

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Tenth Delegated Legislation Committee

DRAFT SHIP RECYCLING (FACILITIES AND REQUIREMENTS FOR HAZARDOUS MATERIALS ON SHIPS) (AMENDMENT) (EU EXIT) REGULATIONS 2019

Wednesday 23 January 2019

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The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

- | | |
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| † Brown, Alan (<i>Kilmarnock and Loudoun</i>) (SNP) | † Mills, Nigel (<i>Amber Valley</i>) (Con) |
| † Burghart, Alex (<i>Brentwood and Ongar</i>) (Con) | Powell, Lucy (<i>Manchester Central</i>) (Lab/Co-op) |
| † Docherty, Leo (<i>Aldershot</i>) (Con) | † Snell, Gareth (<i>Stoke-on-Trent Central</i>) (Lab/Co-op) |
| † Donelan, Michelle (<i>Chippenham</i>) (Con) | Thomas, Gareth (<i>Harrow West</i>) (Lab/Co-op) |
| † Foxcroft, Vicky (<i>Lewisham, Deptford</i>) (Lab) | † Trevelyan, Anne-Marie (<i>Berwick-upon-Tweed</i>) (Con) |
| George, Ruth (<i>High Peak</i>) (Lab) | † Turner, Karl (<i>Kingston upon Hull East</i>) (Lab) |
| † Ghani, Ms Nusrat (<i>Parliamentary Under-Secretary of State for Transport</i>) | † Warburton, David (<i>Somerton and Frome</i>) (Con) |
| † Heapey, James (<i>Wells</i>) (Con) | |
| † Hoare, Simon (<i>North Dorset</i>) (Con) | Katya Cassidy, Victoria Pope, <i>Committee Clerks</i> |
| † McKinnell, Catherine (<i>Newcastle upon Tyne North</i>) (Lab) | |
| | † attended the Committee |

Tenth Delegated Legislation Committee

Wednesday 23 January 2019

[MR LAURENCE ROBERTSON *in the Chair*]

Draft Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019

8.55 am

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): I beg to move,

That the Committee has considered the draft Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019.

It is a pleasure to serve under your chairmanship, Mr Robertson. The draft regulations are made under the European Union (Withdrawal) Act 2018, which retains EU-derived legislation in UK law. Section 8 of the Act makes provision for correcting deficiencies in EU-derived legislation that may arise as a result of the UK leaving the European Union.

Ensuring the safe and environmentally sound dismantling and recycling of ships at the end of their operational life has been a concern for a number of years. Many ships are currently dismantled on beaches in Asia, with little regard for human safety or environmental protection. EU Regulation 1257/2013 transposed into EU law key parts of the Hong Kong convention on recycling ships. The main provisions of the regulation have applied since 31 December 2018. They include requirements that EU-flagged ships be recycled at an approved ship recycling facility and that new EU-flagged ships carry a valid inventory of hazardous materials. The provisions apply to ship recycling facilities in the EU and to EU-flagged ships above 500 gross tonnes.

The draft regulations will ensure that the legal framework for ship recycling remains operable when the UK leaves the EU on 29 March 2019, by making amendments to the EU ship recycling regulation and the Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018. They will also amend legislation on waste management and ship recycling facilities to address a number of deficiencies arising from EU exit that would hinder the operation of the UK ship recycling regime.

The EU regulation establishes a European list of approved recycling facilities that must be used for all EU-flagged ships, including UK ships, when they need to be dismantled and recycled. After we leave the EU, it would not be appropriate for the EU to decide where UK-flagged ships can be recycled, so the draft regulations provide for a UK list that will replace the European list for UK-flagged ships. The Secretary of State will have the power to add or remove facilities. However, the UK list will include all recycling facilities on the European list.

Ships typically contain quantities of hazardous materials. The EU ship recycling regulation requires new ships to carry a list of such materials from the beginning of this

year, and existing ships to carry such a list from 31 December 2020. Since the 2018 Act will retain in UK law only EU measures that are in force when we leave the EU, it will not retain the requirement under the EU regulation for existing ships to carry a valid inventory of hazardous materials, but the Government will seek to implement that requirement when the opportunity arises. Ships will still need an inventory before they can obtain a “ready for recycling” certificate, which is required when a ship is sent for recycling.

The draft regulations apply to waste management, which is a transferred matter under the Northern Ireland Act 1998. The Government are committed to restoring devolution in Northern Ireland, but time is short. We have therefore, in consultation with Northern Ireland Departments, included provisions in the draft regulations that relate to waste management legislation that applies in Northern Ireland.

The changes made by the draft regulations will ensure that environmental law continues to function after the UK’s withdrawal from the European Union. They will enable the UK to continue to comply with its international obligations, as established by the International Maritime Organisation, and maintain the highest environmental and safety standards. They are fully supported by the Government, and I commend them to the Committee.

8.59 am

Karl Turner (Kingston upon Hull East) (Lab): It is a pleasure to see you in the Chair, Mr Robertson. The Opposition support the draft regulations, which we recognise will be required as we leave the EU, but there are one or two points that we wish to raise with the Minister. Will she explain the impact on the amount of ship recycling work carried out at the UK-based facilities that are currently on the EU list? What plans have the Government to support ship recycling in the UK once we leave the EU? UK facilities will still want to be able to recycle vessels flagged in the EU after Brexit. How does the Minister plan to ensure that the EU will make sure our yards are listed, and that competition between the EU and the UK is not distorted?

Will the Minister clarify what impact the regulations will have on the statutory responsibilities and duties of UK regulatory bodies, including the Maritime and Coastguard Agency and, indeed, the Department for Environment, Food and Rural Affairs? Finally, in relation to the inventory of hazardous materials and mutual recognition between the UK and the EU, it would be useful if the Minister could clarify whether ships might end up having to submit two applications—one to the EU and one to the UK. I would be happy for the Minister to answer any of those questions in writing.

9.1 am

Ms Ghani: I thank hon. Members for giving their time and consideration so early this morning. The regulations will ensure that we continue to combat environmental pollution and enforce safety standards in the maritime sector after we leave the European Union. They make changes only to ensure the functionality of EU retained law on the UK statute book after exit day. I am pleased that we seem to have cross-party support for this statutory instrument.

The hon. Member for Kingston upon Hull East asked about the UK ship recycling list. I want to remove any concern by confirming that the UK list will be the

same as the European one when we leave the EU on 29 March. The two lists may diverge over time as the Secretary of State rather than the EU will decide which facilities can be added to or removed from the UK list. In practice, however, we expect the two lists to remain closely aligned. I shall of course drop the hon. Gentleman a note on all the points he raised.

I am pleased that we can agree that protecting the environment from all kinds of shipping pollution and ensuring that ship recycling is undertaken in a responsible

manner is vital to broader Government commitments to environmental standards and shipping safety. I hope that the Committee will agree that the SI is essential to ensure that legislation on environmental protection and ship recycling will continue to work effectively in the UK from day one after exit.

Question put and agreed to.

9.2 am

Committee rose.

