authority sends a written notification of its decision on the ship recycling plan to the operator of the ship recycling facility, the ship owner and the administration.</b></p> <p><b>Tacit approval can be assumed if no written objection to the ship recycling plan is notified by the competent authority to the operator of the ship recycling facility, the ship owner and the administration within a review period set in accordance with national requirements, where applicable, and notified in accordance with Article 15(2)(b).</b></p>	<p><u>Council text provisionally agreed</u></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 7 – paragraph 4 (new)</b>			
		<p><b>4. Member States may require the administration to send the information provided by the ship owner pursuant to Article 6(-1)(b) and the following details to the competent authority of the State where the ship recycling facility is located:</b></p> <ul style="list-style-type: none"> <li><b>(i) the date on which the ship was registered with the flag State;</b></li> <li><b>(ii) the ship’s identification number (IMO number);</b></li> <li><b>(iii) the hull number on new-building delivery;</b></li> <li><b>(iv) the name and type of the ship;</b></li> <li><b>(v) the port at which the ship is registered;</b></li> <li><b>(vi) the name and address of the ship owner as well as the IMO registered owner identification number;</b></li> <li><b>(vii) the name and address of the company;</b></li> <li><b>(viii) the name of all classification society(ies) with which the ship is classed;</b></li> <li><b>(ix) the ship’s main particulars</b></li> </ul>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		(Length overall (LOA), Breadth (Moulded), Depth (Moulded), LDT, Gross and Net tonnage, and engine type and rating).	
<b>Amendment 42</b> <b>Article 8 – paragraph 1</b>			
1. Surveys shall be carried <i>by</i> out by officers of the <i>administration</i> or of a recognised organisation acting on behalf of the administration.	1. Surveys shall be carried out by officers of the <i>national competent authorities</i> or of a recognised organisation acting on behalf of the administration.	1. Surveys <b>of ships</b> shall be carried [...] out by officers of the administration or of a recognised organisation <b>authorised by it, taking into account the relevant IMO guidelines.</b>	<b><u>Council text provisionally agreed</u></b>
<b>Article 8 – paragraph 1a (new)</b>			
		<b>1a. An administration using recognised organizations to conduct surveys, as described in paragraph 1 shall, as a minimum, empower such recognised organisations to:</b> - require a ship that they survey to comply with the provisions of this Regulation; and - carry out surveys if requested by the appropriate authorities of a Member State.	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 43</b> <b>Article 8 – paragraph 3</b>			
<p>3. The initial survey shall be conducted before the ship is put in service, <i>or before the inventory certificate is issued</i>. The officers carrying out that survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.</p>	<p>3. The initial survey <i>of a new vessel</i> shall be conducted before the ship is put in service. <i>For existing vessels, an initial survey shall be conducted within five years of entry into force of this Regulation</i>. The officers carrying out that survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.</p>	<p>3. The initial survey <b>of a new ship</b> shall be conducted before the ship is put in service, or before the inventory certificate is issued. <b>For existing vessels, an initial survey shall be conducted within five years of entry into force of this Regulation</b>. The [...] survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.</p>	<u><b>Council text provisionally agreed</b></u>
<b>Article 8 – paragraph 4</b>			
<p>4. The renewal survey shall be conducted at intervals specified by the administration, which however shall not exceed five years. The officers carrying out that survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.</p>		<p>4. The renewal survey shall be conducted at intervals specified by the administration, which however shall not exceed five years. The [...] survey shall verify that Part I of the inventory of hazardous materials complies with the requirements of this Regulation.</p>	<u><b>Council text provisionally agreed</b></u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 44</b> <b>Article 8 – paragraph 5</b>			
<p>5. The additional survey, either general or partial, <i>may be conducted at the request of the shipowner</i> after a change, replacement, or <i>significant</i> repair of the structure, equipment, systems, fittings, arrangements and material. The officers carrying out that survey shall ensure that any such change, replacement, or <i>significant</i> repair has been made in a manner that allows the ship to comply with the requirements of this Regulation, and they shall verify that Part I of the inventory of hazardous materials has been amended accordingly.</p>	<p>5. The <i>ship owner shall request an</i> additional survey, either general or partial, after a <i>significant</i> change, replacement, or repair of the structure, equipment, systems, fittings, arrangements and material. The officers carrying out that survey shall ensure that any such <i>significant</i> change, replacement, or repair has been made in a manner that allows the ship to comply with the requirements of this Regulation, and they shall verify that Part I of the inventory of hazardous materials has been amended accordingly.</p>	<p>5. The additional survey, either general or partial <b>according to the circumstances, shall</b> be conducted at the request of the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, <b>which has an impact on the inventory of hazardous materials</b>. The [...] survey shall <b>be such as to</b> ensure that any change, replacement, or significant repair has been made in <b>the way that [...]</b> the ship <b>continues</b> to comply with the requirements of this Regulation, and [...] that Part I of the inventory of hazardous materials <b>is amended as necessary</b>.</p>	<p><b><u>Council text provisionally agreed, slight modification suggested:</u></b></p> <p>5. The additional survey, either general or partial <b>according to the circumstances, shall</b> be conducted <b>if requested by</b> the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, <b>which has an impact on the inventory of hazardous materials</b>. The [...] survey shall <b>be such as to</b> ensure that any change, replacement, or significant repair has been made in <b>the way that [...]</b> the ship <b>continues</b> to comply with the requirements of this Regulation, and [...] that Part I of the inventory of hazardous materials <b>is amended as necessary</b>.</p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 8 – paragraph 6</b>			
<p>6. The final survey shall be conducted prior to the ship being taken out of service and before the recycling of the ship has started.</p> <p>The officers carrying out that survey shall verify that:</p> <p>(a) the inventory of hazardous materials complies with the requirements of this Regulation;</p> <p>(b) the ship recycling plan properly reflects the information contained in the inventory of hazardous materials;</p> <p>(c) the ship recycling plan contains the following information:</p> <p>(1) the establishment, maintenance and monitoring of the safe-for-entry and safe-for-hot work criteria;</p> <p>(2) the treatment of the hazardous materials and waste generated by the recycling of the specific ship in the ship recycling facility as well as in any authorized waste treatment facility;</p>		<p>6. The final survey shall be conducted prior to the ship being taken out of service and before the recycling of the ship has started.</p> <p>The [...] survey shall verify that:</p> <p>(a) the inventory of hazardous materials complies with the requirements of <b>Article 5</b>;</p> <p>(b) the ship recycling plan properly reflects the information contained in the inventory of hazardous materials <b>and complies with the requirements of Article 7</b>;</p> <p>(c) [...]</p>	<p><b><u>Council text provisionally agreed</u></b></p> <p><i>Point c covered by Article 7.</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p>(d) there is a contract between the shipowner and the ship recycling facility complying with Article 9,</p> <p>(e) the ship recycling facility where the ship is to be recycled is included in the European List.</p>		<p>(d) [...]</p> <p>(e) the ship recycling facility where the ship is to be recycled is included in the European List.</p>	<p><i>Point d deleted as a consequence of deleting Article 9 on the contract.</i></p>
<p><b>Amendment 45</b> <b>Article 8 – paragraph 6 – subparagraph 2 – point a a (new)</b></p>			
	<p><i>(aa) the ship has been pre-cleaned in accordance with point (c) of Article 6(1);</i></p>		<p><b><u>EP provisionally agrees to withdraw AM</u></b></p>
<p><b>Article 8 – paragraph 7</b></p>			
<p>7. For existing ships intended for dismantling, the initial survey and the final survey shall be conducted at the same time.</p>		<p>7. For existing ships intended for <b>ship recycling</b>, the initial survey and the final survey <b>may</b> be conducted at the same time.</p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 46</b> <b>Article 8 – paragraph 7 a (new)</b>			
	<i>7a. The officers carrying out the surveys may, at any time or at the duly substantiated request of port authorities which have serious concerns about the condition of a ship that has put into port, decide to carry out an unannounced inspection in order to determine whether the ship complies with this Regulation.</i>		<u>EP provisionally agrees to withdraw AM</u>
<b>Article 9</b>			
		[...]	<i>The contract issue (Article 9) is deleted in the Council text; some provisions are moved to or reflected in Article 6 or 12.</i>  <u>Provisionally agreed</u>
<b>Amendment 47</b> <b>Article 9 – paragraph 2</b>			
2. The contract shall be effective at the latest from the time of the request for the final survey referred to in Article 8(1)(d) and until the recycling is completed.	2. The contract shall be effective at the latest from the time of the request for the final survey referred to in Article 8(6) and until the recycling is completed.	[...]	<u>Council text provisionally agreed</u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 48</b> <b>Article 9 – paragraph 3 – point b</b>			
(b) to provide the ship recycling facility with all the ship-relevant information necessary for the development of the ship recycling plan required by Article 7;	(b) to provide the ship recycling facility <i>at least four months prior to the intended date for the ship recycling</i> with all the ship-relevant information necessary for the development of the ship recycling plan required by Article 7, <i>or in cases where the ship owner is not in possession of such information, to inform the ship recycling facility and collaborate with them to ensure that any lacunae are adequately resolved;</i>	[...]	<i>See Article 6 new paragraph (-1) point (a).</i>  <b><u>Council text provisionally agreed</u></b>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 49</b> <b>Article 9 – paragraph 3 – point b a (new)</b>			
	<i>(ba) to provide the ship recycling facility with a copy of the ready for recycling certificate issued in accordance with Article 10;</i>	[...]	<i>Covered by Article 6 new paragraph 3.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 50</b> <b>Article 9 – paragraph 3 – point b b (new)</b>			
	<i>(bb) to send a ship for ship recycling only when the ship recycling plan has been explicitly approved by the competent authority in accordance with point (b) of Article 7(2);</i>	[...]	<i>See Article 12 new paragraph (2)(a).</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 51</b> <b>Article 9 – paragraph 3 – point c</b>			
<i>(c) to take back the ship prior to the start of the recycling or after the start of the recycling, where technically feasible, <b>in case the content of hazardous materials on board does not substantially correspond to the inventory of hazardous materials and does not allow for appropriate recycling of the ship;</b></i>	<i>(c) to take back the ship prior to the start of the recycling or after the start of the recycling, where technically feasible, <b>if the intended ship recycling is impractical or would undermine safety or protection of the environment due to a failure to describe the ship properly, whether in the inventory or elsewhere;</b></i>	[...]	<i>See Article 6 new paragraph 4.</i>  <b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 52</b> <b>Article 9 – paragraph 3 – point c a (new)</b>			
	<i>(ca) to cover the actual extra costs in the event that the content of hazardous materials on board is significantly higher than indicated in the inventory of hazardous chemicals, but does not render the intended ship recycling impractical or undermine safety or protection of the environment.</i>	[...]	<u>EP provisionally agrees to withdraw AM</u>
<b>Amendment 53</b> <b>Article 9 – paragraph 4 – point a</b>			
(a) to develop, in collaboration with the shipowner, a ship-specific ship recycling plan in accordance with Article 7;	(a) to develop, in collaboration with the ship owner, a ship-specific ship recycling plan in accordance with Article 7 <i>within one month of reception of all relevant information pursuant to point b of paragraph 3;</i>	[...]	<i>Duplication with Article 7.</i> <u>Council text provisionally agreed</u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 54</b> <b>Article 9 – paragraph 4 – point c</b>			
(c) to <i>prohibit</i> the start of any recycling of the ship prior to submission of the report referred to in point (b);	(c) to <i>refuse</i> the start of any recycling of the ship prior to submission of the report referred to in point (b) <i>and prior to approval of the ship recycling plan by its competent authority</i> ;	[...]	<i>See Article 7 new paragraph 3.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 55</b> <b>Article 9 – paragraph 4 – point d – introductory part</b>			
(d) when preparing to receive a ship for recycling, to notify in writing at least <i>14 days</i> prior to the planned start of the recycling the relevant competent authorities of the intention to recycle the ship concerned:	(d) when preparing to receive a ship for recycling, to notify in writing at least <i>three months</i> prior to the planned start of the recycling the relevant competent authorities of the intention to recycle the ship concerned:	[...]	<i>See Article 7 new paragraph 4.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 56</b> <b>Article 9 – paragraph 4 a (new)</b>			
	<i>4a. The ship owner shall provide a copy of the contract to the competent authority.</i>		<b><u>EP provisionally agrees to withdraw AM</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 57</b> <b>Article 10 – paragraph 1</b>			
<p>1. After completion of an initial or renewal survey or of an additional survey <i>conducted at the request of the shipowner, a</i> Member State shall issue an inventory certificate in accordance with the form laid down in Annex IV. This certificate shall be supplemented by Part I of the inventory of hazardous materials.</p> <p>The Commission shall be empowered to adopt delegated acts in accordance with Article 26 concerning the updating of the form of the inventory certificate laid down in Annex IV.</p>	<p>1. After <i>successful</i> completion of an initial or renewal survey or of an additional survey, <i>the</i> Member State <i>whose flag the ship is flying</i> shall issue an inventory certificate in accordance with the form laid down in Annex IV. This certificate shall be supplemented by Part I of the inventory of hazardous materials.</p> <p>The Commission shall be empowered to adopt delegated acts in accordance with Article 26 concerning the updating of the form of the inventory certificate laid down in Annex IV.</p>	<p>1. After <b>successful</b> completion of an initial or renewal survey [...], <b>the administration or a recognised organisation authorised by it</b> shall issue an inventory certificate [...]. This certificate shall be supplemented by Part I of the inventory of hazardous materials.</p> <p><b>Where the initial survey and the final survey are conducted at the same time as provided for in Article 8(7), only a ready for recycling certificate referred to in paragraph 2 shall be issued.</b></p> <p>The Commission shall [...] adopt <b>implementing</b> acts [...] to <b>establish</b> the format of the inventory certificate [...] to <b>ensure it is consistent with Appendix 3 to the Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</b></p>	<u><b>Council text provisionally agreed</b></u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 10 – paragraph 1a (new)</b>			
		<p><b>1a. An inventory certificate shall be endorsed at the request of the ship owner either by the administration or by a recognised organisation authorised by it after successful completion of an additional survey conducted in accordance with Article 8.</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 10 – paragraph 1b (new)</b>			
		<p><b>1b. The administration or recognised organisation authorised by it or acting on its behalf shall issue or endorse, as appropriate, an inventory certificate, if the renewal survey is successfully completed:</b></p> <p><b>(a) within three months before the expiry of the existing certificate, to limit the validity of the new certificate to a date not exceeding five years from the date of expiry of the existing certificate;</b></p> <p><b>(b) after the expiry of the existing certificate, to limit the validity of the new certificate to a date not exceeding five years from the date of expiry of the existing certificate;</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p>(c) more than three months before the expiry of the existing certificate, to limit the validity of the new certificate to a date not exceeding five years from the date of completion of the renewal survey;</p> <p>(d) and a new certificate cannot be issued or placed on board before expiry of the existing certificate, to extend the validity of the existing certificate for a period not exceeding five months from the expiry date.</p> <p>In case of an inventory certificate issued for a period of less than five years, the administration may extend the validity of the existing certificate to a date not exceeding the maximum period under Article 8(4).</p>	<p><u>Council text provisionally agreed</u></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p><b>In special circumstances as determined by the administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by point (b) of paragraph 1b and paragraphs 1c and 1d. In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 10 – paragraph 1c (new)</b>			
		<p><b>1c. Where a ship is not at a port or anchorage where it is to be surveyed when the inventory certificate expires, the administration may, if it is proper to do so, extend the period of validity of the certificate for a period not exceeding three months to enable the ship to complete its voyage to the port at which it is to be surveyed. Any extension granted shall be conditional on the survey being completed at that port before the ship leaves. A ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave the port without</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p>having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of the existing certificate before the extension was granted.</p>	<p><u>Council text provisionally agreed</u></p>
<b>Article 10 – paragraph 1d (new)</b>			
		<p>1d. An inventory certificate for a ship engaged on short voyages which has not been extended under the aforementioned conditions may be extended by the administration for a period of grace of up to one month from its expiry. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.</p>	<p><u>Council text provisionally agreed</u></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 58</b> <b>Article 10 – paragraph 2 (and 3)</b>			
<p>2. After successful completion of a final survey in accordance with Article 8(6), the administration shall issue a ready for recycling certificate in accordance with the form laid down in Annex V. This certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan.</p>	<p>2. After successful completion of a final survey in accordance with Article 8(6), the administration shall issue a ready for recycling certificate in accordance with the form laid down in Annex V, <i>if it considers that the ship recycling plan complies with the requirements of this Regulation.</i> This certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan.</p>	<p>2. After successful completion of a final survey in accordance with Article 8(6), the administration <b>or a recognised organisation authorised by it</b> shall issue a ready for recycling certificate [...]. This certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan.</p> <p>[...] The Commission shall [...] adopt <b>implementing acts [...] to establish</b> the format of the ready for recycling certificate <b>to ensure it is consistent with Appendix 4 to the Convention. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</b> A ready for recycling certificate issued after a <b>final</b> survey [...] in accordance with <b>the previous</b> paragraph [...] shall be accepted by the other Member States and regarded for the purposes of this Regulation as having the same validity as a</p>	<p><b><u>Council text provisionally agreed, EP willing to accept implementing acts as part of final compromise</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		ready for recycling certificate issued by them.	
<b>Article 10 – paragraph 4</b>			
4. The ready for recycling certificates shall be issued or endorsed either by the administration or by a recognised organisation acting on behalf of the administration.		[...]	<i>Moved to Article 11 new paragraph 2a.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Article 11 – paragraph 1</b>			
1. An inventory certificate shall be issued for a period specified by the administration, which shall not exceed five years.		1. <b>Subject to Article 10</b> , an inventory certificate shall be issued for a period specified by the administration, which shall not exceed five years.	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 11 – paragraph 2</b>			
<p>2. An inventory certificate issued under Article 10 of this Regulation shall cease to be valid in any of the following cases:</p> <p>(a) where the condition of the ship does not correspond substantially with the particulars of the certificate, including where Part I of the inventory of hazardous materials is not properly maintained and updated, reflecting changes in ship structure and equipment;</p> <p>(b) where the renewal survey is not completed at intervals specified by the administration but not exceeding five years;</p> <p>(c) where the certificate is neither issued nor endorsed in accordance with Article 10 of this Regulation.</p>		<p>2. An inventory certificate issued <b>or endorsed</b> under Article 10 of this Regulation shall cease to be valid in any of the following cases:</p> <p>(a) <b>if</b> the condition of the ship does not correspond substantially with the particulars of the certificate, including where Part I of the inventory of hazardous materials is not properly maintained and updated, reflecting changes in ship structure and equipment, <b>taking into account the relevant IMO guidelines</b>;</p> <p>(b) where the renewal survey is not completed <b>within the periods specified in Article 10.</b></p> <p>[...]</p>	<p><b><u>Council text provisionally agreed</u></b></p> <p><i>Point c covered by point b and Article 10.</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 11 – paragraph 2a (new)</b>			
		2a. A ready for recycling certificate shall be issued by the administration <b>or by a recognised organisation authorised by it</b> for a period not exceeding three months.	<i>Based on Article 10(4) and the first sentence of Article 11(4) of the Commission proposal.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Article 11 – paragraph 3</b>			
3. A ready for recycling certificate issued under Article 10 of this Regulation shall cease to be valid where the condition of the ship does not correspond substantially with the particulars of the certificate.		3. A ready for recycling certificate issued under Article 10 of this Regulation shall cease to be valid where the condition of the ship does not correspond substantially with the particulars of the <b>inventory</b> certificate.	<b><u>Council text provisionally agreed</u></b>
<b>Article 11 – paragraph 4</b>			
4. A ready for recycling certificate shall be issued by the administration for a period not exceeding three months. The ready for recycling certificate may be extended by the administration or by a recognised organisation acting on behalf of the administration for a single point to point voyage to the ship recycling facility.		4. [...] The ready for recycling certificate may be extended by the administration or by a recognised organisation <b>authorised by it [...]</b> for a single point to point voyage to the ship recycling facility.	<i>First sentence moved to new paragraph 2a above.</i>  <b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 59 Article 11 a (new)</b>			
	<p><b>Article 11a</b> <b>Inspections</b></p> <p><i>Member States shall apply control provisions for EU ships equivalent to those laid down in Directive 2009/16/EC, in accordance to their national legislation. A more detailed inspection shall be carried out, taking into account guidelines developed by the IMO, where an inspection reveals that a ship does not comply with the requirements set out in Article 4(1) to (3a), Articles 5, and 7, or does not carry a valid inventory certificate in accordance with Article 10(1), or whenever there are clear grounds for believing, after an inspection, that:</i></p> <p><i>– the condition of the ship or its equipment does not comply with the requirements set out in Article 4(1) to (3a) or does not correspond substantially to the particulars of the certificate,</i></p>	<p><b>Article 11a</b> <b>Inspections</b></p> <p><b>1. Member States shall apply control provisions for ships in accordance with their national legislation having regard to Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control. Except as provided for in paragraph 2, any such inspection is limited to verifying that there is on board either an inventory certificate or a ready for recycling certificate, which, if valid, shall be accepted.</b></p> <p><b>2. Where a ship does not carry a valid certificate or there are clear grounds for believing that:</b></p> <ul style="list-style-type: none"> <li>• <b>the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, and/or Part I of</b></li> </ul>	<p><b><u>Compromise text provisionally agreed for the title:</u></b></p> <p><b>Article 11a</b> <b>Port State control</b></p> <p><b>Furthermore, see <u>compromise text by the Presidency added in recital 5</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<i>and/or the inventory of hazardous materials, or</i>	the inventory of hazardous materials or	
	<i>– there is no procedure implemented on board the ship for the maintenance of the inventory of hazardous materials.</i>	<ul style="list-style-type: none"> <li>• there is no procedure implemented on board the ship for the maintenance of Part I of the inventory of hazardous materials; a detailed inspection may be carried out taking into account the relevant IMO guidelines.</li> </ul> <p>3. A ship may be warned, detained, dismissed or excluded from the ports or offshore terminals under the jurisdiction of a Member State in the event that it fails to submit to the relevant authorities a copy of the inventory certificate or the ready for recycling certificate, as appropriate, without prejudice to the provisions of Article 10. A Member State taking such action shall immediately inform the administration of the ship concerned. Failure to update the inventory of hazardous materials shall not constitute a detainable deficiency, but any</p>	



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p><b>inconsistencies in the inventory of hazardous materials shall be reported to the administration of that ship and shall be redressed at the time of the next survey.</b></p>	
		<p><b>4. Access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of such Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.</b></p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 60</b> <b>Article 11 b (new)</b>			
	<i>Article 11b</i> <i>Provisions applicable to non-EU ships in addition to Article 5a, Article 5b and Article 23(1) and Article 29 (1)</i>	<b>Article 11b</b> <b>Requirements for ships flying the flag of a third country</b>	<b>Package on date of appl. and inventory</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>1. Member States shall ensure that non-EU ships comply with the requirements set out in Article 4(1) to (3a), without prejudice to the requirements of other Union legislation which may require further measures. Member States shall prohibit the installation or use of the materials referred to in Article 4(1) to (3a), on non-EU ships whilst in its ports, anchorages, shipyards, ship repair yards or offshore terminals.</i></p>	<p>1. As from 5 years from the date of application of this Regulation, a ship flying the flag of a third country shall have on board an inventory of hazardous materials when calling at a port or anchorage of a Member State.</p> <p>Notwithstanding the previous subparagraph, access to a specific port or anchorage may be permitted by the relevant authority of a Member State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the relevant authority of such Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.</p>	<p><u>Compromise text as part of the package on date of application and inventory:</u></p> <p>1. As from 5 years from [the date of <u>entry into force</u> of this Regulation + two years], a ship flying the flag of a third country shall have on board an inventory of hazardous materials when calling at a port or anchorage of a Member State.</p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>2. New non-EU ships entering a port or an anchorage of a Member State shall keep available on board a valid inventory of hazardous materials.</i></p>	<p><b>2. The installation of hazardous materials referred to in Annex I on ships flying the flag of a third country, whilst in a port or anchorage of a Member State, shall be prohibited or restricted as specified in Annex I.</b></p> <p><b>The use of hazardous materials referred to in Annex I on ships flying the flag of a third country, whilst in a port or anchorage of a Member State, shall be prohibited or restricted as specified in Annex I, without prejudice to the exemptions and transitional arrangements applicable to those materials under international law.</b></p>	<p><i>Council text based on Art. 4.</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>3. Existing non-EU ships entering a port or an anchorage of a Member State shall keep available on board an inventory of hazardous materials according to the timelines indicated in Article 5(2a). The inventory shall fulfil the requirements set out in Article 5(4) to (7).</i></p>	<p><b>3. The inventory of hazardous materials shall be specific to each ship, clarify that the ship complies with paragraph 2 and be compiled taking into account the relevant IMO guidelines. As far as practicable, the hazardous materials listed in Annex I, at least, shall be identified when the inventory of hazardous materials is developed.</b></p> <p><b>A plan shall be established by the ship flying the flag of a third country describing the visual/sampling check by which the inventory of hazardous materials is developed taking into account the relevant IMO guidelines.</b></p>	<p><i>Council text based on Art. 5(2), (4) and (5).</i></p> <p><i>EP amendment broadly reflected in paragraph 1 of this new Article in the Council text.</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>4. Non-EU ships entering a port or an anchorage of a Member State shall present a statement of compliance issued by the ship's administration or recognised organisation acting on its behalf confirming that the ship complies with the provisions set out in paragraphs 1 to 3.</i></p>	<p><b>4. The inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing any hazardous materials referred to in Annex IA and relevant changes in the structure and equipment of the ship, taking into account the exemptions and transitional arrangements applicable to those materials under international law.</b></p>	<p><i>Council text reflects Art. 5(7).</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>5. Non-EU ships that have been bought from an owner flying an EU flag when the ship was older than 20 years, where entering a port or an anchorage of a Member State, shall keep available on board a ship recycling plan in accordance with point (d) of Article 7(2).</i></p>	<p><b>5. A ship flying the flag of a third country shall, prior to calling at a port or anchorage of a Member State, submit to the relevant authorities a copy of the statement of compliance with the provisions referred to in the previous paragraphs together with the inventory of hazardous materials.</b></p> <p><b>In the event of failure to submit a copy of the statement of compliance, a ship flying the flag of a third country may be warned, detained, dismissed or excluded from the ports or offshore terminals of a Member State. A Member State taking such action shall immediately inform the flag administration of the ship concerned. Failure to update the inventory of hazardous materials does not constitute a detainable deficiency, but any inconsistencies in the inventory of hazardous materials shall be reported to the flag administration of that ship.</b></p>	<p><i>Council text mirrors Art. 11a(3).</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>6. A more detailed inspection shall be carried out where an inspection reveals that a non-EU ship does not comply with the requirements set out in paragraphs 1 to 5, or whenever there are clear grounds for believing, after an inspection, that:</i></p> <ul style="list-style-type: none"> <li><i>– the condition of the ship or its equipment does not comply with the requirements of paragraph 1 or does not correspond substantially to the particulars of the certificate or the inventory of hazardous materials, or</i></li> <li><i>– there is no procedure implemented on board the ship for the maintenance of the inventory of hazardous materials.</i></li> </ul> <p><i>7. Member States shall ensure that effective, proportionate and dissuasive penalties are applicable to owners of non-EU ships that do not comply with the provisions in this Article.</i></p>	<p><b>6. The statement of compliance shall be issued after verification of the inventory of hazardous materials by the relevant authorities of the State whose flag the ship is flying or any person or organization authorised by it, according to national requirements. The statement of compliance may be modelled on the basis of Appendix 3 to the Convention.</b></p> <p><b>7. The statement of compliance and the inventory of hazardous materials shall be drawn up in an official language of the issuing flag administration and where the language used is not English, French or Spanish, the text shall include a translation into one of these languages.</b></p>	



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p>8. As from 5 years after the date of application of this Regulation, ships flying the flag of a third country applying to be registered under the flag of a Member State shall ensure that an inventory of hazardous materials, as provided for in Article 5(2), is kept on board or is established within 6 months of the registration under the flag of a Member State or during the next periodical statutory survey, whichever comes first.</p>	<p><u>Compromise text as part of the package on date of application and inventory:</u></p> <p>8. As from 5 years <u>from</u> [the date of <u>entry into force</u> of this Regulation + two years], ships flying the flag of a third country applying to be registered under the flag of a Member State shall ensure that an inventory of hazardous materials, as provided for in Article 5(2), is kept on board or is established within 6 months of the registration under the flag of a Member State or during the next periodical statutory survey, whichever comes first.</p>
<b>Article 12 – paragraph 1 - first subparagraph</b>			
Ships shall only be recycled in ship recycling facilities which have been included in the European list.		[...]	<p><i>Duplication of Article 6(1)(b).</i></p> <p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 61</b> <b>Article 12 – paragraph 1 - subparagraph 2 – introductory part</b>			
<p>In order to be included in the European list, a ship recycling facility shall comply with the following requirements:</p>	<p>In order to be included in the European list, a ship recycling facility shall comply with the following requirements, <i>taking into account relevant IMO, ILO and other international guidelines</i>:</p>	<p><b>1.</b> In order to be included in the European List, a ship recycling facility shall comply with the following requirements, <b>in accordance with the relevant provisions of the Convention and taking into account the relevant guidelines of the IMO, International Labour Organization (ILO), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other international guidelines</b>:</p>	<p><b><u>Compromise text provisionally agreed:</u></b></p> <p><b>1.</b> In order to be included in the European List, a ship recycling facility shall comply with the following requirements, <b>in accordance with the relevant provisions of the Convention and taking into account the relevant guidelines of the IMO, International Labour Organization (ILO), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Stockholm Convention on Persistent Organic Pollutants and other international guidelines</b>:</p> <p><b>Covers AM 73 and 74</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 1 - subparagraph 2 - point aa (new)</b>			
(i) be authorised to conduct its operations by its competent authorities;		(aa) be authorised by its competent authorities to conduct its operations;	<i>Moved from point i in the Commission proposal.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 62 Article 12 – paragraph 2 – point a a (new)</b>			
	<i>(aa) operate from permanent built structures (dry docks, quays or concrete slip-ways);</i>		<b><u>See new recital 5a</u></b>
<b>Amendment 63 Article 12 – paragraph 2 – point a b (new)</b>			
	<i>(ab) have sufficient cranes available for lifting parts cut from a ship;</i>		<b><u>EP willing to withdraw AM as part of package on beaching</u></b>
<b>Amendment 64 Article 12 – paragraph 2 – point b</b>			
(b) establish management and monitoring systems, procedures and techniques which <i>do not pose</i> health risks to the workers concerned or to the population in the vicinity of the ship recycling facility and which will prevent, reduce, minimise and to the extent practicable eliminate adverse effects on the environment caused by ship recycling;	(b) establish management and monitoring systems, procedures and techniques which <i>ensure that no</i> health risks <i>are posed</i> to the workers concerned or to the population in the vicinity of the ship recycling facility and which will prevent, reduce, minimise and to the extent practicable eliminate adverse effects on the environment caused by ship recycling;	(b) establish management and monitoring systems, procedures and techniques which <b>will prevent, reduce, minimise and to the extent practicable eliminate:</b> (i) health risks to the workers concerned <b>and</b> to the population in the vicinity of the ship recycling facility, and [...] (ii) adverse effects on the environment caused by ship recycling;	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 1 - subparagraph 2 - point c</b>			
(c) prevent adverse effects on human health and the environment;		[...]	<i>Point c moved to point da below.</i> <b><u>Council text provisionally agreed</u></b>
<b>Amendment 65 Article 12 – paragraph 2 – point d</b>			
(d) develop and <i>approve</i> a ship recycling facility plan;	(d) develop and <i>adopt</i> a ship recycling facility plan;	(d) <b>prepare</b> [...] a ship recycling facility plan;	<i>Consistency with new definition in Art. 2(14b).</i> <b><u>Council text provisionally agreed</u></b>
<b>Article 12 – paragraph 1 - subparagraph 2 - point da (new)</b>			
		<b>(da)</b> prevent adverse effects on human health and the environment, including the demonstration of the control of any leakage, in particular in intertidal zones;	<i>Moved from points c and l of the Commission proposal.</i> <b><u>Council text provisionally agreed</u></b>
<b>Article 12 – paragraph 1 - subparagraph 2 - point e</b>			
(e) establish and maintain an emergency preparedness and response plan;		[...]	<i>Point e moved to new point ha.</i> <b><u>Council text provisionally agreed</u></b>
<b>Article 12 – paragraph 1 - subparagraph 2 - point f</b>			
(f) provide for worker safety and training, including ensuring the use of personal protective equipment for operations requiring such use;		[...]	<i>Point f moved to new point hb.</i> <b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 1 - subparagraph 2 - point g</b>			
(g) establish records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, report any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers' safety, human health and the environment;		[...]	<i>Point g moved to new point hc.</i> <b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 1 - subparagraph 2 - point h</b>			
<p>(h) ensure safe and environmentally sound management of hazardous materials;</p>		<p>(h) ensure safe and environmentally sound management of hazardous materials and waste, <b>including</b> - [...] the containment of all hazardous materials present on board of a ship during the recycling process so as to prevent any release of these hazardous materials into the environment [...];</p> <p>- <b>the handling of</b> hazardous materials and waste <b>generated during the recycling</b> only on impermeable floors with effective drainage systems;</p> <p>- [...] that all wastes generated from the recycling activity are only</p>	<p><b><u>Compromise text provisionally agreed:</u></b></p> <p>(h) ensure safe and environmentally sound management <b>and storage [covers AM 70, 72, 73]</b> of hazardous materials and waste, <b>including</b> - [...] the containment of all hazardous materials present on board of a ship during the <b>entire [covers AM 67]</b> recycling process so as to prevent any release of these hazardous materials into the environment [...], <b>and</b> - <b>the handling of [covers AM 68]</b> hazardous materials and waste <b>generated during the recycling process</b> only on impermeable floors with effective drainage systems;</p> <p>- [...] that all wastes generated from the recycling activity <b>and their quantities are documented and [covers AM 82]</b> are only transferred to waste management facilities, <b>including waste recycling facilities [covers</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		transferred to waste management facilities authorised to deal with their treatment [...] without endangering human health and in an environmentally sound manner;	<b>AM 69]</b> authorised to deal with their treatment [...] without endangering human health and in an environmentally sound manner;
<b>Article 12 – paragraph 1 - subparagraph 2 - point ha (new)</b>			
		<b>(ha)</b> establish and maintain an emergency preparedness and response plan, <b>including</b> ensuring access for emergency response equipment such as fire-fighting equipment and vehicles, ambulances and cranes to all areas of the ship recycling facility;	<b><u>Compromise text provisionally agreed:</u></b> <b>(ha)</b> establish and maintain an emergency preparedness and response plan; <b>ensure rapid</b> access for emergency response equipment such as fire-fighting equipment and vehicles, ambulances and cranes to <b>the ship and</b> all areas of the ship recycling facility;
<b>Article 12 – paragraph 1 - subparagraph 2 - point hb (new)</b>			
		<b>(hb)</b> provide for worker safety and training, including ensuring the use of personal protective equipment for operations requiring such use;	<i>Moved from point f.</i> <b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 1 - subparagraph 2 - point hc (new)</b>			
		(hc) establish records on incidents, accidents, occupational diseases and chronic effects and, if requested by its competent authorities, report any incidents, accidents, occupational diseases or chronic effects causing, or with the potential for causing, risks to workers’ safety, human health and the environment;	<i>Moved from point g.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Article 12 – paragraph 1 - subparagraph 2 - point hd (new)</b>			
		(hd) agree to comply with the requirements in paragraph 2.	<b><u>Council text provisionally agreed</u></b>
<b>Amendment 66</b>			
<b>Article 12 – paragraph 1 - subparagraph 2 – point j</b>			
(j) ensure access for emergency response equipment such as fire-fighting equipment and vehicles, ambulances and cranes to all areas of the <i>ship</i> recycling facility;	(j) ensure <i>rapid</i> access for emergency response equipment such as fire-fighting equipment and vehicles, ambulances and cranes to <i>the ship and</i> all areas of the recycling facility <i>once work has commenced to recycle the ship</i> ;	[...]	<i>Point j moved into new point ha.</i>  <b><u>Council text provisionally agreed</u></b>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 67</b> <b>Article 12 – paragraph 1 - subparagraph 2 – point k</b>			
(k) ensure the containment of all hazardous materials present on board of a ship during the recycling process so as to prevent any release of these hazardous materials into the environment and in particular in intertidal zones;	(k) ensure the containment of all hazardous materials present on board of a ship during the recycling process so as to prevent any release of these hazardous materials into the environment and in particular in intertidal zones, <i>notably by cutting the bottom part in a permanent or floating dry dock;</i>	[...]	<i>Point k moved into point h.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 68</b> <b>Article 12 – paragraph 1 - subparagraph 2 – point m</b>			
(m) handle hazardous materials and waste only on impermeable floors with effective drainage systems;	(m) <i>without prejudice to point (k)</i> , handle hazardous materials and waste only on impermeable floors with effective drainage systems;	[...]	<i>Point m moved into point h.</i>  <b><u>Council text provisionally agreed</u></b> AM covered by compromise text for point h above.

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 69</b> <b>Article 12 – paragraph 1 - subparagraph 2– point m a (new)</b>			
	<i>(ma) ensure that all wastes prepared for recycling are only transferred to recycling facilities authorised to deal with their recycling without endangering human health and in an environmentally sound manner;</i>		<b><u>EP provisionally agrees to withdraw AM</u></b> AM covered by compromise text for point (h) above.
<b>Amendment 70</b> <b>Article 12 – paragraph 1 - subparagraph 2– point m b (new)</b>			
	<i>(mb) ensure appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts;</i>		<b><u>EP provisionally agrees to withdraw AM</u></b> AM covered by compromise text for point (h) above and Art. 7(d).
<b>Amendment 71</b> <b>Article 12 – paragraph 1 - subparagraph 2 – point m c (new)</b>			
	<i>(mc) ensure functioning equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations;</i>		<b><u>EP provisionally agrees to withdraw AM</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 72</b> <b>Article 12 – paragraph 1 - subparagraph 2 – point m d (new)</b>			
	<i>(md) ensure appropriate storage for explosive and/or inflammable materials and gas, including the prevention of fire hazards and excessive stockpiling;</i>		<u>EP provisionally agrees to withdraw AM</u> AM covered by compromise text for point (h) above.
<b>Amendment 73</b> <b>Article 12 – paragraph 1 - subparagraph 2 – point m e (new)</b>			
	<i>(me) ensure appropriate impermeable and sheltered storage and containment for solid and liquid PCB/PCT waste or material.</i>		<u>EP provisionally agrees to withdraw AM</u> AM covered by compromise text for point (h) above.
<b>Amendment 74</b> <b>Article 12 – paragraph 1 - subparagraph 2 – point m f (new)</b>			
	<i>(mf) ensure that all PCB/PCT containing material is managed in accordance with the obligations and Guidelines of the Stockholm Convention on Persistent Organic Pollutants.</i>		<u>EP provisionally agrees to withdraw AM</u> AM covered by compromise text for the introductory part of this subparagraph.

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 75</b> <b>Article 12 – paragraph 2 – point n</b>			
<p>(n) ensure that all wastes generated from the recycling activity are only transferred to waste management facilities authorised to deal with their treatment and disposal without endangering human health and in an environmentally sound manner.</p>	<p>(n) ensure that all wastes generated from the recycling activity are only transferred to waste management facilities authorised to deal with their treatment and disposal without endangering human health and in an environmentally sound manner. <i>Therefore draw up a register of secondary operators working at the main facility, including information on their waste management methods and capacities;</i></p>	<p>[...]</p>	<p><i>Point n moved into point h.</i></p> <p><b><u>See compromise text provisionally agreed under Art. 15 (7)(a)</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 1 - subparagraph 3</b>			
<p>For the purposes of point (n), environmentally sound management may be assumed as regards the waste recovery or disposal operation concerned, where the ship recycling facility can demonstrate that the waste management facility which receives the waste will be operated in accordance with human health and environmental protection standards that are equivalent to standards established in Union legislation.</p>		[...]	<p><i>Moved to Article 15 new paragraph 4.</i></p> <p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 12 – paragraph 2 (new)</b>			
		<p><b>2. The operator of a ship recycling facility shall be required:</b></p> <p><b>(a) to send the ship recycling plan, once approved in accordance with Article 7(3), to the ship owner and the administration or a recognised organisation authorised by it;</b></p> <p><b>(b) to report to the administration that the ship recycling facility is ready in every respect to start the recycling of the ship;</b></p> <p><b>(c) when the complete or partial recycling of a ship is completed in accordance with this Regulation, within 14 days of the date of the complete or partial recycling in accordance with the ship recycling plan, to send a statement of completion to the administration which issued the ready for recycling certificate for the ship. The statement of completion shall include a report</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		on incidents and accidents damaging human health and/or the environment, if any.	
<b>Article 12 – paragraph 3 (new)</b>			
		<p><b>3. The Commission shall adopt implementing acts to establish the format of:</b></p> <p><b>(a) the report required by point (a) of paragraph 2 to ensure it is consistent with Appendix 6 to the Convention; and</b></p> <p><b>(b) the statement required by point (b) of paragraph 2 to ensure it is consistent with Appendix 7 to the Convention.</b></p> <p><b>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</b></p>	<u><b>Council text provisionally agreed</b></u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 76</b> <b>Article 13 – paragraph 2 – point 1</b>			
(1) identify the permit, license or authorization granted by its competent authorities to conduct ship recycling and specify the size limitations (maximum length, breadth and lightweight) of the ships it is authorized to recycle as well as any applicable limitations;	(1) identify the permit, license or authorization granted by its competent authorities to conduct ship recycling and specify the size limitations (maximum length, breadth and lightweight) of the ships it is authorized to recycle as well as any applicable limitations <i>and conditions</i> ;	[...]	<i>Whole Article 13 moved into Article 15, this point moved to paragraph 2(a).</i>  <b><u>Provisionally agreed to add EP amendment to Council text</u></b>
<b>Amendment 77</b> <b>Article 13 – paragraph 2 – point 3 a (new)</b>			
	<i>3a. provide evidence that the ship recycling facility complies with all health and safety provisions under the laws of that country;</i>		<b>Linked to inspections (AM 87)</b>
<b>Amendment 78</b> <b>Article 13 – paragraph 2 – point 4 a (new)</b>			
	<i>4a. identify all subcontractors directly involved in the process of ship recycling and provide evidence of their permits;</i>		<b><u>See compromise text provisionally agreed under Art. 15 (7)(a)</u></b>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 79</b> <b>Article 13 – paragraph 2 – point 5 – point b – introductory part</b>			
(b) which waste <i>management</i> process will be applied within the facility: <i>incineration, landfilling</i> or other waste treatment method and provide evidence that the applied process will be carried out without endangering human health, without harming the environment and, in particular:	(b) which waste <i>treatment</i> process will be applied within the facility: <i>(e.g. landfilling, neutralization of acids, chemical destruction)</i> or other waste treatment method <i>for each of the materials listed in Annex I</i> , and provide evidence that the applied process will be carried out <i>in accordance with established best practices, global norms and laws</i> , without endangering human health, without harming the environment and, in particular:	[...]	<i>Whole Article 13 moved into Article 15, this point moved to paragraph 2(f)(ii).</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 80</b> <b>Article 13 – paragraph 2 – point 5 – point c – introductory part</b>			
(c) which waste <i>management</i> process will be applied if the hazardous materials <i>is</i> destined for a subsequent waste treatment facility outside the ship recycling facility. The following information shall be provided regarding each subsequent waste treatment facility:	(c) which waste <i>treatment</i> process will be applied if the hazardous materials <i>are</i> destined for a subsequent waste treatment facility outside the ship recycling facility. The following information shall be provided regarding each subsequent waste treatment facility:	[...]	<i>Whole Article 13 moved into Article 15, this point covered by paragraph 2(f).</i>  <b><u>Council text provisionally agreed with addition set out below under Article 15(7)(f)(ii) below.</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 81</b> <b>Article 13 – paragraph 2 – point 5 – point c – point ii</b>			
(ii) evidence that the waste treatment facility is authorized to treat the hazardous material;	(ii) evidence that the waste treatment facility is authorized <i>by the relevant competent authority</i> to treat the hazardous material;	[...]	<i>Whole Article 13 moved into Article 15, this point covered by paragraph 2(f).</i> <b>Council text provisionally agreed</b>
<b>Amendment 82</b> <b>Article 13 – paragraph 2 – point 5 – point c a (new)</b>			
	<i>(ca) have a system in place to document the actual quantities of hazardous materials removed from each ship compared to the inventory of hazardous materials and the respective treatment processes applied within the facility and outside the facility for those materials</i>		<b><u>EP provisionally agrees to withdraw AM</u></b> AM covered by compromise text for Article 12(1)(2)(h) and Article 15 (2)(f)(ii).

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 83</b> <b>Article 13 – paragraph 2 – point 5 a (new)</b>			
	<i>5a. have adequate insurance to cover health and safety liabilities and the costs of environmental remediation in compliance with relevant legislation of the Member State or third country where the facility is located.</i>		<u>EP willing to withdraw AM</u> as part of package on beaching and inspections
<b>Amendment 84</b> <b>Article 13 – paragraph 2 – point 5 b (new)</b>			
	<i>5b. conduct regular monitoring of water and sediments in the vicinity of the ship recycling facility to check for pollution.</i>		AM covered by Art. 12(2)(b) <u>Council text provisionally agreed</u>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 115 Article 14</b>			
<p>1. Competent authorities shall authorize ship recycling facilities located on their territory that comply with the requirements set out in Article 12 to conduct ship recycling. That authorization may be given to the respective ship recycling facilities for the maximum period of five years.</p> <p>2. Member States shall establish and update a list of the ship recycling facilities that they have authorised in accordance with paragraph 1.</p> <p>3. The list referred to in paragraph 2 shall be notified to the Commission without delay and not later than one year from the date of the entry into force of this Regulation.</p> <p>4. Where a ship recycling facility ceases to comply with the requirements set out in Article 12, the Member State shall withdraw the authorization given to the ship</p>	<i>deleted</i>	<p>1. <b>Without prejudice to other relevant Union legislation</b>, competent authorities shall authorise ship recycling facilities located on their territory that comply with the requirements set out in Article 12 to conduct ship recycling. That authorization may be <b>granted</b> to the respective ship recycling facilities for a maximum period of five years <b>and renewed accordingly</b>.</p> <p><b>Provided that the objectives of this Regulation and the requirements of this Article are complied with, any permit produced pursuant to other national or EU legislation may be combined with the authorisation under this Article to form a single permit, where such a format obviates the unnecessary duplication of information and the repetition of work by the operator or the competent authority. In these cases the authorisation may be</b></p>	<p><b><u>EP willing to withdraw AM as part of overall package</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
recycling facility concerned and shall inform the Commission.		<b>extended in alignment with the permit regime referred to above, but not exceeding a maximum period of five years.</b>	
thereof without delay.  5. Where a new ship recycling facility has been authorized in accordance with paragraph 1, the Member State shall inform the Commission thereof without delay		2. Member States shall establish and update a list of the ship recycling facilities that they have authorised in accordance with paragraph 1.  3. The list referred to in paragraph 2 shall be notified to the Commission without delay and not later than <b>[15 months]</b> from the date of the entry into force of this Regulation].  4. Where a ship recycling facility ceases to comply with the requirements set out in Article 12, the Member State shall <b>suspend or</b> withdraw the authorization given to the ship recycling facility concerned <b>or require corrective actions by the ship recycling company</b> and shall inform the Commission thereof without delay.  5. Where a new ship recycling facility has been authorized in	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		accordance with paragraph 1, the Member State shall inform the Commission thereof without delay.	
<b>Amendment 116</b> <b>Article 15 – title</b>			
<i>Ship recycling facilities located outside of the Union</i>	<i>Inclusion of a ship recycling facility in the European List</i>	Ship recycling facilities located outside of the Union	<b><u>EP willing to withdraw AM as part of overall package</u></b>
<b>Amendment 117</b> <b>Article 15 – paragraph 6</b>			
6. A recycling company <i>located outside the Union</i> wishing to recycle <i>ships flying the flag of a Member State</i> shall submit an application to the Commission for inclusion of its ship recycling facility in the European List.	1. A recycling company <i>owning a ship recycling facility and</i> wishing to recycle <i>EU or non-EU ships in accordance with the provisions of this Regulation</i> shall submit an application to the Commission for inclusion of its ship recycling facility in the European List.	1. A <b>ship</b> recycling company <b>owning a ship recycling facility</b> located outside the Union wishing to recycle ships flying the flag of a Member State shall submit an application to the Commission for inclusion of <b>the</b> ship recycling facility <b>concerned</b> in the European List.	<b><u>EP willing to withdraw AM as part of overall package</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 15 – paragraph 7</b>			
<p>7. That request shall be accompanied by the information and supporting evidence required by Article 13 and Annex VI that the ship recycling facility complies with the requirements set out in Article 12.</p> <p>The Commission shall be empowered to adopt delegated acts in accordance with Article 26 concerning the updating of the form on the identification of the ship recycling facility provided for in Annex VI.</p>		<p>2. That request shall be accompanied by evidence [...] that <b>the ship recycling facility concerned</b> complies with the requirements set out in Article 12 in order to conduct ship recycling and to be included in the European List <b>in accordance with Article 16.</b></p> <p>In particular, the ship recycling <b>company</b> shall:</p> <p>(a) identify the permit, license or authorization granted by its competent authorities to conduct ship recycling and specify <b>all information referred to in Article 16(2);</b></p> <p>(b) <b>indicate whether the ship recycling plan will be approved by the competent authority through a tacit or explicit procedure, specifying the review period relating to tacit approval, in accordance with national requirements, where applicable;</b></p>	<p><i>Last part of introductory sentence and points a, c, d, e and f moved from Article 13 of the Commission proposal.</i></p> <p><b><u>Council text provisionally agreed with the following additions to lit (a) and to lit (f)(ii):</u></b></p> <p>(a) identify the permit, license or authorization granted by its competent authorities to conduct ship recycling <b><u>and, where relevant, the permit, license or authorisation granted by the competent authorities to all its contractors and sub-contractors directly involved in the process of ship recycling</u></b> and specify all information referred to in Article 16(2);</p> <p>(cf. amendment 75 and 78)</p> <p>(...)</p> <p>(ii) which waste management process will be applied within <b>or outside the ship recycling facility</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
			<p><b>such as incineration, landfilling or other waste treatment method, <u>the name and address of the waste treatment facility if outside the ship recycling facility</u>, and provide evidence that the applied process will be carried out without endangering human health <b>and in an environmentally sound manner;</b></b></p> <p><b>Covers AM 82</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p>(c) <b>confirm</b> that [...] a ship flying the flag of a [...] Member State will <b>only be accepted</b> in accordance with the provisions of this Regulation;</p> <p>(d) provide evidence that the ship recycling facility is capable of establishing, maintaining and monitoring of the safe-for-hot work and safe-for-entry criteria throughout the ship recycling process;</p> <p>(e) attach a map of the boundary of the ship recycling facility and the location of ship recycling operations within it;</p> <p>(f) for each material referred to in Annex I and additional hazardous material which might be part of the structure of a ship specify:</p> <p>(i) if the <b>ship recycling</b> facility is authorised to carry out the removal of the hazardous material. In this case, the responsible personnel authorised to carry out the removal shall be identified and evidence of</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		its competence shall be provided;	
		<p>(ii) which waste management process will be applied within <b>or outside</b> the <b>ship recycling</b> facility <b>such as</b> incineration, landfilling or other waste treatment method and provide evidence that the applied process will be carried out without endangering human health <b>and in an environmentally sound manner</b>;</p> <p>(g) confirm that the company adopted a ship recycling facility plan, taking into account the relevant IMO guidelines.</p> <p>2a. The Commission shall be empowered to adopt [...] <b>implementing acts to specify information that it requires to identify the ship recycling facility. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</b></p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 87</b> <b>Article 15 – paragraph 8</b>			
<p>8. <i>By applying for inclusion</i> in the European <i>List</i>, ship recycling facilities <i>accept the possibility of being subject to a site inspection</i> by the Commission <i>or agents acting on its behalf</i> prior <i>or after</i> their inclusion in the European list <i>in order to</i> verify their compliance with the requirements set out in Article 12.</p>	<p>3. <i>In order to be included</i> in the European <i>list</i>, ship recycling facilities <i>shall be audited by an international team of experts nominated</i> by the Commission prior <i>to</i> their inclusion in the European list <i>with a view to verifying</i> their compliance with the requirements set out in Article 12, <i>and once every two years thereafter. The ship recycling facility shall also agree that it may be subject to additional unannounced site inspections by an international team. The international team of experts shall cooperate with the competent authorities of the Member State or the third country where the facility is located in order to carry out such site inspections.</i></p>	<p>3. By applying for inclusion in the European List, ship recycling <b>companies</b> accept the possibility of <b>the ship recycling facility concerned</b> being subject to [...] site inspections by the Commission or agents acting on its behalf prior or after their inclusion in the European List in order to verify [...] compliance with the requirements set out in Article 12. <b>The Commission shall cooperate with the competent authorities of the State where the ship recycling facility is located in order to carry out these site inspections.</b></p>	<p><b>Part of package on beaching and inspections</b></p> <p><u><b>Compromise text:</b></u></p> <p><b><u>3. In order to be included in the European List, compliance with the requirements set out in Article 12 of this Regulation of ship recycling facilities located in third countries shall be certified by the an independent verifier with appropriate qualifications. The certification shall be submitted to the Commission by the ship recycling company when applying for inclusion in the European List and, each time when the five year period for the inclusion in the European List is to be renewed, supplemented by a mid-term review.</u></b></p> <p>By applying for inclusion in the European List, ship recycling <b>companies</b> accept the possibility of <b>the ship recycling facility concerned</b> being subject to [...] site inspections by the Commission</p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
			<p>or agents acting on its behalf prior or after their inclusion in the European List in order to verify [...] compliance with the requirements set out in Article 12.</p> <p><b><u>The Commission or agents acting on its behalf shall cooperate with the competent authorities of the State where the facility is located in order to carry out such site inspections.</u></b></p>
<b>Amendment 118 Article 15 – paragraph 9</b>			
<p><b>9.</b> Based on an assessment of the information and supporting evidence provided in accordance with paragraph 2, the Commission shall decide by means of an implementing act whether to include a ship recycling facility located outside of the Union in the European list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</p>	<p><b>4.</b> Based on an assessment of the information and supporting evidence provided in accordance with paragraph 2, the Commission shall decide by means of an implementing act whether to include a ship recycling facility located <i>in a Member State or</i> outside of the Union in the European list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</p>	<p>[...]</p>	<p><i>Deleted, as covered in Council text by addition to Art. 16(1)(b).</i></p> <p><b><u>EP willing to withdraw AM as part of overall package</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 15 – paragraph 4 (new)</b>			
		<p><b>4. For the purposes of Article 12, with regard to the waste recovery or disposal operation concerned, environmentally sound management may be assumed, where the ship recycling company can demonstrate that the waste management facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to relevant international and EU standards.</b></p>	<p><i>Stemming from Article 12(1) subparagraph 3.</i></p> <p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 15 – paragraph 5 (new)</b>			
		<p><b>5. The ship recycling company shall provide updated evidence without delay in the event of any changes to the information provided to the Commission and shall, in any event, three months prior to expiry of each five year period of inclusion on the European List, declare that:</b></p> <p><b>(a) the evidence that it has provided is complete and up-to-date;</b></p> <p><b>(b) the ship recycling facility continues and will continue to comply with the requirements of Article 12.</b></p>	<p><i>Covers amendment 91.</i></p> <p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 119</b> <b>Article 16 – paragraph 1</b>			
<p>1. The Commission shall establish by means of an implementing act in accordance with the examination procedure referred to in Article 27 a European List of the ship recycling facilities which:</p> <p>(a) are located in the Union and have been notified by the Member States in accordance with Article 14(3);</p> <p>(b) are located outside the Union and whose inclusion has been decided in accordance with Article 15(4).</p>	<i>deleted</i>	<p>1. The Commission shall <b>adopt</b> implementing acts <b>to establish</b> [...] a European List of [...] ship recycling facilities which:</p> <p>(a) are located in the Union and have been notified by the Member States in accordance with Article 14(3);</p> <p>(b) are located outside the Union and whose inclusion <b>is</b> decided <b>based on an assessment of the information and supporting evidence provided or gathered</b> in accordance with Article 15.</p> <p><b>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27.</b></p>	<p><i>Additional text in point b covers Art. 15(9) of the Commission proposal.</i></p> <p><i>EP amendment not acceptable.</i></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 88</b> <b>Article 16 – paragraph 2</b>			
<p>2. The European list shall be published in the Official Journal of the European Union and on the website of the Commission at the latest <i>thirty-six</i> months after the day of entry into force of this Regulation.</p>	<p>2. The European list shall be published in the Official Journal of the European Union and on the website of the Commission at the latest <i>twenty-four</i> months after ... * <i>It shall be split into two sub-lists, including EU/OECD, and non OECD ship recycling facilities, respectively.</i></p> <p><i>* OJ please insert the date of entry into force of this Regulation</i></p>	<p>2. The European List shall be published in the Official Journal of the European Union and on the website of the Commission <b>without delay.</b></p> <p><b>The European List shall include the following information about the ship recycling facility:</b></p> <p>(a) the method of recycling; (b) the type and size of ships that can be recycled; (c) any limitation under which the ship recycling facility operates, including as regards hazardous waste management, and (d) details on the procedure (explicit or tacit) through which the ship recycling plan will be approved.</p>	<p><i>Council text covers amendment 89 below.</i></p> <p><b><u>Compromise text:</u></b></p> <p>2. The European List shall be published in the Official Journal of the European Union and on the website of the Commission <u>at the latest [thirty six months after the date of entry into force of this Regulation]. It shall be divided into two sub-lists indicating EU and non EU ship recycling facilities.</u></p> <p><b>The European List shall include the following information about the ship recycling facility:</b></p> <p>(a) the method of recycling; (b) the type and size of ships that can be recycled; (c) <u>any limitation and conditions under which the ship recycling facility operates, including as regards hazardous waste management, and</u></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
			<p>(d) details on the procedure (explicit or tacit) through which the ship recycling plan will be approved;  <u>(da) the maximum annual ship recycling output.</u></p> <p>Change in (c) covers AM 76.</p>
<p><b>Amendment 89</b>  <b>Article 16 – paragraph 2 a (new)</b></p>			
	<p><i>2a. The European List shall include the following information about the ship recycling facility:</i>  <i>(a) the method of recycling;</i>  <i>(b) the type and size of ships that are suitable for recycling; and</i>  <i>(c) any limitation under which the facility operates, including as regards hazardous waste management.</i></p>		<p><i>See amendment 88, covered by new subparagraph of paragraph 2.</i></p> <p><u>EP provisionally agrees to withdraw AM</u></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 90</b> <b>Article 16 – paragraph 2 b (new)</b>			
	<i>2b. The European List shall indicate the date of inclusion of the ship recycling facility. An inclusion shall be valid for a maximum period of five years and shall be renewable.</i>		<b><u>Compromise text provisionally agreed:</u></b> <b>2b. The European List shall indicate the date of expiry of the inclusion of the ship recycling facility. An inclusion shall be valid for a maximum period of five years and shall be renewable.</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 91</b> <b>Article 16 – paragraph 2 c (new)</b>			
	<p><i>2c. In the event of any significant changes to the information provided to the Commission, ship recycling facilities included in the European list shall provide updated evidence without delay. In any event, three months prior to the expiry of each five year period of inclusion on the European list, the ship recycling company shall declare that</i></p> <p><i>(a) the evidence that it has provided is complete and up-to-date;</i></p> <p><i>(b) the ship recycling facility continues and will continue to comply with the requirements of Article 12.</i></p>		<p><i>Covered in Article 15 new paragraph 5.</i></p> <p><b><u>EP provisionally agrees to withdraw AM</u></b></p>
<b>Article 16 – paragraph 3 – introductory part</b>			
<p>3. Once adopted, the Commission shall update the European List regularly by means of implementing acts in accordance with the examination procedure referred to in Article 27:</p>		<p>3. [...] The Commission shall <b>adopt implementing acts to regularly</b> update the European List [...]. <b>Those implementing acts shall be adopted</b> in accordance with the examination procedure referred to in Article 27:</p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 92</b> <b>Article 16 – paragraph 3 – point a</b>			
(a) to include a ship recycling facility in the European list <i>in any of the following cases:</i> <i>(i) where it has been authorized in accordance with Article 13;</i> <i>(ii) where its inclusion in the European list has been decided in accordance with Article 15(4);</i>	(a) to include a ship recycling facility in the European list where its inclusion in the European list has been decided in accordance with Article 15(4);	(a) to include a ship recycling facility in the European List in any of the following cases: <i>(i) where it has been authorised in accordance with Article 14;</i> <i>(ii) where its inclusion in the European List is decided in accordance with <b>paragraph 1(b)</b>;</i>	<b><u>EP provisionally agrees to withdraw AM.</u></b>
<b>Amendment 93</b> <b>Article 16 – paragraph 3 – point b – point 2</b>			
(2) where the ship recycling facility <i>has been included in the list for more than five years and</i> has not provided evidence that it still complies with the requirements set out in Article 12.	(2) where the ship recycling facility, <i>three months prior to the expiry of the five-year inclusion,</i> has not provided evidence that it still complies with the requirements set out in Article 12.	<b>(ii) where the updated evidence is not provided three months prior to expiry of the five year period as set out in Article 15(5);</b>	<i>EP amendment covered by Council text.</i>  <b><u>Council text provisionally agreed; it should read "...as set out in paragraph 2b;" (see AM 90)</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 94</b> <b>Article 16 – paragraph 3 – point b – point 2 a (new)</b>			
	<i>(2a) where the ship recycling facility is located in a State that applies prohibitions or discriminatory measures against any ships flying the flag of a Member State.</i>	[...]	<p><b><u>Presidency suggests, as a compromise, to add a new paragraph 3a in Article 16 reading as follows:</u></b></p> <p><b>3a. In establishing and updating the European List, the Commission shall act in accordance with the principles enshrined in the Treaties and with the international obligations of the Union.</b></p> <p><b><u>Furthermore see the new compromise text of the Presidency in new recital 5b.</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 17</b>			
<p><i>Language</i> The inventory certificate and the ready for recycling certificate shall be drawn up in an official language of the issuing Member State and where the language used is not English, French or Spanish, they shall be translated into one of those languages</p>		<p>Language <b>1. The ship recycling plan pursuant to Article 7 shall be developed in a language accepted by the State authorising the ship recycling facility. Where the language used is not English, French or Spanish, the ship recycling plan shall be translated into one of these languages, except where the administration is satisfied that this is not necessary.</b></p> <p><b>2. The inventory certificate and the ready for recycling certificate issued pursuant to Article 10 shall be drawn up in an official language of the issuing administration. Where the language used is not English, French or Spanish, the text shall include a translation into one of these languages.</b></p>	<p><i>New first paragraph moved from Article 7(2)(b).</i></p> <p><b><u>Council text provisionally agreed</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 18</b>			
<p><i>Designation of competent authorities</i></p> <p>Member States shall designate the competent authorities responsible for the implementation of this Regulation and shall notify the Commission of those designations.</p>		<p>Designation of competent authorities <b>and administrations</b></p> <p><b>1.</b> Member States shall designate the competent authorities <b>and administrations</b> responsible for the <b>application</b> of this Regulation and shall notify the Commission of those designations.</p> <p><b>2. Member States shall immediately notify the Commission of any changes in this information.</b></p> <p><b>3. The Commission shall publish on its website lists of the designated competent authorities and administrations and shall update these lists as appropriate.</b></p>	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 19 – paragraph 3 (new)</b>			
		<b>3. Member States shall immediately notify the Commission of any changes in this information.</b>	
<b>Article 19 – paragraph 4 (new)</b>			
		<b>4. The Commission shall publish on its website lists of the designated contact persons and shall update these lists as appropriate.</b>	



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 21</b>			
<p><i>Notification and reporting requirements for shipowners</i> A shipowner shall:</p> <p>(a) notify the administration in writing at least 14 days before the planned start of the recycling of the intention to recycle a ship in order to enable the administration to prepare for the survey and certification required by this Regulation;</p> <p>(b) transmit to the administration the report of the planned start of the ship recycling established by the ship recycling facility as required by Article 9(4)(b);</p> <p>(c) transmit to the administration the report of the completion of the ship recycling established by the ship recycling facility as required by Article 9(4)(f).</p>		[...]	<p><i>Point a partly covered by Article 6 new paragraph -1(b);</i></p> <p><i>point b reflected in Article 12 new paragraph 2(b);</i></p> <p><i>point c reflected in Article 12 new paragraph 2(c);</i></p> <p><b>See compromise text suggested by the Presidency for Art. 6(-1)(b)</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 95</b> <b>Article 21 – point a</b>			
(a) notify the administration in writing at least <b>14 days</b> before the planned start of the recycling of the intention to recycle a ship in order to enable the administration to prepare for the survey and certification required by this Regulation;	(a) notify the administration, in writing at least <b>three months</b> before the planned start of the recycling of the intention to recycle a ship in order to enable the administration to prepare for the survey and certification required by this Regulation; <b>it shall simultaneously notify its intention to recycle a ship to the administration of the country under whose jurisdiction it is at that time;</b>	[...]	<b>See compromise text suggested by the Presidency for Art. 6(-1)(b)</b>
<b>Amendment 96</b> <b>Article 21 - point b a (new)</b>			
	<b>(ba) transmit to the administration a list of the States through which the ship is intended to transit on its voyage to the ship recycling facility;</b>		<b><u>EP willing to withdraw AM</u> as part of package on sanctions, including the insertion of a recital (new rec. 7a) setting out the reasons for the non insertion of transit provisions</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 22 – paragraph 1 – introductory sentence</b>			
1. Each Member State shall send to the Commission the report containing the following information:		1. Each Member State shall send to the Commission the report containing the following [...]:	<b><u>Council text provisionally agreed</u></b>
<b>Article 22 – paragraph 1 – point a</b>			
(a) a list of the ships flying their flag to which an inventory certificate has been issued, and the name of the recycling company and the location of the ship recycling facility as shown in the ready for recycling certificate;		(a) a list of the ships flying their flag to which an <b>ready for recycling</b> certificate has been issued, and the name of the <b>ship</b> recycling company and the location of the ship recycling facility as shown in the ready for recycling certificate;	<b><u>Council text provisionally agreed</u></b>
<b>Amendment 97</b>			
<b>Article 22 – paragraph 1 – point c</b>			
(c) information regarding illegal recycling and follow-up actions undertaken by the Member State.	(c) information regarding illegal recycling and follow-up actions undertaken by the Member State, <i>including details of the penalties laid down pursuant to Article 23.</i>	(c) information regarding illegal recycling and follow-up actions undertaken by the Member State.	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 98 Article 22 – paragraph 2</b>			
<p>2. Each Member State shall transmit the report by 31 December 2015 and every <i>two years</i> thereafter.</p>	<p>2. Each Member State shall transmit the report by 31 December 2015 and every <i>year</i> thereafter.</p>	<p>2. Each Member State shall, at <b>three-year intervals, electronically</b> transmit the report to the Commission within nine months of the end of the three-year period covered by it.</p> <p>The first report shall cover the period from the date of application of this Regulation to [the end of the first regular three-year reporting period, specified in Article 5 of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment, falling after the starting date of the first reporting period].</p> <p>The Commission shall publish a report on the application of this Regulation within nine months after receiving the reports from the Member States.</p>	<p><b><u>Council text provisionally agreed, maintaining the three-year interval in line with Directive 91/692/EC</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 22 – paragraph 3</b>			
3. The reports shall be submitted to the Commission electronically.		[...]	<i>Covered by new wording of paragraph 2 above.</i>  <b><u>Council text provisionally agreed</u></b>
<b>Amendment 99 Article 22 – paragraph 3 a (new)</b>			
	<i>3a. The Commission shall enter this information in an electronic database that is permanently accessible to the public.</i>		<b><u>EP provisionally agrees to withdraw AM</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 100</b> <b>Article 23 - paragraph 1</b>			
<p>1. Member States shall ensure that effective, proportionate and dissuasive penalties are applicable to ships that:</p> <p>(d) do not have on board <i>an</i> inventory of hazardous materials <b>required by</b> Articles 5 and 28;</p>	<p>1. Member States shall ensure that effective, proportionate and dissuasive penalties are applicable <b>and effectively applied to the owners of EU ships and non-EU</b> ships that:</p> <p><i>(a) do not comply with the prohibitions of certain hazardous materials pursuant to Article 4 and Article 11b;</i></p> <p><i>(b) do not have on board a valid inventory of hazardous materials pursuant to Article 5 and Article 11b;</i></p> <p><i>(c) do not have on board a ship recycling plan pursuant to Article 7 and Article 11b;</i></p>	<p>1. Member States shall <b>determine</b> penalties [...] applicable <b>for infringements to the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.</b></p>	<p><b>Package on sanctions, transit, consequences of WSR exclusion and access to justice</b></p> <p><u>See compromise text in new recital 11a on the link to Directive 2008/99/EC on the protection of the environment through criminal law</u></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p><i>(e) were sent for recycling without complying with the general requirements for the preparation set out in Article 6;</i></p> <p><i>(f) were sent for recycling without an inventory certificate required by Article 6;</i></p> <p><i>(g) were sent for recycling without a ready for recycling certificate required by Article 6;</i></p> <p><i>(h) were sent for recycling without a notification to the administration in writing as required by Article 21;</i></p> <p><i>(i) were recycled in a manner which did not conform with the ship recycling plan required by Article 7.</i></p>	<p><i>deleted</i></p> <p><i>deleted</i></p> <p><i>deleted</i></p> <p><i>deleted</i></p> <p><i>deleted</i></p>		

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 101</b> <b>Article 23 - paragraph 1 a (new)</b>			
	<p><i>1a. Member States shall ensure that penalties pursuant to Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law<sup>1</sup> are applicable to the owners of EU ships that:</i></p> <p><i>(a) were sent for recycling without complying with the general requirements pursuant to Article 6 of this Regulation;</i></p> <p><i>(b) were sent for recycling without an inventory certificate pursuant to Article 10(1) of this Regulation;</i></p> <p><i>(c) were sent for recycling without a contract pursuant to Article 9 of this Regulation;</i></p> <p><i>(d) were sent for recycling without a notification to the administration in writing pursuant to Article 21 of this Regulation;</i></p> <p><i>(e) were recycled without approval of the ship recycling plan by the competent authority pursuant to point (b) of Article 7(2) of this</i></p>		Sanctions package



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>Regulation or in a manner which did not comply with the ship recycling plan pursuant to Article 7 of this Regulation.</i></p> <hr/> <p><sup>1</sup> OJ L 328, 6.12.2008, p. 28</p>		
<b>Amendment 102</b> <b>Article 23 - paragraph 2</b>			
<p><i>2. The penalties shall be effective, proportionate and dissuasive.</i> In particular, where a ship is sent for recycling in a ship recycling facility which is not included in the European list the applicable penalties shall, as a minimum, correspond to the price paid to the shipowner for its ship.</p>	<p><i>2. Without prejudice to the application of Article 5 of Directive 2008/99/EC, in particular, where a ship is sent for recycling in a ship recycling facility which is not included in the European list the applicable penalties shall, as a minimum, correspond to the price paid to the ship owner for its ship.</i></p>	<p>[...]</p>	<p><b>Sanctions package</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 103</b> <b>Article 23 - paragraphs 5 and 6</b>			
<p>5. Where a ship is sold and, within less than <i>six</i> months after the selling, is sent for recycling in a facility which is not included in the European list, the penalties shall be:</p> <p>(a) <i>jointly</i> imposed <i>to</i> the last <i>and penultimate</i> owner if the ship is still flying the flag of <i>an European</i> Member State;</p> <p>(b) <i>only</i> imposed <i>to</i> the <i>penultimate</i> owner if <i>a</i> ship is <i>not</i> flying <i>anymore</i> the flag of <i>an European</i> Member State.</p> <p>6. Exemptions to the penalties mentioned in paragraph 5 may be introduced by Member States in the case where the shipowner has not sold <i>its</i> ship with the intention to have it recycled. In that case, Member States shall <i>request</i> evidence supporting the shipowner's claim including a copy of the sales contract.</p>	<p>5. Where a ship is sold and, within less than <i>twelve</i> months after the selling, is sent for recycling in a facility which is not included in the European list, the penalties shall be:</p> <p>(a) imposed <i>on</i> the last owner if the ship is still flying the flag of <i>a</i> Member State;</p> <p>(b) imposed <i>on</i> the <i>last</i> owner <i>who was flying a flag of a Member State in that one-year period</i> if the ship is <i>no longer</i> flying the flag of <i>a</i> Member State.</p> <p>6. Exemptions to the penalties mentioned in paragraph 5 may <i>only</i> be introduced by Member States in the case where the ship owner has not sold <i>his</i> ship with the intention to have it recycled. In that case, Member States shall <i>require the ship owner to provide</i> evidence supporting the ship owner's claim, including a copy of the sales contract <i>with corresponding provisions, and information about the business</i></p>	<p>[...]</p> <p>[...]</p>	<p><b>Sanctions package</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<i>model of the buyer.</i>		
<b>Article 23 – paragraph 7</b>			
7. Member States shall regularly notify the Commission of their national legislation relating to the enforcement of this Regulation and the applicable penalties.		7. Member States shall [...] notify the Commission of their national legislation relating to the enforcement of this Regulation and the applicable penalties.	<b>Sanctions package</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 24 – paragraph 1 and 2</b>			
<p><i>Request for action</i></p> <p>1. Natural or legal persons affected or likely to be affected by a breach of this Regulation or having a sufficient interest in environmental decision-making relating to the breach of the Regulation, or, alternatively, alleging the impairment of a right, where administrative procedural law of a Member State requires this as a precondition, shall be entitled to submit to the contact persons of a Member State any observations relating to instances of breach of this Regulation or an imminent threat of such a breach of which they are aware of and shall be entitled to request the competent authority to take action under this Regulation</p>		[...]	Sanctions package

<b>Commission proposal</b>	<b>EP amendments</b>	<b>Council position Coreper-2 May 2013</b>	<b>Outcome of meetings with EP/ Presidency compromise proposals/Comments</b>
<p>The interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of having a sufficient interest in environmental decision making relating to the breach of the Regulation. Such organisations shall also be deemed to have rights capable of being impaired for the purpose of alleging the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.</p> <p>2. The request for action shall be accompanied by the relevant information and data supporting the observations submitted in relation to the breach of the Regulation in question.</p>		[...]	

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 104</b> <b>Article 24 – paragraph 3</b>			
3. Where the request for action and the accompanying observations show in a plausible manner that a breach of the Regulation exists, the competent authority shall consider any such observations and requests for action. In such circumstances, the competent authority shall give the recycling company an opportunity to make <i>its</i> views known with respect to the request for action and the accompanying observations.	3. Where the request for action and the accompanying observations show in a plausible manner that a breach of the Regulation exists, the competent authority shall consider any such observations and requests for action. In such circumstances, the competent authority shall give the <i>ship owner and the</i> recycling company an opportunity to make <i>their</i> views known with respect to the request for action and the accompanying observations.	[...]	<b>Sanctions package</b>
<b>Article 24 – paragraph 4</b>			
4. The competent authority shall, without delay and in any case in accordance with the relevant provisions of national law, inform the persons referred to in paragraph 1, who submitted observations to the authority, of its decision to accede to or refuse the request for action and shall provide the reasons for it.		[...]	<b>Sanctions package</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 105</b> <b>Article 24 – paragraph 5</b>			
<i>5. Member States may decide not to apply paragraphs 1 and 4 to cases of imminent breach of this Regulation.</i>	<i>deleted</i>	[...]	<b>Identical</b>
<b>Article 25</b>			
<p><i>Access to justice</i></p> <p>1. Member States shall ensure that the persons referred to in Article 24(1) shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Regulation.</p> <p>2. This Regulation shall be without prejudice to any provisions of national law which regulate access to justice and which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.</p>		[...]	<b>Sanctions package</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 26 – paragraph 1</b>			
<p><i>Exercise of the delegation</i></p> <p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>		[...]	<p><b>EP insists on delegated acts concerning Annex I and IA (can accept implementing acts for Annexes II-VI)</b></p>
<b>Amendment 106</b>			
<b>Article 26 – paragraph 2</b>			
<p>2. The power to adopt delegated acts referred to in Articles 5, 9, 10 and 15 shall be conferred on the Commission for <i>an indeterminate period of time from the date of entry into force of this Regulation.</i></p>	<p>2. The power to adopt delegated acts referred to in Articles 5, 9, 10 and 15 shall be conferred on the Commission for <i>a period of five years from ...*</i>. <i>The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.</i></p> <hr/> <p><i>* OJ: Please insert date of entry into force of this Regulation</i></p>	[...]	<p><b>Issue of delegated acts</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 26 – paragraph 3 to 5</b>			
<p>3. The delegation of power referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a late date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to paragraph 2 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European</p>		[...]	<b>Issue of delegated acts</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.			
<b>Article 27 – paragraph 2</b>			
2. When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		2. When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.  <b>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</b>	
<b>Amendment 107</b>			
<b>Article 28 – paragraph 1</b>			
<i>1. An inventory of hazardous materials shall be established for all ships not later than five years after the entry into force of this Regulation.</i>	<i>deleted</i>	[...]	<b>Identical</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 28</b>			
<p>2. Member States may, prior to the publication of the European list, authorise the recycling of ships in facilities located outside the Union subject to the verification that the ship recycling facility complies with the requirements set out in Article 12 based on the information provided by the shipowner, the ship recycling facilities or acquired by other means.</p>		<p>[...]</p>	<p><b><u>Compromise text:</u></b></p> <p><b>Member States may, prior to the date of application of this Regulation, authorise the recycling of ships in ship recycling facilities included in the European List. In such circumstances, Regulation (EC) No 1013/2006 shall not apply.</b></p> <p><b><u>Cf. cross reference in Article 31a(2).</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 108</b> <b>Article 28 a (new)</b> <b>Directive 2009/16/EC</b> <b>Annex IV – point 45 (new)</b>			
	<p><i>Article 28a</i>  <i>Amendment to Directive 2009/16/EC on port State control</i>  <i>In Annex IV of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control<sup>1</sup>, the following point is added:</i>  <i>'45. A certificate on the inventory of hazardous materials pursuant to Regulation (EU) No XX [insert full title of this Regulation]*'</i></p> <hr/> <p><sup>1</sup> OJ L 131, 28.5.2009, p. 57  * OJ L [...], [...], p. [..]'</p>		<p><b><u>Compromise text as part of the overall package:</u></b></p> <p><b>Article 28a</b>  <b>Amendment to Directive 2009/16/EC on port State control</b>  <b>In Annex IV of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control<sup>1</sup>, the following point is added:</b>  <b>'45. A certificate on the inventory of hazardous materials or a statement of compliance as <u>applicable</u> pursuant to Regulation (EU) No XX [insert full title of this Regulation]* '</b></p> <hr/> <p><sup>1</sup> OJ L 131, 28.5.2009, p. 57  * OJ L [...], [...], p. [..]'</p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 109</b> Article 29 – paragraph 1 Regulation (EC) No 1013/2006 Article 1 – paragraph 3 – point i			
'(i) Ships <i>falling under the scope of</i> Regulation (EU) No XX [insert full title of this Regulation].	'(i) Ships <i>that are delivered to a ship recycling facility on the European list in accordance with</i> Regulation (EU) No XX [insert full title of this Regulation].	In [...] Regulation (EC) No 1013/2006, the following point is added to <b>Article 1(3)</b> :  '(i) Ships <b>flying the flag of a Member State</b> falling under the scope of Regulation (EU) No XX [insert full title of this Regulation](*).  (*) OJ L [...], [...], p. [...]'	<b>Linked to the issue of scope, see new recital 7</b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 110 Article 29 a (new)</b>			
	<p><i>Article 29a Transit 1. Member States shall ensure that the relevant administration, or another governmental authority, notifies the competent authority or authorities of transit within 7 days of receipt of the notification from the ship owner. 2. The competent authority or authorities of transit shall have 60 days from the date of notification referred to in paragraph 1 within which to: (a) consent to the transit of the ship through its waters, with or without conditions; or (b) refuse to consent to transit of the ship through its waters. The Member State concerned shall immediately inform the ship owner of the decision of the competent authority or authorities of transit.</i></p>		<p><b><u>EP willing to withdraw AM</u> as part of a package on sanctions, including the insertion of a recital (see new recital 7a)</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
	<p><i>3. In the event that the consent referred to in paragraph 2 is refused, or is made subject to conditions which are not acceptable to the ship owner, the ship owner may only dispatch the ship for recycling via transit States which have not objected.</i></p> <p><i>4. In the absence of a reply within the 60-day period referred to in paragraph 2, the competent authority of transit shall be presumed to have refused its consent.</i></p> <p><i>5. Notwithstanding paragraph 4, in accordance with Article 6(4) of the Basel Convention, if at any time a competent authority of transit has decided not to require prior written consent, either generally or under specific conditions, the competent authority of transit shall be presumed to have given its consent if no response is received by the Member State concerned within 60 days of the transmission of the notification to the competent authority of transit.</i></p>		

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Amendment 111 Article 30 – paragraph 1</b>			
<p>The Commission shall review this Regulation not later than two years after the date of entry into force of the Hong Kong Convention. This review shall consider the inclusion of facilities authorized by the Parties to the Hong Kong Convention in the European List of ship recycling facilities <i>in order to avoid duplication of work and administrative burden.</i></p>	<p>The Commission shall review this Regulation not later than two years after the date of entry into force of the Hong Kong Convention. This review shall consider <i>whether</i> the inclusion of facilities authorized by the Parties to the Hong Kong Convention in the European List of ship recycling facilities <i>complies with the requirements of this Regulation.</i></p>	<p><b>1. The Commission shall review this Regulation not later than 18 months prior to the date of entry into force of the Hong Kong Convention and submit at the same time any appropriate legislative proposals to that effect.</b> This review shall consider the inclusion of <b>ship recycling</b> facilities authorised by the [...] Convention in the European List [...] in order to avoid duplication of work and administrative burden.</p>	<p><b><u>Compromise text provisionally agreed:</u></b> <b>1. The Commission shall review this Regulation not later than 18 months prior to the date of entry into force of the Hong Kong Convention and submit, if appropriate, at the same time any legislative proposals.</b> This review shall consider the inclusion of <b>ship recycling</b> facilities authorised by the [...] Convention in the European List [...].</p>
<b>Article 30 – paragraph 2 (new)</b>			
		<p><b>2. The Commission shall keep this Regulation under review and, if appropriate, make timely proposals to address developments relating to the Basel Convention, should it prove necessary.</b></p>	<p><b><u>Compromise text provisionally agreed:</u></b> <b>2. The Commission shall keep this Regulation under review and, if appropriate, make timely proposals to address developments relating to international Conventions including the Basel Convention, should it prove necessary.</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 30 – paragraph 3 (new)</b>			
		<p><b>3. Notwithstanding to paragraph 1, the Commission shall, by five years after the date of application of this Regulation, submit a report to the European Parliament and the Council on the compliance with this Regulation, accompanied, if appropriate, by legislative proposals to ensure that its objectives are being met and its impact is ensured and justified.</b></p>	<p><b><u>Council text provisionally agreed</u></b></p>
<b>Amendment 112 Article 31 – subparagraph 1</b>			
<p>This Regulation shall enter into force on the <b>365<sup>th</sup></b> day <i>after</i> its publication in the Official Journal of the European Union.</p>	<p>This Regulation shall enter into force on the <b>third</b> day <i>following</i> its publication in the Official Journal of the European Union. <b><i>It shall apply from ...*</i></b></p> <p><b><i>* OJ please insert date one year after entry into force of this Regulation.</i></b></p>	<p>This Regulation shall enter into force on the <b>twentieth</b> day <b>following that of</b> its publication in the Official Journal of the European Union.</p>	<p><b>Package on date of application and inventory</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Article 31a (new)</b>			
		<p style="text-align: center;"><b>Application</b></p> <p><b>1. This Regulation shall apply from the earlier of the following two dates, but not earlier than [the date of entry into force of this Regulation + two years]:</b></p> <p><b>(a) 6 months after the date that the combined maximum annual ship recycling output of the ship recycling facilities included in the European List constitutes not less than 2,5 million light displacement tonnes (LDT). The annual ship recycling output of a ship recycling facility is calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility. The maximum annual ship recycled output is determined by selecting the highest value occurring in the preceding 10-year period for each ship recycling facility, or, in the case of a newly authorised ship recycling facility, the highest annual value achieved at</b></p>	<p><b>Package on date of application and inventory</b></p> <p><b><u>Compromise text for paragraph 2, linked to the transitional period in Art. 28 (2) see next page</u></b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		<p>that facility; or (b) on the date of entry into force of this Regulation + five years.</p> <p>2. By way of derogation from paragraph 1, Articles 2, 12 to 16 and Article 27 shall apply as from [12 months after the date of entry into force of this Regulation].</p> <p>3. The Commission shall publish in the Official Journal of the European Union a notice concerning the date of application of this Regulation when the conditions referred to in paragraph 1(a) have been fulfilled.</p> <p>4. If a Member State has closed its national ship register or, during a three year period, has had no ships registered under its flag, and as long as no ship is registered under its flag, that Member State may derogate from the provisions of this Regulation, except for Articles 4, 5, 11a, 11b, 12, 14, 16(4), 18, 19,</p>	<p><u>Compromise text:</u></p> <p>2. By way of derogation from paragraph 1, Articles 2, 12 to 16 and Article 27 shall apply as from [12 months after the date of entry into force of this Regulation] <u>and Article 28 shall apply as from [thirty six months after the date of entry into force of this Regulation].</u></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
		20, 22 and 23. Where a Member State intends to avail itself of this derogation, it shall notify the Commission at the latest on the date of application of this Regulation. Any subsequent change shall also be notified to the Commission.	
<b>Last final provision</b>			
This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	<b><u>Council text provisionally agreed</u></b>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Annex I</b>			
<p style="text-align: center;"><u>LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS</u></p> <p>1. Materials containing asbestos</p> <p>2. Ozone-depleting: controlled substances defined in Article 1(4) of the Montreal Protocol on Substances that Deplete the Ozone Layer, listed in Annexes A, B, C or E to that Protocol in force at the time of application or interpretation of this Annex. Ozone-depleting substances that may be found on board ship include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Halon 1211 Bromochlorodifluoromethane</li> <li>- Halon 1301 Bromotrifluoromethane Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2)</li> </ul>		<p>Modifications to Annex I:</p> <ul style="list-style-type: none"> <li>- Annex I (table in Annex) comprises the points 1 to 5 of the Commission proposal and additions thereto;</li> <li>- points 6 to 15 of the Commission proposal are included in the new Annex IA, see below.</li> </ul>	<p><i>See table in the Annex on last page of the document.</i></p> <p><b>EP can agree to Council text of Annex I and IA, but requests, as part of an overall package, delegated acts for these two Annexes</b></p>

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<p>- CFC-11 Trichlorofluoromethane CFC-12 Dichlorodifluoromethane CFC-113 1,1,2-Trichloro-1,2,2-trifluoroethane</p> <p>- CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane CFC-115 Chloropentafluoroethane</p> <p>3. Materials containing Polychlorinated biphenyls (PCB)</p> <p>4. Anti-fouling compounds and systems regulated under Annex I to the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention)</p> <p>5. Materials containing perfluorooctane sulfonic acid and its derivatives (PFOS)</p> <p>6. Cadmium and Cadmium Compounds</p> <p>7. Hexavalent Chromium and Hexavalent Chromium Compounds</p> <p>8. Lead and Lead Compounds</p> <p>9. Mercury and Mercury Compounds</p> <p>10. Polybrominated Biphenyl</p>			

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
(PBBs)  11. Polybrominated Diphenyl Ethers (PBDEs) 12. Polychlorinated Naphthalenes (more than 3 chlorine atoms) 13. Radioactive Substances 14. Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro) <b>15. Brominated Flame Retardant (HBCDD)</b>			

Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Annex IA (new)</b>			
		<p><u>LIST OF ITEMS FOR THE INVENTORY OF HAZARDOUS MATERIALS</u></p> <ol style="list-style-type: none"> <li><b>1. Any hazardous materials listed in Annex I</b></li> <li><b>2. Cadmium and Cadmium Compounds</b></li> <li><b>3. Hexavalent Chromium and Hexavalent Chromium Compounds</b></li> <li><b>4. Lead and Lead Compounds</b></li> <li><b>5. Mercury and Mercury Compounds</b></li> <li><b>6. Polybrominated Biphenyl (PBBs)</b></li> <li><b>7. Polybrominated Diphenyl Ethers (PBDEs)</b></li> <li><b>8. Polychlorinated Naphthalenes (more than 3 chlorine atoms)</b></li> <li><b>9. Radioactive Substances</b></li> <li><b>10. Certain Shortchain Chlorinated Paraffins (Alkanes, C10-C13, chloro)</b></li> <li><b>11. Brominated Flame Retardant (HBCDD)</b></li> </ol>	<p><b>EP can agree to Council text of Annex I and IA, but requests, as part of an overall package, delegated acts for these two Annexes</b></p>



Commission proposal	EP amendments	Council position Coreper-2 May 2013	Outcome of meetings with EP/ Presidency compromise proposals/Comments
<b>Annexes II-VI</b>			
		[...]	<p><i>Deletion of Annexes II to VI</i></p> <p><b>As part of an overall package the EP can agree to the deletion of these Annexes and the establishments of relevant forms through implementing acts</b></p>
<b>Amendment 113 Annex IV – subtitle 5 a (new)</b>			
	<p><b><i>UNANNOUNCED SURVEY CERTIFICATE</i></b>  <i>At an unannounced survey in accordance with Article 8 of the Regulation, the ship was found to comply with the relevant provisions of the Regulation.</i>  <i>Signed:.....</i>  <i>(Signature of duly authorized official)</i>  <i>Place:</i>  .....  .....  <i>Date</i>  <i>(dd/mm/yyyy):.....</i>  .....  <i>(Seal or stamp of the authority, as appropriate)</i></p>		Linked to AM 87

**ANNEX I**  
**CONTROLS OF HAZARDOUS MATERIALS**

<i>Hazardous Material</i>	<i>Definitions</i>	<i>Control measures</i>
<i>Asbestos</i>	Materials containing asbestos	<i>For all ships, new installation of materials which contain asbestos shall be prohibited.</i>
Ozone-depleting <i>substances</i>	Controlled substances defined in Article 1(4) of the Montreal Protocol on Substances that Deplete the Ozone Layer, <b>1987</b> , listed in Annexes A,B,C or E to <i>the said</i> Protocol in force at the time of application or interpretation of this Annex. Ozone-depleting substances that may be found on board ships include, but are not limited to: Halon 1211 Bromochlorodifluoromethane Halon 1301 Bromotrifluoromethane Halon 2402 1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2) CFC-11 Trichlorofluoromethane CFC-12 Dichlorodifluoromethane CFC-113 1,1,2-Trichloro-1,2,2-trifluoroethane CFC-114 1,2-Dichloro-1,1,2,2-tetrafluoroethane CFC-115 Chloropentafluoroethane <b>HCFC-22</b> <b>Chlorodifluoromethane</b>	<i>New installations which contain ozone-depleting substances shall be prohibited on all ships.</i>
Polychlorinated biphenyls (PCB)	<b><i>“Polychlorinated biphenyls” means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms</i></b>	<i>For all ships, new installation of materials which contain Polychlorinated biphenyls shall be prohibited.</i>

<i>Perfluorooctane sulfonic acid (PFOS)</i> <sup>1</sup>	<b>“perfluorooctane sulfonic acid” (PFOS) means perfluorooctane sulfonic acid and its derivatives</b>	<b><i>New installations which contain perfluorooctane sulfonic acid (PFOS) and its derivatives shall be prohibited in accordance with Regulation (EC) No 850/2004</i></b> <sup>2</sup> .
<i>Anti-fouling compounds and systems</i>	Anti-fouling compounds and systems regulated under Annex I to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, <b>2001</b> (AFS Convention) <b><i>in force at the time of application or interpretation of this Annex.</i></b>	<ol style="list-style-type: none"> <li><b><i>1. No ship may apply anti-fouling systems containing organotin compounds as a biocide or any other anti-fouling system whose application or use is prohibited by the AFS Convention.</i></b></li> <li><b><i>2. No new ship or new installations on ships shall apply or employ anti-fouling compounds or systems in a manner inconsistent with the AFS Convention.</i></b></li> </ol>



<sup>1</sup> ***Not applicable for ships flying the flag of a third country.***

<sup>2</sup> ***Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants, OJ L 158, 30.4.2004, p. 7.***