European Parliament
2024-2029

TEXTS ADOPTED

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European List of ship recycling facilities

European Parliament resolution of 25 November 2026 on the draft Commission implementing decision amending Implementing Decision (EU) 2016/2323 as regards updates to the European List of ship recycling facilities (2026/2922(RSP))

The European Parliament,

– having regard to the draft Commission implementing decision amending Implementing Decision (EU) 2016/2323 as regards updates to the European List of ship recycling facilities (D117805/01),

– having regard to Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, and in particular Article 16(1) thereof,

- having regard to Article 11 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[1],

– having regard to Rule 115(2) and (3) of its Rules of Procedure,

– having regard to the motion for a resolution of the Committee on the Environment, Climate and Food Safety,

Background

A. whereas Article 39(1) of Regulation (EU) 2024/1157 of the European Parliament and of the Council[2] establishes a prohibition on exporting

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1 OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj.

2 Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing

hazardous waste destined for recovery from the Union to non-OECD countries, thereby implementing the prohibition adopted in September 1995 by the Parties of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal[3] (the 'Basel Convention') and which entered into force on 5 December 2019, after receiving the required number of ratifications;

B. whereas end-of-life commercial ships are normally classified and regulated as hazardous waste under international environmental law, such as the Basel Convention, due to toxic substances and materials present in ships when those ships become waste, for example asbestos in fireproofing and insulation, polychlorinated biphenyls in paints and sealants, heavy metals such as lead, mercury and cadmium in numerous applications, toxic anti-fouling hull paints or waste oils;

C. whereas 'waste' is defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council[4] as any substance or object which the holder discards or intends or is required to discard; whereas end-of life ships are different from other waste insofar as ships are mobile and can travel around the world; whereas a ship may become waste while at the same time remaining a ship under maritime law[5]; whereas a ship owner can decide at any moment and in any place to discard a ship; whereas ship owners can therefore circumvent the ban on the export of hazardous waste by discarding a ship when it is outside Union waters;

D. whereas the globally predominant practice to recycle waste ships is still to dismantle them on beaches in India, Pakistan and Bangladesh under environmental and social standards that would be inconceivable in the Union; whereas the lower standards of those beaching facilities allows the operators of those beaching facilities to offer ship owners a higher price for waste ships[6] compared with a facility that operates in accordance with Union standards, creating

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Regulation (EC) No 1013/2006 (OJ L, 2024/1157, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1157/oj).

3 OJ L 39, 16.2.1993, p. 3, ELI: http://data.europa.eu/eli/convention/1993/98/oj.

4 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: http://data.europa.eu/eli/dir/2008/98/oj).

5 See Decision VII/26 on the Environmentally sound management of ship dismantling adopted during the 7th Conference of the Parties to the Basel Convention, https://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW-COP-PUB-CompilationOfDecisions.English.pdf.

6 European Commission, *Evaluation of the EU Ship Recycling Regulation*, SWD(2025) 40 final, Brussels, 19 February 2025, page 12.

unfair competition, at the expense of a high level of protection of human health and the environment;

E. whereas, as indicated in its Recital 7, Regulation (EU) No 1257/2013 was adopted to reduce disparities between operators in the Union, in OECD countries and in relevant third countries in terms of health and safety at the workplace and environmental standards and to direct ships flying the flag of a Member State to ship recycling facilities that practice safe and environmentally sound methods of dismantling ships instead of directing them to substandard sites as is currently the practice; whereas that Recital 7 further states that the competitiveness of safe and environmentally sound recycling and treatment of ships in ship recycling facilities located in a Member State would thereby also be increased; whereas for that reason Regulation (EU) No 1257/2013 provides for the establishment of a European List of ship recycling facilities (the 'European List') fulfilling the requirements set out in that Regulation to ensure protection of the environment, the health and safety of workers and the environmentally sound management of the waste recovered from recycled ships;

F. whereas, as indicated in its Recital 7, for ship recycling facilities located in a third country, the requirements should achieve a high level of protection of human health and of the environment that is broadly equivalent to the level of protection in the Union. Ship recycling facilities which do not meet those minimum requirements should therefore not be included in the European List;

Draft Commission implementing decision

G. whereas the current 15th edition of the European List, adopted on 27 February 2026 by Commission Implementing Decision (EU) 2026/448[7], contains 21 facilities in nine Member States, namely Belgium, Denmark, Estonia, Spain, France, Germany, Italy, Lithuania and the Netherlands, seven in Norway, ten in Turkey, two in the United Kingdom and one in the United States;

H. whereas the draft Commission implementing decision maintains all facilities on the current list, with the exception of one in France (removed upon request of the facility due to reorganisation), two in Turkey (one facility removed due to its ceasing activity, and the other removed for failure to comply with Regulation (EU) No 1257/2013) and adds two Indian beaching facilities (Shree Ram Vessel Scrap Pvt.

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7 Commission Implementing Decision (EU) 2026/448 of 27 February 2026 amending Implementing Decision (EU) 2016/2323 as regards updates to the European List of ship recycling facilities (OJ L, 2026/448, 2.3.2026, ELI: http://data.europa.eu/eli/dec_impl/2026/448/oj).

Ltd (‘Shree Ram’) and YSI Recyclers LLP (‘YSI’)), both located in Alang, Gujarat, India;

I. whereas this resolution concerns the inclusion of the two Indian beaching facilities in the European List;

J. whereas the subsequent argumentation about non-compliance applies in respect of both Indian beaching facilities, unless explicitly mentioned otherwise;

What is ‘beaching’ and what are the general concerns

K. whereas ‘beaching’ refers to the intentional grounding of an end-of-life ship onto the tidal mudflats during high tide, where it is dismantled during low tide; whereas maximum power is necessary to wedge the steel hull during the beaching operation close to the shoreline across hundreds of metres of mud until it comes to a halt;

L. whereas the beaching method has been widely criticised as not offering sufficient guarantees for the safe and sound recycling of ships; whereas beaching is neither allowed nor practiced in any of the Member States;

M. whereas including a facility that practises the beaching method for the dismantling of end-of-life ships in the European List would be against the intention and the letter of Regulation (EU) No 1257/2013;

N. whereas the intention of the new law was clearly expressed in 2013 in the press release of the European Parliament following the provisional agreement of Council and Parliament on Regulation (EU) No 1257/2013, namely that a beaching facility is not able to meet the requirements of that Regulation[8];

O. whereas the same understanding of the intention of the law was reflected in the statement by the Irish Minister Phil Hogan upon the

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8 EP press release of 10 July 2013: *‘A new law provisionally agreed between EP negotiators and EU member states to clean up the scrapping of old EU ships and ensure the materials are recycled in EU-approved facilities worldwide was backed by Environment Committee MEPs on Wednesday. It aims to ensure that these ships are not scrapped on the beaches of third countries, so as to protect workers' health and the environment.’* https://www.europarl.europa.eu/news/en/press-room/20130708IPR16831/environment-committee-backs-law-to-halt-reckless-scrapping-of-old-ships?quizBaseUrl=https%3A%2F%2Fquizweb.europarl.europa.eu.

finding of the provisional agreement negotiated under the Irish Presidency[9];

The inspection reports

P. whereas the inclusion of the two Indian beaching facilities in the European List is based on the Commission's assessment of the facilities, which in turn is based on the latest inspection reports of those facilities from 2024[10];

Q. whereas parts of those inspection reports do not comply with applicable provisions of the law, either by reaching a conclusion of compliance despite finding manifest non-compliance or despite admittedly not being able to confirm compliance, or by wrongly applying the relevant legal requirements of Regulation (EU) No 1257/2013;

R. whereas the inspection report for YSI overall concludes that 'the facility has demonstrated that it is able and fully committed to operate in compliance with all the relevant requirements of the EU Ship Recycling Regulation'[11]; whereas the inspection report for Shree Ram overall concludes that 'the facility has demonstrated that it is fully committed to achieving compliance with all the relevant requirements of the EU Ship Recycling Regulation'[12]; whereas commitment to achieving compliance alone – as in the case of Shree Ram - does not equal compliance;

S. whereas at YSI, no ship recycling operations were performed at the time of the last inspection in October 2024[13]; whereas as a result, Union inspectors could not recently inspect the actual operations;

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9 Statement by the Environment Minister Phil Hogan on 28 June 2013: '*Up to now, EU ships have generally been dismantled and recycled at sub-standard sites operating to low standards in 3rd countries. From the date of application of this regulation, this practice will now have to cease in respect of EU-flagged ships. Ships will instead have to be properly recycled in approved facilities operating to high environmental and worker safety standards.*' http://www.eu2013.ie/news/news-items/20130627shiprecycling/.

10 Latest inspection report of Shree Ram can be downloaded here: https://circabc.europa.eu/ui/group/636f928d-2669-41d3-83db-093e90ca93a2/library/8b6ccded-8b05-4b3a-8dc8-f816ef1d0e06/details?download=true and latest inspection report of YSI Recyclers LLP can be downloaded here: https://circabc.europa.eu/ui/group/636f928d-2669-41d3-83db-093e90ca93a2/library/dd41f6e0-73fb-4e9b-9ee6-7340e35eb892/details?download=true.

11 Inspection report of YSI, Executive Summary, last paragraph (no page number provided, page 7 of the electronic document).

12 Inspection report of Shree Ram, Executive Summary, last paragraph (no page number page 8 of the electronic document).

13 Inspection report of YSI, p. 2.

whereas an inspection that finds no active operations cannot properly verify compliance;

Failure to meet certain criteria provided for in Article 13 of Regulation (EU) No 1257/2013 as further clarified in the corresponding technical guidance

T. whereas to be included in the European List, a ship recycling facility is to comply with the requirements laid down in Article 13 of Regulation (EU) No 1257/2013; whereas the meaning of the requirements for inclusion of facilities located in third countries has been clarified in the technical guidance note under Regulation (EU) No 1257/2013 on ship recycling ('TG') adopted by the Commission in 2016[14];

Absence of adequate infrastructure to prevent leakage

U. whereas the inspection reports for YSI and Shree Ram both indicate that primary cutting of the ship is taking place in the intertidal zone[15]; whereas in the case of Shree Ram, the double bottom of the hull is also reported to be cut in the intertidal zone, with a sequence of operational measures to prevent seawater ingress and methods of slag collection;

V. whereas Article 13(1), point (b), of Regulation (EU) No 1257/2013 requires that ship recycling facilities are designed, constructed and operated in a safe and environmentally sound manner; whereas Article 13(1), point (f), of that Regulation requires ship recycling facilities to prevent adverse effects on human health and the environment, including the demonstration of the control of any leakage, in particular in intertidal zones;

W. whereas, in that regard, point 2.2.1 of the TG clarifies that by requiring that the ship recycling facility prevents adverse effects on human health and the environment, Regulation (EU) No 1257/2013 puts the emphasis on prevention and that in a facility designed, constructed and operated in a safe and environmentally sound manner, both measures and infrastructure are in place to prevent leakages to the environment;

X. whereas it is clear both from Regulation (EU) No 1257/2013 and the TG that both infrastructure and operational measures are required to prevent leakage and therefore that operational measures alone do not suffice; whereas an intertidal mudflat is neither designed nor constructed as such, let alone to operate in a safe and environmentally sound manner: whereas an intertidal mudflat does

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14 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0412(01).

15 Inspection report of Shree Ram, page 13 and inspection report of YSI, p.1.

neither qualify as ‘infrastructure’; whereas operations in the intertidal mudflat entail an inherent risk of leakage to the environment; whereas dismantling of a ship in the intertidal mudflat thus violates Articles 13(1), points (b) and (f), of Regulation (EU) No 1257/2013;

Y. whereas the leakage inherent to operations in intertidal mudflats is further evidenced by the finding that ‘observed metal residues might be artificially low because the tides are washing deposited residues to the sea’[16];

Absence of key operational measures to prevent leakage

Z. whereas the dismantling of ships on a beach does not allow proper containment of oil spills, as evidenced by a recent major oil spill in another beaching facility in Alang in June 2026, where the lack of adequate mooring of the ship, due in turn to lack of proper infrastructure, led to 63 tonnes of oil being spilled from a beached ship with the spill stretching along the coast for at least ten kilometres[17];

AA. whereas the TG in point 2.2.1 clarifies that to demonstrate the control of any leakage, it should be capable of preventing and responding to it in case of failure of prevention, including with the use of oil booms[18];

AB. whereas the inspection report for Shree Ram refers to the fact that oil booms are not suitable for use in locations with significant tidal range[19]; whereas no equivalent containment measures are referred to in either of the inspection reports; whereas beaching facilities operating on the tidal mudflat are thus by their very nature not

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16 Inspection report of YSI, p. 6.

17 https://shipbreakingplatform.org/massive-oil-spill-at-indias-best-shipbreaking-yard-raises-serious-concerns-over-hong-kong-convention-certification/.

18 Technical Guidance, point 2.2.1: ‘The facility is furthermore required to “*demonstrate the control of any leakage*”, i.e. to prove it is capable of preventing and — when prevention has failed despite compliant design, construction and operation — of responding to and mitigating any sort of leakage (spills, air emissions, etc.). Examples of control systems include — but are not limited to — the following: prior assessment of pollutants remaining on board the ship; rapid-response teams; oil absorption booms; oil containment booms (26); drainage canals and impermeable floors’.

19 Inspection report of Shree Ram, p. 29, page 29: ‘*The Facility has presented a document presenting the results of a study they have performed in 2015 on the use of oil containment booms in connection with intertidal ship recycling. Their study concludes that traditional boom containment systems are not suitable for use in locations with significant tidal range’.*

capable of controlling oil spillage and therefore do not comply with Article 13(1), points (b) and (f), of Regulation (EU) No 1257/2013;

AC. whereas according to Recital 14 of the draft Commission implementing decision, the absence of an oil boom around the ship was one of the reasons invoked for finding non-compliance of the Turkish facility Avsar Gemi Söküm San, a facility which the Commission intends to remove from the European List in the context of the latest update; whereas, by analogy, a facility which cannot use an oil boom due to it operating on the tidal mudflat should similarly be found non-compliant in that regard;

High levels of contamination and inadequate monitoring systems to prevent leakage

AD. whereas Article 13(1), point (d)(ii), of Regulation (EU) No 1257/2013 requires that a facility establishes management and monitoring systems, procedures and techniques which have the purpose of preventing, reducing, minimising and to the extent practicable eliminating adverse effects on the environment caused by ship recycling;

AE. whereas the inspection reports indicate that copper, chromium, cadmium and mercury were found at 'abnormally high levels' in sea water for both sites, significantly above the threshold levels for such substances in Union law[20];

AF. whereas the inspection report of YSI states that all four sediment samples taken in the intertidal zone around the area where the ship recycling takes place exceeded threshold levels for lead and copper, and that the detection limits for the assessment of polychlorinated biphenyls (PCBs), polybrominated biphenyls (PBBs), polybrominated diphenyl ethers (PBDEs), hexabromocyclododecane (HBCDD), perfluorooctane sulfonic acid (PFOS) and tributyltin (TBT) were above moderate/bad sediment quality and thus the applied methodology could not confirm if such toxic substances were actually present or not[21];

AG. whereas the inspection report of Shree Ram states that all four sediment samples taken showed high occurrences of chromium, copper, led, nickel, zinc that are all higher than the respective Canadian limits taken by the inspector as a reference, and that the detection limits for the assessment of PFOS and brominated flame retardants were so high that significant contamination levels may be present before they are detected[22];

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20 Inspection report of Shree Ram, p. 15 and inspection report YSI, p. 3.
21 Inspection report of YSI, pp. 5 and 6.
22 Inspection report of Shree Ram, pp. 17 and 18.

AH. whereas the Commission has acknowledged that non-detects for PFOS, PBBs, PBDEs and related parameters do not conclusively demonstrate their absence because some analytical detection limits were comparatively high[23];

AI. whereas those findings of high levels of heavy metals illustrate that the facilities have failed to prevent adverse effects on the environment, and that they do not have the necessary monitoring systems to prevent or reduce adverse effects from key toxic substances as their detection limits are exceedingly high and thus do not even allow to measure substances known for their adverse effects properly; whereas those facilities are therefore not in compliance with Article 13(1), point (d), of Regulation (EU) No 1257/2013;

Absence of impermeable floors to prevent leakage

AJ. whereas end-of life ships contain numerous hazardous substances and materials, such as oils, asbestos, and toxic chemicals, and many of them still contain toxic anti-fouling paints;

AK. whereas Article 13(1), point (g)(i), of Regulation (EU) No 1257/2013 requires that a facility ensures safe and environmentally sound management and storage of hazardous materials and waste, including the containment of all hazardous materials present on board during the entire ship recycling process so as to prevent any release of those materials into the environment, and, in addition, the handling of hazardous materials, and of waste generated during the ship recycling process, only on impermeable floors with effective drainage systems;

AL. whereas point 2.2.2, of the TG clarifies that the interior of the ship itself can be considered as an impermeable floor, an approach used by the two facilities; whereas according to the TG, this is however subject to various conditions, including inter alia that the integrity of the bottom has not been compromised, that oil containment booms are deployed from the ship’s hull to the shore/quay prior to any activity posting a threat to the environment, and that the release of paint chips and toxic coatings into the sea/permeable surface is controlled within the meaning of the clarification provided in point 2.2.1. of the TG (see footnote 18 of this resolution);

AM. whereas the inspection reports state that the evaluators have a general concern of possible release of harmful substances from the anti-fouling paint (TBT and Cybutryne) to sediments if ships

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23 Questions from Member States and answers from Commission services regarding the proposed inclusion of 2 Indian yards of 9 October 2026, p. 11, https://ec.europa.eu/transparency/comitology-register/core/api/integration/ers/548171/118413/1/attachment.

containing these substances are being pulled when in contact with the seabed of the tidal beaches in Alang[24];

AN. whereas, in addition from being pulled when in contact with the seabed for subsequent operations (e.g. potential pulling up on impermeable floor on the beach), the initial procedure of beaching, i.e. the grounding of a ship on a beach after wedging the steel hull across the intertidal mudflat at full speed for hundreds of metres in itself will inevitably sand off toxic paint and thereby fail to comply with Articles 13(1), points (f) and (g)(i), of Regulation (EU) No 1257/2013;

AO. whereas according to the inspection report, Shree Ram furthermore cuts the double bottom hull on the intertidal mudflat[25]; whereas this compromises the bottom and therefore fails to comply with the requirement of Article 13(1), point (g)(i), of Regulation (EU) No 1257/2013 of handling all hazardous materials on impermeable floors;

AP. whereas the non-suitability of oil containment booms in the intertidal mudflat had already been confirmed in one of the inspection reports and thus the interior of the ship itself cannot be considered as an impermeable floor in accordance withing the TG;

AQ. whereas the draft Commission implementing decision refers in its Annex in footnote 40 in relation to Shree Ram to the ‘possibility for pulling up a ship on an impermeable surface, where the ship‘s double bottom is cut beyond the drain line’; whereas according to the Commission, this possibility only exists for one of the two plots of the Shree Ram facility[26];

AR. whereas the reference to a mere possibility indicates that the Commission does not see this as a condition for compliance, as a consequence of which all of the above concerns with regard to the absence of an impermeable floor remain;

AS. whereas according to the inspection report and footnote 42 of the Annex to the draft Commission implementing decision, YSI cuts the double bottom hull on impermeable floors; whereas this could not be confirmed during the latest inspection as no recycling operations were undertaken at that time; whereas photos provided by YSI in relation to a previous operation cannot serve as proof that this will be done systematically, and the draft implementing act does not contain any condition in this regard; whereas satellite images of YSI

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24 Inspection report Shree Ram, p. 18.
25 Ibid., p. 13.
26 Questions from Member States and answers from Commission services regarding the proposed inclusion of 2 Indian yards of 9 October 2026, p. 6.

show compromised double bottom sitting on the intertidal mudflat[27], illustrating violation of Article 13(1), point (g)(i), of Regulation (EU) No 1257/2013 as clarified in the TG;

Failure to meet the criteria provided for in Article 15(5) of Regulation (EU) No 1257/2013

AT. whereas large end-of-life ships on average consist of 85% of the weight of a vessel consists of metal, 8% of other elements and 7% of material that cannot be recycled[28];

AU. whereas Regulation (EU) No 1257/2013 sets out requirements for the downstream management of waste received from ship recycling yards; whereas Article 15(5) of that Regulation requires in that regard that environmentally sound management may only be assumed to be in place provided the ship recycling company can demonstrate that the waste management facility which receives the waste will be operated in accordance with human and health protection standards that are broadly equivalent to relevant international and Union standards;

AV. whereas the inspection reports clearly show that it has not been verified that all the downstream facilities are in fact managing the waste under standards that are broadly equivalent to relevant Union standards[29]; whereas compliance with Article 15(5) of Regulation (EU) No 1257/2013 has thus not been demonstrated;

AW. whereas compliance would at best be a hypothesis; whereas the General Court has held in case T-837/16[30] that the Commission cannot adopt an authorisation decision on the basis of mere hypotheses; whereas this was not contested by the Commission in

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27 https://shipbreakingplatform.org/wp-content/uploads/2026/10/YSI-dismantling-operation-V2-2.pdf.

28 European Commission, Directorate-General for Environment, *Support study for the evaluation of Regulation (EU) No 1257/2013 on ship recycling: Final report*, study carried out by Ecorys, Ramboll and Grimaldi (Luxembourg: Publications Office of the European Union, 2025), Table 3.14, https://doi.org/10.2779/7175498.

29 Inspection report of Shree Ram Recyclers LLP, p. 89, page 89: '*In order to draw conclusions regarding the extent to which other downstream waste management facilities, [other] than those addressed and 'accepted' in the present report … follow practices broadly equivalent to international and EU standards, Shree Ram should investigate, perform visits and keep record of sufficient documentation to show that those facilities are managing waste under standards that are broadly equivalent to relevant EU standards*'. Near identical wording in Inspection report of YSI, page 68.

30 Judgment of the General Court of 7 March 2019, Kingdom of Sweden v European Commission, T-837/16, ECLI:EU:T:2019:144.

the appeal case C-389/19P[31]; whereas the Commission should follow established case-law and not grant any approvals on the basis of mere hypotheses;

AX. whereas the inspection reports also state that both facilities send waste electrical and electronic waste to a treatment facility in another State in India, that there is no tracking of waste outside the State of Gujarat, India, and therefore state that the evaluators are therefore not in a position to conclude whether the operations follow standards broadly equivalent to Directive 2008/98/EC[32];

Sub-standard steel recycling – Commission appears set to decide that India should not receive ferrous and non-ferrous metal waste from the Union

AY. whereas most of the waste for recovery from a ship consists of steel; whereas a relatively long list of steel mills, to which the ship recycling facility may sell scrap steel has been provided by both applicants, which did not result in an individual assessment of all possible clients for proportionality reasons[33]; whereas compliance by those facilities with broadly equivalent standards as compared to Union standards has therefore not been demonstrated;

AZ. whereas waste steel from Alang is typically sent to local re-rolling mills[34]; whereas direct re-rolling steel means heating and processing steel without removing embedded hazardous materials, releasing toxic fumes and dust, exposing workers and surrounding communities to lead and other contaminants[35];

BA. whereas re-rolling recovered ship steel plate directly into construction rebar is explicitly excluded by both Union and Indian

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31 Judgment of the Court of 25 February 2021, European Commission v Kingdom of Sweden, C-389/19 P, ECLI:EU:C:2021:131.

32 Inspection report of Shree Ram, p. 76 and inspection report YSI, p. 59.

33 Inspection report of Shree Ram, pp. 88-89 and inspection report YSI, pp. 67-68.

34 Questions from Member States and answers from Commission services regarding the proposed inclusion of 2 Indian yards of 9 October 2026, p. 16: '*It appears at this stage that Alang ship recycling facilities do not supply scrap to facilities that use it for BAF-BOF* [Basic Oxygen Furnace-Blast Oxygen Furnace] *or EAF* [Electric Arc Furnace] *processes*'.

35 NGO Shipbreaking Platform, Sandbag and Università degli Studi della Tuscia, *Scrap Steel at Sea: How Ship Recycling Can Help Decarbonise European Steel Production* (Brussels: NGO Shipbreaking Platform, November 2025) https://shipbreakingplatform.org/wp-content/uploads/2025/11/NGO_ScrapSteel_FullReport.pdf.

standards[36]; whereas the inspectors did not individually assess any re-rolling mills, nor did they provide any information whether or where toxic paints are removed prior to re-rolling; whereas failure to assess any re-rolling steel mills equates to failure to show compliance by those facilities with those standards;

BB. whereas in the absence of any proper assessment of the many steel mills that may receive the waste from the ship recycling facilities, it is relevant to refer to a general assessment of the current state of steel recycling in India;

BC. whereas on 18 September 2026 the Commission published a draft Commission delegated regulation establishing a list of countries to which the OECD Decision does not apply and to which exports of certain non-hazardous wastes and mixtures of non-hazardous wastes from the Union for recovery are authorised, and a corresponding staff working document;

BD. whereas India had applied inter alia to receive ferrous and non-ferrous metals in that context; whereas the Commission lists in that staff working document numerous significant concerns with regard to steel recycling in India[37] and therefore concludes that India cannot be included in the first list of non-OECD third countries to which exports of inter alia ferrous and non-ferrous metal waste and ships and floating structures are authorised[38];

BE. whereas in the absence of clear proof that the receiving facilities follow standards that are broadly equivalent to those in the Union, the concerns raised by the Commission to justify the non-inclusion of India in the first list of non-OECD third countries to which exports of inter alia ferrous and non-ferrous metal waste and ships and floating

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36 EN 10080, clause 6.4, provides that ‘the manufacture of reinforcing steel by re-rolling finished products (e.g. sheets or rails)’ is not permitted; near identical clause in IS 1786:2008.

37 Commission Staff Working Document, Assessment of the non-OECD countries and territories that requested to be included in the list pursuant to Article 41 of Regulation (EU) 2024/1157, Export of non-hazardous waste from the EU to non-OECD countries: ‘*For ferrous and non-ferrous waste, India’s application insufficiently demonstrates that pollution controls apply to treatment operations. There is no comprehensive regulatory coverage of air emissions reduction for heavy metals, dust, dioxins and furans and PCBs, nor detailed requirements for wastewater treatment stages based on best available techniques. The regulatory framework lacks key provisions covering energy efficiency, including requirements for a stable shredder feed, energy efficiency plans, and energy balance records. Finally, not all key pollutants related to these waste streams are mentioned*.’ (page 105).

38 Ibid, page 112.

structures are authorised should prevail, indicating that the steel recycling facilities receiving the waste steel for recovery are not operating in compliance with Article 15(5) of Regulation (EU) No 1257/2013;

Sub-standard waste incinerators

BF. whereas the inspection reports point to the fact that the downstream waste incinerator used by those two facilities does not follow standards that would be broadly equivalent to the Union emission limits for dust, sulphur dioxide (SO_2), hydrogen chloride (HCl) and hydrogen fluoride (HF) and total carbon[39], with some limits being up to five times higher than Union emission limits[40];

BG. whereas the inspection reports find that the ship recycling facilities do not yet have an incinerator for incineration of POPs and hazardous antifouling paint, but state that one is planned to be installed by the end of 2025[41] (for latest situation see section on Article 15(4));

BH. whereas it is clear from the inspection reports that relevant incinerators are either absent or not following standards that are broadly equivalent to those in the Union, thus the facilities fail to comply with Article 15(5) of Regulation (EU) No 1257/2013;

Insufficient and sub-standard wastewater treatment

BI. whereas the two Indian ship recycling facilities are in a region with significant rainfall during monsoon; whereas the inspectors calculated an annual theoretical volume of ca. 18500 tonnes of rainwater for Shree Ram (more than thousand times higher than the 30 tonnes of contaminated rainwater sent for treatment during a two-year period) and an annual quantity of 370 tonnes of rainwater for YSI (more than ten times higher than the 63 tonnes sent for treatment during a two-year period); whereas the inspectors furthermore found that the threshold limits applicable in Gujarat for

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39 Inspection report Shree Ram Recyclers LLP, p. 69: '*Based on all the information currently available to the evaluators, it appears that the operation of the incinerator likely follows standards broadly equivalent to the EU IED chapter IV, with the only exception being emission control of dust, SO2, HCL, HF and total carbon as these thresholds are higher in Indian regulations*.' Identical wording in inspection report for YSI, page 52.

40 Inspection report Shree Ram, p. 67 and inspection report YSI, p. 50.

41 Inspection report of Shree Ram, p. 70 and inspection report YSI, p. 52.

the discharge of non-contaminated rainwater of 1986 are not considered broadly equivalent to Union standards[42];

Failure to meet the criteria provided for in Article 15(4) of Regulation (EU) No 1257/2013

BJ. whereas Article 15(4) of Regulation (EU) No 1257/2013 requires that, in order to be included in the European List, compliance by ship recycling facilities located in third countries with the requirements set out in Article 13 is to be certified following a site inspection by an independent verifier with appropriate qualifications;

BK. whereas the construction of a dedicated slope way system that enables ships to be pulled onto an impermeable floor for one of the two plots of Shree Ram has been reported to the Commission only in August 2026 and has not yet been verified independently[43]; whereas information shared bilaterally with the Commission during the summer of 2026 after publication of the draft list for public consultation cannot be considered as evidence of compliance; whereas self-reported and uninspected claims cannot be considered as equivalent to independently verified information;

BL. whereas according to the information received by the Commission the incinerator is claimed to be fully operational since 27 August 2026, with first gas analyser readings from 5 September 2026 all reportedly below the Union limit values; whereas according to the Commission, independent third-party monitoring took place on 17 September 2026, with laboratory results expected later (October or November 2026)[44]; whereas pending the reception of the independent third-party monitoring, the Commission is therefore not yet in a position to conclude compliance of the incinerator;

Capacity needs and strategic opportunity for steel recycling in the Union

BM. whereas a key argument raised by the shipping industry in favour of the inclusion of the two Indian beaching yards in an open letter to all Union environment and transport Ministers dated 17 September 2026 is to secure sufficient compliant capacity on the European List[45]; whereas the shipping industry however admits itself in that

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42 Inspection report of Shree Ram, p. 31 and inspection report YSI, p. 16.

43 Commission Summary of public feedback on the 16th edition of the European List of ship recycling facilities and elements of response from Commission’s services, p. 6.

44 Questions from Member States and answers from Commission services regarding the proposed inclusion of 2 Indian yards of 9 October 2026.

45 Open letter by the Shipping Industry of 17 September 2026 to all EU environment and transport Ministers; ‘*With industry estimates*

open letter that the 'Inclusion on the European List should be determined solely on whether a facility meets the EU Ship Recycling Regulation (EU SRR) safety and environmental requirements, based on objective assessment and inspection'; whereas capacity needs are indeed not a criterion under Regulation (EU) No 1257/2013 and are therefore irrelevant *de jure*;

BN. whereas the capacity argument is furthermore flawed in substance as the facilities on the current European List have a combined total theoretical maximum capacity of 2 347 000 light displacement tons, which would have been more than enough not only to recycle all Union-flagged ships that became waste in the last years, but also all Union-owned ships[46]; whereas EU ship recycling yards currently operate at around 30% of their capacity[47], illustrating that there is a lot of unused capacity;

BO. whereas it is accurate that a significant increase of the number of ships reaching the end of their life is expected, but that cannot be a viable reason to add sub-standard facilities to the European List but, instead, should be an incentive to ensure that more compliant capacity is added;

BP. whereas with the number of ships reaching end-of-life expected to increase fivefold in the next decade, the European steel industry, European recyclers, European trade unions and environmental NGOs argue that the European fleet represents a strategic opportunity for the European steel industry to access predictable and significant volumes of secondary raw materials, especially as demand for these materials is expected to rise significantly with electric arc furnaces replacing part of primary capacity[48];

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pointing to a significant increase in the number of ships reaching the end of their operational life, the inclusion of the two Indian facilities is an important step towards further securing sufficient compliant capacity on the European List.' https://www.ics-shipping.org/statement/ship-recycling-joint-industry-open-letter/.

46 Facilities on the current list have the following combined theoretical maximum annual ship recycling capacity: sites in the Union and Norway: 1 367 000 light displacement tonnes (LDT) per year; sites in Turkey: 815 000 LDT per year; sites in UK: around 45 000 LDT per year; site in the US: 120 000 LDT per year; combined total of 2 347 000 LDT per year.

47 Percentage shared by Recycling Europe based on the 15th European list of ship recycling facilities.

48 Open letter by IndustriAll, Eurofer, EEB, Recycling Europe, NGO Shipbreaking Platform and T&E of 15 September 2026, https://cdn-shipbreakingplatform-org-pui3.b-cdn.net/wp-content/uploads/2026/09/LetterRoswallSejourne16thList_-1.pdf.

BQ. whereas one of the most effective pathways to decarbonise steelmaking is by increasing the use of scrap steel as it can dramatically reduce CO2 emissions, energy consumption[49];

BR. whereas the European steel industry, European recyclers, European trade unions and environmental NGOs also argue that 'The decision to allow beaching yards on the EU List would undermine responsible ship recyclers who made significant investments to meet high environmental, health, safety, and labour standards, and would expose them to unfair competition from substandard facilities' and that 'It runs against the EU Industrial Maritime Strategy and Clean Industrial Deal, which call for expanding European ship recycling capacity and securing material strategic autonomy';

1. Considers that the inclusion of the two Indian beaching facilities in the European List would be unlawful as it would violate the following requirements of Regulation (EU) No 1257/2013:

   (a) Article 13(1), points (b) and (f), due to the lack of proper infrastructure to operate in a safe and environmentally sound manner, and due to the impossibility to use oil containment booms in the intertidal zone;

   (b) Article 13(1), point (d), due to the proven high contamination of the area, and due to the use of monitoring systems with detection limits that are so high that they would leave significant contamination undetected;

   (c) Article 13(1), points (f) and (g)(i), due to the cutting of the double bottom on the intertidal mudflat (Shree Ram), and/or no certainty that it is done on impermeable floors (both facilities);

2. Considers that the inclusion of the two Indian beaching facilities in the European List would furthermore be unlawful as it would violate the requirements under Article 15(5) of Regulation (EU) No 1257/2013 with regard to downstream waste management as:

   (a) it was found not be done under standards that are broadly equivalent to relevant international and Union standards (for waste incineration and wastewater treatment and discharge); or

   (b) it was not properly assessed by the inspectors and found in a parallel context to pose such significant problems that the

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49 *Scrap steel at sea - How ship recycling can help decarbonise European steel production*, Study by NGO Shipbreaking Platform, Sandbag and University of Tuscia, 2025, https://shipbreakingplatform.org/wp-content/uploads/2025/11/NGO_ScrapSteel_FullReport.pdf.

Commission intends to exclude India from receiving such waste from the EU (ferrous and non-ferrous metals);

3. Considers that the inclusion of the two Indian beaching facilities in the European List would furthermore be unlawful as it would violate the requirements under Article 15(4) of Regulation (EU) No 1257/2013 by relying on self-reported and uninspected claims instead of independently verified information;

4. Considers therefore that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EU) No 1257/2013 insofar as it violates Articles 13(1), points (b), (d), (f) and (g)(i), as well as Article 15(4) and (5) thereof;

5. Calls on the Commission to withdraw its draft implementing decision and to submit a new draft to the committee without the inclusion of the two Indian beaching facilities;

6. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.