

Green Deal on Ship-Generated Waste

The Parties:

National Government

1. The Minister of Economic Affairs, Mr Henk Kamp;
2. The Minister of Infrastructure and the Environment, Ms Melanie Schultz van Haegen, the Minister for the Environment, Ms Wilma Mansveld (hereinafter referred to as 'the Ministry of Infrastructure and the Environment');
3. The Inspector-General for the Human Environment and Transport, Ms J. Thunnissen, (hereinafter referred to as 'ILT');

each acting in his or her capacity as an administrative authority, hereinafter referred to jointly as 'National Government',

Port Authorities

4. The Port of Rotterdam, represented for this matter by its Chief Operating Officer, Mr R. Paul;
5. The harbour master of the Port of Rotterdam, Mr R.J. de Vries;
6. The Port of Amsterdam, represented for this matter by its president and CEO, Ms D. Meijer;
7. The harbour master of the Port of Amsterdam, Ms A.M.C. van Oosten;
8. Groningen Seaports, represented by its director, Mr H.D. Post;
9. The Port of Den Helder, represented by its director, Mr P.H. Kolff;
10. Zeeland Seaports, represented by its Chief Financial Officer, Mr G.H.A. Suy;

hereinafter referred to jointly as the Port Authorities,

Other organisations

11. Association of Companies Engaged in Environmental Services

- for Shipping, represented by its chairman, Mr D. van Mullem (hereinafter referred to as 'VOMS');
12. Bek & Verburg B.V., represented by its financial manager, Mr B.K.J. Baas;
 13. Martens Cleaning B.V., represented by its director, Mr J.S.G. Hoondert;
 14. the Royal Association of Netherlands Shipowners, represented by its president, Ms T. Netelenbos (hereinafter referred to as 'KVNR');
 15. the Dutch Association of Ship Suppliers, represented by its chairman, Mr D.J. Cupido (hereinafter referred to as 'NVVS');
 16. the North Sea Foundation, represented by its director, Mr E. Leemans (hereinafter referred to as 'SDN');

hereinafter referred to jointly as the Parties.

Whereas

1. To maintain our prosperity for future generations, it is necessary to strengthen our economic competitiveness and simultaneously reduce the burden on the environment and our reliance on fossil energy and scarce raw materials.
2. Creativity, entrepreneurship and innovation are essential to enable such a transition to green growth. Enterprises, citizens and civil society organisations carry out many concrete initiatives to make the economy and society greener. The government wants to make maximum use of this social dynamic in favour of green growth by means of the Green Deal Approach.
3. Green Deals offer an accessible means for enterprises, citizens and organisations to work together with the national government on green growth. They are underpinned by social society initiatives.

The government seeks to facilitate and accelerate these initiatives by removing or resolving obstacles that the initiators believe can be tackled at national governmental level. The Parties lay down concrete agreements to this effect in writing in a Green Deal.

4. The results of a Green Deal can be used in other, comparable projects so that they can be replicated and the scope of a Green Deal can be widened without requiring specific support from the National Government.

Specific considerations regarding the Green Deal on Ship-Generated Waste

- This Green Deal assists the Netherlands to meet its obligations pursuant to the Marine Strategy Framework Directive (MSFD).¹ It contributes to the elaboration of the Plastic Cycle Value Chain Agreement (agreed on 12 November 2013) and is thus conducive to the ambition of the government and civil society organisations to transform our economy into a circular economy by means of a green growth strategy.
- The scope of this Green Deal is national, however, in view of the global nature of the shipping industry it is desirable to promote the agreements in this Green Deal internationally and advertise them as far as possible as best practice on an international level.

Marine Strategy Framework Directive

- The Netherlands has an obligation pursuant to the MSFD to reduce marine litter.²
- All sources, including the shipping industry, can contribute to meeting this obligation.
- In parallel with this Green Deal, a Green Deal on Fisheries for a Clean

¹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive).

² Ministry of Infrastructure and the Environment (2012), Marine Strategy for the Dutch sector of the North Sea 2012-2020, Part I.

Sea and a Green Deal on Clean Beaches are being prepared.

- The good progress made by the shipping industry is evidenced by the doubling of ship-generated waste disposed of in seaports in the Netherlands in recent years.
- The legislation arising from the MARPOL Convention³ developed by the International Maritime Organization (IMO) and Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues contributed largely to this effect.
- Further improvement and coordination of waste management in ports and on ships is necessary to close the loop on waste. This is beneficial to the environment and the economy: green growth.
- It is desirable that waste prevention is increased when ships receive supplies. Where possible and cost effective, this can be achieved by, for example, returning packaging materials to the ship supplier, by avoiding excessive packaging and by using sustainable packaging materials (with a view to reuse, recycling or biodegradation). It is further desirable that waste can be disposed of at a port reception facility after supplies have been received. The Port of Rotterdam's current Focus on Vessels programme may serve as an example.
- It is desirable that ILT's inspectors and designated employees of the Ports of Rotterdam and Amsterdam enforce the obligation to deliver waste and the discharge requirements more on a risk based approach.
- It is desirable that Member States and seaports implement Directive 2000/59/EC (port reception facilities) more uniformly. In this regard, Netherlands and Flemish seaports and authorities are currently working together and have reached agreement on a common financing system.

Plastic Cycle Value Chain Agreement

³ International Convention for the Prevention of Pollution from Ships (MARPOL).

- About three-quarters of floating marine litter consists of plastics.
- Several parties to this Green Deal have signed up to the Plastic Cycle Value Chain Agreement (*Ketenakkoord Kunststofkringloop*).
- In doing so they indicate that they want to collect more separated plastic ship-generated waste so that this particular waste becomes more suitable for recycling or processing into fuel.
- Recycling and processing into fuel are developing into sustainable and cost-efficient processing methods that add value to plastic waste and plastic products after disposal.
- The optimal use of these processing methods for plastic ship-generated waste, taking into account the Animal By-Products Regulation (no.1069/2009), requires the cooperation of all parties in the shipping industry.
- It is desirable that ships that are front runners in on-board waste management are facilitated and rewarded, for example by reducing the port waste disposal fees payable by ships that systematically deliver separated waste or by waiving collection and processing costs for separated plastic waste. This reflects the higher value of separated waste.
- Ship customers (cargo owners) can also provide a powerful incentive by offering their cargoes for shipment to front runners in waste management on board. Sustainable ships would thus transport more cargo. This can be facilitated by providing more information on waste management performance, for example by means of the Clean Shipping Index (CSI). Waste and waste management are already CSI criteria but should be developed further specifically along the lines of ISO standard 21070⁴ and this Green Deal at hand.

Agree as follows:

⁴ ISO standard 21070, Management and handling of shipboard garbage.

1. Ambition

- The Parties have the ambition to close the loop on ship-generated waste by prevention of waste and by delivering ship-generated waste at ports prior to sailing, wherever possible.
- The Parties also have the ambition to further close the loop on plastic on land by collecting plastic waste separately as far as possible so that it is suitable for recycling.

2. Objective

- In 2017 50% of ships disposing their waste will deliver plastic waste separately in the ports in the Netherlands in which separated collection and processing is possible.
- In 2017 75% of the ships owned by KVNR's members disposing their waste will deliver plastic waste separately in the ports in the Netherlands where separated collection and processing is possible.
- In 2017 separated delivered plastics will also be collected separately by VOMS's members. 100% of the clean plastic waste collected by VOMS's members will be recycled or processed into fuel, and mixed waste will be sorted afterwards and recycled in as far as possible.

3. Measures and actions

Article 3.1 Prevention

- 3.1.1 In cooperation with VOMS and NVVS, the port authorities will plan and organise the process at the ports in such a way that, in 2016, after delivery of supplies, ship-generated waste can be delivered at a port reception facility.
- 3.1.2 In 2014/2015, KVNR and NVVS will make an inventory of the possibilities to prevent waste from delivery of supplies, including the reduced use of packaging materials and the use of more sustainable packaging materials. Subject to the results, the Parties will formulate possible follow-up measures.
- 3.1.3 Based on Annex V of the MARPOL Convention⁵, KVNR will encourage its member shipowners to introduce active policies to prevent illegal discharges. KVNR will also prepare a manual in 2015/2016 on the application of ISO standard 21070 and distribute it among its members.

Article 3.2 Enforcement

- 3.2.1 To improve compliance with Directive 2000/59/EC, the Port Authorities will systematically ask ships' captains upon their departure whether the ship has delivered waste.
- 3.2.2 ILT and the designated employees of the harbour master divisions of the Ports of Rotterdam and Amsterdam will further improve the effectiveness of risk-based supervision of compliance with the mandatory delivery of ship-generated waste and the discharge requirements as from 2015/2016. To this end, in 2015 ILT and the harbour masters divisions of the Ports of Rotterdam and

⁵ Annex V (prevention of pollution by garbage from ships) of the MARPOL Convention

Amsterdam will study in which way the selection of ships to be inspected can be organised more efficient and effective on the basis of new and stricter risk criteria. The methods and criteria they study will be in addition to those laid down in Directive 2000/59/EC. They might include previous inspection results and the use of data on waste actually delivered.

Article 3.3 Plastic waste separation

3.3.1 The Port Authorities (with the exception of Den Helder) will, no later than 2016, introduce a financial incentive for ships which deliver separated plastic. The Port Authorities and the Ministry of Infrastructure and the Environment will raise this measure with the Flemish ports and authorities with a view to its possible joint introduction.

3.3.2 In cooperation with KVNR and the Ministry of Infrastructure and the Environment, SDN will study possibilities for integrating on-board waste management, as advocated in this Green Deal, internationally into existing environmental performance indexes. In the first instance, it will consider the Clean Shipping Index (CSI) (<http://www.cleanshippingindex.com/>).

3.3.3 VOMS will state in 2015 what requirements are relevant to optimise the value of the plastic disposed of for recycling and processing into fuel.

3.3.4 The Port Authorities will set quality requirements for port reception facilities regarding plastic separation and recycling in 2016. Port reception facilities must be equipped to collect plastics separately; 100% of the collected clean plastics shall be recycled and the plastics in mixed waste shall be sorted.

The Port Authorities and the Ministry of Infrastructure and the

Environment will raise this measure with the Flemish ports and authorities with a view to its possible joint introduction.

3.3.5 The Port of Rotterdam will conduct a study in 2015 to achieve an efficient method to deliver waste to the shore, considering at least the exchange of full waste containers for empty waste containers during a ship's stay in a port. It will also take into consideration operational obstacles that might arise on board. The study will be completed in 2015.

The Parties will formulate follow-up measures on the basis of the results of the study.

3.3.6 ILT and the Rotterdam and Amsterdam harbour masters will ensure that during regular on-board inspections attention is paid to raising awareness of the crew concerning waste management where necessary.

3.3.7 The Ministry of Infrastructure and the Environment will actively bring the use of tax incentives (e.g. random depreciation of environmental investments (VAMIL) and the environmental investment tax allowance (MIA)) for pyrolysis and recycling facilities to the attention of investors.

3.3.8 As from 2016, the Ministry of Infrastructure and the Environment monitors the plastic waste delivered separately by ships nationally and the extent to which it is recycled, on the basis of statements by the Port Authorities. To this end, it will amend the reporting requirements laid down in articles 5 and 6 of the port reception facilities regulation to be fulfilled by the operator of a port reception facility and the port authority, as well as the port reception facilities reporting manual and the reporting form, in such a way that it provides the information necessary to carry out

this monitoring role.

3.3.9 The Ministry of Infrastructure and the Environment has committed itself to have separate waste collection at seaports considered by the OSPAR Commission, the European Union (EU) and the IMO. It will specifically raise the matter in connection with the implementation of OSPAR's Regional Action Plan for the Prevention and Management of Marine Litter and make use of the forthcoming amendment of Directive 2000/59/EC. If possible, it will use the Netherlands presidency of the EU in the first half of 2016 to do so. Finally, in accordance with the IMO's procedures, the Netherlands intends to submit a document on the approach taken.

3.3.10 SDN will share the best practices for on-board and in-port waste management as described in the Green Deal with other European NGO's and with international partners in the Clean Shipping Coalition (observer at IMO). SDN will seek to present experiences and results at a meeting of the IMO's Marine Environment Protection Committee (MEPC).

Article 3.4 Harmonisation of ship-generated waste procedures at ports

3.4.1 The Port Authorities, with the exception of the Port of Den Helder and Groningen Seaports, will introduce a common financing system for port reception facilities by 1 January 2016 at the latest. Groningen Seaports will carry out a study and decide on its possible participation in the financing system in 2015.

3.4.2 The Ministry of Infrastructure and the Environment will work actively within OSPAR to increase the number of ports participating in a common financing system. To this end the Ministry of Infrastructure and the Environment, if possible with

the Flemish government, will organise a workshop with OSPAR Contracting Parties and port authorities in 2015.

3.4.3 In an EU, OSPAR and bilateral context, the Ministry of Infrastructure and the Environment will seek further harmonisation of the implementation of the financing and enforcement provisions of Directive 2000/59/EC (port reception facilities). If possible it will use the Netherlands presidency of the EU in the first half of 2016 to do so.

4. Final provisions

Article 4.1 Implementation in accordance with EU law

The agreements made in this Green Deal will be implemented in accordance with the laws of the European Union, especially in so far as they are subject to EU rules on public contracting, competition, state aid and technical standards and requirements.

Article 4.2 Amendments

1. Any Party may submit a written request to the other Parties to amend the Green Deal. The amendment will require the written agreement of all Parties.
2. The Parties will consult each other within six weeks of a written request having been submitted.
3. The amendment and declarations of agreement will be annexed to the Green Deal.

Article 4.3 Working group

A working group made up of representatives of the Parties will be tasked with the implementation of this Green Deal.

Article 4.4 Evaluation

1. The Parties will evaluate the implementation and functioning of this

Green Deal on a yearly basis. The first evaluation will take place mid-2015.

2. The evaluation will be carried out by the working group. The Ministry of Infrastructure and the Environment will prepare the evaluation report.

Article 4.5 Accession of new parties

1. New parties may accede to this Green Deal.
2. A new party will inform the Ministry of Infrastructure and the Environment in writing of its wish to accede. As soon as all Parties have agreed in writing to the request for accession, the acceding party will obtain the status of Party to the Green Deal and the rights and obligations arising from the Green Deal will apply to it.
3. The request to accede and declarations of agreement will be annexed to the Green Deal.

Article 4.6 Short title

This Green Deal may be referred to as the Green Deal for Ship-Generated Waste.

Article 4.7 Termination

Any party may terminate this Green Deal (at any time) in writing subject to one month's notice.

Article 4.8 Compliance

The Parties agree that compliance with the agreements in the Green Deal is not legally enforceable.

Article 4.9 Entry into force

1. This Green Deal will enter into force on the day after its signature by all the Parties and remains in force until the end of 2020.
2. The Parties will start implementing all the agreements in this

Green Deal as soon as possible.

Article 4.10 Publication

This Green Deal will be published together with other Green Deals in the Government Gazette and elsewhere, enabling others to take cognizance of the agreed Green Deals and thereby promoting their replication.

**Agreed and signed in duplicate in The Hague on
10 September 2014.**

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Haegen, Minister of
Infrastructure and the
Environment

Henk Kamp, Minister of
Economic Affairs

Wilma Mansveld, Minister for the
Environment

J. Thunnissen, Inspector-General
for the Human Environment and
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R. Paul, chief operating officer, Port of
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