

Lissie Klíngenberg Jørgensen

Fra: Emílien.GASC@ec.europa.eu
Sendt: 28. marts 2017 14:52
Til: Lissie Klíngenberg Jørgensen
Emne: RE: Urgent! Questions regarding the European list

Sag: 001-16423
Sagsdokument: 6504120

Dear Lissie,

Please find below the Danish translation of our replies to the Danish Parliament's questions 553 and 555:

1) Spørgsmål 553:

Ifølge forordningen om ophugning af skibe er det ikke muligt at optage skibsophugningsanlæg på den europæiske liste, hvis de ikke opfylder alle krav til optagelse. Det ville ikke blot være ulovligt at optage faciliteter, som ikke opfylder alle krav, det ville også underminere resultaterne for de faciliteter, der faktisk opfylder alle krav. Om end der i forordningen om ophugning af skibe ikke er fastsat nogen overgangsstatus eller delvis status for faciliteter, som ikke opfylder alle krav, udvises der fleksibilitet, idet forordningen om ophugning af skibe ikke begrænser det antal gange, et skibsophugningsanlæg kan ansøge om optagelse på listen, også selv om den første ansøgning bliver afvist.

2) Spørgsmål 555:

Betingelserne for at anse skibets indre som "et uigennemtrængeligt gulv", jf. artikel 13, stk. 1, litra g), nr. i), i forordningen om ophugning af skibe, er opført i del 2.2.2 i den tekniske vejledning fra 2016 (2016/C 128/01).

Hvis ophugningsanlægget benytter muligheden for at anse skibets indre som "et uigennemtrængeligt gulv", skal det dokumenteres i ansøgningen om optagelse på den europæiske liste, at disse betingelser er opfyldt. Med hensyn til den potentielle situation, der er beskrevet i spørgsmål 555 ("*forurening med malingrester som et resultat af direkte kontakt med den sandede undergrund i et tidevandsområde*"), er følgende betingelser i den tekniske vejledning af særlig interesse:

- (a) "skroget er forsejlet, og integriteten af skrogets bund er blevet undersøgt og er intakt"
- (e) "tab af malingsrester og giftige belægninger i havet eller på gennemtrængelige overflader kontrolleres i henhold til spørgsmål 2.2.1"
- (f) "resten af skibets bund overføres så hurtigt som muligt til områder med uigennemtrængelige gulve på en sikker og miljømæssigt forsvarlig måde, f.eks. ved brug af kran, slæde eller bomme, der er sammenkoblet med lossespil, således at bunden kan opskæres på et uigennemtrængeligt gulv med et effektivt afløbssystem, herunder over en flydekonstruktion, som f.eks. en flydetørtdok, en ponton eller tilsvarende med et effektivt afløbssystem."

Det bør bemærkes, at muligheden for at anse skibets indre som "et uigennemtrængeligt gulv" ikke udelukker, at skroget er farligt (hvis det f.eks. er dækket af farlig maling), ligesom det heller ikke suspenderer forordningens krav vedrørende farlige materialer.

Best regards,

Emílien Gasc



European Commission
Directorate-General for Environment

Lissie Klingenberg Jørgensen

Fra: Emilien.GASC@ec.europa.eu
Sendt: 22. marts 2017 14:07
Til: Lissie Klingenberg Jørgensen
Cc: Berit Hallam; Julius.LANGENDORFF@ec.europa.eu
Emne: RE: Urgent! Questions regarding the European list

Opfølgningsflag: Opfølgning
Flagstatus: Afmærket

Dear Lissie,

Translation of our replies to 553 and 555 has now been asked. It is expected by 24 or 25 March.

Regarding your additional questions:

3) (What happens if the Commission put forward a proposal for an implementing act concerning a recycling facility located in a third country with the recommendation that the specific facility should not be included in the European list due to non-compliance with the requirements in the regulation - and the ship recycling committee delivers a negative opinion?)

→The procedure applicable to decisions on individual applications to the European List is detailed in Article 25 of the Ship Recycling Regulation, itself referring to Article 5 of Regulation (EU) No 182/2011 (the 'Comitology Regulation'). The procedure applicable to the specific case you mention ("negative opinion") is detailed in Article 5(3) of the Comitology Regulation.

4) (Questions from MEP Margrete Auken)

→The questions you refer to are the latest we have received from MEP Margrete Auken to the best of our knowledge. I see that the reply was only published on 11 January 2017, but it had been prepared quite a while before that; some of the contents of the reply are not entirely up to date as of today.

Best regards,

Emilien Gasc



European Commission

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Please note that all our remarks only reflect the opinion of the Commission services and are not legally binding. A final binding legal interpretation of EU legislation can only be provided by the European Court of Justice. The above remarks are without prejudice to the position the Commission might take should the issue arise in a procedure before the Court of Justice.

Lissie Klingenberg Jørgensen

Fra: Lissie Klingenberg Jørgensen
Sendt: 22. marts 2017 09:48
Til: 'Emilien.GASC@ec.europa.eu'
Emne: SV: Urgent! Questions regarding the European list

Dear Emilien

I would very much appreciate an official translation in Danish.

My deadline for answering the questions is today – do you expect to have an answer to my third question regarding committee procedure today?

I found this question regarding ship recycling from MEP Margrete Auken on the Parliaments website together with the Commissions reply: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2016-008254%2b0%2bDOC%2bXML%2bV0%2f%2fDA&language=DA>

If you haven't received any other questions from her regarding ship recycling, then you can ignore my fourth question.

Venlig hilsen

Lissie Klingenberg Jørgensen
Cand Jur | Cirkulær Økonomi & Affald
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Miljø- og Fødevarerministeriet
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NY MILJØSTYRELSE

Den 1. februar 2017 er Styrelsen for Vand- og Naturforvaltning (SVANA) og Miljøstyrelsen blevet lagt sammen under navnet Miljøstyrelsen – en ny grøn velfærdsstyrelse med fokus på miljø i bred forstand. Styrelsen vil i en periode have adresse både på Strandgade 29, 1401 København K og på Haraldsgade 53, 2100 København Ø.

Fra: Emilien.GASC@ec.europa.eu [mailto:Emilien.GASC@ec.europa.eu]
Sendt: 22. marts 2017 09:25
Til: Lissie Klingenberg Jørgensen
Emne: RE: Urgent! Questions regarding the European list

Dear Lissie,

No objection from us. Notice the missing "that" in reply to question 553 below.

We can provide an official translation in Danish, if this can wait a little under a week. Let me know.

Best regards,

Emilien

From: Lissie Klingenberg Jørgensen [mailto:likjo@mst.dk]
Sent: Tuesday, March 21, 2017 5:00 PM
To: GASC Emilien (ENV)
Subject: SV: Urgent! Questions regarding the European list

Dear Emilien

Thank you for this.

The Danish Parliament has asked the minister to share with them the correspondence with you regarding question 553 and 555. <http://www.ft.dk/samling/20161/almdel/mof/spm/565/index.htm>

Do you have any objections regarding that?

Venlig hilsen

Lissie Klíngenberg Jørgensen

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Fra: Emilien.GASC@ec.europa.eu [<mailto:Emilien.GASC@ec.europa.eu>]

Sendt: 21. marts 2017 16:24

Til: Lissie Klíngenberg Jørgensen

Cc: Berit Hallam; Julius.LANGENDORFF@ec.europa.eu

Emne: RE: Urgent! Questions regarding the European list

Dear Lissie,

Please find below replies to the questions brought forward by the Danish Parliament. We will address your additional questions separately.

1) Question 553:

Under the Ship Recycling Regulation, it is not possible to include in the European List ship recycling facilities which do not meet all the requirements for inclusion. Including facilities which do not meet all the requirements would not only be illegal, it would undermine the achievements of facilities which have managed to meet all the requirements. However, while the Ship Recycling Regulation does not provide for any sort of transitional or partial status for facilities which do not meet all the requirements, flexibility is shown in the fact that the Ship Recycling Regulation does not limit the number of times a ship recycling facility may apply for inclusion, even if a first application was to be rejected.

2) Question 555:

The conditions to consider the interior of the ship as "impermeable floor" in the meaning of Article 13(1)(g)(i) of the Ship Recycling Regulation are listed in section 2.2.2 of the 2016 Technical Guidelines (2016/C 128/01).

Where the possibility to consider the interior of the ship as "impermeable floor" is used by the recycler, it is for the application file to the European List to demonstrate that these conditions are observed. With regards to the potential situation described in question 555 ("*pollution by paint chips as a result of direct contact with the sandy bottom in a tidal zone*"), the following conditions in the Technical Guidelines appear of particular interest:

- (a) "the hull is sealed, integrity of the bottom of the hull has been analysed and has not been compromised"
- (e) "the release of paint chips and toxic coatings into the sea/permeable surface is controlled as per [section 2.2.1]"
- (f) "as early as is feasible, transfer of the remainder of the ship's bottom itself to impermeable floor areas is carried out in a safe and environmentally sound manner, e.g. through the use of cranes, sleds or beams coupled with winches, to allow for the cutting of the bottom to take place above an impermeable floor with effective drainage system, including above a floating structure such as a

floating dry dock, a flat top barge or equivalent with an effective drainage system."

It should be noted that the possibility to consider the interior of the ship as "impermeable floor" does not deny the hull of the ship its hazardous character (e.g. when it is covered with hazardous paint) nor does it suspend the Regulation's requirements applicable to hazardous items.

Best regards,

Emilien Gasc



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From: Lissie Klingenberg Jørgensen [<mailto:likjo@mst.dk>]
Sent: Thursday, March 16, 2017 8:06 AM
To: GASC Emilien (ENV)
Cc: Berit Hallam
Subject: SV: Urgent! Questions regarding the European list

Dear Emilien

Only question 1 og 2 require a formal reply (sp. 553 and sp 555). I have inserted a link to the questions on the Parliaments website in the email below, and the questions are also attached to the email.

Best regards

Lissie Klingenberg Jørgensen
Legal adviser | Jord og Affald
+45 72 54 43 76 | likjo@mst.dk

Ministry of Environment and Food of Denmark
Environmental Protection Agency | Strandgade 29 | 1401 Copenhagen K | Tel. +45 72 54 40 00 | mst@mst.dk | www.mst.dk

Fra: Emilien.GASC@ec.europa.eu [<mailto:Emilien.GASC@ec.europa.eu>]
Sendt: 15. marts 2017 16:33
Til: Lissie Klingenberg Jørgensen
Cc: Julius.LANGENDORFF@ec.europa.eu
Emne: RE: Urgent! Questions regarding the European list

Dear Lissie,

Thank you for your email. Before we draft replies to your questions, could you please clarify which of the four questions below require a formal reply and point us to the original request by the Danish Parliament, if it is available? This is important to determine the format of the reply and the internal rules we have to follow.

Best regards,

Emilien

From: Lissie Klingenberg Jørgensen [<mailto:likjo@mst.dk>]
Sent: Wednesday, March 15, 2017 1:41 PM
To: GASC Emilien (ENV)
Subject: Urgent! Questions regarding the European list

Dear Emilien

The Danish Parliament is highly concerned about ship recycling, and has asked the Danish minister of the Environment and Food a variety of questions in this regard. In the case of two specific issues, the Danish Parliament has requested the minister to consult the EU Commission. We are under a certain time limit to answer the Parliament, and we would very much appreciate, if we could receive an answer from you before next Wednesdays - 22 March 2017.

Could you please provide me with the Commissions interpretation on the following issues:

1) Is it only facilities that comply 100 % with the requirements in the ship recycling regulation that can be included in the European list? Or will the Commission also accept facilities that comply with for instance 90 % of the requirements if they are in a process that will lead them to full compliance within a reasonable timeframe?

<http://www.ft.dk/samling/20161/almdel/MOF/spm/553/index.htm>

2) Can the hull of a ship only be used as an impermeable floor if the ship is still floating? Or can the hull also be used as an impermeable floor when the ship is landed on the beach?

<http://www.ft.dk/samling/20161/almdel/MOF/spm/555/index.htm>

The Parliament also have questions concerning the committee procedures: What happens if the Commission put forward a proposal for an implementing act concerning a recycling facility located in a third country with the recommendation that the specific facility should not be included in the European list due to non-compliance with the requirements in the regulation - and the ship recycling committee delivers a negative opinion?

<http://www.ft.dk/samling/20161/almdel/MOF/spm/551/index.htm>

Finally - accordingly to the Danish press - MEP Margrethe Auken has sent you some questions regarding ship breaking /the European list. Could we ask you to share your answers to Margrethe Auken with us?

Best regards

Lissie Klingenberg Jørgensen
Legal adviser | Jord og Affald
+45 72 54 43 76 | likjo@mst.dk

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