

Decree No. 2020/027

Designation Decree Lay-by Berth for Ships at TITAN

The Director of the Central Nautical Management North Sea Canal Area

Having regard to:

- Article 1.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 1.9 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 3.2 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 3.3 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 5.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019 and CNB Decree 2019/65: Oil Port Area Designation Decree, under which the mooring facility as referred to in this Decree falls;
- Article 5.2 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- The Mandate, Power of Attorney, and Authorization Decree, dated 3 December 2019, on the basis of which the Director of the Central Nautical Management North Sea Canal Area is mandated to adopt Decrees on behalf of the Mayor and Aldermen;

Having considered that:

- The Mayor and Aldermen may, upon request, grant dispensation or exemption from the orders and prohibitions as included in or pursuant to the Regional Port Bye-laws;
- The Mayor and Aldermen may designate oil ports;
- A ship may only be in an oil port if it concerns a tanker or a ship which makes use of the port infrastructure for loading or unloading operations, for cleaning operations of cargo tanks or slop tanks, or for bunkering operations;
- A ship may only berth if this is done at berths situated at a mooring facility and with the consent of the lessee, leaseholder or owner of the facility;
- TITAN LNG carries out bunkering operations to ships moored at its mooring facility and this mooring facility is located in an oil port;
- TITAN's mooring facility can also be used as a lay-by berth for ships;
- Without dispensation or exemption, ships other than tankers may not use this berth as a lay-by berth, due to the fact that they do not belong to the primary target group of ships that are allowed to use an oil port;
- TITAN has established a safety procedure applicable between TITAN and the ship using the lay-by berth. The purpose of this safety procedure is to ensure that the use of the lay-by berth is carried out in a safe manner;
- The purpose of this Decree is to allow ships other than tankers to moor at the lay-by berth in question to wait in an oil port;
- This Decree is also intended to prescribe specific safety restrictions for all ships waiting here, taking into account the nature of this berth.

Has decreed the following:

I.

In the provisions under or pursuant to this Decree, the following terms are defined as stated below:

- a. Tanker: inland tanker or seagoing tanker
- b. Inland tanker: inland ship built for or adapted for the carriage of liquid cargo in bulk in cargo tanks;
- c. Seagoing Tanker: a seagoing ship built for or adapted for the carriage of liquid cargo in bulk in its cargo tanks;
- d. Operational Area: area bounded in length, breadth, depth or height within which ships can berth to carry out their activities;
- e. LNG: Liquefied Natural Gas;
- f. Oil Port: area intended for the handling of tankers carrying dangerous liquid cargoes with the exception of only harmful substances.

II

To exempt ships other than the ships referred to in article 5.2, paragraph 1, of the Regional Port Bye Laws for the North Sea Canal Area 2019, to use the mooring facility included in the chart accompanying this Decree as a lay-by berth.

III.

In order to guarantee the interests of order and safety, the following conditions are imposed on ships using the lay-by berth to wait:

- Unless, on request in individual cases, permission has been granted on behalf of the Mayor and Aldermen, no activities - such as repairs, immobilisations and cleaning of tanks and/or holds – may take place other than waiting;
- A safety and communication procedure drawn up by TITAN applies between the waiting ships and TITAN.

IV.

This Decree will enter into force after its publication.

V.

This Decree may be cited as Designation Decree Lay-by Berth for Ships at TITAN.

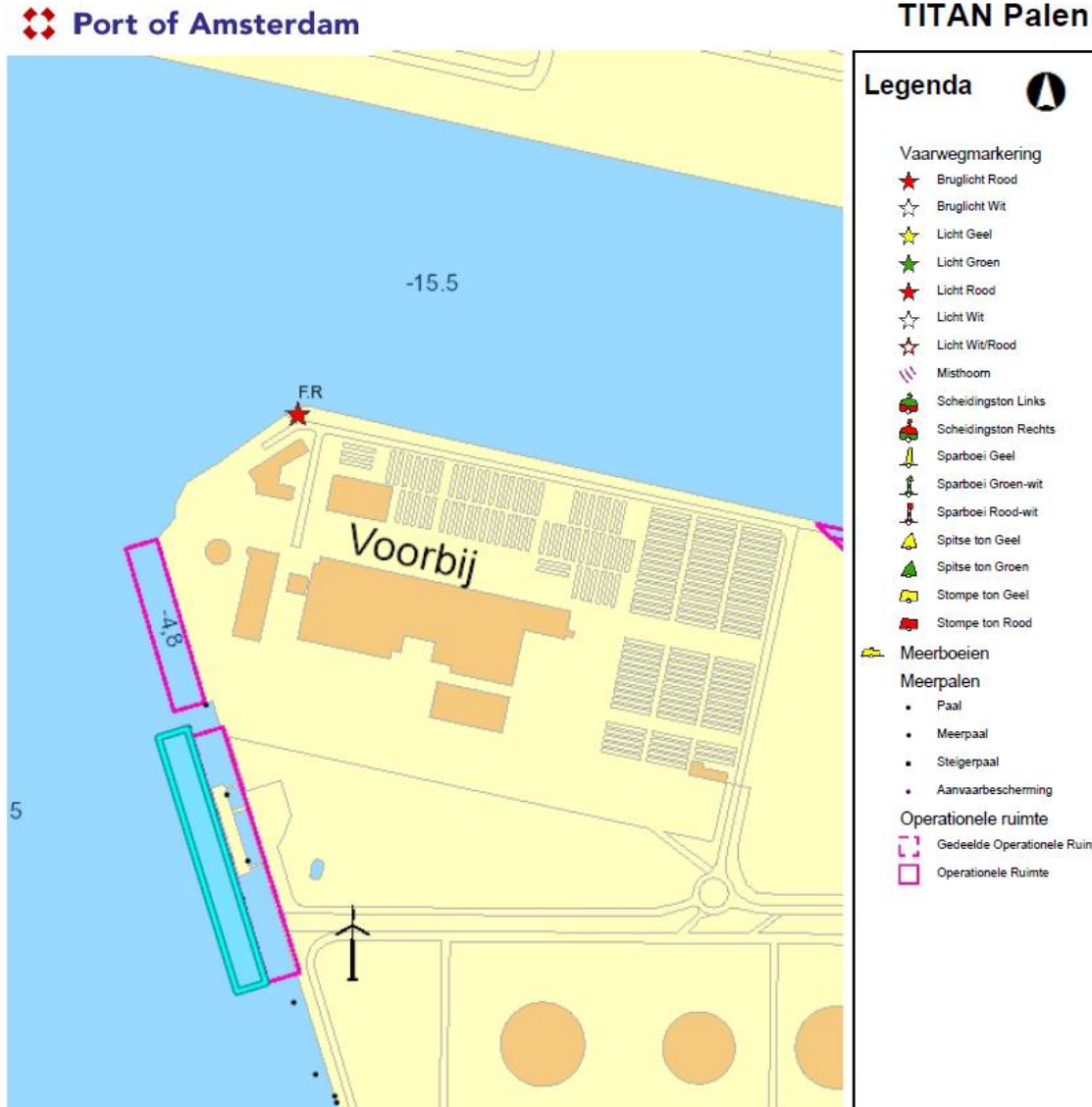
Adopted on behalf of the Mayor and Aldermen on June 24th 2020.

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. M. Mateyo

Chart Appendix to Decree TITAN dolphins



Explanatory notes

As described in Article 1.9 of the Regional Port Bye-Laws for the North Sea Canal Area 2019, the Mayor and Aldermen may, upon request, grant dispensation or exemption from the orders and prohibitions as included in or pursuant to these Regional Port Bye-laws. The explanatory notes to this article state that all that is needed is this general possibility to grant dispensation or exemption from the orders and prohibitions of these Bye-laws. The

possibility is not limited, but the applicant, and not the Mayor and Aldermen, must demonstrate that the conditions as set out in this article are guaranteed.

Article 3.2 of the Port Bye-laws regulates in general that the Mayor and Aldermen are authorised to designate areas where certain types of ships are not allowed to be.

Article 5.2, paragraph 1, under a and b, state that a ship is only permitted to be in an oil port if it is a tanker, or if it uses, has used or will use the port infrastructure for loading or unloading operations, for cleaning operations of cargo tanks or slop tanks, or for bunkering operations;

TITAN has a bunker location which is also used as a lay-by berth for ships (with the purpose to comply with statutory work and rest periods, waiting for cargo, or waiting to be unloaded). As the ships using this lay-by berth will (not) always be 'target group' ships for the oil port, an exemption is needed to make this possible. The exemption is regulated by this Decree.

This Decree also serves to apply a stricter safety regime than the generally applicable safety regime for all waiting ships, including permissible tankers, because ships are often waiting next to a TITAN loaded LNG barge.

TITAN has established a safety procedure for ships using this lay-by berth. This safety procedure will be imposed by the company on ships using the lay-by berth. A condition attached to this Decree states that TITAN must effectively impose this safety procedure on ships using the lay-by berth so that these ships are informed of the strict regime in place and understand the communication procedures.

Furthermore, ships using the lay-by berth are not allowed to carry out any (engineering) works - which is common practice on ships at lay-by berths. Moreover, the above-mentioned (engineering) activities are not appropriate for this particular oil port berth and are therefore prohibited. In individual cases, for example if TITAN's LNG-barge is not at the location, this prohibition may be deviated from.