

Joint Declaration of Intent (JDI)
between
the Government of the State of North Rhine-Westphalia
and
the Government of the Netherlands
on cooperation regarding the cross-border connection of pipeline infrastructure of CO₂
and hydrogen in the Delta Rhine Corridor (DRC) project

The Government of the State of North Rhine-Westphalia and the Government of the Netherlands (hereinafter referred to individually as a "Participant" and collectively as the "Participants"),

Appreciate the long-standing bilateral relationship between the State of North-Rhine Westphalia and the Netherlands and their cooperation in the fields of hydrogen and carbon management;

Emphasize the importance of decarbonizing the industry, securing the competitiveness of industrial clusters, attracting innovation and investment, facilitating employment and achieving national and European climate goals;

Reiterate the need for energy infrastructure to reach these goals in a timely and efficient manner;

Recognize that the Delta Rhine Corridor (DRC) will be an important part of the future European hydrogen and carbon management network;

Facilitate an even stronger working relationship between the concerned ministries to support the ambitious and timely realization of the Delta Rhine Corridor and thereby contributing to the integration of cross border public governance of the DRC project.

Strongly encourage the private parties who have committed to construct and deploy the Delta Rhine Corridor to come to an understanding regarding their intentions and commitments and to develop the final routings of the Delta Rhine Corridor;

Refer to the trilateral SustPipe Initiative signed by the governments of North Rhine-Westphalia, Flanders and the Netherlands in 2021; and

Recognize the close German-Dutch cooperation on hydrogen at Federal level, as stated in the March 2023 Joint Government Declaration and the November 2023 Joint Declaration of Intent on Hydrogen Cooperation.

They have thus come to the following understanding:

Paragraph 1 - Objective and status

(1) The objective of this JDI is to strengthen and build on the already established cooperation between the Participants by supporting and encouraging a timely construction and deployment of the Delta Rhine Corridor in order to provide for cross-border transportation of CO₂ and hydrogen with the purpose of decarbonizing the industry.

(2) This JDI is not legally binding and does not create any rights or obligations under international law.

(3) Each Participant intends to conduct the cooperation under this JDI subject to all applicable laws and regulations, recognizing responsibilities and provisions of the relevant European and national legal frameworks.

(4) The Delta Rhine Corridor (DRC) connects industrial clusters in Rotterdam, Moerdijk and Venlo with industry in North Rhine-Westphalia and, eventually, Rhineland-Palatinate. In its current scope,

the project includes a cross-border hydrogen- and a cross-border CO₂-pipeline. On the Dutch side, the scope includes additional energy infrastructure connections.

(5) The project is of national interest in the Netherlands; fast track procedures on planning and permitting are already in place. Both the CO₂ pipeline and the hydrogen pipeline are currently under consideration by the European Commission to receive Project of Common Interest (PCI) status. The PCI status results in accelerated planning and permitting and qualifies for application for funding under the Connecting Europe Facility.

Paragraph 2 - Areas of cooperation

The Participants have identified the following subject to develop cooperation within their respective range of tasks and competences:

Supporting and facilitating the realization of the Delta Rhine Corridor, executed by private parties within an ambitious timeframe.

Paragraph 3 - Form of cooperation

This JDI provides a solid foundation for public support for the timely realization of the Delta Rhine Corridor in the Netherlands and Germany. In this regard, the forms of cooperation under this JDI may include the following:

(a) Regularly exchanging on project progress, indicating and, where possible, aligning project milestones and planning.

(b) Working towards a joint cross-border project organization to facilitate development of the Delta Rhine Corridor within an ambitious timeframe in consultation with the private project parties, other responsible authorities and relevant stakeholders.

(c) Pro-actively informing each other on progress of planning and permitting procedures, working together in consulting the general public on both sides of the border and to work out ideas to accelerate planning and permitting procedures.

(d) Discussing and evaluating topics related to the DRC project but beyond its current scope, e.g., the transport of hydrogen derivatives.

(e) Other forms of cooperation as the Participants may jointly decide to include in their operational agenda.

Paragraph 4 - Monitoring

(1) A coordinated working group will follow project development by bringing together experts for energy infrastructure and related policy areas from the responsible ministries in North Rhine-Westphalia and the Netherlands, with participation in an observing function of both the German Federal Ministry for Economic Affairs and Climate Action and the German Energy Agency (dena). They will do so in consultation with relevant stakeholders and by exploiting in particular the already existing working group on the DRC between the relevant ministries, which intends to meet twice a year.

(2) The objective of this working group will be to promote realization of the objective as laid down under paragraph 1 of this JDI.

(3) The exchange within this working group will be subject to evaluation at the next joint governmental meetings of the Netherlands and North Rhine-Westphalia.

(4) The Participants aim at sufficient staffing of concerned planning and permitting authorities to carry out the necessary procedures expeditiously.

Paragraph 5 - Costs

Each Participant will bear its own costs associated with the cooperative activities intended under this Joint Declaration of Intent, unless the Participants decide otherwise in writing.

Paragraph 6 - Private parties

The application on spatial planning, application on approval, construction and deployment of the Delta Rhine Corridor are essentially a commitment made by private parties, which the Participants will support.

Paragraph 7 - Limitations to the cooperation

The scope of this JDI is limited to the cross-border transportation of CO₂ and hydrogen along the final routes of the Delta Rhine Corridor. The cooperation should not limit the ability of the Participants to construct, deploy or in any other way implement and execute its own laws and policies with regard to the energy infrastructure on its own territory.

Paragraph 8 - Amendments and termination

At any time, a Participant may propose amendments to the Joint Declaration of Intent, which may be approved by mutual written consent.

At any time, a Participant may terminate this Joint Declaration of Intent by means of a three (3) month written notice to the other Participant. The Participants will seek to finalize the activities already under implementation. The termination of this Joint Declaration of Intent will not affect any on-going activities under this Joint Declaration of Intent, unless otherwise decided by the Participants

Any dispute arising from the interpretation or implementation of this Joint Declaration of Intent will be resolved through consultations between the Participants.

Paragraph 9 - Final provisions

This Joint Declaration of Intent will come into effect on the date of signature and will be applied until the Delta Rhine Corridor is in operation.

Signed in Duisburg on the 14th of November 2023 in duplicate in the English language.

For the Government of the Netherlands

For the Government of the State of North Rhine-
Westphalia

Hans Vijlbrief

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