

European Dredging Summit + ACI Th & 8th October, 2015 / Antwerp, Belgium

07/10/2015, Antwerp

How are regulatory changes affecting dredging projects ?

Paris SANSOGLOU

Secretary General European Dredging Association

European Dredging Association 2015





Agenda

- EuDA and the European Business Model
- Dredging is part of the Solution
- Obstacles to building big waterborne infrastructure projects
- Legislative Cases
- Way forward
- Conclusions



Presentation's Objectives



Demonstrate that

- Dredging is not a problem ... it is part of the solution !
- ➡ Building our Future can and should be done together with Nature !

Provide food for thought with concrete examples.







EUROPEAN DREDGING ASSOCIATION

- founded in 1993
- represents the European Dredging Companies
- from 16 EU Members States
- world leaders (top 4)
- with a turnover (2014): \in 9.2 bn
- +/- 25,000 European direct employment
- >50,000 indirect employment (supply and service companies)

"EuDA is the official interface between the European dredging industry and the European Institutions"

YEARS



20th Anniversary Conference Key Messages



In 20 years European dredging companies have evolved

From "mud pushers" to World Leaders;

[©] from *specialised sub-contractors* to **main contractors**; European dredgers continue to provide **indispensable services** to the

waterborne transport logistic chain.

In 20 years, European dredging companies have continuously innovated, together with their clients, and

[©]increased their <u>performance</u> and <u>efficiency</u>;

[©] increased their <u>added value</u> for their clients;

The broaden their portfolio of more diversified services worldwide.



20th Anniversary Conference Key Messages



In 20 years, European dredging companies have become **stronger**, more **resilient** and more **profitable**.

However, they need unhindered access to markets worldwide.

European dredgers build more and <u>more knowledge</u> from a broader and <u>broader range of disciplines</u> and have become experts in the **management of complexity** which implies:

- solving <u>complex engineering problems</u> but also
- the management of <u>multidisciplinarity</u>;
 - the management of multiculturality;
 - the building of <u>mutual trust</u> with clients and stakeholders.





European Dredgers' Business Model From National Dredgers to International Maritime Builders

DREDGING PLUS:

focus on dredgers' technology + focus on other sciences!

Paradox: Focus + No Focus ??



Results:

Thigh added value

Tacyclical industry through

diversification in geography and in activities

Creation of new opportunities



European Dredgers'Business Model High added value (capital intensive & innovative)



- 2/3 of world's dredging projects (70% outside EU) bringing however 90% return back to Europe
- 7 billion €investments from 2008 to 2012
- 2.5% of total turnover invested in R&D
- largest, most powerful & most technologically advanced Fleet



European Dredgers'Business Model



Acyclical industry (diversified international activities)





European Dredgers'Business Model Creation of new opportunities

"Multipurpose Island"

Coastal protection Safe Place of Refuge

Nature development

EcoShape





HGO InfraSea Solutions

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Vlaamse Baaien

Veilig, natuurlijk, aantrekkelijk, duurzaam, ontwikkelend



Dredging is not a problem ... it is part of the solution !

Dredging is essential to support waterborne Transport Infrastructures

Port expansion in densely populated and urbanised areas

Europea

- "Reclaim land on the sea"
- Ports' access for bigger ships:
 **Access channel deepening*
- Guaranteed navigational depth:
 Maintenance dredging





"Around 80% of the largest population centres in the world are found in coastal areas" R. Waterman

- d Contaminated sediments on seabed or riverbeds:
 - "Environmental dredging"





Dredging is not a problem ... it is part of the solution ! Dredging also facilitates and protects other coastal activities worldwide (Coastal) Cities need

- Intersection Energy and resources:
 - " "Offshore Oil & Gas installations"
 - **g** "Offshore Wind Farms"

"Aggregate Mining"

- Protection from water
 - Coastal and flood protection"
- d Recreation
 - "*"Leisure infrastructures*"





Any Problems ? Large-scale Dredging Projects



- Development of large-scale projects characterised by
 - Complex environmental legislation
 (Directives is National Laws is Interpretation?).
 - Long-lasting procedures
 - Extensive environmental requirements
 - Uncertainties on project impacts
- ➡ Delays (leading sometimes to cancellation).





Obstacles to building big waterborne infrastructure



Main types of obstacles include:

 \Rightarrow <u>Legislation</u>: multilayered, extensive & complex.

⇒<u>Market</u>: Costs Horizons ? Life Cycle vs Project ?





⇒<u>Governance</u>: lack of knowledge ? go vs no go ?









Legislative Obstacles Extensive Legislations



- d Legislations cover all aspects of dredging
 - Crew (qualifications, certification)
 - Ship (classification, design, performance)



Operations (emissions, environment, market access)











Market Obstacles Characteristics



Public authorities are the main driver in infrastructure investments.

Public procurement

- requirements progressively more demanding with regards to the environment;
- need for more long term assessment (life cycle cost approach);
- used in many cases as economic instrument to stimulate the local economy (hence minimum local content requirements or even exclusivity with a closed market).



Market Obstacles Design & Implementation Costs



Eco-dynamic Design

An ecodynamic design of a sand nourishment is characterized by:

> Design serves integral objectives: Guarantee coastal safety, create space for nature



development and recreation

- Implementation of a large sand volume (10-20 mln m3 or more)
- Envisaged life span 20 years
- Incidental disturbance of ecosystem
- Use natural processes for distribution of sand. Gradual evolution, ecosystem capable of following morphological changes.



Traditional Design

Envisaged life span 5 years

Frequent disturbance of ecosystem.

A traditional design of a sand nourisment is characterized by:

- Primary objective: Shoreline maintenace. Other objectives of secondary importance
- Implementation of a medium sand volume (2-5 mln m3)

Cheaper in the long term
Minimise Disturbance/Compensation

- Cheaper in the short term
- Frequent Disturbance

Compensation can be significant European Dredging Association 2015

Governance Obstacles Lack of Knowledge (no decision/action?)

"Monitoring brings more in

learning than in control"

Economic Environmental Social

"Governance models to support knowledge building!" "Newly acquired knowledge to support Governance models !"

"New knowledge for new projects"





CO₂ legislative background Developments in IMO



Shipping is a global industry competing in a single global market.

⇒ therefore preference for global regulator IMO (vs UNFCCC - CBDR; vs EU)

Three categories of measures under development

- Technical New Equipment
 (EEDI: Energy Efficiency Design Index)
- Operational New Methods
 (SEEMP: Ship Energy Efficiency Management Plan)
- Market based Measures Incentives (MBM)
- EEDI (not for dredgers) and SEEMP Regulations apply to all **400 GT< ships** from **1**st **January 2013**.





Source: IMO



CO₂ legislative background Developments in EU



The long term reduction targets set by the EU (DG CLIMA) are:

- 30% of 1990 by 2030;
- 50% of 1990 by 2050.

In its White Paper on Transport 2011 the EU (DG MOVE) announced the following objectives:

- 20% of 2005 by 2020;
- 40% reduction Carbon emission from Shipping by 2050.

On 29/04/2015, the EU adopted a Regulation on the Monitoring, Reporting and Verification (**MRV**) of CO_2 emissions from maritime transport (EU 2015/757).



CO₂ emissions MRV Regulation



The basic principles behind the <u>Monitoring, Reporting &</u> <u>Verification Regulation</u> are:

- 1. <u>WHAT</u> *should be monitored* ? **fuel consumption**;
- <u>WHO</u> should report ? the ship (reporting entity vs ship-owner/operator/charterer, cargo-owner);
- <u>HOW</u> should it be implemented ?
 keep it simple and use existing information and data (IMO requirements) collected on a yearly basis;



CO₂ emissions European Commission CO₂ Policy



European Commission Objectives:

- 1. Implement MRV and establish CO₂ emissions from maritime transport;
- 2. Establish (agreed) global energy efficiency standard;
- 3. Consider introduction of a 'regional' MBM.













International Association of Dredging Companies

50-008-2

IMO AND REGULATION OF GHG EMISSIONS, THE POSITION OF THE DREDGING INDUSTRY.

The Dredging Industry is prepared to contribute its share to the current and future efforts to reduce the emission of greenhouse gases (GHG), in particular CO_2 . CO_2 emissions of the world seagoing dredging fleet have been estimated at 6.3 Mton for 2008, this represents about 0.6% of the total emissions of global shipping.

The Dredging Industry supports the introduction of fair, effective and equitable marketbased instruments (MBI) that should be applied on a global basis. The particulars of the dredging operations and dredging equipment however need special consideration in development of any regulation to reduce GHG emissions by the Dredging Sector.

The discussion in IMO has concentrated primarily on development of measures that will enforce that new ships will comply with minimum energy efficiency requirements. IMO is in the process of developing a standard methodology to rate the energy efficiency of ships: the Energy Efficiency Design Index (EEDI). Each dredging project has a different scope and is carried out under specific conditions and technical requirements. This has resulted in a worldwide fleet of dredging vessels with very diverse specifications. The combination of variable project conditions and very diverse equipment specifications make it impossible to transpose efficiency indices for regular shipping to dredging operations. During MEPC 58 it was acknowledged that dredgers at this stage are to be excluded from development of the index and related baselines.

The dredging industry is looking for support from national representatives in IMO to share the opinion that the development of a generic energy efficiency index under IMO regulation will not result in a practical and effective tool to reduce GHG emissions by dredgers due to the specifics of dredging operations. Any proposal to include the dredging vessels in the scope of the EEDI at a later stage should be refused.

In order to contribute to developing effective measures for dredging vessels, the Dredging Industry will take the initiative to develop in the course of 2010 up to 2011:

- 1. A set of fact based emission figures for different types of dredging operations under normalized conditions.
- 2. A transparent calculation method to estimate the energy performance of specific types of dredging vessels considering variable project specifications.

2010 02 23

3. A benchmark for future emission reduction.



Jac. G. (Koos) van Oord IADC President Marc Stordiau EuDA Chairman

50-008-2 WDI

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CO₂ emissions EuDA Fleet CO₂ emissions





World GDP evolution 2008-2014



Source: EuDA - Global Operations European Operations - Global Trend				= 9	% World GDP constant US\$		• World GDP current prices US\$ Source: IMF		
EuDA Sea-Going Fleet		2008	2009	2010	2011	2012	2013	2014	
Global Operations									
Installed Power	kW	1,510,000	1,587,000	1,591,462	1,779,152	1,845,002	1,666,135	1,598,624	
Fuel Consumption	ton	1,090,000	1,016,000	998,930	1,002,702	985,998	884,069	846,514	
CO ₂ Emissions	ton	3,440,000	3,211,000	3,155,225	3,163,003	3,108,075	2,774,959	2,672,869	
European Operations									
Installed Power	kW	420,000	511,000	654,069	636,790	501,981	527,013	530,519	
Fuel Consumption	ton	280,000	307,000	419,853	356,809	283,388	244,423	228,823	
CO ₂ Emissions	ton	880,000	1,088,000	1,326,014	1,126,267	896,361	696,476	724,198	



CO₂ emissions Findings from TSHD's CO₂ performance Analysis

⇒Dredging operations are **complex**:

⁽³⁾ what is a TSHD's <u>'Typical' dredging cycle</u>?

The dredgers use of energy for working and sailing;

@ optimisation per project (not per ship);

smaller vessels can outperform the larger (project conditions);

⇒EEDI (as is) not applicable to dredgers;

⇒Early contractor involvement in the design phase of real dredging projects;

⇒Equipment and working methods selection should be left to the contractor.

 \Rightarrow **Dredgers ready to contribute** to CO₂ emissions reduction.


CO₂ emissions Exclusion from scope MRV Regulation



Result of dialogue with DG CLIMA and with Environment WG of European Council (latest version September 2014):

1.Recital 8

"[...] However, since this regulation focuses on maritime transport, it should not establish monitoring, reporting and verification requirements for <u>ship movements and activities not serving the purpose of transporting cargo or passengers for commercial purposes</u>, e.g. <u>dredging</u>, ice-breaking, pipe laying or offshore installation activities [...]."

2.Article 3 aa

"(aa) "voyage" means any movement of a ship that originates from, or terminates in, a port of call. This shall not include ship movements and activities not serving the purpose of transporting cargo or passengers for commercial purposes;"



CO₂ emissions Relative measures vs absolute targets



Relative measures (improved performance and efficiency) cannot achieve the absolute emission targets (Max $+2^{\circ}$ C) when the global economy and, consequently, demand for waterborne transport are booming.

World fleet - Average scenario: A1B-4 and B2-1 Sea Trade Scenarios 1950-2020 3500 EEDI reduction % scenario SEEMP reduction 16 3000 tonnes 15 New emission level 14 %pa 13 2500 BAU 1950-60 7:5% 4% scenario billion 12 9.1% 1961-70 11 3% scenario 4.8% 1971-80 2000 10 CO₂[mill tonnes] 0.9% 1981-90 imports C % scenario 1991-00 4.1% 1500 2.9% 2001-09 seaborne 1000 500 950 955 960 965 970 975 1980 1985 1990 1995 2000 2005 2010 2015 2020 2020 2030 2039 2050 2010 2015 202 Source: Clarkson Research Services Ltd Source: IMO





What about Carbon Offsetting ? Blue Carbon



Blue carbon:

- ✓ oceans & coastal biotopes that are <u>natural</u> <u>carbon sinks</u> (mangroves, seagrasses, salt marshes, coral reefs, etc.);
- <u>captures atmospheric CO₂</u> through the plants' photosynthesis;
- stores carbon in the long-term through the natural growth processes in the ecosystems' plants and animals (respectively the gross primary and CO₂ emissions reduction:
- emissions reductions cannot be disconnected from global economy (and global trade);
- ✓ <u>-40% by 2050 are impossible</u> to achieve if only acting on the emission sources;
- ✓ Blue Carbon reduces CO₂ atmospheric concentrations
 - = offsetting opportunities that can <u>be bought/sold</u>.

Prerequisites

- ✓ Establishment of Market Based Measures (MBM);
- ✓ **Political recognition** (IMO, EU); and
- \checkmark direct link to MBM;
- ✓ Functioning MBM market.

















Environmental Impact Assessment &

Strategic Environmental Assessment (Directives 85/337/EEC & 2001/42/EC; Communication COM(2012)628)

⇔Cornerstones of Europe's authorisation procedure for major Projects/Plans.

⇒Protecting the Environment by:

SAssessing Impact on Environment

SIntegrating Environment into designs of Projects/Plans.



Key Issues:

Inconsistencies, interaction and overlap between EIA-SEA-Habitats directives.

How can a common framework be established to clarify, simplify and harmonise the approaches/priorities ?

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EIA & SEA

Dir.



Birds & Habitat Directives

(Directives 2009/147/EC & 92/43/EEC)

Birds & Habitat Dir.

⇒Cornerstones of Europe's nature conservation policy. ⇒Built around two pillars:

- Shatura 2000 network of protected sites;
- System of species protection.



Key Issues:

- Conflicts between transport and environmental policies/objectives.
 - The How can the objectives be combined ?
- Creating delays, uncertainties or blockage of much needed projects.

How can the delays and uncertainty be improved ?
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Ems Case The main issues



The Concept of a Project

On the definition of project: despite the rulings of the European Court of Justice, *maintenance dredging* should not be considered as a 'plan or project' in the sense of Art. 6(3) of the Habitats Directive.

Capital versus Maintenance Dredging

On Maintenance Dredging: on the one hand, the conclusion of the European Court of Justice that a separate appropriate assessment may be required for maintenance dredging is not consistent with the concept of a project.

On the other hand, maintenance dredging is necessary to maintain the conditions in which the Natura 2000 site was when it was selected.





Ems Case Pragmatic Approach



Maintenance Dredging

- maintain a certain state of infrastructure ;
- not a project in the sense of Article 6(3) (Habitats Directive);
- distinct projects when
 - d changing techniques,
 - d conditions or
 - d regularity.
- if significant effect, assessment;
- recurring maintenance dredging contribute to navigation and conservation.

Building/Working with Nature







European Commission

define of 'plan or project'

EU Member States

- in general, maintenance dredging is not a project (Art. 6);
- incorporate in authorisation of capital dredging projects the associated recurrent maintenance dredging campaigns;
- @ exceptionally distinct 'maintenance dredging campaigns';
- recurring maintenance dredging designed and performed to achieving both navigation and Natura 2000 conservation objectives.



Ems Case Connecting EU legislations and policies



<u>Capital Dredging</u> is a project subject to **Environmental Impact Assessment**. In general, <u>maintenance dredging</u> is not a project. Authorisation of capital dredging projects should also cover the associated recurrent maintenance dredging campaigns.

Maintenance dredging can and should be designed and performed to achieving both **navigation** and **Natura 2000** conservation objectives.





Water & Marine Strategy Framework Directives (Directives 2000/60/EC & 2008/56/EC)

Water & Mar. Strategy Framework Dir.



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Water & Marine Strategy Framework Directives (Directives 2000/60/EC & 2008/56/EC)



⇔Cornerstones of Europe's water policy.

⇒Built around the following concepts:

Siver basin management (cross-border);

Good Ecological Status (water quality);

Good Environmental Status (including human activities).

Key Objectives:

Protection of all waters (surface, ground) & marine environment across Europe;

"combined approach" of emission limit values and quality standards;

⇒~6 years cycles: 2014 (monitoring programme); 2015 (programme of measures) & 2020 (GES achieved) !



Water & Marine Strategy Framework Directives (continued)

Water & Mar. Strategy Framework Dir.

Key Issues:

Measures, Monitoring and adaptive Management
How to select & implement these instruments ?
Shipping activities
How to integrate these activities ?
How to further develop them (Transport Strategy 2018) ?
Sediments
How to deal with contaminated/uncontaminated

sediments?



Weser Case

(Water Framework Directive)

Legal Action to stop planned dredging

complaint about the potential deterioration of the water quality associated with the proposed dredging of the Weser.

Water Framework Directive

- 'deterioration' of Good Ecological Status;
- How to interpret temporary and localised impacts (e.g. from dredging activities)?

European Court of Justice Judgement (01/07/2015)

- follows the current provisions of the Water Framework Directive (WFD);
- applying the 'one out, all out' principle;
- clarifies the definition of 'deterioration of the status' in the water quality classes: High, Good, Moderate, Poor and Bad (not within a class unless Bad)





Weser Case Connecting EU legislations and policies



Authorisation under the **Environmental Impact Assessment** covers extensive analysis the project's impacts and verifies its compatibility with all environmental EU legislation, including the **Water Framework Directive**.

Nothing new ? There is no '<u>deterioration of the status</u>' within the water quality classes: High, Good, Moderate and Poor, except for the lowest water quality class Bad (as the deterioration cannot result in a reduction of class anymore).

Quid for <u>environmental dredging</u> aiming at eliminating pollutants and improving soil and water quality in the long term ?





(Directive 2008/98/EC)

Waste Framework Dir.



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(revised Directive 2008/98/EC)



⇒Cornerstone of Europe's waste policy.
⇒Built around the following concepts:
Spefinition of waste;
Specific Waste hierarchy (waste vs non-waste);
Specific Waste Management.

Key Principles:

⇒Prevention;⇒Recycling and Re-use;

⇒Recovery (Energy);

⇒Final Disposal of Waste and Monitoring.



(revised Directive 2008/98/EC)



Definition of Waste (EU - WFD):

"Any substance or object which the holder discards or intends or is required to discard.";

Room for (different) interpretations !

Definition of Waste (OECD):

"Waste refers to <u>materials</u> that are not prime products for which the generator has <u>no further use</u> (in terms of his own purposes of production, transformation or consumption) and of which he <u>wants to dispose</u>.";

Revised Waste Framework Directive Waste Hierarchy

"Dredged Material is DREDGED EU WASTE • MATERIAL not waste if proven HIERACHY HIERACHY non hazardous" PREVENT PREVENT waste cycle) NON-BENEFICIAL USE WASTE **RE-USE** RELOCATE (placement) RECOVER TREATMENT/ projects with WASTE PROCESSING CONFINED RECYCLE \Box DISPOSAL DISPOSAL

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New Approach including out-of-waste strategies (before and during the

Waste

Framework

Dir.

- unevenly implemented
- 'North/South' divide
- Problem for transnational contaminated sediments:
 - Iffezheim Barrage (France-Germany)







Waste Framework Dir.

Key Issues:

Iredged Material is not waste unless proven otherwise !

- Different Waste definitions/approaches between international legislations.
 - Different interpretations/implementations by Member States.
 - [©]Can a generic European approach be developed ?
 - How to define 'hazardous/non-hazardous' dredged material ?
 - The way of Waste way and the way and the way and the way and the second second





The Way Forward Solutions in Cooperation & Integration



- ⇒At policy level (European & National):
- cooperation between **policy makers** (Environment and Transport: e.g. Environmental Guidelines for Estuaries & Coastal areas and Environmental Guidelines for Rivers);
- cooperation with **stakeholders**;
- adaptive management and adaptive monitoring;
- integration of various environmental assessments (common framework).

⇔For implementation (across all political levels):

- clarification and simplification;
- **harmonisation** of legislation <u>transposition and interpretation</u> (common understanding)



The Way Forward Solutions in Cooperation & Integration



⇒At project level:

- take 'nature' into account at the design phase and
- engage the **stakeholders** at an early stage and keep communication simple (de-jargonise).



"To improve certainty and keep delays under control for large infrastructure projects"



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The Way Forward Paradigm Shift for Business



From defensive approach, "Environment = Constraint" minimising environmental impact,

To constructive approach, optimising "Environment = Opportunity" full (socio-)economic and environmental potential.





The Way Forward Concept of Building with Nature





"Using the (physical & biological) forces of Nature, instead of fighting them" "Flexible integration

• of land in sea

• and of water in the new land making use of <u>materials</u> and <u>forces/interactions</u>, present in nature, taking into account existing and potential nature values and the <u>bio-</u> <u>geomorphology</u> & <u>geo-hydrology</u> of coast and seabed."

(developed over last 30 years by Ronald Waterman)



Safety ?

The Way Forward Philosophy of Building with Nature



Society ?

Economy?

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Principles:

- ➡ Long Term Vision and Investment Perspective
- → No Regret: Preserve Ecosystem, Preserve Investment

Attractiveness ? Sustainability ?

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- ⇒ Guarantee of Safety
- → Partnership with Nature

Consider the project's added value to:

Nature ?



New Sustainable Approach Implementing Building with Nature



Building with Nature

is a partnership with Nature, integrating both physical and biological aspects of Nature in a project's design, EcoDynamic Design or Geo-Engineering, and implementation so that the project integrates more harmoniously and more harmlessly into Nature and when possible to Nature's benefits.

"Where Nature and Man build together for their mutual benefit."





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Dredging is not a problem ... it is part of the solution !

➡ Building our Future can and should be done together with Nature !

Building with Nature provides a frame to building sustainable, resilient and integrated waterborne infrastructure.







Thank you !

• European Dredging Association:

148 Avenue Grandchamp, B-1150 Brussels e-mail: <u>info@euda.be</u> Tel.: +322 6468183 Fax : +322 6466063

• Website: <u>www.european-dredging.eu</u>

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