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Brussels, 16 September 2020

Dear Commissioner Virginijus Sinkevičius,
Dear Executive Vice President Frans Timmermans,

Enclosed is a report entitled "***Contradiction in Terms: European Union must align its ship exports with International Law and Green Deal Policies***" describing the European Union's current incoherency with respect to end-of-life ships, as well as concrete proposals on how to boost sustainable recycling of valuable raw materials, such as steel, in line with the aims of the European Green Deal and most recent Foresight Report 2020.

We are concerned, and under the clear understanding, that certain stakeholders and Member States wish for the EU to enter into a special Basel Convention Article 11 agreement with certain ship recycling states (e.g. India) as a supposed legitimate means to circumvent the **Basel Ban Amendment**. This report explains why that is not appropriate both from a legal standpoint and as a matter of policy.

A link to a new legal analysis by the Center for International Environmental Law (CIEL) outlining why the Basel Convention's Article 11 cannot be used to circumvent the Ban Amendment is annexed to the report. The legal impossibility of using Article 11 agreements which require an equivalent level of control to that of the Basel Convention has become more certain now that the Ban Amendment has entered into legal force.

Further, in light of the new **European Green Deal** and at a time when:

- the Waste Shipment Regulation is being recast to notably 'facilitate preparing for re-use and recycling of waste in the EU' and 'restrict exports of waste that have harmful environmental and health impacts in third countries' as clearly stated in the EU Commission Inception Impact Assessment;

- the Circular Economy Action Plan calls for ensuring that the EU does not export its waste challenges to third countries;
- the Foresight 2020 report identifies the need for greater Resilience in providing more green jobs in the EU; and
- the Material Economics report "*Industrial Transformation 2050*" calls for net-zero emission steel production, achieved in greater part from more use of recycled steel;

it seems especially incoherent for the EU to rely on faulty legal argumentation that would defeat the intent and purpose of the Ban Amendment while undermining the EU's strategic economic and environmental policy initiatives. Such action will send a signal to the rest of the world that the EU is not serious about a responsible circular economy and international law.

Instead, we call on the EU to seize the opportunity to boost safe and clean ship recycling, as well as the design and building of toxic-free vessels and 'zero-emissions steel' initiatives, that will even enable Europe to offer proper recovery solutions for ships originated also from non-EU countries, especially from parts of the world with no appropriate waste treatment infrastructures.

We intend to publish the attached report - along with the CIEL analysis - next week, and hope the Commission is willing to engage on the proposals made in the report either prior to this publishing or thereafter. Be assured that we stand ready to assist on this matter to safeguard that the environmental justice principles that the EU championed when supporting the Basel Ban Amendment - and now has put at the heart of its new Green Deal - are upheld.

Sincerely yours,



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Executive Director
NGO Shipbreaking Platform



Jim Puckett
Executive Director
Basel Action Network



Jeremy Wates
Secretary General
European Environmental Bureau



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