









caluwaerts uytterhoeven

Let's get
things clear.

FLOATING DEGASSING ANNO 2024

GRADUAL BAN

I. VENTILATION / FLOATING DEGASSING

- ↙ Principles
- ↙ Controlled vs uncontrolled operations
- ↙ Impact - Statistics: 1854 tank barges (EBIS)
 - ↙  141
 - ↙  47
 - ↙  502
 - ↙  125
 - ↙  **983**
 - ↙  56

II. REGULATIONS – LEGAL FRAMEWORK

- ↙ Mannheim Convention (1868)
- ↙ ADN (2000)
- ↙ CDNI (1996 with 2017 Amendments)

II. REGULATIONS - CDNI

↳ Ratifications







- ↳  7 February 2020
- ↳  3 July 2020
- ↳  9 February 2021
- ↳  25 August 2022
- ↳  7 June 2023
- ↳  **23 April 2024**

↳ Implementation:

- ↳ 1 October 2024 (ex. The Netherlands: 1 July 2024)
- ↳ Gradual introduction – Phased ban (Part D)



II. REGULATIONS - CDNI

- ↳ Applicability (art. 2 – Annex 1).
 - ↳  All waterways accessible for inland navigation
 - ↳  Part A: Rhine, canalised Moselle as far as Metz
Part B and C: Rhine, canalised parts
 - ↳  All inland waterways intended for general traffic (excluded German part Bodenmeer and part Rhine upstream of Rheinfelden)
 - ↳  All waterways accessible for inland navigation
 - ↳  Moselle
 - ↳  Between Rhine and Rheinfelden

II. REGULATIONS - CDNI

- ↙ General Provisions
- ↙ Annex 2 – Parts:
 - ↙ Part A: The collection, deposit and reception of oily and greasy waste generated from the operation of the vessel
 - ↙ **Part B: The collection, deposit and reception of cargo-related waste**
 - ↙ Part C: The collection, deposit and reception of other waste generated from the operation of the vessel
 - ↙ **Part D: Transitional Provisions and derogations**

III. CDNI – GENERAL PROVISIONS

⌄ Obligations for the States (art. 3 – 10 CDNI)

⌄ Article 8

- (1) *The charterer or the consignee shall bear the cost incurred by unloading residual cargo and washing the vessel and by the reception and disposal of cargo-related waste in compliance with Part B of the Implementing Regulation.*
- (2) *If prior to loading, the vessel does not comply with the required unloading standard and if the charterer or the consignee concerned by the preceding transport had fulfilled its obligations, the carrier shall bear the cost incurred by unloading residual cargo and washing the vessel and by the reception and disposal of the cargo-related waste.*

⌄ Obligations for involved parties (art. 11 – 13 CDNI and Annexes)

⌄ Article 11

*The boatmaster, the other members of the crew, the other people on board, the charterer, the carrier, the consignee, the operators of handling facilities and the operators of the reception stations shall be required to **demonstrate the utmost vigilance required by the circumstances** in order to prevent polluting the waterway, **limit as much as possible the quantity of waste generated on board, and avoid as far as possible any mixing of the different categories of waste.***

⌄ Article 12 (3)

If a boatmaster cannot be held liable, the carrier, operator or the owner of the vessel shall be liable, in that order, for compliance with the obligations laid down in the present Convention.

IV. CDNI – PART B

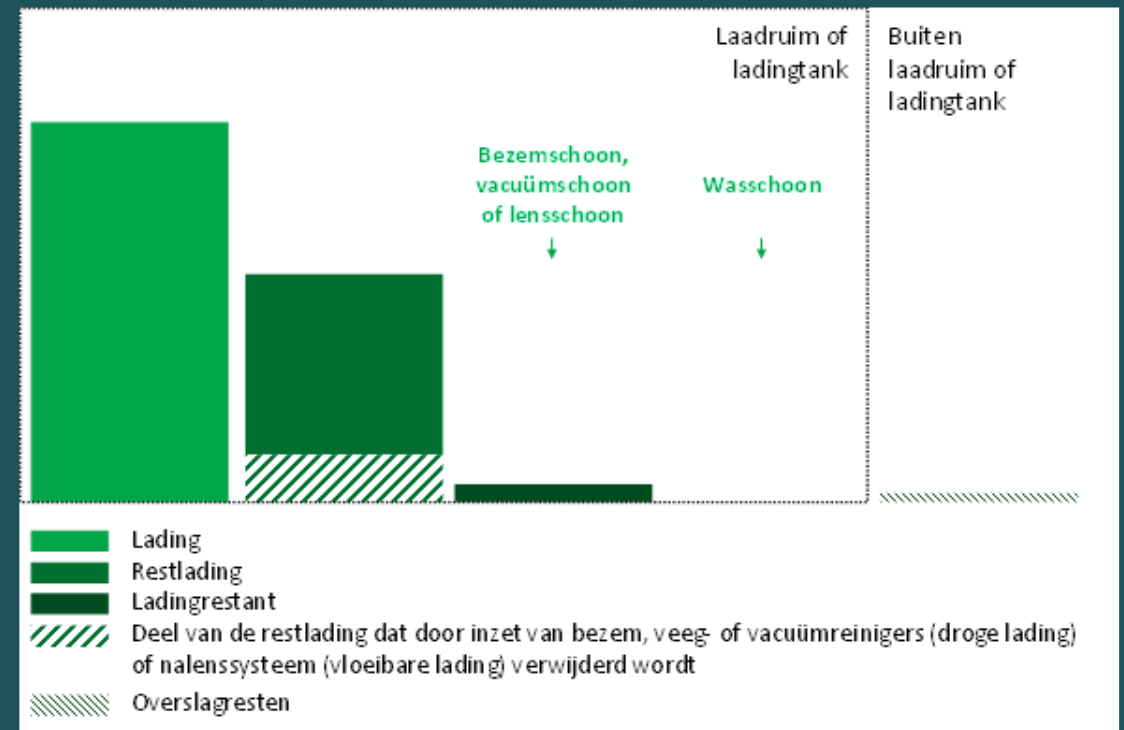
↪ Different fractions of cargo (definitions – art. 5.01 Part B)

↪ Within the cargo tank

- ↪ Lading = Cargo
- ↪ Restlading = Residual Cargo
- ↪ Ladingrestant = Cargo residue

↪ Outside the cargo tank

- ↪ Overslagrestent = Handling residues



IV. CDNI – PART B

Part B

Article 6.03

- ✦ (1) *Any vessel that has been unloaded within the geographical jurisdiction of the present Convention must have on board a **valid attestation of unloading** that complies with the model in Appendix IV. This attestation of unloading must be kept on board for at least six months after its issue.*
- ✦ ...
- ✦ (3) ***After loading**, the vessel may not continue its journey until the boatmaster has satisfied himself that the handling residues have been removed.*
- ✦ (4) ***After unloading**, the vessel may not continue its journey until the boatmaster has confirmed in the attestation of unloading that the residual cargo and the handling residues has been taken care of.*

IV. CDNI – PART B

Part B

Article 7.02

- ✓ (1) *The carrier shall make the vessel available to the charterer under an unloading standard such that the cargo may be transported and delivered unimpaired. As a general rule, this means the “swept hold” or “stripped tank” unloading standard, with the vessel free of any handling residues.*
- ✓ (2) *A more demanding unloading standard or washing may be agreed in advance, in writing. A copy of the corresponding agreement must be kept on board the vessel at least until the attestation of unloading has been drawn up after the vessel has been unloaded and cleaned.*
- ✓ (3) *When loading operations commence, the vessel is deemed to have been made available by its operator in a condition that corresponds to the demands provided for in paragraph 1 or 2 above.*

IV. CDNI – PART B

↳ Part B

↳ Article 7.03

- ↳ (1) *The loading and unloading of a vessel also include the measures necessary for the discharge of residual cargo and wash water, provided for by the provisions of this Part B. Residual cargo must, as far as possible, be added to the cargo.*
- ↳ (2) *When loading, the charterer must ensure that the vessel remains free of handling residues. Should such residues be produced nevertheless, the charterer shall ensure their removal after loading, **unless otherwise agreed**.*
- ↳ (3) *When unloading, the consignee must ensure that the vessel remains free of handling residues. Should such residues be produced nevertheless, the consignee shall ensure their removal. Handling residues must, as far as possible, be added to the cargo.*

IV. CDNI – PART B

↙ Part B

↙ Article 7.07

↙ *The charterer and the consignee may also **agree between themselves** a distribution of their obligations that is different to that provided for in the present Annex on condition that this does not impact on the carrier.*

↙ Article 7.08

↙ *If the charterer or the consignee makes use of the services of a handling facility when loading or unloading a vessel, **the operator of this installation shall subrogate the rights and obligations incumbent on the charterer or the consignee** referred to in paragraph 1 of Article 7.01, and in Articles 7.03, 7.04 and 7.05. As regards Article 7.06, such subrogation shall only apply to the cost of the removal and reception of the handling residues*

IV. CDNI – PART D

Part D

A. General Provisions

1. vapours given off from goods mentioned in tables I to III of this Appendix **shall not be released into the atmosphere unless the conditions governing AVFL** values 1 in the tables below have been complied with. Unless otherwise specified in article 7.04 or in this Appendix, vapours given off from these goods **shall be degassed**.
2. **Degassing must be carried out at a certified reception station** in accordance with national provisions.
3. Vapours from all the goods **not** to be found in the following degassing standard tables **can be vented**.
4. **Venting is not permitted:** a) close to locks, including their forebays, under bridges or in densely populated areas. b) in sectors subject to equivalent protection by national requirements.
5. The degassing or venting procedure is to be interrupted during a storm or if, because of unfavourable wind conditions, the presence of dangerous vapours is considered possible outside the cargo area, in front of accommodation, the wheelhouse or operation rooms.
6. Degassing may only be performed by **competent individuals**. This also applies to the work required aboard the vessel.

V. CHALLENGES

- ↪ Cost
- ↪ Logistics
- ↪ Article 5.02 Part B CDNI

The Contracting States shall undertake to set up, or to have set up, the infrastructure and other conditions necessary for the deposit and reception of residual cargo, handling residues, cargo residues and wash water within a period of five years following the present Convention entering into force (2024)

- ↪ Dedicated tank barges



VI. CASE LAW

↙ Court of Appeal Antwerp – 6 May 2024

↙ Transport Ghent (BE) – Hauconcourt (FR)

↙ 6.300 mt liquid agricultural fertilizer

↙ Foot samples - Inspection

↙ Off spec – total loss – 247.234 EUR

↙ Article 3.3 – 4.2 – 16.1 – 17 CMNI

↙ Article 7.02 – Annex 2 - Part B CDNI (*“(1) The carrier shall make the vessel available to the charterer under an unloading standard such that the cargo may be transported and delivered unimpaired. **As a general rule**, this means the “swept hold” or “stripped tank” unloading standard, with the vessel free of any handling residues.)*)

VI. CASE LAW

↙ **Corporate Court Antwerp, div. Antwerp – 22 May 2023**

- ↙ Three shipments of methanol by tank barge
- ↙ Cleaning inspection report: “ventilated fuel gasfree” (surveyor of shipper)
- ↙ No discussion about contamination with last cargo and vessel was vented until gasfree (not washed).

VI. CASE LAW

↙ **Corporate Court Antwerp, div. Antwerp - 20 December 2012**

- ↙ Transport Rotterdam (NL) – Antwerp (BE)
- ↙ 1.000 mt styrene monomer
- ↙ During and after unloading: tank samples
- ↙ Before arrival: contamination with benzene in tank 4
- ↙ Damage: 126.165 EUR
- ↙ Article 16.1 CMNI

CONCLUSION



THANK YOU FOR YOUR ATTENTION

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