

TOR Reference No.: 2019/07	Author(s): Beate Langset Amended by: Elisabete Dias Ramos
Version: 3	Date: 22 August 2019
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input checked="" type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
Sharing best practices and giving feed back to the Commission regarding implementation and enforcement difficulties	<input checked="" type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
<p>Improving the implementation and enforcement of shipment of ships for recycling ("End of Life Ships").</p> <p>The focus of this project will be on:</p> <ul style="list-style-type: none"> <li>• Clarifying the differences between Waste Shipment Regulation (WSR) and Ship Recycling Regulation (SSR) and share experiences regarding this issue.</li> <li>• Share practical knowledge including jurisprudence on how to classify used/damaged ships as waste, circumstances indicating that the objects should be considered waste.</li> <li>• Development of guidance on how to deal with this topic.</li> <li>• Providing recommendations for a possible extension of the scope of Correspondents Guidelines No 9 on issues related to ships and change the subject into 'Shipments of Waste Means of Transport'.</li> </ul>	

#### 1.4 Abbreviated name of work or project

Improving the implementation and enforcement of waste legislation on means of transport 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.
- Hong Kong International Convention for the safe and environmentally sound recycling of ships, 2009.
- Regulation (EU) No 1257/2013 on ship recycling.

### 2.2 Link to IMPEL MASP priority work areas

- |   |                                     |
|---|-------------------------------------|
| 1. Assist members to implement new legislation.   | <input checked="" type="checkbox"/> |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives.               | <input type="checkbox"/>            |
| 3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission. | <input checked="" type="checkbox"/> |

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

#### Background:

In 2017, 65% of 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 has 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 (SSR) brings forward the requirements of the Hong Kong Convention, and regulates EU-flagged ships sent for recycling. The SSR claims that EU-flagged ships must be recycled at facilities authorised by the country of destination in the member state 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 SSR enters into 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 SSR will also be easy to escape as long as the practice of change to a non-EU flag

continues. The Hong Kong Convention will apply to all ships (EU or non-EU flag), but the convention is not ratified, and it can take a long time before it is ratified.

Main topics:

- What are the consequences of the Ship Recycling Regulation in relation to the enforcement of the Waste Shipment Regulation?
- Development of guidance how to deal with this topic.

**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 and a consistent level of enforcement regarding the regulation No 1013/2006 vs No 1257/2013.
2. Reduction of illegal waste shipment.
3. Providing recommendations for a possible extension of the scope of Correspondents` Guidelines No 9 on issues related to ships and change the subject into 'Shipments of Waste Means of Transport'.

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

Yes – for ELV's partially to the project concerning the CG9.

### 3. Structure of the proposed activity

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

- 1) Project team meeting to define the differences between WSR and SSR regarding ship recycling.
- 2) Use Basecamp as a knowledge sharing platform and knowledge exchange.
- 3) Gather best practice and share it during workshops and on Basecamp.
- 4) Draft a report on the state of actual situation and synthesize guidelines and guidance on enforcement practices on ship recycling.

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

- Guidelines for how and when WSR and SSR should be used.
- Determine overlaps and grey areas between these two regulations (WSR and SSR).
- 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?)

1. Create an area on Basecamp (**January 2019**).
2. Project team meeting: clarify the differences between WSR an SSR and share practical knowledge (**September 2019**).
3. Developing draft guidance and guidelines based on the input (July/August 2020).
4. Workshop to discuss the draft guideline, share best practices (March 2021).
5. Final guidelines and recommendations (December 2021).

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

The legislation of SSR is partly implemented and can make the work challenging. Besides that, this is a low risk project.

## 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 (NEA), Norway.

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

- Helena Omberg, Naturvårdsverket, Sweden.
- Huib van Westen, ILT, Netherlands.
- An Van Steenberghe, Flemish Environmental Inspectorate, Belgium (Flanders).
- Andrej Pristovnik, Ministry of Health, Slovenia.
- Ivana Kuzmanic, State Inspectorate, Croatia.
- Amalie Norus, Ministry of Environment, Denmark.
- Alfred Sharpels, ERA, Malta.
- Per Antonsen, Norwegian Environment Agency, Norway.
- Annika Krutwa, Federal Maritime and Hydrographic Agency, Germany.
- Jan Haefen, Federal Ministry of Transport and Digital Infrastructure, Germany.
- Sarah Egerton, Environment Agency, UK.
- Anja Freitag, The Danish Environment Protection Agency, Denmark.
- Chalie Debrincat, ERA, Malta.
- Mark O'Neill, ERA, Malta.
- Julie Tate, Natural Resources, Wales, UK.
- Ave Kaskla, Estonian Environment inspectorate, Estonia.
- Inga Senavska, State Environmental Service, Latvia.
- Camilla Micallef, ERA, Malta.

#### 4.3 Other IMPEL participants (name, organisation and country)

- Itizar Asenjo, Departamento de Medio Ambiente, Spain.
- Allar Lepind, Estonian Environment inspectorate, Estonia.
- Ave Kaskla, Estonian Environment inspectorate, Estonia.
- Ronald Robinson, Scottish Environment Protection Agency, UK.
- Vincent Coissard, Developpement Durable, France.
- Octavian Popescu, Garda Nationale de Mediu, Romania.
- Katie Ollie, Scottish Environment Protection Agency SEPA, UK.
- Steve Townhill, Environment Agency, UK.
- Daniela Certikova, Waste Management Departement, Slovakia.
- Andrej Pristovnik, Ministry of the Environment and Spatial Planning, Slovenia.
- Thalia Statha, Ministry of Greece, Greece.
- Katrin Ewert, Environmental protection in maritime traffic, Germany.

#### 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 2019 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	14,385 €			
How much money is to be co-financed?				
<b>Total budget</b>	14,385 €			

### 6. Detailed other costs of the work for year 2019

6.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6.2 What are the total costs for the consultant?	N/a.
6.3 Who is paying for the consultant?	N/a.

<b>6.4 What will the consultant do?</b>	N/a.
<b>6.5 Are there any additional costs?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>6.6 What are the additional costs for?</b>	N/a.
<b>6.7 Who is paying for the additional costs?</b>	N/a.
<b>6.8 Are you seeking other funding sources?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
<b>6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

## 7. Communication and follow-up (checklist)

	What		By when
<b>7.1 Indicate which communication materials will be developed throughout the project and when.</b>  <i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i>	TOR <sup>✓*</sup>	<input checked="" type="checkbox"/>	
	Interim report <sup>✓*</sup>	<input checked="" type="checkbox"/>	
	Project report <sup>✓*</sup>	<input checked="" type="checkbox"/>	
	Progress report(s) <sup>✓</sup>	<input checked="" type="checkbox"/>	
	Press releases	<input type="checkbox"/>	
	News items for the website <sup>✓*</sup>	<input checked="" type="checkbox"/>	
	News items for the e-newsletter	<input checked="" type="checkbox"/>	
	Project abstract <sup>✓*</sup>	<input type="checkbox"/>	
	IMPEL at a Glance <sup>✓</sup>	<input type="checkbox"/>	
	Other, (give details):	<input type="checkbox"/>	

<b>7.2 Milestones / Scheduled meetings (for the website diary).</b>	See 3.3.
<b>7.3 Images for the IMPEL image bank.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>7.4 Indicate which materials will be translated and into which languages.</b>	
<b>7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.</b>	
<b>7.6 Identify which groups/institutions will be targeted and how.</b>	European Commission and Member States.
<b>7.7 Identify parallel developments / events by other organisations, where the project can be promoted.</b>	

✓ ) 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.*