

MEMORANDUM OF UNDERSTANDING (MoU)
BETWEEN
THE MINISTER FOR ENVIRONMENT OF THE FLEMISH REGION
AND
THE FEDERAL MINISTER FOR THE NORTH SEA OF BELGIUM
AND
THE MINISTER FOR ENERGY AND CLIMATE OF THE WALLOON REGION
AND
THE MINISTER OF ECONOMIC AFFAIRS AND CLIMATE POLICY OF THE
NETHERLANDS
ON CROSS BORDER TRANSPORTATION OF CO₂ WITH THE PURPOSE OF
PERMANENT GEOLOGICAL STORAGE

The Minister for Environment of the Flemish Region, the Federal Minister for the North Sea of Belgium, the Minister for Energy and Climate of the Walloon Region and the Minister of Economic Affairs and Climate Policy of the Netherlands (hereinafter referred to individually as a “Participant” and collectively as the “Participants”);

Appreciating the long-standing bilateral relationship between Belgium and the Netherlands;

Emphasising the importance of carbon capture and storage (CCS) in achieving national and European climate goals;

Have reached the following understanding:

Section 1 – Scope

This MoU is an arrangement in the sense of Article 6 paragraph 2 of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended by Resolution LP. 3(4). Any definitions used should be understood as they are understood in the context of the London Protocol and applicable European Union law.

This MoU applies to cross border transportation of CO₂ between the Participants with the purpose of permanent geological storage.

Section 2 – Allocation of permits

The Participants recognise that all necessary permit responsibilities will be allocated to the relevant authorities of each Participant’s country in accordance with the London Protocol. A non-exhaustive list of relevant permitting authorities are as follows;

For the Netherlands:

- The Dutch Ministry of Economic Affairs and Climate Policy is responsible for the issuance of CO₂ storage permits whilst the Dutch Emissions Authority (NEa) is responsible for the issuance of ETS (Emissions Trading System) permits.

Ministerie van Economische Zaken & Klimaat
 Bezuidenhoutseweg 73
 2594 AC Den Haag
mijnbouwvergunning@minezk.nl

Nederlandse Emissieautoriteit (NEa)
 Koningskade 4
 2596 AA Den Haag
info@emissieautoriteit.nl

- The maritime authorities of the Netherlands are responsible for determining the technical rules and regulations a seagoing vessel has to comply with when shipping CO₂.

For Belgium:

- Provincial Executive(s) of the Provincial Council(s) are responsible for the issuance of (amongst other) ETS permits. ETS permits are issued based on an obligatory advice issued by the Flemish Energy and Climate Agency (Vlaams Energie- en Klimaatagentschap), which is also responsible for the implementation of ETS.

Flemish Energy and Climate Agency (Vlaams Energie- en Klimaatagentschap)
 Koning Albert II-laan 20, box 17
 1000 Brussels
veka@vlaanderen.be

- Municipalities or Permit and Authorization Department are responsible for the issuance of (amongst other) ETS permits. ETS permits are issued based on an obligatory advice issued by the Air & Climate Agency of Wallonia (Agence wallonne de l'Air et du Climat) which is also responsible for the implementation of ETS.

Air & Climate Agency of Wallonia (Agence wallonne de l'Air et du Climat)
 Avenue du Prince de Liège 7,
 5100 Jambes
ets.awac@spw.wallonie.be

- The Flemish and Walloon governments are responsible for the issuance of CO₂ storage permits.
- The Belgian federal maritime authorities are responsible for determining the technical rules and regulations a seagoing vessel has to comply with when shipping CO₂.

Section 3 – Arrangements of the Participants

This MoU does not create any rights and obligations under international law and does not impose any financial obligations on the Participants. This MoU does not affect or interfere with existing national or regional obligations with regards to transportation and storage of CO₂.

Each Participant intends to conduct the cooperation under this MoU subject to all applicable laws and regulations.

Section 4 – Amendment procedures and mutual understanding

This MoU may be amended at any time by jointly written consent of the Participants.

At any time, the Participants will consult, at the request of any of them, on any matter relating to this MoU, in the spirit of cooperation, good faith and mutual trust, to resolve quickly any difficulties or misunderstandings that may arise.

The Participants will convene at least once a year to evaluate the MoU, unless they decide not to convene by jointly written consent. The Participants will convene alternatively in The Hague and Brussels, or in any other place decided upon by the Participants by jointly written consent.

Section 5 – Final provisions

This MoU will come into effect upon signature and upon the date of entry into force of the declaration of provisional application of the 2009 Amendment, in accordance with the national rules of both Participants.

This MoU may be terminated by either Participant giving three (3) month's written notice to the other Participant. The termination of this MoU will not affect any on-going activities under this MoU, unless otherwise decided by the Participants.

Signed in duplicate in Antwerp on the 22nd of June each in the English language.

*The Minister of Justice and Enforcement,
Environment, Energy, and Tourism of the
Flemish region*



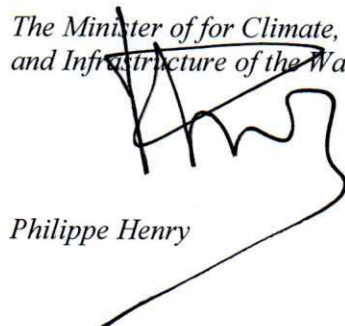
Zuhair Demir

*The Minister of Economic Affairs and Climate
Policy of the Netherlands*



Micky Adriaansens

*The Minister of for Climate, Energy, Mobility,
and Infrastructure of the Walloon Region*



Philippe Henry

The Minister of the North Sea of Belgium



Vincent Van Quickenborne