

‘CONVENTION FOR WASTE MANAGEMENT FOR INLAND NAVIGATION ON THE DANUBE’



Final Report about International Coordination

Work Package 5: International Danube Ship Waste Convention

Activity 5.4: International Coordination and Promotion of IDSWC

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TABLE OF CONTENT

1	Scope of Document	3
2	Summary	3
3	Goal of the project.....	3
4	Main activities	5
4.1	Improving ship waste management along the danube.....	5
4.2	Implementation of Pilot actions	6
4.3	Development of the International Danube Ship Waste Convention.....	7
4.3.1	1 st International Implementation Board Meeting: Budapest, Hungary	8
4.3.2	2nd International Implementation Board Meeting: Bratislava, Slovakia	9
4.3.3	3 rd International Implementation Board Meeting: Vienna, Austria.....	18
4.3.4	Coordination Activities with Germany	23
5	Conclusions	23
6	Contacts	24
7	References.....	26

1 SCOPE OF DOCUMENT

The scope of this report is to provide an overview of the CO-WANDA project goal, summarise the activities carried out for international coordination and compile the recommendations which have been elaborated during the project run.

2 SUMMARY

Inland navigation is a promising, environmental-friendly transport mode. Since waterway transports along the Danube mostly are carried out beyond national borders, existing international conventions ensure smooth operation of vessels along the rivers and unify national laws. Still, an international binding treaty for ship waste along the Danube is missing.

Although the need for a harmonised ship waste system has been recognised by the states, having been transferred into recommendations issued by the Danube Commission and inclusion into the Danube River Protection Convention on a very general level, national ship waste management systems are not harmonised. In fact, the availability of state of the art, adequate waste reception facilities (WRF) and applied fee systems vary between the countries. A harmonised ship waste system, including effective control mechanisms will decrease the risk of illegal discharges and support IWT as an environmentally friendly, competitive transport mode.

An increasing appreciation of the environmental value has led to the development of the new approach towards the ship waste management among the Danube countries that can be implemented with full appreciation for environment while significantly optimizing the use of already available resources and existing infrastructure.

The key factors which are crucial for provision of harmonised ship waste management framework are a legally-binding international treaty, a harmonised approach to financing of the waste collection costs, a sufficiently dense network of WRF and establishment of efficient controls.

3 GOAL OF THE PROJECT

In the framework of the South East Europe Transnational Cooperation Programme, the CO-WANDA project was implemented from September 2012 until September 2014, uniting 12 partners from 9 different

countries (Austria, Slovakia, Hungary, Romania, Bulgaria, Croatia, Serbia, Moldova, and Ukraine). The main objective of the project was the coordinated harmonization of international rules and practices in the field of ship borne waste management in the Danube riparian countries by establishing a sustainable ship waste management system along the Danube from a conceptual, operational and financial point of view and to resolve the constraints imposed by national borders.

Inland navigation is a promising, environmental-friendly transport mode. Since waterway transports along the Danube mostly are carried out beyond national borders, existing international conventions ensure smooth operation of vessels along the rivers and unify national laws. Besides fairway related issues, technical requirements for vessels and guidelines for the transport of dangerous goods, also the management of the ship wastes shall follow harmonised and state-of-the-art procedures. In fact, the legal framework for ship waste is diverse and split, created by a multitude of norms and regulations from the fields of inland navigation, waste, water and environmental protection.

Although waste reception facilities for some types of ship waste along the Danube are already available, they are not used to their full extent for several reasons:

- Vessels are not allowed to dispose the waste in every country due to the lack of an internationally binding treaty
- Waste disposal might be expensive and time consuming; payment procedures are not unified
- Waste reception facilities are not located ideally;
- Waste reception facilities are not available for all types of ship waste
- Control mechanism are not fully operational

The combination of these factors increases the risk of illegal discharges into the waterway, which increases pollution of ecosystems and live sources. Moreover, the environmental performance of inland waterway transport strongly depends on its ability to cope with its potential negative impacts, such as ship waste, which has to be disposed properly.

On Western European Union Waterways, the CDNI provides legally binding rules for ship waste management. This treaty, which has been signed by the Netherlands, Germany, France, Belgium, Luxembourg and Switzerland provides unified rules for ship waste handling and allows vessels to dispose their waste in each participating country.

For the Danube and its navigable tributaries, such as the Sava River, Prut or the Dnjestr, an International Danube Ship Waste Convention shall set the rules for the subject matter.

Based on the findings of the foregoing WANDA project (www.wandaproject.eu), the main focus of CO-WANDA was to start initiative work for a binding treaty, which shall provide clear guidelines for ship waste management. These guidelines should be based on technical concepts, practical pilot tests and include expert knowledge from the related fields of waste management, inland navigation, environmental protection and “treaty development”.

Thus, all actions were streamlined according to the superior goal that in the future waste delivery along the Danube shall be possible for all vessels regardless of their flag on equal terms. With a view on practical implementation, it has to be pointed out that the implementation shall take part stepwise, however, the process started with the project WANDA and CO-WANDA shall be continued.

4 MAIN ACTIVITIES

The CO-WANDA project sets its sights on the following three main objectives:

- Advancement and improvement of the existing ship waste management system
- Implementation of Pilot Actions gaining data and practical experiences
- Elaboration of an International Danube Ship Waste Convention

4.1 IMPROVING SHIP WASTE MANAGEMENT ALONG THE DANUBE

One of the key points of CO-WANDA was the Advancement and Improvement of the existing Ship Waste Management System. In close cooperation with the IWT-sector waste related onboard activities were investigated. Measures for waste prevention, optimisation of international network of waste reception facilities, feedback from the skippers as well as education materials for skippers were the most important outcomes of this activity.

A user friendly, sufficiently dense network of ship waste reception facilities reduces the risk of illegal discharge thereby contributing to the protection of the Danube’s ecosystem. During the optimisation work carried out in the CO-WANDA project it was found out, that for oily and greasy ship waste, enough capacities along the Danube are already available; in order to keep costs low and fully exploit these facilities, common operation schemes were recommended, e.g. the relocation of Romanian waste collection vessels to other Danube Stretches. Implementation possibilities for a Financing Model for oily and greasy ship waste, which is based on polluter-pays principle, indirect payment and waste prevention has

been investigated as well as guidelines for the usage of River Information Services in a future Danube Ship Waste System.

An important key factor, however, is that the implementation of a Danube Ship Waste System should be carried out stepwise in order to allow optimisation from technical point of view. In order to achieve efficient governance of the system, operational steering is necessary on transnational level.

The next section gives an overview of pilot actions carried out within CO-WANDA project.

4.2 IMPLEMENTATION OF PILOT ACTIONS

Starting in June 2013, over 180 vessels have comprehensively tested an Electronic Vignette System (EVS), a modern online based solution, which combines aspects of transparent and international data management, provides high security standards and has a high potential for future improvements. The prototype of the EVS, developed within the project, is now available in Hungarian, Slovak, Croatian, Romanian, Bulgarian, and German and English languages and allows both receipt of vignettes for skippers and controls by waste reception facilities and authorities. All the experiences gained during the Vignette Pilot have been incorporated to a second version of EVS, still during the project timeframe. With this developed, the CO-WANDA has established a basic administrative tool of ship waste management for the Danube with components that are not existing even in the already operating CDNI system.

A Pilot for the feasibility of River Information Services (RIS) in supporting ship-borne waste management procedures has been carried out in Hungary and Romania. Different tools have been involved showing that RIS can be used in a way that information necessary to plan, execute and monitor the reception of ship waste can be exchanged between reception facilities and the vessels. Furthermore it can provide information to support the administrative procedures connected to waste disposal procedures (e.g. documentation and statistics, such as vessel data cross-check before arrival, or berth management) thereby allowing faster and more transparent procedures.

In Maritime Danube Ports in Romania, inland-waterway as well as sea-going vessels had the opportunity to dispose their ship waste in the ports of Tulcea and Galati (RO). Furthermore, a web application was developed in order to make online booking of waste reception services, simulation of ship waste reception costs and electronic processing of data available. With the aim of linking the financing systems used in the Maritime Danube Ports and in the River Danube Ports, two runs of pilots were performed over a

total period of 2,5 months; the first pilot ran from 16.10.- 30.11.2013 and the second between 16.03 and 15.04.2014.

During the pilot actions, waste generated by 212 sea-going vessels and 438 inland vessels - a total of 650 vessels - was collected, disposed and treated using the mobile and stationary facilities existing in the ports Galati and Tulcea.

CO-WANDA centrepiece was the elaboration of an International Danube Ship Waste Convention, which provides rules and obligations for Inland Vessels navigating on the Danube River, related business operators, as well as the participating states, who will contribute to the installation of a sufficient dense infrastructure network and enforcement of the system.

4.3 DEVELOPMENT OF THE INTERNATIONAL DANUBE SHIP WASTE CONVENTION

A legally binding, International Treaty is necessary to achieve uniform, cross border harmonized ship waste management along the Danube. The preparation of this treaty followed a four step procedure:

As first step an 'International Implementation Board' (IIB) was formed, consisting of national and international experts. The role of the IIB was to support the preparation of the 'International Danube Ship Waste Convention' (IDSWC) by providing feedback to the convention text, support project partners on national level with the investigation of national frame conditions and implementation strategies and facilitate "connection" to the state bodies that will be involved in the preparation and implementation of the IDSWC in the upcoming years.

For efficiency reasons, the IIB Meetings were organised together with international observer meetings. The first meeting of the IIB took place in Budapest in early 2013. The project and the tasks were presented and the international CO-WANDA observers gave presentations about their point of view on ship waste management along the Danube.

Second, the International Danube Ship Waste Convention was developed, sent out to the IIB members and observers for feedback. The international frameworks as well as national framework conditions relevant for implementation of the IDSWC were investigated by the involved project partners. The Convention, its technical contents and the "implementation rules" have been thoroughly discussed at the 2nd International Implementation Board Meeting in Bratislava in February 2014.

Third, strategies for implementation of the IDSWC were developed in Austria, Slovakia, Hungary, Croatia, Romania, Bulgaria, Moldova and Ukraine. A Joint Action Plan outlines steps to be set on international level. These strategies and plans have been discussed at the 3rd International Implementation Board Meeting on June 9th, 2014.

The following paragraphs describe the contents of the meetings and highlight the main points.

4.3.1 1st International Implementation Board Meeting: Budapest, Hungary

On the 27th of February 2013, the first IIB meeting opened the chapter of a series of international meetings between national and international experts and representatives of ministries dealing with aspects to be covered by a future international agreement for the Danube, such as a financing model for oily and greasy ship waste, legal requirements and lessons learnt from the development of the Rhine Ship Waste Management Treaty.

The first part of the meeting was dedicated to get the point of view from international CO-WANDA Observer organisations:

- Mrs. Ivana Kunc – Danube Commission
- Mr. Dusko Isakovic – International Sava River Basin Commission
- Mrs. Katrin Moosbrugger – Central Commission for the Navigation of the Rhine
- Mr. Erwin Spitzer – Bilgenentwässerungsverband (Germany)
- Mrs. Mihaela Popovici – International Commission for the Protection of the Danube River

Following, Mr. Berger, and Mr. Simongáti described the proposed Financing Model for the Danube region waste collection and the planned Electronic Vignette System in detail. Mr. Spitzer stressed that the collection points should be controlled carefully. Also, costs of collection and treatment can vary place to place that have to be considered as well. His last comment was about the basis for the variable part of the vignette tariffs. In the proposal “operational hours” was mentioned, but he commented that this parameter can be hardly measured. He referred to the presentations about CDNI, in which the price for disposal is related to the fuel consumption. Mr. Berger reflected to a study prepared in the WANDA project that showed the CDNI system unfair for vessel operators, since fuel consumption is not directly related to the oily waste generation. Mrs. Moosbrugger said that it is good to have an International Coordination Body for controlling the system, however national infrastructure is also needed (reception facilities, national control institutes). Cooperation between all parties is essential. Mr. Vorderwinkler,

Ministry of Transport, Innovation and Technology Austria raised the attention of project partners to the fact that in RIS, vessel data are protected by strict rules that should be taken into account when planning information exchange between RIS and Electronic Vignette System. He also stressed that project partners do not think on loading the RIS too much with information on waste management.

The third part of the meeting was focussed on the International Danube Ship Waste Convention. Ms. Danila and Mr. Berger gave an overview about the plans to achieve the international convention. Among the participants lively discussion was about the different interpretation of the Basel Convention. As a result it should be noted that the International Convention for Ship Waste Management on the Danube should harmonise the still different views. It was also emphasised that the harmonisation with the CDNI is a hard but necessary task of the future.

4.3.2 2nd International Implementation Board Meeting: Bratislava, Slovakia

The second meeting of the International Implementation Board took place in Bratislava on 25th February 2014. Besides providing information about the project progress and its current status, the goals of the meeting were to actively discuss the preparation of the International Danube Ship Waste Convention in working groups, work out crucial aspects for implementation and give recommendations for the Consortium. In order to give all participants an overview about each of the working groups, project results, overall progress as well as experience gained within the transnational pilot actions for the collection of oily and greasy ship waste and input presentations were given to the audience prior to the group discussions.

After the presentations, working groups (WG) were formed according to the following topics:

- **Oily and greasy ship waste (WG 1) & control systems (WG 5)**
- **Cargo Related Waste (WG 2) & other ship waste (WG 3)**
- **Implementation of the International Danube Ship Waste Convention (WG 4)**

The task of the working group was to discuss the provisions of the IDSWC, identify open questions, work out crucial aspects for implementation and give recommendations for the remaining run time of the project.

After the working group sessions, the moderators summarised the results of the discussion as follows:

Mr. Simongáti, KTI - HU presented the common wrap up from the first working group about oily and greasy ship waste. He summarised some of the key aspects: The system [Electronic VignetteSystem but

also the Waste Collection Facilities] on the Danube should be attractive (competitive with the Rhine system) for shipping companies, otherwise they will not use it. Additionally, a certain level of harmonisation with the Rhine Region should be developed.

Strong emphasis is put on communication with stakeholders (authorities, skippers,...) in order to inform them about the details of the International Danube Ship Waste Convention and to implement a harmonized waste management system. In the future, vignette prices for different types of vessel categories should be defined, and the roles and responsibilities should be clearly distributed among stakeholders using the EVS. In order to start negotiations and implement the International Danube Ship Waste Convention, political support will be necessary. Ms. Horvat, PAV - HR summarized the working group 2 and 3 dealing with other ship waste and cargo related waste. She stressed the need to reach the adjustment of waste terminology; it should be made clear what is a general term and what is specific. The WG had discussed the question why the vignette system is not applied for all types of waste and only for oily and greasy ship waste and discussed the division of responsibilities. She remarked that additional costs are needed for the treatment of wastewater and swilling out water. Ms. Gogl-Hassanin, Jarolim|Flitsch – AT summarized the working group 4 about the implementation of the International Danube Ship Waste Convention. The WG 4 had discussed the final clauses including the signature, ratification and the entry into force of the Convention. Furthermore, the possibility of reservations, depositary and language of the Convention were discussed.

The detailed discussion of the Working Groups are detailed in the following sections:

4.3.2.1 Conclusions Working Group 1 - Oily and greasy ship waste

In the Working Group open questions, crucial aspects, and possible/suggested solutions were discussed. The most important open questions for IIB members were the following:

- which costs of WRFs are eligible or should be covered by the revenues from the vignettes? If

the cost types that can be reported are not clearly defined, there is a big danger that costs will increase in an uncontrolled way, which will subsequently lead to an increase of vignette

prices (this is a crucial aspect as well)

- how will this system be harmonised with CDNI?
- how national shipping is dealt with?

With regards to solutions, more precise definition of the above is necessary in the Convention. The crucial aspects raised during the discussion are:

- vessel categories and its vignettes – only proper setting results in a fair system
- cost eligibility – as it has a great effect on the vignette prices
- the convention should be composed to ensure flexibility – this meant that concrete values should not be set in the convention itself it has just to define clearly how the
- vignettes/network/etc. must be defined
- better and more detailed description of the roles and responsibilities of the involved parties (ICCB, NI, WRFs, skippers) is necessary in the convention
- it is crucial to support on political level for implementation of the International Danube Ship-Waste Convention.

Regarding concrete solutions and recommendations the group agreed that stepwise implementation is necessary. It was mentioned that the system for the Danube should be attractive for the skippers. If it does not provide at least the same service level (technical, technological level), those vessels that sail on the Rhine also will dispose their wastes there. So, first it is important to develop a good, proper, acceptable infrastructure and introduce the pay-service afterwards. For the operators, the financial model is more important. It is important to make clear why the vignette solution is better for system users and that it presents the most feasible and promising solution. This is a crucial aspect for the acceptance of the system in the future.

Mr. Simongati further suggested that RIS can contribute to the network development as well, by providing statistical data gained from the AIS database with regards to the vessel traffic density and distribution along the Danube. In AT, HU, SK, and RS this system works properly and has 100% geographical coverage, therefore appropriate and needed information could be retrieved.

4.3.2.2 Conclusions Working Group 2 & 3

2.1. WG 3 Other ship Waste - Questions

Within the discussions regarding other ship waste (domestic waste water, sewage sludge, household waste, slops, other special waste – eg. Batteries, paints) the following questions were raised and statements given:

Waste water

- Discharge of waste water – is the no. of passengers appropriate?
- Where does the limit of 50 passengers for the discharge of waste water come from? In the
- Danube Commission Recommendations it is 12. Is this limit still discussable?
- Where are the emission limits for on-board sewage treatment plants in the Convention?
- Limit values for the discharge of waste water
- In the CDNI, the dumping of domestic wastewater is prohibited for vessels with more than 50 sleeping berth or 50 passengers – can this CDNI regulation be implemented in the IDSWC ?
- Difference between berth or passengers
- IDSWC should be aligned with the CDNI – same legislations (requirement of 50
- passengers or 50 sleeping berth)
- The regulations of the CDNI are not in line with the Austrian Water legislation: No
- discharge of untreated waste water into the river
- Discussion in the Rhine Region at the moment to change the limit number of
- passengers/sleeping berth
- Where are the emission limits for on-board sewage treatment plants in the Convention?
- In Appendix V of the Schedules of the IDSWC the limit values for onboard sewage
- treatment plants can be found, aligned with EU regulations (EU Directive laying down
- technical requirements for inland waterway vessels- 2006/87/EC) and the DC
- Recommendations
- Infrastructure
- No time limit for the implementation of collection infrastructure for household waste
- Wording/Definitions
 - Deposit AND recovery should be included

- terminology on waste should be revised, harmonisation with EU Waste Framework Directive
 - 2008/98/EC is recommended;a
 - Why not include also other types of waste in the Electronic Vignette System?
 - There is the possibility to include other hazardous ship waste such as batteries, solvents, paints also into the EVS
 - But it is not reasonable to include all types of waste into the EVS, as on the one hand responsibilities are different and on the other hand cost would be exorbitantly high if all types of waste would be covered and need to be paid by the skippers in form of the vignette.
- Investigate solutions for other types of waste – e.g. include in port dues or berthing area dues

Cargo Related Waste

Discussions cargo related waste:

- The cargo related system is an operating system, why is it included in the financing system?

Contracts are made in which it is already defined between charterer, consignee etc.

- Definition “Infrastructure” in Part B Art, 5.02 but in the general Part referred as ‘Reception

Facility

Crucial Factors for Implementation

- Infrastructure
- Include also accidental incidents, to be collected by the reception facility when planning and implementing the ‘infrastructure’ and the responsibilities; references are required in the Convention question of spilling/dumping purified water back into the waterway and possible additional costs and procedures/permissions necessary

4.3.2.3 Conclusions Working Group 4 – Implementation of the IDSWC

1st PART: Internal structure of the IDSCW

1. Discussion of final clauses

- Art 17: The participants of the working group (“Counsels”) discussed whether it was reasonable to define the states, to which the Convention should be open for signature, to a limited number of states listed by name. It was suggested to define the scope of signatory states in a more general way, meaning that the Convention should be open for all states fulfilling certain general criteria that should be defined, e.g. “riparian states of the Danube and its navigable tributaries”. It was also discussed whether there should not be a final deadline until which the Convention should be open for signature. After that deadline only accession to the Convention should be possible. With regard to Art 17 paragraph 3 it was discussed whether it is necessary to make an accession dependant on an “invitation by the Conference of the Parties”. If the scope of signatories is defined widely, why should it a state who would have been eligible to sign the Convention, require an invitation, if he doesn’t sign within the designated signature period. If the scope for signatories is defined very broadly, it might be a political issue which states should be able to sign without any invitation and which states shouldn’t.

- Art 18: Entry into Force

One question of the Counsels was, whether there shouldn’t be a minimum no. of signatory states before the Convention can enter into force. The Executive Secretary of the CDNI suggested that the Convention should be signed by all addressed states, given that the intention of the Convention is the prevention and disposal of waste to protect the environment. There would only be a positive impact on the environment if all involved states committed to such system of environmental protection coherent with the IWT network. Which ratification system should be adopted has to be a separated question. Counterparts, however, pointed out that a requirement that all addressed states signed the Convention and a further requirement of a minimum deposit of ratification documents (or even all of them) might mean that the Convention does not enter into force for a very long time. What should be avoided is a long period, such as with the CDNI, before the Convention actually comes into force. It was therefore discussed, whether there were any other possibilities to connect the entry into force of the Convention with the coverage of a certain scope of the Danube Basin to assure some continuity. Possible points of contact were defined as:

–Minimum No. of signatures and deposits of ratification documents for entry into force (but, what if only states with very small sections of the Danube ratify_)

–Definition of a certain minimum length of the Danube which should be covered before the Convention can enter into force

–Definition that there should be a certain number of neighbouring states which needed to have ratified the Convention before it enters into force to avoid “holes” where the Convention is not applicable

The intention to protect the environment and the impact of the application of different schemes in neighbouring states for the private sector users should be considered when defining when the Convention enters into force.

- Art 19: Amendments to the Convention and its Appendices

Generally, the proposed system of a differentiated approach towards amendments of the Convention and its Appendices was viewed positively. The representative of the Sava Commission suggested that the system of amendments is harmonised with the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (“ADN”). It was also discussed, whether the entry into force of an amendment to the Convention should really be dependent of the deposit of the last instrument of ratification of the Contracting Parties. It was, however, acknowledged that any other definition would mean that two versions of the Convention might be applicable at the same time vis-a-vis different Contracting States which would make the Convention more difficult to administer. The Convention should therefore change for all at the same time to avoid additional administrative efforts.

The differentiated system for changes to the Appendices was generally accepted. It was pointed out that the Appendices should ideally only contain technical provisions, but no legal provisions. These should be moved to the Convention part or deleted, if there were redundancies with the Convention text.

The representatives of Romania (“RO”) also mentioned that the MARPOL 73/78 Convention could be checked in this regard.

- Art 20: Withdrawal

It was questioned whether 5 years were a long enough period to participate in the Convention (i.e. shouldn’t this period for environmental reasons be longer).

- Art 22: It was suggested that the role of Depositary (and also Secretariat of the CoP and ICCB) could be a river commission or an international institution. It might be useful in terms of costs to use an existing body, ie for the CDNI, the CCNR Secretariat is in charge of the administration.
- Languages: It was generally accepted that English as a neutral language of all of the Danube countries might be a good choice as the only authentic language. States would need to make a translation anyway and implement the provisions into their national laws. It would mean a significant higher administrative effort to make more authentic version in (most or all) languages of the Danube States.
- Reservations: It was asked whether reservations by states (e.g. to certain articles) should be allowed or not. If this should be excluded (i.e. only the whole Convention should be accepted), then this should be explicitly mentioned in the final clauses.

2. Possibility of an extension of the geographical scope to tributaries of the Danube (Sava, Prut,

Dnjestr): See above – it seemed to be quite accepted to extend the scope of the convention to tributaries. If the scope of signatory states in Art 17 is defined generally and broadly, the geographical scope of the Convention should be the same. It is questionable if this will need to be done in a separate annex.

3. Discussion of the set-up of an International Clearance & Coordination Body

It was discussed that the Secretariat of the CoP and the ICCB should be one, in order to save costs. This is already provided for in the Convention, but the suggestion was to review the wording in this aspect in order to make this clearer. The representative of the Sava Commission referred to the Administrative Committee of the ADN (Art 17) and provided a copy of this article for further consideration. At the moment the costs of the Secretariat are costs to be financed by the vignette income. There were some voices whether or not these costs should be covered separately by the Contracting States and their budgets, i.e. as a sort of contribution of the States to the protection of the environment, rather than imposing these costs also on the private sector (i.e. the vignette buyers), ie for CDNI, administrative costs are shared by the contracting parties, profession only supports costs directly connected to the waste reception facilities. It was suggested to make an estimate of the administrative costs to be expected for the implementation and administration of the Convention to have more substance to discuss the best approach. RO underlined that the estimation of all costs with the implementation of the

Convention should be made available as soon as possible, taking into account that the next draft of the Convention has to be ready by June 2014 and that the CO-WANDA project will end in September 2014.

3.2. 2nd PART: External Impact on the IDSCW

• Identification of key issues for implementation of the International Danube Ship Waste

Convention (IDSWC)

The Counsels discussed whether there were any interactions with existing provisions. In particular, were the representatives of Romania underlined that the definitions in the Convention are different from those of other European legal provisions and international conventions (i.e. MARPOL 73/78 Convention) and they proposed for the Consortium to check and compare the provisions of the Convention with the existing legislation/conventions in order to avoid discrepancies, overlaps, etc..

It was mentioned, however, that the project team analysed any possible conflicts with existing Conventions and regulations and did not identify any. Moreover, the general definitions shall be harmonised with the CEVNI Definitions, which are currently under revision, however, shall be agreed on in the upcoming months. The overall opinion was that a state which believes that the Convention was not in line with an existing regulation or convention should point out explicitly in which aspect there was a discrepancy or conflict. It was argued whether or not the Consortium should send out an informal questionnaire on this matter. In the end, the Counsels agreed that states should speak up if they have an issue.

The Executive Secretary of the CDNI pointed out, that CDNI convention is open to other countries, the actual CO-WANDA project is very largely inspired by the CDNI, especially concerning technical standards and procedures. Ongoing discussion on European level aims to harmonize regulation in the IWT-sector (ie technical prescriptions) – making up two almost identical convention could seem a little counterproductive and would be difficult to handle with on the field. From a legal point of view, the Executive Secretary of the CDNI saw two possibilities to overcome this problems:

- 1) additional protocol on the CDNI with, if needed, separated governance and financing for the Danube;
- 2) a stand alone convention for the Danube referring automatically to the CDNI standards;

It was discussed in this regard, if the technical specifications could not be harmonized on a European level. Also some participants proposed that the private sector and environmental authorities to be included in the CO-WANDA project.

[Remark Hans Berger, Project Manager: The private sector is intensively involved in the CO-WANDA project by several pilot actions, through questionnaires, personal contacts and phone calls. Indeed, more than 185 vessels participated in the pilot action of the Electronic Vignette System. Moreover, information workshops and expert exchange meetings are organised in order to include the valuable knowledge of the different stakeholders, including environmental authorities].

4.3.3 3rd International Implementation Board Meeting: Vienna, Austria

This 3rd and last IIB Meeting took place in Vienna on 9th July, 2014. The goals of the meeting were to discuss the final draft of the International Danube Ship Waste Convention (IDSWC), to discuss possibilities for setting up negotiations and measures for implementation of the IDSWC, namely national strategies and an International Joint Action Plan. Written information about the manifold technical and economic aspects of the IDSWC was distributed prior to the event. These sources are available upon request. Please contact simongati.gyozo@kti.hu or hans.berger@viadonau.org. More than 40 participants, among which Consortium Members, the International Implementation Board Members as well as the CO-WANDA Observers, Mr. Milkovic (International Sava River Basin Commission - ISRBC) and Mr. Kovacs (International Commission for Protection of the Danube River - ICPDR) and the well-known international expert Ms. Mihaela Popovici attended. **Mr. Gert-Jan Muilerman, - Head of via donau's Technical Secretariat for the EU Strategy for the Danube Region, aka EUSDR (Priority Area 1a – Inland Waterways)** gave an overview on the goals, structure and Steering Group Members of the EUSDR but then focused on CO-WANDA as a flagship project which supports the key tasks of improving the environmental and economic performance of Danube navigation by developing a state-of-the-art, Danube-tailored approach to ship waste management. Mr. Muilerman also outlined the fact that the technical aspects of the project include fleet modernisation aspects. Having in mind the finalisation of the CO-WANDA project, he pointed out the willingness of priority area 1a to support the next necessary steps with regards to the International Danube Ship Waste Convention within the framework of the EUSDR.

Following, **Ms Gogl-Hassanin, Jarolim|Flitsch** presented the final draft of the IDSWC. In her presentation she focussed on the main changes that were made based on the feedback received and the discussions at the 2nd IIB Meeting. Whereas the main structure was maintained, the preamble was amended

with a commitment to international ship waste management for the protection and preservation of the environment and references to other international conventions. As requested, redundancies in the Convention and its Appendices have been removed; the Implementing Regulation now focusses on technical provisions. Terms and definitions have been adjusted, e.g. “deposit” has been replaced by “disposal” in order to make sure that not only the active “deposit” of waste but also its “recovery” is included. Seagoing Vessels are now included in the definitions but excluded from the obligation to buy a vignette (Art 4.02. of the Implementing Regulation). The final tasks foreseen for summer 2014 are the harmonisation with CEVNI definitions and the definitions related to accidental pollution and hazardous waste; moreover, amendments regarding accidental pollution have been made and cross-references to the Danube River Protection Convention (DRPC) have been added. Ms Gogl-Hassanin also introduced the organisational provisions, and the final clauses. The Convention shall be open for signature by riparian states of the Danube and Save, other states with navigable tributaries of the Danube may accede to the Convention after its entry into force upon invitation by the Conference of Parties. Ratification is required; the minimum no. of ratification documents deposited shall be minimum 4 states which cover a certain length of the Danube. Ms Gogl-Hassanin further clarified that ratification is required for changes to the Convention, however for the appendices simplified proceedings with a possibility for veto to entry into force is foreseen if a minimum of two Contracting States reject the amendment; unanimous votes for adoption however, are mandatory. Regarding the Geographical Scope, each Contracting State shall define its Waterways, which shall be listed in Appendix 1 (now divided into two parts (Part A: definition of Waterways, Part B: Schedule of Danube River kilometres). Regarding the prices for the Vignettes, reductions may be granted by the International Clearance and Coordination Body for Vessels with an internationally acknowledged “Green Award” certificate. The exceptions from purchase of the vignette have been extended to Seagoing Vessels. The Annual Financial Clearance is based on costs from waste collection and revenues from Vignette sales based on the formula provided in the implementing regulation. From the revenues, the costs of the secretariat are deducted; the remaining revenues are distributed between the countries based on their reported costs and the ratio between revenues and costs of the whole system. The possibility for a provisional financial clearance shall be clarified by the contracting parties during negotiation. Ms Gogl-Hassanin concluded by stating that a separate Convention for the Danube riparian states has been maintained, direct references to DRPC and CEVNI have been made and the language of the IDSWC is English.

Mr Philip Bittner, of the Austrian Federal Ministry for Europe, Integration and Foreign Affairs¹ who had been invited by the project consortium gave a presentation on the different possibilities available on the way official negotiations could be set up and carried out for the International Danube Ship Waste Convention. He reflected on the current status of the IDSWC, which shows that there have been several meetings of experts (IIB, Consortium, Observers) which worked on the draft Convention; however, as a next step, formal negotiations in terms of international treaty law would be required. For formal negotiations, full powers issued by a competent authority, such as the Head of State, Head of Government or Foreign Minister would be necessary. Regarding the framework, an International Organisation or a state could convene an International Conference after having clarified the interest of the potential signatory states to enter into official negotiations. **Mr Milkovic of the International Sava River Basin Commission (ISRBC) and Mr Adam Kovacs (ICPDR)** both agreed that as a first next step the project consortium shall approach the International Organisations and ask the secretariats to officially clarify the interest of the states to enter into negotiations. It was pointed out, however, that such a letter, issued by the project consortium, would have no official power.

Mr Adam Kovacs of the International Commission for Protection of the Danube River (ICPDR) communicated the ICPDR's feedback regarding the IDSWC. He started his presentation with an overview about ICPDR's broad scope of activities, pointing out that inland navigation is high on the agenda; He stated however that water quality-related issues have not been addressed so far except by the CO-WANDA project. The ICPDR has been a WANDA and CO-WANDA Observer from the start. Activities during the last year included personal meetings with project coordinators, a presentation at the ICPDR Pressures and Measures Expert Group meeting - the feedback on which was provided to the project team. The last activity was the introduction of the CO-WANDA project at high political level, namely at the ICPDR Standing Working Group Meeting on June 20, 2014. The general feedback for the project Consortium is that the aims of preventing hazardous substances pollution (oily waste and waste water) and reducing waste are welcome and supported. The elaboration of a consistent international ship waste convention laying down rules with trans boundary scope is appreciated and the project is seen as a complementary initiative to ICPDR's activities, since water quality impacts of navigation and waste management are not

¹ The presentation of Mr Bittner was given as technical service requested by the project Consortium and the presentation did not reflect any official point of view from Austria.

directly touched. Moreover, efforts to eliminate hazardous substances discharges are acknowledged and praised. From a technical point of view, hazardous substances releases should be avoided or at least minimized if any waste water discharges/waste amounts are allowed to be released (from the ships or reception facilities as exemptions). The collection, storage, handling and treatment of any kind of waste at the reception facilities and the further disposal and recovery should be in compliance with BAT requirements. Specific attention should be paid to plastic waste, although less relevant from shipping; The Vignette system is seen as a sound solution for controlling oily waste an extension to other waste types might be considered (batteries, paints, solvents). It is recommended, however, that purchasing the vignette for the oily waste should be strongly controlled and sanctioned (or financially supported) otherwise nobody will pay for this service and illegal deposits may occur more frequently. Extension to the navigable tributaries should be considered (e.g. Sava, Tisza, Prut) to widen the scope to the whole basin. Furthermore, the different financial situations in the basin should be considered, which leads to the recommendation to follow a stepwise approach for implementation. Asked by Mr Strondl of the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management about contradictions between the Danube River Protection Convention (DRPC) and the International Danube Ship Waste Convention (IDSWC), Mr Kovacs replied that there is no conflict between the two Conventions; rather the IDSWC is complementary since it focusses on inland navigation. The DRPC has several direct or indirect references to the shipping activities and the prevention of hazardous substances pollution (Best Available Technology, Best Environmental Practice, accidental pollution, hazardous substances, and waste management); links were recommended for the IDSWC and already are included in the final draft. Some more references and working links, e.g. to the ICPDR's Accidental Pollution Control Expert Group will be checked again.

Mr Berger pointed out, that shipping along the Danube is an international business, and hence harmonised rules for skippers are critical. However, water protection laws are different in the countries. Hence, he asked Mr Kovacs, whether the ICPDR could provide guidelines for the states related to the unloading standards of the cargo waste, which is a very specific part of the IDSWC and – in the best case shall be harmonised – between the Rhine Region and the Danube Region.

With a reference to the related provisions in the IDSWC, economic and technical aspects of the IDSWC were presented by **Mr Simongáti, KTI and Mr Berger, via donau** and discussed with the participants. One important remark was, from Ms. Sitaru, Romanian Ministry of Transport, who said that in her

opinion in every country should have a basic infrastructure for waste collection; the option for RO vessels to serve other Danube Stretches was seen critically, however. The participants concluded that more discussions and investigations would be necessary for development of such an alternative. In the afternoon session, CO-WANDA project partners presented the national strategies for implementation in Austria, Slovakia, Hungary, Croatia, Romania, Bulgaria, Moldova and Ukraine.

Critical remarks were made with regards to the length of the International Danube Ship Waste Convention, a concern which was shared by **Ms Penk, AT Federal Ministry for Europe, Integration and Foreign Affairs** who was of the opinion that the goal of the IDSWC is a challenging one indeed and that a shorter Convention with a more general content would lead to a faster result; **Mr Milkovic of the International Sava River Basin Commission** was of the opinion that the IDSWC is not too long and referred to the different “weight” of the Convention text and the technical annexes, which can be changed more easily. As an example for a long convention text he also referred to the ADN.

International Cooperation on operational level could also be carried out by a new, non-profit organisation, as suggested by **Mr Marcel Negru, APDF – Romania**. **Mr Milkovic, ISRBC** was of the opinion that existing organisations should be used; he pointed out that there is a memorandum of understanding between International Sava River Basin Commission, International Commission for Protection of the Danube River and the Danube Commission, and the basic structure for an investigation of the interest of the countries exists. **Mr Daniel Hörcher, Ministry of Foreign Affairs, Hungary**, pointed out that the communications between the countries are already established through the Danube Region Strategy, Priority Area 1a, and that this structure should be used for clarification of CO-WANDA issues. **Mr Milkovic** replied that it is the states, which are presented in the international commissions. **Mr Berger, via donau** expressed his doubts on whether a threefold approach would be an efficient solution and further explained that there should be one responsible body for the Danube River who takes responsibility for the work to be carried out; **Mr Kovacs, ICPDR** referred to the long operating system of the ICPDR. He shared the opinion with **Mr Milkovic, ISRBC**, that the CO-WANDA project should trigger international cooperation on operational level and approach the commissions in a formal way.

The last presentation of the day was given by **Ms Mihaela Popovici, International Expert**, who summarized her observations with regard to development of a Joint Action Plan, which should outline the most important steps and measures that should be taken by the Danube Countries to facilitate further development and the implementation of the International Danube Ship Waste Convention. In her presenta-

tion, she referred to the framework, goals and the principles of the Joint Action Plan and outlined measures and recommendations, grouped on an international and national level. Moreover, she recommended to take into consideration corresponding structures of the UNECE (as a role model), e.g. where mutual assistance mechanisms in case of industrial accidents are foreseen. A continued pilot operation of the system which would allow data collection and stepwise implementation and monitoring would be important to develop options for ensuring ship waste management.

The ICPDR and the ISRBC agreed that the CO-WANDA project should trigger international cooperation on operational level and approach the commissions in a formal way whether they would like to be the depositary of the Convention. Both representatives of the International River Organizations reiterated their support for the future. During the meeting, the partners presented their national strategies for the implementation of the Convention.

The event concluded with a presentation by international expert Ms. Popovici who introduced the draft Joint Action Plan, summarizing the most important steps and measures to be taken by the Danube Riparian Countries to facilitate the implementation and further development of the International Danube Ship Waste Convention and gave recommendations for the future. The Joint Action Plan is available as a project deliverable.

During summer 2014, the definitions of the IDSWC were aligned with the revised chapter 10 of CEVNI, the European Code for inland waterways and presented at the projects final event in Budapest on September 9th.

4.3.4 Coordination Activities with Germany

The draft of the IDSWC was also sent to the German Expert for Ship Waste Management, Mr Winfried Kliche in March 2014. The general remark received was, that the provisions of the CDNI and the provisions for the Danube shall be harmonised. From his point of view, a separate International Danube ship Waste Convention does not bring any added value. Mr Kliche, however, gave feedback to the text of the IDSWC, which carefully were examined.

5 CONCLUSIONS

Increasing social awareness of environmental protection has lead to a growing demand for provision of „Green Transport Systems“. This development has been reflected in numerous legal instruments, poli-

cies and strategies, which – if focussing on sectorial aspects only – might leave gaps or have overlappings which lead to insufficient solutions when it comes to real life application. For inland navigation along the Danube, which has a major transnational component, ship waste management issues reflect this problem. In order to overcome the disadvantages, international harmonisation of the legal background and adaption of national regulations to facilitate technical optimised solutions is recommended. Research in CO-WANDA showed that the existing infrastructure for certain types of ship waste is already available for a user-friendly, cost-effective, modern network; however, international cooperation in the technical field is essential to operate it for the lowest possible cost. In case the states agree on operation of a common system, as foreseen in the proposed International Danube Ship Waste Convention, a stepwise implementation, which allows adjustment and optimisation of the system is recommended.

The international coordination activities that have been carried out in CO-WANDA enabled the consortium to take into consideration the feedback of high level experts from the fields of inland navigation, waste management, environmental protection and administration. It also had the advantage, that the officials of the states were involved in the technical preparation process of the International Danube Ship Waste Convention.

The foreseen harmonization, an increasing awareness of skippers and vessel operators and efficient controls contribute to the reduction of illegal waste discharges thereby supporting the protection of Danube's ecosystem and facilitation of a modern, environmentally friendly Danube Inland Waterway Transport system.

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7 REFERENCES

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