> **Preface:**
> Due to the evolving constraints of the COVID-19 pandemic the face-to-face events and milestones set in this ToR might need to be revised and changed. For further information, please contact the Project Manager(s) or send an email to the IMPEL Secretariat.

ToR Reference No.: 2020/02	Author(s): Beate Langset
Version: 3	Date: 14/04/2020
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration

Industry and air ☐
Waste and TFS ☒
Water and land ☐
Nature protection ☐
Cross-cutting tools and approaches ☐

1.2 Type of work you need funding for

Exchange visits ☐
Peer reviews (e.g. IRI) ☐
Conference ☐
Development of tools/guidance ☒
Comparison studies ☒
Assessing legislation (checklist) ☒
Other, (please describe): ☒
Sharing best practice.

1.3 Full name of work (enough to fully describe what the work area is)

Improving the implementation and enforcement of shipment of ships for recycling ("end of Life Ships").

The focus of this project will be on:

- Clarify the differences between waste shipment regulation (WSR) and Ship Recycling Regulation (SRR) and share experiences regarding this issue.

- Share practical knowledge including jurisprudence on how to classify used/damaged ships as waste.
- Developing guidance/leaflets on how to deal with this topic.
- Detection and reduction of illegal shipment of ships/vessels/floating installations.

1.4 Abbreviated name of work or project

Improving the implementation and enforcement of waste legislation on means of ships that have become waste.

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

- Directive 2008/98/EC on waste.
- Regulation (EC) No 1013/2006 on shipments of waste (WSR).
- Hong Kong International Convention for the safe and environmentally sound recycling of ships, 2009.
- Regulation (EU) No 1257/2013 on ship recycling (SRR).

2.2 Link to IMPEL MASP priority work areas

1. Assist members to implement new legislation. ☒
2. Build capacity in member organisations through the IMPEL Review Initiatives. ☐
3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission. ☒
4. Other, (please specify): ☐

2.3 Why is this work needed? (background, motivations, aims, etc.)

Background

In 2017, 65 % ships/vessels worldwide were sold to South-Asian beaching yards for dismantling (India, Pakistan and Bangladesh). The 543 vessels amounted 80 % gross tonnage of all dismantled ships beached in 2017. The beaching yards in South Asia have significant environmental and health impacts.

Regulation (EC) No 1013/2006 on shipments of waste (WSR) implements at European level the requirements of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal. The ship recycling regulation (EU) No 1257/2013 (SRR) brings forward the requirements of the Hong Kong Convention, and regulates EU-flagged ships sent for recycling. The SRR claims that EU-flagged ships must be recycled at facilities authorised by the country of destination

in the member states countries, or by the Commission in third countries. Shipments of ships under non-EU-flag shall be subject to the procedure of prior written notification, under the WSR. The SRR enters info force in four steps.

Ship owners systematically circumvent WSR, and the regulation is difficult to enforce, due to the practice of rename, reflagging and change of owners before the ships are sent for dismantling and recycling. The SRR will also be easy to escape as long as the practice of change to a non-EU flag continues. The Hong Kong Conventions will apply all ships (no matter EU or non-EU-flag), but the convention is not yet ratified, and it can take ages before it is ratified.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

1. To work towards an adequate level of inspections in all Member States.
2. A consistent level of enforcement regarding the regulation No 1013/2006 vs No 1257/2013.
3. Detection and reduction of illegal waste shipment.
4. Produce guidance, leaflets etc. for involved actors (ships recyclers, customs, inspectors, case handlers).
5. Project team meeting for defining differences between WSR and SSR regarding ship recycling.
6. Using basecamp as a knowledge sharing platform and knowledge exchange.
7. Gather best practise and share it during workshops and through basecamp.
8. Draft a report on the state of actual situation and to synthesize guidelines and guidance on enforcement practices on ship recycling.
9. Project team meeting for defining differences between WSR and SRR regarding ship recycling.
10. Informe involved actors on how to deal with the WSR/SRR.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

Yes, with 2019/07 - End of Life Ships.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

- Conference call – discuss the ToR.
- Project team meeting for defining differences between WSR and SRR regarding ship recycling.
- Using basecamp as a knowledge sharing platform and knowledge exchange.
- Gather best practise and share it during workshops, webinars and on basecamp.
- Draft a report on the state of actual situation and to synthesize guidelines and guidance on enforcement practices on ship recycling.
- Produce leaflets for involved actors (inspectors, case handlers, ships recyclers, ship owners).

- Final report with best practices and recommendations (2021).

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

- Produce leaflets for involved how and when WSR and SRR should be used.
- Determine overlaps of and grey areas between these two regulations.
- Interim report with best practices and recommendations.
- Final report with best practices and recommendations (2021).

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

Year 1 (2019):

- Opening an area on basecamp 02/2019.
- Project workshop I: clarify the differences between WSR an SRR and share practical knowledge, discuss further work 09/2019.
- Small group meeting (preparatory meeting for the workshop) – arranged on Spring 2020.

Year 2 (2020):

- Webinar Autumn 2020 (inform and guide participants from different sectors and countries: differences between the two regulations (WSR/SRR) and guide them in enforcements of the regulations).
- Workshop at the TFS Conference (Malta, May 2020) - (cancelled if the conference is postponed to 2021 or cancelled).
- Workshop II: Late November 2020 (25 participants).
- Developing draft guidance and leaflets based on the input.

Year 3 (2021):

- Workshop to discuss the draft guideline, share best practices 03/2021.

Final guidelines, leaflets and recommendations 12/2021.

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

There is the risk of the COVID-19 pandemic affecting the project, namely:

- The workshop in Malta (scheduled for May) will probably be cancelled. The project would benefit from input from the IMPEL Network, but it's not essential for the project and the webinar can go on as scheduled.
- The workshop, in France, in November will hopefully go as planned, but the number of participants can be reduced because of travel restrictions in the EU. If the travel restrictions don't allow the workshop to take place in 2020, it can be moved to 2021 (the 3rd year of the project).

Other risks are as follows:
- SRR is partly implemented and can make the work challenging.
- The practice of change of the ships flag to non-EU-flag before scrapping makes it easy to circumvent the SRR.
- Classification of ship as waste/non waste (Practice of send ships out of EU before they "decide" to scrap the ship) makes the SRR/WSR difficult to prosecute.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Beate Langset, Norwegian Environment Agency, Norway.

4.2 Project team (who will take part: name, organisation and country)

- Huib van Westen, ILENT, Netherlands.
- An Van Steenbergen, NEA, Belgium (Flanders).
- Amalie Wang Norus, MEFD, Denmark.
- Albert Sharples, ERA, Malta.

4.3 Other IMPEL participants (name, organisation and country)

- Ronald Robinsom, SEPA, UK.
- Ivana Kuzmanic, State Inspectorate, Republic of Croatia.
- Sarah Egerton, EA, England.
- Per Antonsen, NEA, Norway.
- Hannelore Keim, FMTDI, Germany.
- Annika Krutwa, FMHA, Germany.
- Claude Wohrer, SPM, France.
- Katie Olley, SEPA, UK.

4.4 Other non-IMPEL participants (name, organisation and country)

- Peter Koller, EU Commission, DG Environment.

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 2020 (exact)	Year 2021	Year 3	Year 4
How much money do you require from IMPEL?	13 000 EUR	20 950 EUR		
How much money is to be co-financed?	1 000 EUR	1 000 EUR		
Total budget	14 000 EUR	21 950 EUR		

6. Detailed other costs of the work for year 2020

6.1 Are you using a consultant?	Yes ☒ No ☐
6.2 What are the total costs for the consultant?	
6.3 Who is paying for the consultant?	IMPEL.
6.4 What will the consultant do?	Help making/produce guidance documents/leaflets.
6.5 Are there any additional costs (NOT included in point 5)?	Yes ☐ No ☒ If your answer is 'Yes', please describe:
6.6 What are the additional costs for?	N/a.
6.7 Who is paying for the additional costs?	N/a.
6.8 Are you seeking other funding sources?	Yes ☒ No ☐ If your answer is 'Yes', please describe: Norwegian Environment Agency.

6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	Yes ☒ No ☐ If your answer is 'Yes', please describe: Announcement of Workshop (save the date and highlights during Workshops) through communications officer on Website and social media.

7. Communication and follow-up (checklist)

		What		By when
7.1	Indicate which communication materials will be developed throughout the project and when? *(all to be sent to the Communications Officer at the IMPEL Secretariat)*	TOR ˇ * Interim report ˇ * Project report ˇ * Progress report(s) ˇ Press releases News items for the website ˇ * News items for the e-newsletter Project abstract ˇ * IMPEL at a Glance ˇ Other, (give details): Leaflets/guiding documents.	☒ ☐ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒	April 2020 Autumn 2020 October 2020 Autumn 2020
7.2	Milestones / Scheduled meetings (for the website diary).	• Group meeting: Spring 2020. • Workshop II: Spring/Autumn 2020.		
7.3	Images for the IMPEL image bank.	Yes ☒ No ☐		
7.4	Indicate which material s will be translated and into which languages.	Reports and guidance/leaflets in English only.		
7.5	Indicate if web-based tools will be developed and if hosting by IMPEL is required.	No.		

7.6 Identify which groups/institutions will be targeted and how.	European Commission and IMPEL Member States/Organisations.
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.	Europol, Interpol, Ship Recycling regulation expert group, EMSA.

ˇ) *Templates are available and should be used. *) Obligatory*

8. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

In case of doubts or questions please contact the
IMPEL Secretariat.

Draft and final versions need to be sent to the
*IMPEL Secretariat **in Word format, not in PDF.***

Thank you.

Annex I – Detailed costs

Detailed Event Costs

End of Life Ships						

	Event	Number of days	Travel (maximum per round trip) 360 €	Hotel (maximum per night) 120 €	Catering (maximum per day) 25 €	Total costs per Event
Description of Event	Workshop	2	7 200,00 €	4 800,00 €	1 000,00 €	13 000,00 €
Location	France (tbc)					
Month	November 2020					
Number of Participants	20					
Description of Event						
Location						
Month						
Number of Participants						
Description of Event						
Location						
Month						
Number of Participants						
		Total Costs	7 200,00 €	4 800,00 €	1 000,00 €	13 000,00 €