

Annual Report 2004

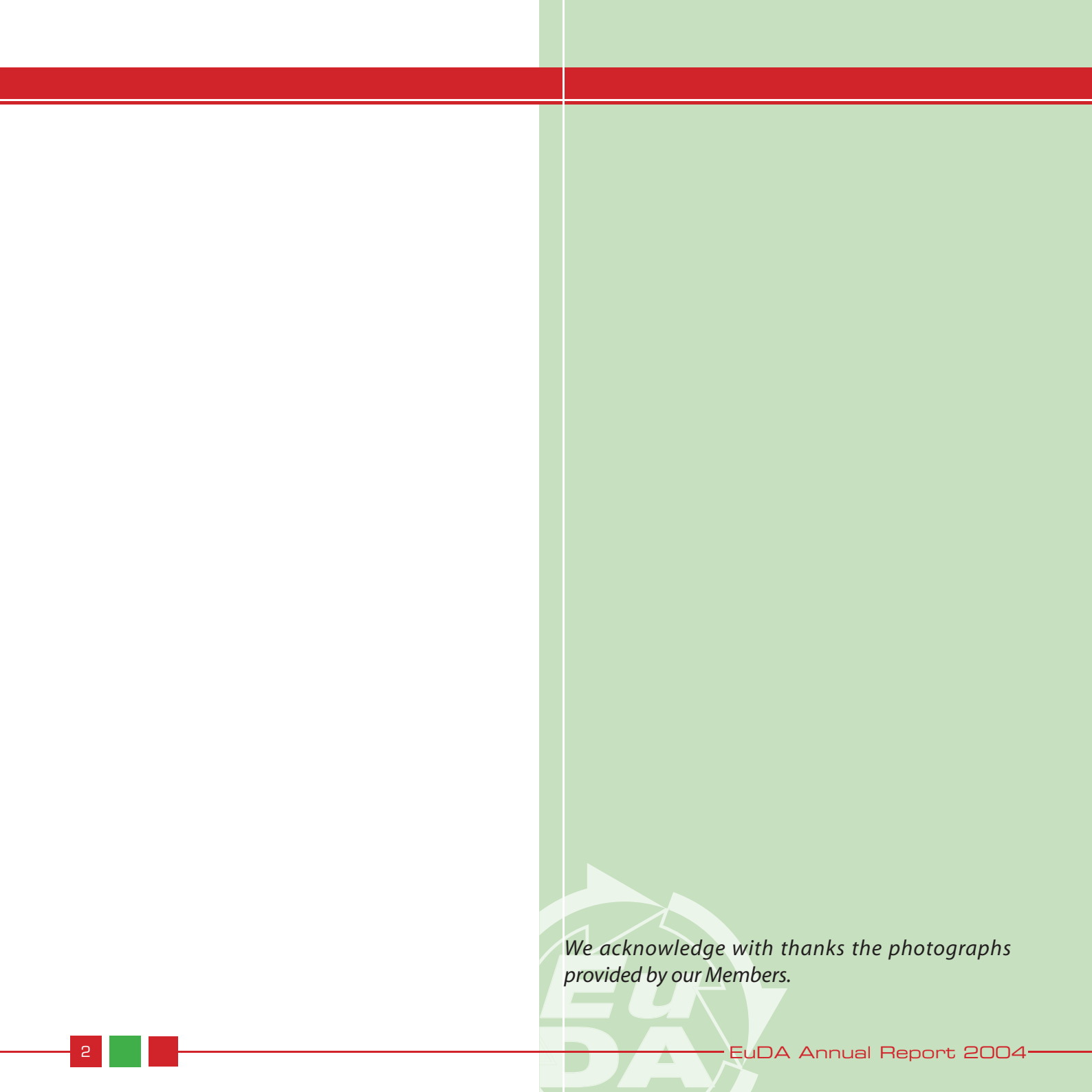


European Dredging Association



— EuDA Annual Report 2004 —





We acknowledge with thanks the photographs provided by our Members.



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As of January 2005, a new Board will be responsible for defining the strategies and supervising the activities of EuDA. The aim of this new Board is to bring EuDA closer to its members and to focus solely on matters that are related to the European Affairs of the Commission in Brussels.

It is imperative that the members dictate the future direction of EuDA. To achieve this goal it is vital that EuDA listens to its members rather than attempting to work out its "own" agenda, naively convinced that it is able to define what is important or relevant for its members.

The Board would like to obtain direct involvement of the member-companies by harnessing a circle of specialist expertise from the companies to pool their knowledge and experience. For example, the social committee, chaired by Mr Simon Hoek, is a forum of several Human Resources specialists who have already successfully delivered useful "homework" and good concertation between the European Commission and the I.L.O. (International Labour Organisation). Both organisations are now in the process of establishing the "exact definition" of the term "seafarer and the sea". It is the responsibility of EuDA to make sure that the European Dredging companies are involved in this exercise.

In another example, the new environmental committee of EuDA has now been created and is working in close co-operation with the Environmental Committees of CEDA and PIANC. Their aim and sole focus is to be fully conversant with the European Commission's current and future plans with respect to new environmental guidelines to be issued by the European Union.

Yet another example of involvement is the Maritime Forum for new technology, where EuDA has now placed a reputable and neutral consultant in the front line, in an attempt to participate effectively in possible actions relating to funding for R&D, in co-ordination with the Community of the European Shipbuilders Association (CESA). The presence of EuDA in this Maritime Forum is now being recompensed and reimbursed by the Commission.

The three examples above serve to illustrate how it is possible to improve the link between EuDA and the members, and between EuDA and the Commission. Further suggestions from member companies (and all individual employees of the members) are welcomed by the Board of EuDA.

We acknowledge that working on behalf of various companies with conflicting interests is a hard task. It is not gratifying to try to promote the benefits of “rivals”. Therefore, your EuDA-Board

will try to act towards European matters that unite the members, not divide them! However, we recognise that in order to achieve this, we will need your support and solidarity.

The Board of EuDA



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Maritime Policy

The European Shipbuilding industry has found it increasingly difficult to compete in global markets. It has responded by preparing a strategic plan - leadership 2015 - that puts emphasis on the need for continued innovation. The European Commission has responded by recognising that the maritime industry at large is of strategic importance for the EU and it has laid the foundation for an industrial policy for the sector. EuDA has noted this with a certain degree of concern as it represents a change in approach. Two concrete results are the renewal of the Guidelines for State Aid to maritime shipping, published in 2003,



and increased innovation budgets for the maritime sector in the 6th and - hopefully - the 7th Framework Programme for R&D. EuDA will carefully follow-up the exact interpretation that the European Commission will give to the new guidelines, as they may affect greatly their relevancy to the dredging sector.

Simpler rules

The European institutions have since a few years emphasised the need for simplification of European rulemaking. Thus far it has not resulted in very concrete results, but the Commission has started to work actively by the simplification of legislation pertaining to waste issues. This initiative is very welcome since the flurry of rules that exist lack transparency and occasionally create different interpretations between Member States. Such is notably the case in the sector of dredging where it concerns the application of the Landfill Directive for the placement of dredged material and the cross-border transport of non-contaminated soils and dredged material.



**Quote from the European Parliament (EP) Report on
“Assessment of the impact of Community legislation”
- Rapporteur MEP B. Doorn - March 2004 -**

“Administrative burdens, meaning the costs that businesses and individuals incur to comply with legislation, greatly restrict the dynamism and competitiveness of the European economy. The IMF has estimated that improving legislation in the short term could result in economic growth of 7% and a rise in productivity of 3%. This makes the reduction of administrative burdens an essential element in the Lisbon strategy of the European Union.

It is of great importance that the total administrative burden on individuals and businesses in Europe is substantially reduced. This will require mapping out the total European administrative burden. The Rapporteur welcomes the interest taken by the present and forthcoming Council presidencies. He calls on the Council to look into the possibilities for quantifying the administrative burdens that are the consequence of European law.

In the European Union the improvement of legislation has become a priority. The interinstitu-

tional agreement concluded in June 2003 shows that the Commission, Council and Parliament are aware of their responsibility for ensuring sound and transparent legislation. The Commission has since made a start on a comprehensive operation in which existing European legislation is reduced and where possible simplified. The Rapporteur recognises the value of this operation but points out that quality control is more efficient and cost-effective when new legislation is being created than is simplification later on.

An important aid in creating better legislation is the analysis of its financial and administrative consequences by means of impact assessment. The Interinstitutional agreement describes an impact assessment of new legislation. It is regrettable that in 2003 the Commission only succeeded in carrying out an impact assessment in a few cases instead of the 42 it had in mind. The Rapporteur hopes that in 2004 the Commission will succeed in achieving its target of 41 impact assessments.”



The European Parliament has voted positively on a proposal to make the impact assessment of amendments proposed by the EP to new legislation mandatory. This initiative can certainly help to refrain the Members of Parliament from introducing sometimes very far-reaching amendments to already strict regulatory proposals.

International Conventions

Much of the ruling for maritime issues is produced at an international level in the International Maritime Organisation and - to a lesser extent - the International Labour Organisation. This makes good sense, since shipping is an international activity.

The European Commission has repeatedly found it necessary to endorse international Conventions through specific EU legislation. We do not see the need for this, as Member States are already members of IMO. Especially in cases where the Commission proposes stricter implementation requirements, this can lead to confusion or even conflicting demands.

It has become clear over the last few years that several IMO Conventions directly impact the dredging fleet, while EuDA is not represented as observer at IMO. The proposal has therefore been made that EuDA should become an observer at the International Chamber of Shipping, which is the industry representative body towards IMO.



Internal Market

Public Procurement

The revised Directives on public procurement have been finalised and were published on 30/04/2004. These Directives will become applicable at national level not later than 31/01/2006. The new rules on public procurement have not necessarily become simpler for work contracts. The following options are available for the award of work contracts: open, restricted, negotiated and a so-called competitive dialogue for complex projects.

Public-Private Partnerships

The enormous need for capital investment in the domain of infrastructure over the next decade cannot possibly be met by public budgets. It is estimated that around half of the investment volume is to be provided by private financing. The PPP model can be most helpful, but there is some confusion on the extent to which public-procurement rules should apply to the tendering process for PPP contracts.

The Commission has thus issued a Green Book to solicit the views of stakeholders involved in large infrastructure projects.



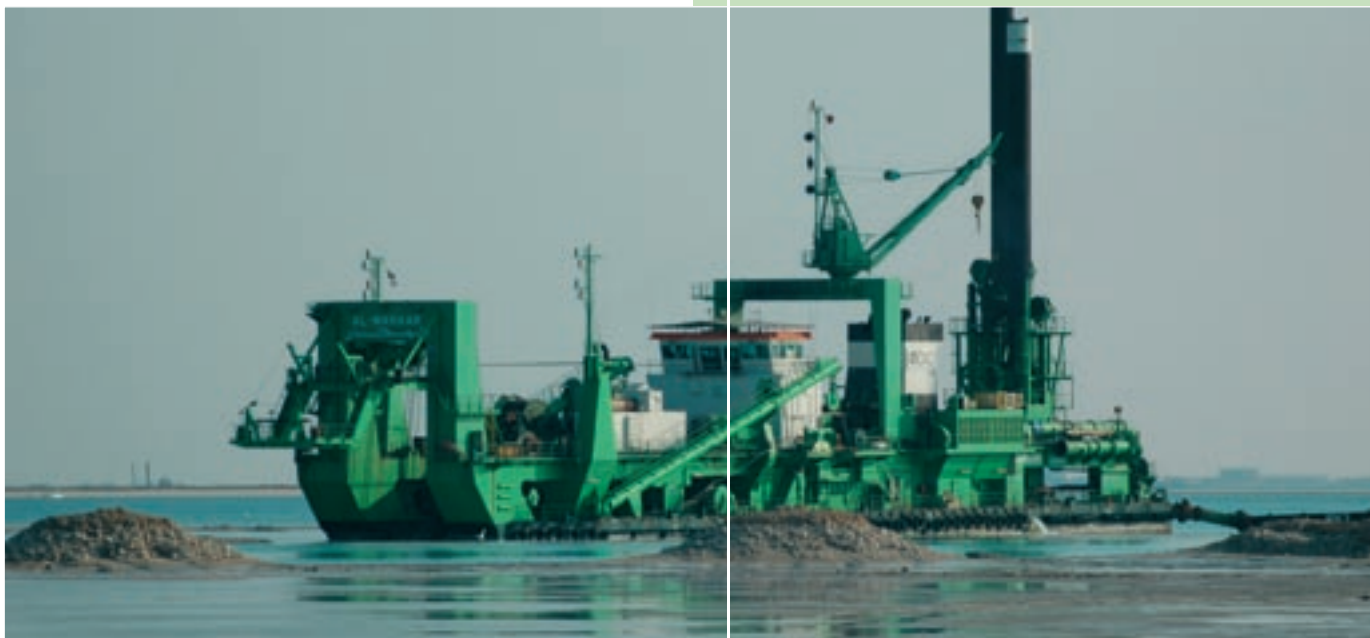
Outline of Rules for setting-up PPPs for entering into contracts between public bodies and private actors having as object the realisation and/or exploitation of works for a public purpose other than public works contracts as defined by Directive 93/37/EC and 93/38/EC. The following principles and rules must be adhered to:

1. Public bodies seeking private partners for the realisation of works must publish an official notice, which describes in general terms the object of the project and which seeks expressions of interest.
2. Private parties that express interest shall be submitted to a qualification round. The criteria for qualification must be clearly spelled out.
3. To the extent possible the public body shall retain three or more qualified candidates to participate in a consultation round. Separate consultation will take place with each candidate on the basis of a consultation document that describes in functional terms the needs, objects and elements for the public-private co-operation.
4. Following the consultation round the public body will invite at least two candidates to submit technical proposals which may include variants. Any decision not to invite candidates that were initially qualified shall be motivated in writing.
5. The public body shall evaluate the technical proposals and may organise a further round of consultation with each of the candidates.
6. The public body will invite the candidates to submit their commercial proposals on the basis of a specification, which defines general contractual conditions and constraints.
7. After evaluating the commercial proposals on the basis of well-defined criteria that seek to select the most economic offer, the public body will have one or more rounds of negotiation with each of the candidates.
8. After preparing a written evaluation, the public body may now select one candidate for further negotiation of commercial and contractual details.
9. These negotiations result in either an agreement in principle to enter into a public-private partnership or the decision to take-up negotiations also with the other candidates until a final decision can be made.
10. After concluding the tender procedure the public body shall publish an award notice; it shall also pay a reasonable financial compensation to those candidates that submitted technical proposals, or both technical and commercial proposals, and were not retained as the successful candidate.

An EuDA working party has reviewed the questions and provided extensive comments for submission to the Commission. **In summary**, the dredging industry considers that public procurement rules cannot be applied as such. While the general principles for the EU internal market can be applied, there is a need for some further guidance, preferably in the form of an interpretative communication.

A particular sensitive issue comes up when a private party develops an own-initiative for an infrastructure project. How can their initiative and intellectual property rights be protected without

affecting equal opportunities during a tendering procedure? Several Member States have implemented very pragmatic rules which foresee that bidders include a guarantee in their price which will be distributed to bidders not successful in the award. This is a compensation for bid preparation and for intellectual property rights in the case that the party developing the private initiative does not get the implementation contract. Such rules are quite acceptable under community law and EuDA pleads that similar rules should be adopted in all Member States.



Trans-European Networks

Revised guidelines and an up-dated list of priority projects have been approved. EuDA has been pleading for inclusion of important waterway projects, notably **Seine-Nord** and the improvements of navigability of the **Danube**. We are pleased to note that both projects are recognised as priorities, which subsequently qualify for EU financial support.

Guidelines for Maritime State Aid

The Secretariat has worked closely with the Social Committee and several member-companies on the development of national implementation aspects. The text of the guidelines contains a number of rules where interpretation could differ and there is also some confusion caused by incorrect translation which have been discussed with Commission officials. The Member States most involved as far as the dredging industry is concerned (Belgium and The Netherlands), have tried to reach a common position regarding the interpretation of these new guidelines.



ISPS

The IMO has adopted the ISPS Code (International Ship and Port Facility Security), which has subsequently been rushed through the EU institutions. The code is applicable as of July 1, 2004. Implementation and certification is a costly and a cumbersome process, of which the results are rather questionable. The dredging industry regrets that it has not had input into the provisions of the Code. Moreover, we are not convinced that the Code contributes much to improved security for the dredging fleet.

Ballast Water Management

In February 2004 an IMO Diplomatic Conference adopted a new Convention for the control of Ship's Ballast Water and Sediments. This convention was developed in response to widespread concerns about the damage caused by transport of alien marine organisms to sensitive coastal waters with a different biotope.

The issue of Ballast Water Management, or sediment used as ballast for that matter, is extremely complex. The Convention calls for the introduction of ballast water treatment systems to be operational by 2008.



However, the Convention was not adopted by consensus and the industry fears that ratification of the Convention may be delayed. The implications for the use of sediment as ballast are far from clear and EuDA will certainly raise concerns if and when the Convention is proposed for EU regulation.

Anti-fouling

The IMO AFS-convention (anti-fouling systems) was applicable already in 2003, but has so far not been ratified by a sufficient number of Member States for the convention to enter into force. The European Union has adopted the Convention as legislation, but the result is potentially unequal treatment of vessels under EU flag and non-EU flag. Under the umbrella of the MIF, a working party in which EuDA participated, has voiced its concern to the EU-Presidency and called for early ratification.

ISM

The International Safety Management Code was thus far applicable to ships sailing in international waters. The EU Transport Council under the Dutch Presidency, strengthened application by making it mandatory also for all seagoing vessels, including those working in domestic waters.

EuDA welcomes this move as it supports its endeavours to prevent unfair competition amongst dredging vessels. Cases had been reported of Ukrainian (and other) dredging vessels working in EU territorial waters which failed to meet ISM certification. The new regulation will make it easier to prevent such cases.



Emissions

Draft legislation has been under discussion for sometime to limit the sulphur content in bunker fuel for use in so-called sensitive areas, which would include the North Sea and the Baltic Sea. The Secretariat has evaluated the impact of the proposed criteria for maximum sulphur limits in bunker fuel and obtained feedback from member companies on trends in the existing dredging fleet concerning use of heavy fuel oil versus marine gas oils.

The new Directive specifies limits of 1,5% S for HFO in special zones (Channel, North Sea, Baltic Sea) and prescribes that vessels at berth should use fuel with a maximum of 0,2% S (i.e. gas oils).

It looks as if the dredging sector can live with the proposed measures, provided that the auxiliary engines for use at berth consume distillate fuel (MGO).

A new Directive on NO_x and particulate emissions was published in April 2004. The Directive sets limit values for NO_x and particulates also for new engines on inland vessels and dredgers starting in 2006. The criteria can be met by engine manufacturers.





WFD

The Secretariat has reviewed the latest guidance documents on the implementation of the Water Framework Directive and prepared a position paper with the point of view of EuDA. The position paper attempts to assess whether or not the WFD may have an impact on the future market for dredging services.

The position has been peer reviewed by the European Commission and has been circulated widely. The conclusion is that, where the Directive aims to improve water quality in the long term, it should leave open the possibility of short

term deterioration of (local) water quality caused by dredging operations.

Dredged Material

A report on regulatory aspects of dredged material disposal within the European Union has been finalised. It concludes that there is no specific need for regulatory action at the European level, but that the current Commission initiatives to define soil strategies, marine strategies and sediment management strategies need our active support and attention.

The report has been distributed to interested parties outside of EuDA and was well received. The report was sent to the Commission for comment, but the response was simply that dredged material should be treated as "waste".



Waste Issues

The application of the landfill Directive to the placement of dredged material on land was also discussed with the Commission. While the Directive leaves room for further initiatives on management of dredged material, it is also clear that “processing” is the preferred alternative. This covers well-known techniques such as ripening and landfarming.

Several issues on waste related legislation remain pending. The Secretariat has drafted an inventory of current problems as basis for an EuDA working party. The issues relate to the definition of ‘waste’, the status of clean soils, the interpretation of the Basle Convention on the export of waste and the position of the “extraction” industry (aggregates, sand) under a European initiative to establish stricter environmental limits for the mining industry.

Habitats Directive

Following the seminars in 2003 to evaluate the link between Habitats Directive and Ports Development, the Secretariat has published articles (suggesting amendments to the Directive) in the PIANC Bulletin and in Port Technology International (with IADC).

A common position on the impact of the Habitats Directive on future port development in Europe has been developed for consideration by the Maritime Industries Forum (M.I.F.).



New Member States

Following the accession of 10 new Member States to the European Union, a pool of qualified seafarers (Baltic States, Poland etc.) has come under EU legislation. The question of how EU legislation affects their status and social rights must be re-evaluated.

It appears that there is a potential for conflict between EU law and the international law of the sea. While the European Commission tends to interpret the freedom-of-movement-for-workers principle laid down in the Treaty in the widest possible sense by claiming that the flag of a ship constitutes "residence", the international rules for maritime shipping take a much more restrictive view of the significance of the flag in relation to the statute of seafarers. The shipping industry in general is of the opinion that the country of domicile should constitute residence status.

If this rule is not accepted under EU law there is a serious risk of a new wave of outflagging in order to keep the labour cost of the crews under control. Such would be contrary to the wishes of the industry as well as the European maritime policy that was developed to stimulate the use of European flags.

ILO Conventions

The International Labour Organisation has taken the initiative to consolidate a host of separate conventions affecting labour conditions on board into a new International Maritime Labour Convention. The intention is that the new Convention should be easier for governments to ratify, implement and enforce.

The draft version of the text has been studied by the Social Committee. Issues of concern to EuDA members include the definition of "seafarers"; the minimum design requirements for new vessels and (again) the relationship between the responsibility of the flag state versus the residence state for matters of social security.



A. Enlargement

On May 1, 2004, the historic enlargement of the European Union took place increasing the Union's membership to 25 countries.

The 10 new Member States of the Union are: Cyprus, The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. These 10 new Member States shape the future of Europe, and turn the original trade and customs-union into the biggest economically and politically integrated transnational block in the world.

The European Union started with 6 Member States of the European Economic Community in 1957, created by the Treaty of Rome, which was signed by Belgium, France, Germany, Italy, Luxembourg and the Netherlands. It enlarged four times 1973: Denmark, Ireland and the United-Kingdom joined; in 1981 Greece; 1986: Spain and Portugal; and in 1995: Austria, Finland and Sweden to today's 25 Member States.

Further enlargements are planned with Bulgaria and Romania joining in 2007 at the earliest and Turkey starting accession negotiations end of 2004. Croatia was awarded a candidate status in June 2004 allowing the start of accession negotiations.

B. European constitution

On June 18, 2004 the 25 EU leaders reached agreement on the single simplified European Union Treaty, which will introduce key changes to the functioning of the EU institutions.

The proposed Constitution is a result of more than 2 years debate on the new Treaty. The envisaged Constitution merges the EU basic treaties into a single text, clarifies the EU powers and streamlines the decision making process. It increases the influence of the European Parliament, creates the post of a EU Foreign Minister and incorporates the Charter of Fundamental Rights as part of the Constitutional Treaty.

The main institutional changes are the following:

The Member States will have one Commissioner each until 2014. Starting from this date, however, the number of Commissioners will be reduced to two-thirds of the number of Member States (including both President and EU Minister for Foreign Affairs) who will be appointed on the basis of an equal rotation system. The order of the rotation will be determined by the unanimous decision of the European Council.

The European Council agreed to define qualified majority at 55% (but at least 15 Member States)



comprising at least 65% of EU population. Four Member States can form a blocking minority. In the fields of justice and home affairs, common foreign and security policy, economic and monetary policy and in a future suspension or withdrawal of a Member State, a different qualified majority may apply. Unanimity will continue to apply in tax policy, a number of areas in the area of foreign, security and defence policy and in a future revision of the Convention. The new voting system is due to take effect from November 1, 2009.

From the next parliamentary term, starting in 2009, the Constitution raises the minimum threshold of seats in the European Parliament for small countries from 4 to 6 and the maximum of 96 seats. The European Council should adopt a decision on the composition of the European Parliament for the 2009-2012 term on Parliament's proposal by an unanimous vote. On 29 October 2004 the Constitutional Treaty was signed in Rome. The Member States will have two year to ratify the Treaty following its signing. While most countries will ratify the Treaty through a parliamentary process, a significant number of countries will hold a referendum.

Implementation of the proposed new Treaty is dependent on the ratification by all the EU Member States.

C. *New commission*

In November 2004, the new Commission took office. Under the rules of the Treaty of Nice, this Commission is composed of 25 Commissioners, one from each Member State.

D. *New European Parliament*

In June 2004, the European elections took place and as a result of the enlargement of the European Union to 25 countries, the number of MEPs rose from 626 to 732. To compensate for the MEPs of the new countries the number of seats allocated to the old Member States are brought down to 535.

The new President of the European Parliament, Joseph Borrell Fontelles (PES) was elected at the first Plenary session for the first half of the EP term - the end of 2006.



Trade

The Secretariat is regularly approached by the Commission to review and discuss the positions on construction services (including dredging!) and market access. During the year positions on China and the US Jones Act were reviewed and updated. In particular market access to the Chinese market for dredging services would be of strategic importance. The Commission defends the principle of free market access under WTO obligations and has been very co-operative.

“Eurosion”

This EU funded research project on coastal erosion in Europe published its findings in 2004. The recommendations urge for more sustainable management of the coastlines and demand:

Quick action to provide better coastline protection (budgets!) at a much larger scale.

The development of sediment management strategies to compensate the 100 million m³/year (!) sediment deficit along European coasts.

The Eurosion report is a very useful instrument to focus attention on the potential of beach nourishment in coastal management.



Danube Delta

The Ukrainian initiative to re-open the northern channel of the Danube delta for maritime access has attracted scathing criticism from Romania, the European Commission and environmental NGOs.

As the issue was widely published in the international press and the dredging work is executed by an EuDA member company, we commissioned a report to provide factual background. The problem can be summarised as follows: Ukraine has not provided a proper environmental impact statement, even though the impact is expected to be minimal; Romania fears competition for their seaports and used the European Commission to voice environmental concerns; the actual dredging work was carried out with great environmental care.

In summary, the impression is that the concerns have been exaggerated, partly due to lack of detailed information by the Ukrainian authorities.

EuDA is of the opinion that its member who has carried out this project has acted in a very professional and careful way.



The Danube in Romania

ERAMAR

EuDA used this EU-funded project to prepare an inventory of issues in marine coastal development that need further development and research. The particular focus is on problem areas related to infrastructure development along the European coastline. This encompasses the construction of renewable energy installations in coastal waters, projects where the coastline is modified extensively by land-reclamation, sustainable methods of erosion protection and also further improvement in sea bed characterisation in preparation for e.g. trenching operations.

Beachmed

The Beachmed project has as objective to define optimal techniques for restoration of coastal areas in the western Mediterranean subject to severe erosion. EuDA represents those member companies active in the region. Several reports have been written on costing aspects and technical constraints of beach nourishment projects in this environmentally sensitive region along the Spanish, French and Italian Mediterranean coasts.





The project was concluded in Dec. 2004 with a workshop on project contracting and cost parameters and a final conference. The immediate result is that several of the participating regions are preparing tenders for beach nourishment campaigns.

Maritime Industry Forum

The MIF has taken a new initiative to co-ordinate concerns of the maritime industry on a number of environmental issues.

EuDA welcomes this initiative and contributed actively to the report of the working groups on Habitats and Port Development and on Marine Coatings and anti-fouling.

The reports result in concrete recommendations to various stakeholders, including the European Commission and national authorities.

Other issues of relevance to the dredging fleet are Emission limits for seagoing vessels and the strategy to assist in clean-up of accidental oil-spillage. Furthermore we have positive expectations of the development of strategies for scrapping old vessels.



presented to the MIF Plenary meeting by : ESPO - European Sea Ports Organisation, EuDA - European Dredging Association, EFIP - European Federation of Inland Ports, AIM - European Intermodel Association, ECSA - European Community Shipowners' Associations

Recent experiences have shown that the development of the Natura 2000 network continues to jeopardise infrastructure projects in particular port extension plans or dredging activities in the European Union. Moreover, more problems are likely to arise in the new Member States, which are at earlier stages in the implementation of the Birds and Habitats Directives.

In this context, the Maritime Industries Forum wishes to express the following **concerns to the European Commission and the EU Member States** concerning the implementation of these Directives:

I. Lack of integration between EU transport and environment policies

There exists a fundamental inconsistency between European Transport and Environment policies.

On the one hand, the European Commission promotes the development of transport modes, such as Short Sea Shipping, which are less damaging to the environment than road transport. Maritime transport is indeed far less polluting than road transport in terms of carbon and particulate emissions as well as in terms of hydrocarbon consumption.

On the other hand, EU environmental legislation, and notably Natura 2000, impedes certain infrastructural and maintenance works in ports and in ship repair/maintenance yard facilities, which are necessary, respectively, to respond to the growing demand for maritime transport and to ensure high

safety levels of vessels sailing in EU waters, as encouraged by the EU Institutions.

In order to provide an appropriate and attractive context in the EU to shifting traffic from road to sea, essential investments must be made in ports. They need to expand and build adequate infrastructures and facilities to accommodate the growing volumes of transport.

Furthermore, the growth in demand for maritime transport also translates into needs for increasingly larger ships. This implies that the shipyards have to adapt their infrastructures in order to give proper and adequate access to the sea for these newly built ships. They also need to respond to the maintenance needs for an increasing number of vessels. In this prospect the shipyards are facing the same expansion needs and problems as the ports.

The MIF calls on the EU Commission, Parliament and Council of Ministers to make fundamental policy choices: whilst recognising and supporting that respect for the habitat can be integrated with port development, nature protection objectives may, in certain cases, have to be balanced with economic goals to achieve a sustainable EU transport system.

II. Lack of integration between environmental and economical needs

In order to achieve sustainable development in the EU, it is essential to integrate socio-economic and environmental interests.

While the need to combine both objectives is now more generally recognised (Cf. more recent pieces of legislation such as the Water Framework Directive), this principle was not fully integrated in the Birds and Habitats Directives which were drafted more than 15 years ago.

The implementation of the Natura 2000 network is taking place from a strict nature protection perspective. It is often detrimental to the development of many activities, notably in the sector of waterborne transport, despite the benefits these could bring to society, in socio-economic terms.

It is recalled that the total European maritime cluster produces a value added of about 111 billion Euro and provides employment to about 2,5 million people. Moreover, 90% of Europe's trade with the rest of the world is waterborne as almost half of intra-European trade.

As a result, the MIF calls on the European Commission to urgently assess the potential socio-economic impacts of Natura 2000, so as to make sure that the maritime and port industry can fulfil its role for the European economy and trade, without being burdened with undue environmental constraints.

III. Lack of consistency in the Directive implementation

The implementation of the Birds and Habitats Directives is not consistent throughout the EU. Certain concepts are not clear (e.g. "likely significant

effect"; "adverse effect"; "over riding public interest") and are interpreted in a different manner from Member State to Member State. Therefore, depending on the interpretation taken by each regulator at national level, these texts may be applied in a more or less strict manner.

For complex biotopes such as estuaries, the scientific criteria referred to in the Directive are either not existing or have not been spelled out. Again, this leads to inconsistencies in implementation.

These differences in the application of the Directives lead to distortion of competition because infrastructure development is subject to stricter conditions in certain ports and shipyards than in others.

In order to ensure an equal treatment of all port activities, the MIF calls on the European Commission to monitor the implementation process of the Birds & Habitats Directives and to steer it towards a harmonised approach in all Member States. It also urges it to clarify concepts of article 6 in order to ensure a common interpretation throughout the EU.

IV. Difficulties in carrying out a specific project in a Natura 2000 site

The MIF would like to make the following recommendations to the national regulators, when assessing a specific plan/project in a Natura 2000 designated area, so as to avoid that such



projects are subject to excessive administrative burdens, delays and legal uncertainties:

- The competent authorities should carry out the assessment process in a rapid, simple and transparent manner. Notably, not too many different regulatory bodies should be involved and they should be in permanent communication between themselves (notably the transport and environment administrations). Also, information requirements for the project planner should not be too detailed.
- The elements to conclude that there are overriding public interests to realise a port project (infrastructural- or dredging works) must be defined more clearly and explicitly. Notably, in assessing the “over-riding public interest” character of a maritime transport project, its contribution for the EU or local economy/trade should be taken into account, as well as the fact that its development can be combined with compensation measures to respect the habitats. Also, the TEN status of the project should be a decisive factor.
- The lack of capacity, which most European ports are faced with, must be taken into account in the assessment of possible alternatives.
- The environmental impact assessment (EIA) of the port project should also take into account macro-environmental aspects (such as the environmental benefits of taking cargo off the roads).

- Pre-existing commitments and legal user rights must be taken into account, and notably whether the project was already foreseen in the port’s strategic planning, before the Natura 2000 designation.
- Compensation of stakeholders should be provided in case the project is delayed or hampered.
- When considering the environmental impacts of dredging activities, decision makers should take into account :
 - the fact that dredging is essential to maintain safe navigation in the port area or to provide new facilities to meet customers’ needs;
 - the wider environmental benefits of dredging, in facilitating waterborne transport;
 - the vital role of dredging in allowing ports to keep pace with maritime transport needs and to support local, national and regional economies.

The MIF calls upon the Commission and the Parliament to pave the way for improvement in environmental legislation, notably by amending Art. 6 of the Habitats Directive with clear criteria on balancing environmental and socio-economic goals and by adding provisions on dealing with established rights of property for owners and users.

On the occasion of 10-year European Dredging Association anniversary an in-depth review of the goals of the association was undertaken.

Several Extraordinary General Assemblies took place with the conclusion that a presence at the European scene was necessary, but that the scope of the activities and the corresponding budget should be reduced.

This conclusion was translated into concrete actions, namely a trimming down of the office staff and a renewed focus on market issues, environmental regulation and the impact of international agreements on dredging operations.

At the same time the EuDA Board was renewed and consists of:

Mr. M. Stordiau - President

Mrs J. Rohde Christensen - Vice-President

Mr F. Verhoeven - Treasurer

Mr. C.J. van de Graaf

Mr.J.van Herwijnen

Mr. J. Rovers

Mr.G. Vandewalle

The former President, **Mr. Jozef Allaert**, completed a 5-year mandate. His leadership is gratefully acknowledged.

The former treasurer, **Mr. Kees van Nes**, retired from his position in the industry and ended his mandate with the recognition of the General Assembly for a job well done.

The office staff as per 1 January 2005 consists of **Mrs Agnès de Meester** and **Mrs Isabelle Gourdin**.

The Social Committee under the Chairmanship of **Mr. Simon Hoek** dutifully followed-up on its active files.

A new Environmental Committee has been formed under the Chairmanship of **Mr. W. Dirks**. This Committee is working in close contact with **CEDA and PIANC**.

Finally, during the year an ad-hoc Working Group reviewed the industry position on Public-Private Partnerships.

EuDA Members

Baggerbedrijf De Boer B.V. / Dutch Dredging B.V.
www.dutchdredging.nl

Baggerwerken De Cloedt en Zoon N.V.
www.deme.be

D. Blankevoort & Zoon B.V.
www.vbko.nl

BMAPA -
British Marine Aggregate Producers Association
www.bmapa.org

Dragados y Construcciones SA
www.dragados.es

Dredging International N.V.
www.dredging.com - www.deme.be

EMCC Entreprise Morillon, Corvol Courbot S.N.C.
www.vinci.com

Fédération du Dragage Belge A.S.B.L.
Fax: +32-2-771 30 93

The Federation of Dredging Contractors
www.alliots.com

Irish Dredging Company
www.boskalis.com

Jan De Nul N.V.
www.jandenul.com

Rohde Nielsen s/a
www.rohde-nielsen.dk

Royal Boskalis Westminster N.V.
www.boskalis.com

SIDRA - Societa Italiana Dragaggi SpA
www.dredging.com

Van den Herik B.V.
www.herik.nl

Van Oord N.V.
www.voacz.com

VBKO - Vereniging van Waterbouwers
in Bagger-Kust- en Oeverwerken
www.vbko.nl

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