Explanatory notes to the Port Bye-Laws 2019

Relationship with other regulations
The provisions in the Port Bye-Laws are supplementary in respect of higher level legislation, such as national regulations, in particular the Binnenvaartpolitiereglement [Inland Waterways Police Regulations], the Regeling melding en communicatie scheepvaart [Notification and Communication (Shipping) Regulations], the Regeling vervoer gevaarlijke stoffen met zeeschepen [Carriage of Dangerous Goods by Seagoing Ships Regulations], the Wet voorkoming verontreiniging door schepen [Prevention of Pollution from Ships Act], the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act] and European regulations, such as the European Convention on the International Carriage of Dangerous Goods by Inland Waterways.

Article-related explanations
The article-related explanations are presented below. Not all articles have an explanatory note. Explanatory notes are only provided for articles that require explanation.

Paragraph 1 General provisions

Article 1.1 Definitions
The definitions used in the Port Bye-Laws that require explanation are incorporated in article 1.1. They are aligned as much as possible with definitions in national and international legislation.
A number of terms are explained below.

Dangerous goods
The definition of dangerous goods is based on the classification used in international transport legislation, judged by the criterion of safety during transport and handling. Dangerous goods are all substances listed as such in the legislation referred to in this definition.

The distinction between dangerous goods and harmful substances (see below) is of importance in respect of application of various articles in these Bye-Laws. A substance carried as cargo can be purely dangerous, or purely harmful, in the sense that it is a pollutant for the marine environment, or both dangerous and harmful. For example, edible oil carried in bulk in a tanker is a harmful substance, but not a dangerous substance. Bulk petrol carried in a tanker is both a harmful and dangerous substance, whereas petrol transported in a tank container is only a hazardous substance.

Port
The term 'port' is defined here. This definition must be read in conjunction with article 1.2 of the Port Bye-Laws. The Bye-Laws apply in the port, but also if a ship is berthed, anchored or moored on a spud pole directly or indirectly outside the port but within the municipal boundaries.

Harbour master

The term "harbour master" refers to the official appointed by the municipal executive under public law to the position of harbour master, i.e. the authority that supervises order, the environment, security and safety in the port, insofar as the Port Bye-Laws mandate tasks to it, or vest the competent authority in it.

Inert atmosphere
An atmosphere of such a nature that an explosive mixture cannot arise when it is mixed with air, where the percentage by volume of oxygen and hydrocarbon gas complies with the relevant IMO requirements.

Captain and skipper
The captain or the skipper is the person who is factually in charge of a ship. In principle this is the captain (as recorded on documents), but may also be a replacement, or another crew member who is factually in charge at that time. The definitions of "captain" and "skipper" are important for article 1.3, which states that the provisions of these Bye-Laws are (in principle) applicable to the skipper or captain, unless another person has been designated as the party to which these Bye-Laws apply.

Vapour recovery facility
Both national and international regulations have been drawn up that limit the degree to which cargo tanks may vent dangerous vapours to the atmosphere during coming years. Ships must therefore recover dangerous vapours from their cargo tanks in a different manner. This must be achieved with a vapour recovery unit.
This vapour recovery process can take place both at a fixed location and at a mobile location (e.g. on a ship). The harbour master can issue a permit for vapour recovery facilities that are not covered by an environmental permit granted to an establishment.

Open cleaning and closed cleaning
The Bye-Laws distinguish between open and closed cleaning. This approach has been chosen to ensure that the articles on cleaning cargo tanks clearly indicate when vapours emitted by certain hazardous substances may be ventilated into the atmosphere.

Harmful substances
This definition only refers to the Wet voorkoming verontreiniging door schepen [Prevention of Pollution from Ships Act]. This act designates all harmful substances. For this reason, the municipal executive is not required to designate these substances in more detail, as was the case in the past.

Ship-generated waste
"Ship-generated waste" is defined as the waste from a ship that is generated during normal operation of a ship. The following are specifically mentioned: oil waste from the engine room, domestic wastewater, household waste and ozone-depleting substances, which are present, for example, in old fire extinguishers. In addition, the term "ship-generated waste" includes cargo-related waste, such as dunnage and packaging materials. Cargo residues, both dry and wet, are substances that remain behind after removal of the cargo, and are not covered by this definition.

Seagoing ship

With regard to the term "seagoing ship", it should be noted that ships which have the required documents to navigate inland waterways and sail at sea (known as fluvio-maritime vessels) are considered to be seagoing ships pursuant to this definition.

Article 1.2 Where do these rules apply?
These Bye-Laws apply in the port. See also the explanation relating to the term "port", which is important for determining the scope.

The scope of application is not limited to the waters described as the port, but also covers all the buildings, structures and quay walls belonging to the port. It is clear that order, safety and security can also be influenced from the shore. The Bye-Laws also apply to ships which are directly or indirectly berthed outside the port but within the municipal boundaries, at anchor or on spud poles at or alongside quays, jetties, mooring posts, anchorage areas or other facilities. The Bye-Laws also apply to ships berthed outside the port but within the municipal boundaries - for example, at a jetty on the Noordzeekanaal - irrespective of whether the municipality or a private party is the "manager" of this jetty.

Article 1.3 To whom do these Bye-Laws apply?
The provisions of these Bye-Laws apply (in principle) to the skipper or captain. Some articles of the Bye-Laws explicitly state that "all persons" must comply with that specific provision (e.g. the article that forbids securing of a ship by non-owners, or rules out the possibility of anyone working on a ship).

Article 1.5 Requirements and restrictions
Violations under or pursuant to these Bye-Laws are punishable. This also applies to violations of the requirements or restrictions attaching to an authorisation.

Article 1.7 Period of validity
An authorisation that is granted for a single act or action, is granted for the duration of that act or action. The period is specified in the exemption and is linked to the application. An authorisation can be granted for a maximum of five years. Subclause 2 determines that accreditation of a boatmen’s organisation can be granted for an indefinite period of time.
In urgent cases, the municipal executive may verbally grant a dispensation for a one-off act or action. However, the dispensation will be confirmed in writing as soon as possible thereafter.

Article 1.9 Dispensation and exemption from commands and prohibitions
The articles in the Bye-Laws and the regulations do not themselves specify any dispensation or exemption possibilities. They do no more than provide for this general possibility to grant dispensation or exemption in respect of the commands and prohibitions laid down in the Bye-Laws. This possibility is not restricted. However, it is subject to the proviso that the applicant, not the municipal executive, shall demonstrate that the conditions stated in this article are met.

Article 1.10 Notifications to the harbour master
The actions that are subject to a reporting obligation are identified in different articles of these Bye-Laws themselves. The way in which, the information in, and the time when this notification must be submitted, is determined via a separate decision of the harbour master.
Paragraph 3 Order in and use of the port

Article 3.1 Traffic signs and notices having the same effect as a traffic sign
The Binnenvaartpolitiereglement or Bpr [Inland Waterways Police Regulations] provides for a uniform system of traffic signs for the Netherlands. To avoid frustrating this system, this article determines that the municipal executive shall use the same signs for the purpose of maintaining order in the port. The Bpr regulates traffic handling, whereas these Bye-Laws regulate use of the port based on specific interests (environment, order, security and safety). Making the signs identified in the Bpr mandatory via this article creates uniformity in the use of traffic signs. However the basis for the signs may differ.

Article 3.2 Designation of berthing areas and berthing periods
This article generally determines that the municipal executive is authorised to designate areas where certain types of ship may not be present. This may also apply for a specific period of time. To this end, it will be necessary to take decisions, for example, to keep recreational craft out of port basins. In the previous Port Bye-laws, this was included as a prohibition.

Article 3.3 Berthing
Berthing also includes anchoring, or using spud poles at the designated anchorages.

Part d relates to the public berths specifically designated by the municipal executive for tankers loaded with or empty of unpackaged dangerous or harmful liquid substances. This subclause is necessary because these ships are, in principle, prohibited from mooring at non-designated public berths. These public berths may be buoys, mooring posts or public quays. The article subclause therefore refers to article 6.1, which regulates designation.

Subclause (e) mentions the exception, i.e. when a ship has a specific mooring permit and/or dispensation. This may be a specific mooring permit or dispensation issued by the municipal executive, but it may also be a mooring permit issued by another competent authority, such as Rijkswaterstaat [the Directorate-General for Public Works and Water Management]. An example of this could be fixed berths for bunker ships.

Article 3.4 Proper mooring
This article deliberately does not describe what is meant by proper and safe mooring. Good seamanship and existing guidelines, such as the Guidelines on Mooring of Oil Companies International Marine Forum, provide guidance on how a certain type of ship should moor and assign the responsibility for mooring to the captain or skipper in the first instance.

In practice however, ships are sometimes only moored on a spring line before commencing unloading or loading operations. This leads to a risk of cargo spillage in the surface water or material damage to the ship or port infrastructure. Inclusion of the obligation to moor properly means that action can be taken against this practice. The ship must be berthed in such a way that no forward or backward movement can occur, although some movement due to wave or wind pressure is unavoidable and damage, other than that caused by human activity, is prevented.

Article 3.5 Raising ships

Pursuant to this article, a ship can be raised if certain conditions are met. The previous Port Bye-Laws included a prohibition on jacking. Due to a lack of clarity regarding the term ‘jacking’, a conscious choice has been made to use the term ‘raising’, which effectively means the same. It has also been decided that the provision will no longer only apply to a drilling platform, a production platform or a similar object (hereinafter: production platform), but also to a ship in general (a term which also includes a drilling platform, etc.). The list of definitions includes the specific objects under the term ‘ship’.

The municipal executive can designate areas where raising is possible. Areas can be designated for example, if there are no cables in the ground there or there are other circumstances which make such activities possible (security, safety, underwater infrastructure, etc.).
If a ship is at a shipyard or at a repair facility, the prohibition does not apply insofar as the activities fall within the effective scope of the permit issued pursuant to the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act].

Article 3.6 Use of propellers, bow thrusters or stern thrusters
This article aims to protect the underwater infrastructure in the port. Among other things, there are civil engineering structures, cables, tunnels, pipelines, quays and sag pipes in, under and along the port. The use of propellers (screws), bow thrusters or stern thrusters can cause damage to these facilities if they are used for purposes other than navigating to or leaving a berth.

Propellers, bow thrusters or stern thrusters may also not be used if a ship is supported on spud poles or if the ship is continuously kept pressed against the quay or shore (other than when necessary for unmooring or mooring). The reason for the prohibition lies in the fact that past experience teaches us that users of the port can cause dangerous situations. In addition, testing propellers, bow thrusters or stern thrusters, but also attempting to pull loose if a ship has run aground can cause significant damage.

Turning a ship, which is moored to another ship, to port or starboard in order to prevent damage represents a negligible risk to the port infrastructure and, in view of the often difficult mooring situation, is therefore acceptable as a way of preventing direct damage.

Article 3.7 Use of anchors and spud poles
Infrastructural facilities, such as soil protection, pipelines and cables are present in several areas in the seabed of the port. Using anchors or spud poles without prior knowledge of the positions of these infrastructural facilities may result in damage to these facilities. The municipal executive therefore designates areas, places traffic signs or takes decisions that have the same purpose as a traffic sign if it is found that the use of anchors and spud poles does not cause damage.

Article 3.11 Operational space for berths
The municipal executive may allocate an operational space to a berth, an expanse of water delineated in three dimensions (length, width and depth), within which ships can berth in order to carry out their activities. The boundaries of this space shall be determined in such a way that the owner of the berth can, under practically all circumstances, handle all his regular

shipping receiving operations, while also leaving sufficient room for manoeuvre for the departure and arrival of ships at adjacent berths.

The second subclause refers to nautical use, which is understood to mean, for example, the way in which a ship must be moored, or the keel clearance.
The responsibility for compliance with the third subclause is assigned to the renting party, leaseholder or owner (= manager) of the mooring facility where the berth is located, as that party is aware of the currently planned ship arrivals at the berth and has the power to intervene, as it is the owner of the relevant stretch of water.

An exception is made in the fourth subclause, to allow bunker or service ships to carry out their activities outside the operational area. In view of the relatively short-term nature of these activities, it has been decided that these bunker ships and service ships should submit an operational notification to the harbour master. The latter can monitor whether the borders of the operational space are crossed and, if so, whether this will cause a handling bottleneck in respect of shipping. No authorisation is required for these activities. The notification may, however, give the harbour master cause to, for example, issue an instruction postponing the activity.

Article 3.12 Measures following withdrawal from commercial service
This article has been included in the Bye-Laws in order to prevent ships from being withdrawn from commercial service (“laid-up”) by their owners, or being withdrawn from commercial service involuntarily, due to seizure of ships or due to ships being subjected to a ban on shipping movements.

When a ship is laid up, a skeleton crew generally remains on board. This is done to reduce costs on the one hand and also ensure that the minimum maintenance required on board is carried out on the other hand. In the case of a ship which has been seized or subjected to a ban on shipping movements, part of the crew may also be removed from the ship due to the period of time associated with the measure.

In principle, in the event of a dangerous situation in the port, every berthed ship should be able to change berth immediately at all times, either under its own power or with the aid of tugs. In addition, supervision is required to ensure, among other things, that the moorings remain secure.

This article makes it possible to impose effective measures on the captain, skipper or operator of the ship in order to permanently safeguard order, safety, security or the environment relative to the ship and its surroundings. For example, this could involve setting a requirement for a minimum number of crew members.

Article 3.13 Securing and releasing seagoing ships
To ensure safety and security, the Port Bye-Laws require securing and releasing of ships to be performed by professional parties. These parties are the boatmen. In order to guarantee quality in the long term, boatmen’s organisations require accreditation. This accreditation sets out the requirements relating to the availability and professional competence of the personnel deployed by the organisation.

Paragraph 4 Safety and the environment in the port

Article 4.1 Pollution and nuisance caused by ships
This article has been included in the context of helping to improve the (local) noise and air quality in the port. The prohibition set forth in the first subclause is restricted to acts that take place on board a ship. Shore-based actions are not covered by these provisions. These actions are regulated by the environmental laws and regulations.

The use of waste incinerators on board ships is prohibited in order to prevent danger, damage and nuisance to the environment caused by waste incinerators. Any waste on board can be delivered to the appropriate waste collection and disposal organisations.

Article 4.2 Prohibition on the use of a generator, main engine and auxiliary engine
This article has been included in the context of helping to improve the (local) noise and air quality in the port. In areas to be designated by the municipal executive, generators or main and auxiliary engines may not be used immediately after mooring. These will generally be zones situated in or near areas where functions sensitive to this type of nuisance (such as housing) are located.

In these areas, the berths are often equipped with connections for the purchase of electricity for inland shipping (shore-side electricity). There is no obligation to use the shore-side electricity supply points. The berthed ship can also choose to use another source of clean power on board the ship, such as batteries.

Article 4.3 Ships causing danger, damage or nuisance
The Scheepvaartverkeerswet [Shipping Act] regulates the policy on admitting shipping traffic. Article 4.3 provides for good port management and also makes it possible to intervene when ships cause, or are likely to cause, serious danger, damage or nuisance, or have a serious impact on order.

The measures to be implemented can be of a (more or less) drastic nature and may involve a wide range of measures, depending on what is needed. For example, ships that are on fire, at risk of sinking or ships from which dangerous substances are leaking. The measures may range from making emergency arrangements on board the ship to refusing to allow the ship to enter or stay in the port as a last resort.

Article 4.4 Safe access
Safe access is described in, among other things, the SOLAS Convention, Occupational Health and Safety legislation and the Regeling vervoer gevaarlijke stoffen met zeeschepen [Carriage of Dangerous Goods by Seagoing Ships Regulations]. This legislation describes what is meant by safe access.

The second subclause makes an exception for inland shipping vessels. In this case, an access facility can lead to reduced safety during loading or unloading. When an inland shipping vessel moors for a short period of time, e.g. during bunkering, or to drop off a car, there is no need to set up safe access.

Article 4.5 Performance of activities

Major repairs to ships usually take place at or in a shipyard or in a dock. Minor repairs are often carried out on board by the ship's own crew, by a repair company or by the stevedore's employees. Carrying out repairs can be a hazardous activity. The article addresses all parties.

In order to prevent a small ship repair outside a shipyard or repair yard from becoming a major repair, with all the inherent safety risks and a long period of downtime, subclause 1(b) states that the repair period outside a shipyard or repair yard may not last more than seven consecutive days, i.e. not in phases of one or more days. That would not be a workable situation. Consequently, the first subclause also applies to the operational readiness of the ship. For example, work on the propulsion system may not result in a lack of operational readiness for a period of more than seven days. Furthermore, the prohibition on open flames and sparks and maintaining the operational readiness of a ship in the oil port area, which is regulated in other provisions, continues to apply in full during the performance of activities.

The tanker referred to in the second subclause shall also be understood to mean a combination tanker, which has been converted into a bulk carrier and is now only suitable for carrying dry cargo. In practice, when ships change from one type of ship to another, remnants of previously transported liquid cargoes may be left behind and lead to undesirable, dangerous situations when carrying out work involving open flames.

Work on an LNG facility is permitted with a dispensation that is subject to conditions to maintain order and ensure (environmental) safety. Work of this type can be so dangerous that a single notification is not adequate.

The fourth subclause regulates demolition work. The term ‘demolition’ means dismantling the ship’s structure. Demolition work encompasses specific activities that are not performed for the purpose of repairing the ship.

Article 4.6 Fumigation

The authority specified in the first subclause relates to the designation of berths for ships that are fumigated in the Netherlands. Fumigation of ships in the Netherlands is regulated by the Wet gewasbeschermingsmiddelen en biociden [Plant Protection Products and Biocides Act].

Article 4.7 Cargo that has been fumigated abroad

This article applies to ships calling at the port, which carry a cargo that was loaded abroad and either disinfected there or during the voyage,
Ships carrying bulk cargoes that still have an excessive concentration of disinfectant in the cargo should, when entering the port, act in accordance with the plan of action approved and adopted by the municipal executive. This plan of action describes the actions to be taken to ensure safety and safeguard the environment on the ship and for its surroundings during the period when the cargo is insufficiently free of disinfectants.

Article 4.8 Permit for the reception of waste from seagoing ships

The use of a reception facility for ships is regulated in the Wet voorkoming verontreiniging door schepen [Prevention of Pollution from Ships Act]. Based on this legislation, the harbour master can designate reception facilities. This article contains the provisions for this. Three

groups of companies may be eligible for a permit: the transshipment terminals and ship repair yards, the companies with a permanent establishment ashore for receiving the harmful substances from ships and possibly treating, processing or destroying them, and finally the (transport) companies that collect the waste exclusively using mobile facilities (barges, vehicles).

The Explanatory Memorandum to the Wet voorkoming verontreiniging door schepen [Prevention of Pollution from Ships Act] makes it clear that an overlap with the permit requirement for a collection permit in accordance with the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act] is considered undesirable by the legislator. When the Act was amended, the legislator expressly chose to regulate the issue of which parties are authorised to collect ship-generated waste in the provisions set forth in the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act]. Only companies holding a permit under this Act are authorised to collect waste from seagoing ships. The port authority may, however, issue further instructions to companies that collect ship-generated waste in the port in the form of a permit. This concerns operational and administrative requirements to ensure a good logistics infrastructure in the port.

A transshipment terminal or ship repair yard, which has been designated (has been granted a permit) for receiving waste, may only accept waste originating from seagoing vessels, which are loaded, unloaded or repaired at the company's establishment. Obviously companies that receive, treat, process and destroy waste as their main business activity are also obliged by the permit to accept all designated harmful waste. Transport companies, without a permanent shore-based establishment for storing, treating or processing waste, shall also be eligible for designation, provided they are authorised to collect or store dangerous waste under environmental legislation. The designation obliges these companies to deliver the ship-generated waste they collect to a company that is authorised to treat, process or destroy these substances under environmental legislation.
The permit referred to in the Port Bye-Laws therefore has a different purpose and is additional to the collection permit under the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act] .

Article 4.9 Minimum requirements for the reception of waste from seagoing ships
European regulation (EU) 2017/352 lays down the requirements for granting permits to companies with a waste reception facility. These requirements of the port regarding the issue of these permits are included in this regulation.

Article 4.10 Permit for mobile vapour recovery facility
Mobile vapour recovery facilities that provide services to ships on the water and that are not covered by an environmental permit may only do so with a permit issued by the municipal executive. The requirements set by the municipal executive for mobile vapour recovery facilities used by such companies comply as much as possible with the requirements that apply to a shore-based installation.
Mobile vapour recovery facilities ashore are covered by the environmental permit of the relevant shore-based company.

Article 4.11 Cleaning and ventilating tanker cargo tanks or slop tanks
This article generally regulates safe and environmentally responsible cleaning of tanks, including the use of a vapour recovery unit. Limiting emissions is an important aspect of this article. Only the unavoidable emission of a small amount of gas when opening the cargo tanks or slop tanks is permissible.

Subclause 1(b) states that open cleaning is not permitted for the odoriferous substances listed in annex 1 that do not fall under the provisions under (a) and (c).
Subclause 4(a) states that ventilation is permitted in the case of an atmosphere below 10% LEL. This percentage is in line with the provisions of the ADN and CDNI.

Subclause 7 generally states that substance cleaning operations (as referred to in article 4.11 in the first and fourth subclauses), which include opening or ventilating the spaces after cleaning, may be restricted or prohibited by the municipal executive if atmospheric conditions make this necessary. Agreements have been made in this respect between the harbour master and the environmental authorities based on official weather warning codes.

Paragraph 5 Oil port areas

Article 5.2 Authorised ships in the oil port areas
In view of the risks posed by dangerous goods, only certain ships or activities should be permitted in the oil port areas.
The provision in (f) states that ships (in general, non-specific ships) may pass through the oil port area if this is necessary to reach their destination. This is subject to the condition that they maintain a good distance from other ships in the oil port and choose the shortest route without stopping (unnecessarily).

Article 5.3 Prohibition on open flame, smoking, sparks
These prohibitions concern activities that are not appropriate in designated oil ports.
Open flames and smoking, including e-cigarettes, on board ship in an oil port are forbidden.

Article 5.5 Inland shipping tankers carrying dangerous goods
Articles 5.5, 5.6 and 5.7 relate to the same subject, but cover different types of ships. In view of the different nature of the ships (construction and (quantity) of cargo), different conditions have been declared applicable per type of ship.

Article 5.6 Seagoing tankers carrying dangerous goods
Seagoing tankers may only berth outside an oil port if all the conditions set forth in the first subclause are met. The declaration issued by a marine chemist safety specialist is therefore always necessary.

Article 5.7 Combination tankers carrying dangerous goods
Combination tankers may only berth outside an oil port if all the conditions set forth in the first subclause are met. The declaration issued by a marine chemist safety specialist is therefore always necessary.

Paragraph 6 Transshipment of dangerous or harmful liquid goods/substances in bulk

Article 6.1 Designation of berths for tankers

This article specifically makes provisions to cover the regulatory gap in the berthing policy for tankers carrying or empty of unpackaged dangerous or harmful liquid goods/substances at public berths. Based on its planning authority, the municipal executive may designate public berths where these ships can berth safely and responsibly.

This article therefore makes specific provision for the regulatory gap relating to seagoing tankers, but also covers activities other than waiting. For example, activities such as cleaning, repair and transshipment also fall within the scope of this article and this applies to both seagoing tankers and inland shipping tank-barges.
When designating public berths, the municipal executive shall take into account aspects such as external safety and the environmental impact in relation to the nature and quantities of the dangerous and harmful substances and the activities carried out by the ships such as cleaning, repair and cargo transshipment. The nature and quantity play a role in relation to designation.
The operational environmental and safety regulations and restrictions that are subsequently imposed on these activities are regulated by or pursuant to these Port Bye-Laws.

Article 6.2 Checklist for the transshipment of dangerous or harmful liquid goods/substances in bulk

Before dangerous or harmful liquid goods/substances are transshipped to/from a seagoing tanker or between tankers, the persons responsible for the transshipment (on a (seagoing) tanker, the captain/skipper and, in respect of the establishment, the operator) must check and complete a checklist. The checklist referred to here is based on the International Safety Guide for Oil Tankers and Terminals (ISGOTT), published by the International Chamber of Shipping (International Association of Ports and Harbors (IAPH), the International Safety Guide for Inland Navigation Tank-barges and Terminals (ISGINTT) or the Ship to Ship Transfer Guide for Petroleum (StSTGP). No reference is made to a specific publication of these guidelines. Operations must always be performed in accordance with the most recent editions.

These internationally recognised checklists are used worldwide for transshipment from and to a ship. The advantage of using these internationally recognised checklists is that the parties responsible for seagoing and inland tanker shipping and the establishments are familiar with their use and that the latest version is always known and must be used.
The parties have an obligation to work according to the checklists after the list has been signed.

Article 6.3 Other rules relating to transshipment of dangerous liquid goods in bulk

This article generally regulates safe and environmentally responsible handling of the listed substances. Limiting emissions is an important aspect of this article.

Furthermore, the point of departure for this entire article is that the ship is the central focus and the object to which the provisions of this article apply. It makes no difference whether the ship is berthed, for example, at a public berth or at moorings which are part of a berthing facility of an establishment to which an environmental permit applies.

The safety regulations for transshipment between an inland shipping tank-barge and an establishment are laid down in the ADN. No additional regulatory provisions in these Bye-Laws are required for this type of transshipment.

A vapour return line must be used if dangerous or harmful substances are transferred between ships. The International Bulk Chemical Code requires seagoing tankers to have a tank with a vapour return connection on board the ship in order to transport certain substances. In the case of inland shipping tank-barges, the ADN stipulates that certain substances must be transported in a closed hold or container. However, these international regulations do not explicitly stipulate that a vapour return line must be used for transshipment. Environmental safety in the port benefits when these lines are used during transshipment of these dangerous or harmful substances, so subclause 5 makes their use mandatory.
The line must be used to prevent, in particular, odour nuisance or risk to the environment due to the harmful nature of the substances. The last category for which the use of vapour return lines is mandatory is the volatile organic compounds category. In the separate permits pursuant to the Environmental Permitting (General Provisions) Act [Wet algemene bepalingen omgevingsrecht] for the (shore-based) establishments that treat environmentally harmful substances, the authority issuing the permit also stipulates mandatory closed handling of these substances.

The other provisions in this article also focus on controlling the risks that are present.

Paragraph 7 Zoning regulations for ships carrying dangerous goods in packaged form or in bulk

Article 7.1 Berthing prohibition for a ship carrying dangerous goods in packaged form

The article sets forth the prohibition relating to berthing a ship carrying dangerous packaged goods within a certain distance from a vulnerable object, as specified in the annex. The annex indicates the distance to a vulnerable object that must be taken into account when assigning a berth if a certain quantity of substances identified in the IMDG Code are on board the ship in packaged form. See also the explanatory notes to this annex.

Paragraph 8 Bunkering and bringing additives on board

General explanation

Paragraph 8 sets forth the rules for the energy supply on board ships. The use of (sustainable) energy in shipping is developing rapidly. This paragraph takes this into account by not specifically mentioning the fuels. This formulation ensures that the articles are future-proof.
The port wants to contribute to a clean environment. It achieves this objective by setting requirements for the suppliers of, for example, new clean fuels by means of a bunker permit or an auxiliary materials permit. This ensures that the permits correspond to the minimum requirements laid down in the European port services directive.

Article 8.1 Bunkering permit

Subclause 6 allows simultaneous operational activities during LNG bunkering operations, subject to certain conditions. Activities carried out concurrently with an LNG bunkering operation, such as cargo operations, bunkering of other fuels or lubricating oil, cleaning and making repairs, can pose risks. The ISO TS 18683 guidelines for systems and installations for the supply of LNG as fuel to ships and various best practice guidelines state that simultaneous activities are only a realistic option if a previously performed risk assessment indicates whether and under what conditions other simultaneous activities can responsibly be performed. The result of the risk assessment is incorporated in the operational documentation approved by the flag State, e.g. the bunker management plan, for the LNG-powered ship. The parties involved in the bunkering operation shall comply with the requirements and limitations set out in this operational documentation. Only those activities identified in the operational documentation may be performed during LNG bunkering.

Article 8.4 Rules for ships alongside during bunkering

Under article 8.4, the municipal executive may impose restrictions on ships berthing alongside a ship which is engaged in a bunkering operation. This article makes it possible to manage the risks associated with (future) energy carriers and fuels during bunkering operations for moored ships.