

# **Churchill Industrial Zone**

**Legal aspects**



**Port of  
Antwerp**

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# Churchill Industrial Zone

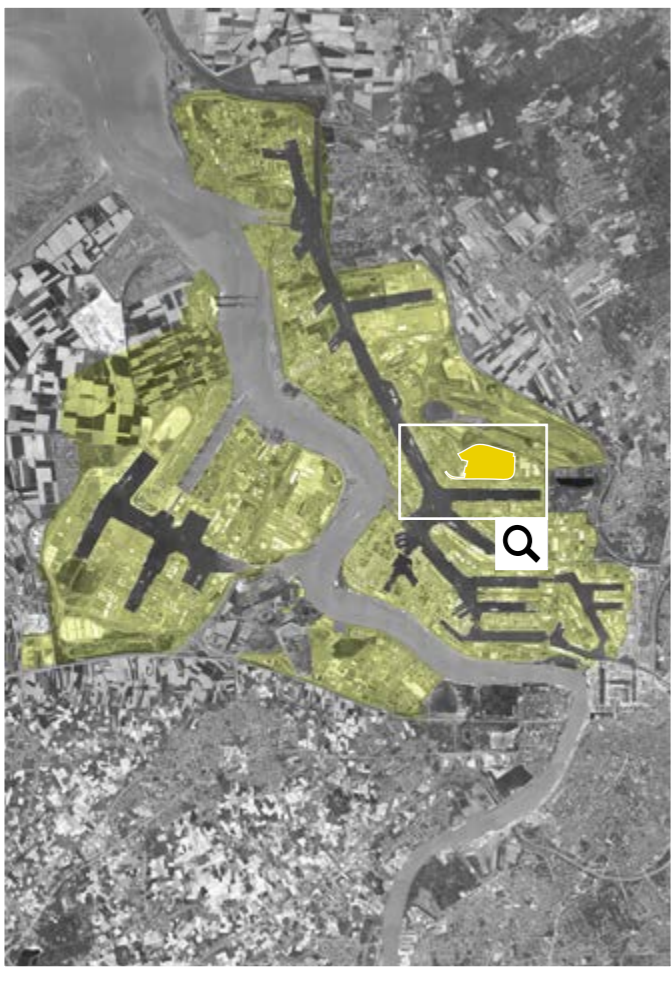
The Churchill Industrial Zone is a particularly attractive investment area located centrally in the port of Antwerp. The 88 ha project area is the subject of a consultation organised by the Antwerp Port Authority, a limited company under public law, hereinafter referred to as APA.

The APA considers the Churchill Industrial Zone as a strategic reserve, which more specifically within the framework of this consultation, it intends to reserve for the implementation of sustainable industrial projects in the manufacturing or process industry or energy projects that promote the use of sustainable energy in the port cluster and are subsequently also operated in a sustainable manner. The APA intends to proceed with the granting of a concession for the Churchill Industrial Zone, preferential in its entirety, or in parts.

This document, which forms an integral part of the complete consultation bundle, contains, in addition to the conduct of the consultation procedure, including the eligibility, selection and award criteria, an overview of the conditions applicable during the operational phase, without prejudice to the special conditions that will be established as part of the award of the zone or a part thereof to one or more selected candidates. This document ends with a description of the specific situation of the site and the project area.

All relevant information is available at the website of the APA: [www.portofantwerp.com/en/Churchill-Industrial-Zone](http://www.portofantwerp.com/en/Churchill-Industrial-Zone).

Participation in the consultation will not be reimbursed.



**ROAD ACCESS**  
 Close to the ringroad  
 Direct access to European road network

**PIPELINES ACCESS**  
 Along the (concession) roads  
 Additional pipelines possible

**Churchill Industrial Zone**  
 Length approx 1,100 m  
 Width approx 800 m

**SCMC AND SILS-CENTRE**

STEVEDORING COMPANIES (CARGO AND PROJECT CARGO)

RAIL TERMINAL

Churchill dock

**RAIL ACCESS**  
 Direct rail access to European rail network  
 Close to marshalling yard  
 Rail tracks on site

**WATERSIDE ACCESS**  
 Via the quays of other stevedoring companies in the port (intraport transport)

## 1. Eligibility and Selection

### 1.1. Selection conditions to be met by the project proposals

From the strategic vision developed and desired by the APA, only project proposals relating to one of the following sectors will be taken into consideration:

- Manufacturing industry (non-exhaustive): using machines / processing of (recycled) materials / raw materials to semi-finished products / end products, additive manufacturing, Urban Mining & Recycling, Electric vehicles, energy storage, with the exception of heavily polluting industry.
- Process industry (non-exhaustive): sustainable energy production (excluding energy from waste), fine chemicals, (bio-based) chemistry, pharmaceutical industry, Internet of Things applications, food industry (excluding meat and fish processing), pulp & paper industry, ferrous and non-ferrous industry, ...

The project proposal must be evidently incorporated into the transition to a circular economy<sup>1</sup> and contribute to the reinforcement, synergy and diversification of the platform of the port of Antwerp.

### 1.2. Eligibility conditions to be met by the candidates

If the data and information provided by the candidate regarding the items under 1.2. stipulated conditions of eligibility do not provide sufficient guarantees to the APA, the APA will declare the application ineligible.

#### 1.2.1. General

The candidate (name, address, telephone number, VAT number, contact (+ position held) must indicate whether it participates:

- as an individual undertaking that will autonomously implement and operate the project;
- on behalf of a group of undertakings of which the candidate is a member;
- for the purpose of establishing a consortium or a joint venture with other undertakings prior to entering into the concession agreement.

1. The starting point is the definition of the Ellen MacArthur Foundation.  
[www.ellenmacarthurfoundation.org/circular-economy](http://www.ellenmacarthurfoundation.org/circular-economy)

If the candidate submits a project proposal on behalf of a group of companies or a consortium, it must provide at least the following information regarding the companies or the consortium:

- name, address, telephone number, VAT number of all companies involved;
- articles of association of the group or groups concerned;
- in the case of a consortium or joint venture:
  - text of the partnership agreement that binds the parties;
  - shareholder structure.

If the candidate submits a project proposal on behalf of a group of companies:

- consolidated audited financial statements for the last 3 financial years.

#### 1.2.2. Financial capacity

To demonstrate that they have the necessary financial capacity to guarantee the effective implementation and operation of their project proposal, candidates must submit the following documents:

- a summary of a business plan showing, among other things, the contribution of own funds;
- an overview of the current corporate structure of the candidate;
- the audited financial statements for the last 3 financial years of the candidate and, where appropriate, of the parent company, accompanied, where appropriate, by interim results;
- evidence of professional risk indemnity insurance.

#### 1.2.3. Experience and expertise

To demonstrate that they have the relevant experience and expertise to implement and operate the project, candidates must provide the following data:

- the relative size of the project activity in relation to the company's core and ancillary activities and its evolution over time;
- the locations where the core and ancillary activities are/were carried out;
- the company's market position in relation to the project activity and the evolution of that position;
- candidates must compile a list of factors that, in their opinion, have had or will continue to have an impact on their market position.

#### 1.2.4. Additional information

The APA reserves the right, based on the information provided in respect of the project proposal, to invite candidates to provide additional information.

### 1.3. Eligibility conditions to be met by the project proposal

#### 1.3.1. Information to be provided

For the purpose of an evaluation of the project proposal (cf. infra 2.2.), the candidate will provide as accurate a description of the industrial activities that will be carried out in the project proposal.

Candidates shall specify:

- the desired area of the port domain that they intend to use;
- the desired gross floor area for the industrial buildings;
- the offices and the peripheral facilities (parking and garaging areas, etc.).

Candidates shall further specify the potential impact of any deviation from the desired quantities.

Candidates shall provide information regarding the estimated annual transport flows (freight and passenger transport) that will be generated via the various modes of transport (water, rail, road, pipeline) through the implementation of the project.

If the project proposal implies waterborne transshipment in the vicinity of the site, candidates shall also provide the following information:

- The nature of the goods involved (IMDG goods or not).
- The expected environmental impact of waterborne transshipment.

#### 1.3.2. Justification to be provided

Candidates shall justify their project proposals with reference to the contribution of their project to the economic development of the port of Antwerp and surrounding areas. To this end, candidates shall provide the following information:

- the extent to which the project contributes to the reinforcement, synergy and diversification of the platform of the port of Antwerp;
- the extent to which cost reductions and economies of scale can be achieved through the project;
- the jobs (full time equivalents) that are directly generated during the implementation and operational phase;
- the direct investments required for the implementation of the proposed project;
- the timing within which the candidate expects the proposed project to be implemented and operational;
- the added-value creation that is associated with the implementation of the proposed project. Candidates shall indicate how they have calculated this.

#### 1.3.3. Additional information

The APA reserves the right, based on the information provided in respect of the project proposal, to invite candidates to provide additional information.

### 1.4. Submission and processing of the project proposals

Applications may be submitted on paper and in digital form, either in Dutch or in English.

Applications together with all required information must be submitted to:

**Havenbedrijf Antwerpen NV van publiek recht**  
**Directie Klantenrelaties, afdeling Investeringsbeleid**  
**Zaha Hadidplein 1, 2030 Antwerp**

or electronically at the following e-mail address:

[investeringsbeleid@portofantwerp.com](mailto:investeringsbeleid@portofantwerp.com).

The **deadline for submission** of the project proposals is **31 August 2018**.

The submitted project proposals and the mandatory information to be provided can be further complemented up to one month after the submission deadline date for compliance with the eligibility criteria.

The APA reserves the right to extend the period for submission of the project proposals. In such a case, the new submission deadline will be notified.

If the APA, before expiry of the deadline for submission, has newly acquired insights about the desired strategic vision for the site, the APA will give broad awareness to this new information.

Candidates who at the time of announcement of the new information have already submitted, will be given the possibility to rework their application in the light of this information, taking into account the deadline for submission.

**After the assessment of the applications**, the APA will notify the candidates of which applications (i.e. project proposals) will be taken into consideration and which will not in the context of the award procedure (cf. Infra 2.). A candidate whose project proposal has not been taken into consideration has no further right for compensation.

## 2. Award

The award procedure is not a procedure for awarding public works contracts within the meaning of the public procurement regulations. This consultation is aimed at the award of a domain concession, whereby the consultation is organised in accordance with the principles of good governance.

### 2.1. Conduct of the procedure – possibility of phased award

For the purpose of awarding all or part of the area to one or more candidates, the project proposals taken into consideration will be subjected to assessment and comparison.

Having taken the project proposals into consideration does not imply any obligation on the part of the APA to proceed with the award, nor does it entitle the candidates concerned to derive any rights to any concession whatsoever.

With a view to ensuring the optimal use of the site, and also taking into account the quality and the quantity of the project proposals taken into consideration, the APA reserves the right to not proceed with the award of all or part of the area.

In such a case, the APA may, upon completion of the phase of partial award or non-award of the project area, organise a new consultation (with, where appropriate, due publication and submission deadline and eligibility) to which also new candidates and/or new project proposals can be admitted.

Candidates who have already submitted a project proposal which was taken into consideration by the APA for further investigation and comparison but who were not eligible for the award, will be notified individually of the new deadline for submission of an amended or a more detailed or new proposal.

The APA may repeat the phased award procedure in compliance with the provisions set out in the preceding paragraph.

### 2.2. Assessment and comparison of the project proposals taken into consideration

The comparison of the project proposals for the purpose of awarding all or part of the project area, will be based on the following sustainability criteria:

- the added-value creation per ha GFS (gross floor surface);
- the demonstrable cluster reinforcing effects on the port platform;
- the modal split between the different modes of transport (water, rail, road or pipeline) used for the transportation of goods;
- the demonstrable performance “compliance+”<sup>2</sup> for the purpose of:
  - the transition to a circular economy;
  - the transition to a low-carbon economy.

If the APA deems it necessary to make further refinements or additions to these criteria during the award phase, the candidates will be notified thereof. They will then be given one month's time – from the date of notification of the refinements or additions – to optimise their project proposal submitted in accordance with 1.4.

With a view to ensuring the optimal use of the site, the APA reserves the right to enter into discussions with one, more or all of the candidates taken into consideration, either simultaneously or individually.

With a view to ensuring the maximum utilisation of the surface area of the site, the APA reserves the right, as part of the award decision, to deviate from the surface area desired by the candidate for the implementation of its project proposal, – **but not without taking into account the relevant information provided by the candidate pursuant to 1.3.1.**

### 2.3. Notification of the results of the award procedure

- The APA will transparently notify all candidates of the results of the award procedure.
- The APA will notify this information at least via e-mail and in the language in which the application was received (Dutch or English).

2. Higher than the permit conditions applicable to the relevant classified facility.

## 3. Operation of the site

The APA manages its port sites through the granting of domain concessions. It does not sell or lease any land.

Based on the project proposals, the associated obligations and the results of the award procedure as set out in 3, the APA will enter into concession agreements with the candidates that have been awarded the project area or a part thereof.

The object/purpose constitutes an essential element of the domain concession and must therefore be established correctly and clearly between the parties in order to define their further contractual relationships with respect to the domain concession.

### 3.1. General conditions for concessions in the port area

The “General Conditions for concessions in the Antwerp port area” (hereinafter GC) are the backbone of the APA’s concession policy and apply to all existing and future concessions granted by the APA.

These General Conditions are an integral part of the concession agreement and therefore apply to all concessions granted within the framework of the development of this site.

Consult: [www.portofantwerp.com/en/concession-procedure#conditions](http://www.portofantwerp.com/en/concession-procedure#conditions).

The term of the concession will be calculated on the basis of article 4 of the General Conditions.

Candidate concessionaires should note that the APA will charge a concession fee (expressed in EUR/m<sup>2</sup>/year), which will be determined each year by the Board of Directors of the APA.

The concession fee will be determined in accordance with the General Conditions on the basis of the following criteria:

- nature of the activities
- location of the concession
- nature of the sites

## 3.2. Special conditions (non-exhaustive)

### 3.2.1. Fees

In case of non-compliance by the concessionaire with the performance requirements relating to the sustainability criteria referred to in 2.2, the APA may charge a higher concession fee than the amount determined in accordance with the General Conditions.

### 3.2.2. Efficient use of the space

Candidates should note that the concession agreement will include provisions related to spatial performance (i.e. spatial occupation, spatial planning, and use of the space) for the purpose of promoting and evaluating this performance on a permanent basis.

### 3.2.3. Transfer limitations

The APA reserves the right to incorporate transfer limitations into the special clauses of the concession agreement.

# TECHNICAL DATA SHEET FOR USE OF THE PROJECT AREA

The total site –Industrial Churchill Zone– has a surface area of approximately 96 ha. The site of the project area –**the subject of this consultation**– is approximately 88 ha in size.

The use of the sites for the implementation and operation of industrial projects shall be based on the conditions set out below (see Attached Map for location of the sites).

## 0.1. The project area

- The size of the project area could be less depending on the outcome of the ongoing investigation by the APA into the optimal use of the sites located near the railway bundle “Oorderen” (in the southern part of the project area).
- The existing buildings within the project area, including floors, sewers, water wells and septic tanks, underground storage tanks, etc., will be demolished by the APA.
- As concerns the existing pile foundations within the project area, candidate concessionaires should note that these will be demolished to a depth of 2 m from the top of the pile head. The APA is free, within the pending consultation, to decide to completely remove these pile foundations.
- To ensure the safety of the project area after completion of the above-mentioned demolition works, the APA will fill up any holes with sand fill. The foregoing does not, however, imply that the APA will prepare the site for construction.
- The APA does not at any time and in any way guarantee the stability of the subsoil required for the erection of structures and/or the implementation of other activities provided for in the project proposals to be submitted.
- The **two buildings (“SCMC” and “SILS-Centrum”)**, indicated by a different colour (see map P4–5), are not owned by the APA. They are currently occupied and used by the companies Automotive Transport & Supply Center NV and Cargo Agency NV. **They are not part of the project area.**
- Candidate concessionaires shall (at their expense, risk and responsibility) carry out all the necessary site investigations (including stability, etc.) prior to erecting any structure or developing any activity on the site at their risk and responsibility (including stability).

## 0.2. Infrastructural accessibility

*The site has no direct access to the Churchill Dock*

- Waterborne transport (transport mode) for the inward and outward transport of e.g. raw materials and products, can be organised in consultation with the deep water terminal operators south of the side.
- Where appropriate, candidates must provide additional information about the nature and quantities of these goods (see also 1.3) to ensure the eligibility of their project proposal.

*The site is accessible to road transport via the Noorderlaan (regional road, category primary road II)*

- On plots adjacent to the Noorderlaan, a construction-free strip of at least 8 m must be respected.
  - The advice of the Agency for Roads and Traffic is mandatory.
  - Consult: [wegenverkeer.be/districten/district-121-antwerpen](https://wegenverkeer.be/districten/district-121-antwerpen).
- On plots adjacent to the Noorderlaan, buildings and outdoor areas must meet have a high level of visual and architectural quality.
- The APA reserves the right to include a right of way in the concession agreement and/or a transfer for the respective companies in order to ensure their permanent accessibility to the Noorderlaan.
- Depending on the estimated road transport volumes that will be generated (see also 1.3) by proposed activity, the site must offer sufficient space for buffering freight traffic and parking passenger cars and trucks.

*The site will be made accessible to rail transport via the railway bundle “Oorderen”*

- Depending on the planned inward and outward rail transport (see 1.3), candidates must provide on their site the necessary private railway infrastructure up to the bundle “Oorderen”.
- On plots adjacent to the railway bundle “Oorderen”, a non-construction strip with regard to this public railway infrastructure must be respected.
  - The advice of the railway operator is mandatory.
  - Consult: [www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=1891072530&table\\_name=wet](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1891072530&table_name=wet). (art. 3 and 5).
  - For general conditions regarding planning permission, please consult: [www.portofantwerp.com/en/Churchill-Industrial-Zone](https://www.portofantwerp.com/en/Churchill-Industrial-Zone).



### **The site is accessible to pipeline transport.**

- The following pipelines are located in the immediate vicinity of the site:
  - Ordamstraat (west): *Water and electricity*
  - Noorderlaan (north): *Oxygen, natural gas (low or medium pressure), ethylene, electricity and data*
  - Noorderlaan (east): *Oxygen, natural gas (low or medium pressure), ethylene, crude oil, water, electricity and data*
  - Muisbroeklaan (south): *Ethylene, natural gas (high pressure), electricity and water*
- For applications for additional pipelines, permissions and further information, please consult [overheid.vlaanderen.be/producten-diensten/kabel-en-leidinginformatieportaal-klip](http://overheid.vlaanderen.be/producten-diensten/kabel-en-leidinginformatieportaal-klip).
- The construction of a residual heat corridor that makes the site accessible for the intake and removal of residual heat, is currently being investigated by the APA.

## **0.3. Special environmental considerations**

### **Soil**

The concession involves the transfer of **high-risk land**.

- No more risk activities have taken place on the site since the latest exploratory soil investigation “Exploratory soil investigation General Motors Belgium nv Noorderlaan 401 –harbour 500 2030 Antwerp” of 26 August 2013, drawn up by Antea Belgium NV.
- In 2014, OVAM agreed to the transfer of plot 340P, the commitment and the financial security have been accepted by OVAM.
- The APA will apply for a soil certificate with OVAM and attach it to the transfer agreement.
- (Candidate) concessionaires shall take due note of the information in the soil certificate.
- The site is polluted with contaminants that need to be removed.
  - For the exact location, please consult: [www.portofantwerp.com/en/Churchill-Industrial-Zone](http://www.portofantwerp.com/en/Churchill-Industrial-Zone).
  - The APA is responsible for decontamination of the soil pollution with mineral oil and volatile aromatics and the groundwater pollution with mineral oil, volatile aromatics, chlorinated solvents, trimethylbenzene and chlorobenzene.
  - OVAM is responsible for the automatic (simultaneous) decontamination of sites contaminated with PFOS and PFOA in the soil and in the groundwater.
- The steps to be followed are:
  - Completion of the descriptive soil investigation for the PFOS and PFOA contamination commissioned by OVAM, to be followed by declaration of conformity.

- Development of a BSP “combined approach to PFOS-other contaminations” and declaration of conformity.
- Evaluation of the impact of the modification of the works on the awarded contract (APA has ordered BSD to examine the impact of PFOS contamination on the feasibility of the planned biological purification of the soils and the water treatment) + modification of the water treatment plant or issue of a new tender

- Planning:
  - Considering the progress of the DSI commissioned by OVAM, the works are expected to be resumed only in the second half of 2018.
  - Execution deadline (excavation, in-situ biological purification and backfill): 1 year.
  - Subsequently groundwater remediation, currently estimated at 2 years, impact of PFOS to be examined in detail.

**The impact of groundwater treatment on the use of the site is limited. Decontamination works are confined to the location of the former pump housing (see location on Map)**

### **Wastewater**

The port does not have a **public sewer system**.

- Pursuant to the applicable Flemish environmental regulations, all household wastewater treated by an individual wastewater treatment plant (IWTP) must be collected and transported for external treatment.
  - Subsections 4.2.8.1 of Vlare II apply.
  - Consult: [navigator.emis.vito.be/mijn-navigator?woId=23926](http://navigator.emis.vito.be/mijn-navigator?woId=23926).
- The installation of an oil separator at the truck parking areas may be required in the environmental permit.
- The installation of non-return valves on sewers to the quay water is mandatory.
  - The provisions in article 2.1.21 of the Port Regulations apply.
  - Consult: [www.portofantwerp.com/nl/havenonderrichtingen-hkd-2017-herziening-juni-0](http://www.portofantwerp.com/nl/havenonderrichtingen-hkd-2017-herziening-juni-0).

### **Rainwater**

The site must have sufficient space for the collection, reuse and infiltration of rainwater.

- The regional rainwater regulation applies.
- Consult: [www.ruimtelijkeordening.be/Verordeningen/Hemelwater](http://www.ruimtelijkeordening.be/Verordeningen/Hemelwater).

## 0.4. Other regulations

### *Zoning regulations*

- The zoning regulations of the GRUP Demarcation Seaport Area Antwerp, in particular art. R1 (Area for seaport and waterborne companies), R15 (Zone for permanent ecological infrastructure with “shared use”) and R17 (Pipeline Corridor) apply.
- For further information, consult:
  - [doc.ruimtevlaanderen.be/GRUP/00200/00202\\_00001/data/212\\_00202\\_00001\\_d\\_1gpk\\_03.pdf](https://doc.ruimtevlaanderen.be/GRUP/00200/00202_00001/data/212_00202_00001_d_1gpk_03.pdf),
  - [doc.ruimtevlaanderen.be/GRUP/00200/00202\\_00001/data/212\\_00202\\_00001\\_d\\_2sv.pdf](https://doc.ruimtevlaanderen.be/GRUP/00200/00202_00001/data/212_00202_00001_d_2sv.pdf).

### *Distance rules for prevention of flash-over between buildings*

- The regulations of the federal basic standards for the prevention of fire and explosion to be met by new buildings, apply.
- Consult: [www.besafe.be/brandpreventie/wetgeving/koninklijk-besluit-7-7-1994-algemene-reglementering-federaal](http://www.besafe.be/brandpreventie/wetgeving/koninklijk-besluit-7-7-1994-algemene-reglementering-federaal).

## 0.5. Service provided by APA

For the submission of their project proposal (see 1) or the completion of the permit process after the award (see 2), candidates can seek advice, obtain information and receive support, in particular for the aforementioned matters, via the **Uniek Loket Haven** (one-stop port shop).

**Uniek Loket Haven**  
Loodglansstraat 5A  
2030 Antwerp  
T: +32 3 229 64 75  
E: [uniek.loket@portofantwerp.com](mailto:uniek.loket@portofantwerp.com)

**In addition to the available maps, candidates can plan a visit to the site to allow for a more informed assessment of the site.**

