



Brussels, 14.12.2022
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COMMISSION IMPLEMENTING DECISION (EU) .../...

of 14.12.2022

amending Implementing Decision (EU) 2016/2323 establishing the European List of ship recycling facilities pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC¹, and in particular Article 16 thereof,

Whereas:

- (1) Article 6(2) of Regulation (EU) No 1257/2013 requires ship owners to ensure that ships destined to be recycled are only recycled at ship recycling facilities included in the European List of ship recycling facilities ('European List') published pursuant to Article 16 of that Regulation.
- (2) The European List is set out in Commission Implementing Decision (EU) 2016/2323².
- (3) The authorisation of UAB Armar and Démonaval Recycling, ship recycling facilities located respectively in Lithuania and in France, had an expiry date respectively on 19 April 2022 and 11 December 2022. The Commission has received information from Lithuania and France that the authorisation granted to those facilities to conduct ship recycling has been renewed prior to its expiry, in accordance with Article 14 of Regulation (EU) No 1257/2013. The date of expiry of the inclusion of these facilities in the European List should therefore be updated.
- (4) Bulgaria has informed the Commission that Ship and Industrial Service Ltd., a ship recycling facility located in its territory, has been authorised by the competent authority, in accordance with Article 14 of Regulation (EU) No 1257/2013. Bulgaria has provided the Commission with all information relevant for that facility to be included in the European List. The European List should therefore be updated to include that facility.
- (5) The Commission has been informed of changes of the contact details of Dales Marine Services Ltd and of Gardet & De Bezenac Recycling, ship recycling facilities located respectively in the United Kingdom and in France. The European List should therefore be updated accordingly.

¹ OJ L 330, 10.12.2013, p. 1.

² Commission Implementing Decision (EU) 2016/2323 of 19 December 2016 establishing the European List of ship recycling facilities pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling (OJ L 345, 20.12.2016, p. 119).

- (6) The Commission has been informed by Kishorn Port Ltd about modification of the licence that limits the operations and places conditions on the operator of the facility. The change increases the maximum ship dimensions that are accepted. The European List should therefore be updated accordingly.
- (7) The Commission has carried out a mid-term review of Işıksan, a ship recycling facility located in Türkiye, in accordance with Article 15(4) of Regulation (EU) No 1257/2013, which could not confirm that the facility in question continues to comply with the relevant requirements of Article 13(1), in particular points (b), (f) and (i), of Regulation (EU) No 1257/2013. Furthermore, it has been established that the facility in question has failed to comply with the requirements concerning the recycling of EU Member States flag ships set out in Article 13(2), points (a) to (c), of Regulation (EU) No 1257/2013. In addition, the information available does not allow to conclude that a number of ships flying the flag of EU Member States destined to be recycled at Işıksan were finally dismantled in that facility, but indicates that they were instead transferred at nearby facilities which are not included on the European List. This practice represents a breach of the requirements pursuant to Article 13 (1) point (e) of the Regulation (EU) No 1257/2013 that requires that operators of facilities included in the European List must recycle ships flying the flag of EU Member States at their facility in accordance with a ship-specific recycling plan. The European List should therefore be updated to remove this facility.
- (8) The Commission has carried out an assessment of accident investigation and root cause analysis of two fatal accidents that occurred in February 2021 and June 2022 in Simsekler, another ship recycling facility located in Türkiye. The assessments concluded that the causes of the accidents were due not only to individual actions, but rather to underlying organizational factors that the yard should focus on to improve their control of risk. In addition, the report on the first fatal accident transmitted to the facility in June 2021 included a number of concrete recommendations to improve workers safety. The Commission request to be kept informed of the measures taken in this respect was not followed up by the facility. The facility in question has therefore failed to comply with the relevant requirements of Article 13(1), in particular points (b), (f) and (i), of Regulation (EU) No 1257/2013. Consequently, the European List should be updated to remove this facility.
- (9) Implementing Decision (EU) 2016/2323 should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25 of Regulation (EU) No 1257/2013,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2016/2323 is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14.12.2022

For the Commission
The President
Ursula VON DER LEYEN