

Commissioner Stavros Dimas
Commissioner for Environment
European Commission
Rue de la Loi, 200
Bruxelles 1049

08 February 2006

Dear Commissioner Dimas,

Re: Disposal of the vessel "Le Clemenceau" in India

I am writing to express my concerns about the shipment of the vessel "Le Clemenceau" from France to India, where it is to be disposed of. "Le Clemenceau" is thought to contain various types of hazardous waste, including asbestos, polychlorinated biphenyls (PCBs) and heavy metals such as lead. Indeed by the French Government's own reckoning, there is 45mt of asbestos onboard, although this figure is much disputed and may be as high as 500-1000mt - according to the head of the company retained to carry out the decontamination of the ship.

As a signatory to the Basel convention and to the Basel ban, and as a Member State of the EU, France is bound by a number of rules governing the shipment of waste, and the shipment of hazardous waste. However, in this case, France is directly contravening a number of these rules. Indeed, the French Government has made claims that the vessel is exempt from them due to it being a "material of war", yet no grounds for such an exemption exist within the convention, the ban or EU regulations.

In fact, the Basel convention makes it explicitly clear that a vessel can indeed be classified as waste, as well as stating that "any material containing constituents listed in Annex I such as asbestos or PCBs is a hazardous waste". As the ship is known to contain asbestos, and possibly other dangerous chemicals, it would therefore be classified as hazardous waste. Under the terms of the Basel ban, as well as Article 16 of Waste Shipment Regulation EEC/259/93, the shipment of such hazardous waste to any country outside of the EU or OECD is expressly forbidden, with the emphasis on the exporting country to prohibit such exports.

Additionally, the shipment of "Le Clemenceau" violates Indian national law, as the directions of the Supreme Court in India state that:

"Before a ship arrives at port it should have proper consent from the concerned authority or the State Maritime Board, stating that it does not contain any hazardous waste or radioactive materials."

By shipping this vessel, France is acting outside the bounds of various international and national laws and is effectively endorsing the dumping of hazardous waste in less developed countries, exactly what the Basel convention was designed to prevent.

I would therefore urge the Commission to request that the French Government takes back the vessel and accepts full responsibility for ensuring that the waste is disposed of safely and in accordance with the Basel convention's requirement for the environmentally sound management of waste. I would also ask that you inform me of what actions the Commission is taking to this effect.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Lucas'. The signature is written in a cursive, flowing style.

Caroline LUCAS MEP