

NON AUTHORITATIVE TRANSLATION

Warning: Notwithstanding great care has been taken in translating the Dutch exemption document, differences between the English and Dutch text may occur. In cases of disputes or discrepancies the Dutch text shall prevail.

Port Bylaws, version 9 May 2019

Contents

1	Paragraph 1 General provisions	1
2	Paragraph 2 Harbour master	6
3	Paragraph 3 Order in and use of the port	7
4	Paragraph 4 Safety and the environment in the port	11
5	Paragraph 5 Oil port areas	15
6	Paragraph 6 Transshipment of dangerous or harmful liquid goods/substances in bulk	18
7	Paragraph 7 Zoning regulations for ships carrying dangerous goods in packaged form or in bulk	20
8	Paragraph 8 Bunkering and bringing additives on board	21
9	Paragraph 9 Enforcement	24
10	Paragraph 10 Transitional and final provisions	25
	Annex 1, pertaining to article 1.1, of the Regionale Havenverordening Noordzeekanaalgebied 2019 [Regional Port Bye-laws for the North Sea Canal Area 2019]	26

Annexes:

- 1: Map of the Noordzeekanaalgebied [North Sea Canal Area]**
- 2: List of goods, pertaining to articles 4.11 and 6.3 of the Havenverordening Noordzeekanaalgebied 2019 [Port Bye-Laws for the North Sea Canal Area 2019]**
- 3: Berthing zone determination for dangerous packaged goods**

1 Paragraph 1 General provisions

Article 1.1 Definitions

In the provisions laid down by or pursuant to these Bye-Laws, the following definitions apply:

- additives: materials that are required on board a ship for operating the drive system or auxiliary equipment;
- ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways;
- authorisation: permit, dispensation, accreditation or exemption;
- auxiliary equipment: machines, apparatus or installations on a ship that support propulsion or provide a power supply;
- boatman: a person who, for the purpose of exercising his profession, fastens or releases the moorings of a seagoing ship;
- boatmen's organisation: an organisation of boatmen that takes action to guarantee the professional competence of boatmen and arranges the required equipment;
- bunker ship: ship used for bunkering;
- bunkering permit: permit for delivering or debunkering solid, liquid or gaseous fuels or any other energy source that is used to power ships or for the general or specific supply of energy on board ships;
- bunkering: delivering solid, liquid or gaseous fuels or any other energy source that is used to power ships or for the general or specific supply of energy on board ships;
- captain: the person who is factually in command of a seagoing ship;
- cargo residues: the residues of cargo left behind in the holds or tanks on board a ship after loading, unloading or cleaning, including residues resulting from spillage;
- checklist: list used to check the transshipment of dangerous goods, bunkering, debunkering or bringing additives on board;
- closed cleaning: any operation aimed at or associated with cleaning, making cargo tanks or slop tanks on a tanker gas-free or vapour-free in a way that ensures that no emissions to the atmosphere take place during the operation, including the use of a vapour recovery facility;
- combination tanker: seagoing ship designed to transport unpackaged liquid cargo or dry cargo in alternation;
- combustible fluid: a fluid with flammability as the only dangerous property;
- dangerous goods: goods that (potentially) present a risk of explosion, fire, corrosion, poisoning, intoxication or radiation, such as those identified in:
 - a. the IMDG Code;
 - b. the IBC Code;
 - c. the IGC Code;
 - d. the IMSBC Code, or;
 - e. the ADN;
- debunkering: removing solid, liquid or gaseous fuels or any other energy source that is used to power ships or for the general or specific supply of energy on board ships;
- disinfection: treatment with gases or chemicals that emit vapours;
- establishment: establishment or facility within the meaning of the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act];
- flashpoint: the lowest temperature at which vapour from a liquid forms a combustible mixture with air;
- harbour master: harbour master within the meaning of article 2.1;

- harmful substances: substances that have been designated or named as such under the provisions of, or pursuant to, the Prevention of Pollution from Ships Act [Wet voorkoming verontreiniging door schepen];
- IBC Code; International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk issued by the IMO, or Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk issued by the IMO;
- IGC Code; International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk issued by the IMO, or Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk issued by the IMO;
- IMDG Code: International Maritime Dangerous Goods Code;
- IMO: International Maritime Organisation of the United Nations;
- IMSBC Code: International Maritime Solid Bulk Cargoes Code;
- inert atmosphere: an atmosphere in a cargo tank or slop tank where the oxygen content has been reduced to no more than 8% by volume by adding an inert gas under positive pressure;
- inland tanker: tank-barge, built for or modified for the purpose of transporting unpackaged liquid cargo in cargo tanks;
- inland vessel: a ship that is not a seagoing ship;
- ISGINTT: International Safety Guide for Inland Navigation Tank-barges and Terminals;
- ISGOTT: International Safety Guide for Oil Tankers and Terminals;
- LNG fuel: LNG that is used as a fuel for ship propulsion or auxiliary equipment on a ship;
- LNG: Liquefied Natural Gas;
- LNG-powered ship: ship that uses LNG fuel for propulsion, possibly in combination with other fuels;
- marine chemist: safety specialist who is in possession of a 'Gasdeskundige' (marine chemist safety specialist) certificate of proficiency within the meaning of Section 3.5(h), fourth paragraph, of the Working Conditions Decree [Arbeidsomstandighedenbesluit];
- MARPOL: International Convention for the Prevention of Pollution from Ships, 1973, as amended;
- municipal executive: the mayor and aldermen;
- Noordzeekanaalgebied [North Sea Canal Area]: area as shown on the map in annex 1 to these Bye-Laws;
- notice with the same effect as a traffic sign: a written communication to shipping traffic that indicates to that traffic:
 - a. information regarding the status of a particular place in or a particular part of a shipping lane, or;
 - b. information, a recommendation, a command or prohibition, alternatively discontinuation of a command or prohibition relating to behaviour of the traffic in a particular place or in a particular part of a shipping lane;
- oil port area: area designed for handling a tanker carrying a dangerous liquid cargo, with the exception of a number of harmful substances;
- open cleaning: any operation aimed at or associated with cleaning, making cargo tanks or slop tanks on a tanker gas-free or vapour-free in a way that may allow the release of emissions into the atmosphere;
- open flame: flame, sparks and any surface within a distance of 25 metres from a dangerous substance, which is at a temperature equal to or higher than the minimum ignition temperature of that substance;
- operational space: an area limited in length, width or height, where ships can berth in order to carry out their activities;

- operator: owner, manager, bareboat charterer or any other person who controls use of the ship;
- passenger ship: any ship designed to transport more than 12 passengers and that has adequate and valid certification;
- port: waters within the North Sea Canal Area that are open to shipping, as shown on the map in annex 1 to these Bye-Laws;
- reception facility: facility for the reception of ship-generated waste, other harmful substances or residues of harmful substances;
- reception of ship-generated waste and cargo residues: reception of ship-generated waste and cargo residues by a fixed, floating or mobile unit that is designed to receive ship-generated waste or cargo residues as described in Directive 2000/59/EC of the European Parliament and the Council, or as subsequently amended or revised;
- recreational craft: ship designed or used for sports or leisure purposes;
- seagoing ship: a ship which, by nature of its design, is intended solely or principally for navigation at sea;
- seagoing tanker: seagoing ship, built or modified for the purpose of transporting unpackaged liquid cargo in its cargo tanks;
- service ship: any ship used to provide the following services:
 - a. services relating to repair or cleaning;
 - b. delivering or collecting ship's stores or ship's parts, or;
 - c. a reception facility;
- ship: any vessel including a seaplane, hydrofoil, hovercraft, drilling platform, production platform or similar object, a dredger, floating crane, elevator, pontoon, barge, floating equipment, floating object or floating installation;
- ship-generated waste: waste, including sanitary waste, and residues, other than cargo residues, arising during the operation of a seagoing ship and falling within the scope of Annexes I, IV, V and VI of MARPOL 73/78, and cargo-associated waste as defined in the Guidelines for the implementation of Annex V of MARPOL 73/78;
- shipyard: shipyard or repair shop for the repair or maintenance of ships;
- skipper: the person who is factually in command of an inland shipping vessel;
- slop tank: tank on board a ship intended to hold cargo residues of harmful, combustible or other dangerous liquids (slops), mixed with water or otherwise;
- StSTGP: Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases;
- tanker: inland shipping tanker or seagoing tanker;
- transshipment: loading or unloading cargo into or out of a ship;
- vapour recovery facility: fixed or mobile system, not fitted in a vapour return line, for capturing cargo vapours when making empty or unloaded tanks and the incoming and outgoing hoses attached to them gas-free or vapour-free;
- vapour return line: a vapour pressure equalisation system between the cargo tanks involved in direct transshipment, designed to ensure that transshipment takes place without releasing emissions;
- vapour: the atmosphere above a liquid substance resulting from a certain pressure exerted by that liquid substance;
- vegetable or animal oils: oils and fats extracted from seeds or the fruit of plants or trees, or oils and fats of animal origin;
- venting: the process of allowing open cargo tanks or slop tanks to dry by venting them to the atmosphere after they have been washed with water or otherwise cleaned;

- volatile organic compounds: an organic compound of an anthropogenic nature other than methane, having a vapour pressure of 1 kPa or more at 293.15 Kelvin, or having a corresponding volatility under the specific conditions of use;
- vulnerable object: object within the meaning of Section 1, part I, of the Besluit externe veiligheid inrichtingen [Public Safety (Establishments) Decree];
- work boat: any vessel that carries out maintenance work on the port infrastructure, with the exception of a vessel carrying out dredging work;

Article 1.2 Where do these rules apply?

The provisions under or pursuant to these Bye-Laws apply in the port.

Article 1.3 To whom do these Bye-Laws apply?

1. The captain or skipper is responsible for compliance with the provisions of or pursuant to these Bye-Laws, unless otherwise stipulated in these Bye-Laws.
2. If a captain or skipper is not present on the ship, the operator is responsible for compliance with the provisions of or pursuant to these Bye-Laws.

Article 1.4 Decision period for authorisations

1. The municipal executive shall come to a ruling on a request for an authorisation within eight weeks of receiving the request.
2. The municipal executive may extend the period by a maximum of eight weeks.

Article 1.5 Requirements and restrictions

1. The municipal executive may attach requirements and restrictions to an authorisation or designation. These requirements and restrictions are intended to protect the interest or interests associated with the authorisation or designation in question.
2. The person/party to whom an authorisation or designation is granted shall comply with the regulations and limitations attaching to it.

Article 1.6 Refusal, amendment or revocation of an authorisation

The municipal executive can refuse, amend or revoke the authorisation if:

- a. incorrect or incomplete information was supplied with the application;
- b. if this is necessary to protect safety, security, order, the environment in the port or around the port, as well as the quality of the service provision;
- c. the regulations and limitations attaching to the authorisation have not been or are not complied with;
- d. the authorisation is not used within a period specified therein, or, in the absence of a specified period, within a reasonable period of time, or;
- e. the holder of this authorisation requests this.

Article 1.7 Period of validity

1. The authorisation is valid for a maximum of 5 years.
2. Contrary to the provisions of the first subclause, an accreditation may be granted for an indefinite period of time.

Article 1.8 Obligation to keep authorisations on board

1. The authorisation or a (digital) copy thereof that relates to a ship must be kept on board the ship.
2. This provision does not apply to a barge.

Article 1.9 Dispensation and exemption from commands and prohibitions

1. If requested to do so, the municipal executive may grant dispensation or exemption from the prohibitions and commands provided for in or pursuant to these Bye-Laws.
2. The municipal executive shall only use this power if:
 - a. it does not adversely affect order, safety, security, the environment in the port or in the area surrounding the port, and;
 - b. the applicant demonstrates that all purposes referred to under (a) continue to be served to at least the same extent.

Article 1.10 Notifications to the harbour master

Submission of a notification, which is mandatory on the grounds of the provisions of or pursuant to these Bye-Laws, takes place in the way and at the time indicated by the harbour master, and the harbour master may also determine what information is to be submitted.

2 Paragraph 2 Harbour master

Article 2.1 Appointment of the harbour master

The municipal executive appoints the harbour master.

3 Paragraph 3 Order in and use of the port

Article 3.1 Traffic signs and notices having the same effect as a traffic sign

1. The municipal executive may place the traffic signs that are identified in the Binnenvaartpolitiereglement [Inland Waterways Police Regulations] and add further information to those traffic signs.
2. A traffic sign and the associated additional information must be observed.
3. The provisions of the first and second subclauses apply mutatis mutandis to a notice having the same effect as a traffic sign.

Article 3.2 Designation of berthing areas and berthing periods

The municipal executive may designate areas where specific categories of ships may not be present, including berthing. The municipal executive may indicate periods during which the designation applies in the instruction.

Article 3.3 Berthing

A ship may only berth if this occurs:

- a. in accordance with the traffic signs erected at that location and additional information communicated on those traffic signs;
- b. in accordance with a notice having the same effect as a traffic sign;
- c. in berths located at a mooring facility with the consent of a renting party, leaseholder or owner, unless the municipal executive does not allow use of a berth for reasons of order, safety or the environment.
- d. at a location for tankers, within the meaning of article 6.1, or;
- e. if a mooring permit has been issued.

Article 3.4 Proper mooring

A ship is moored properly and safely.

Article 3.5 Raising ships

A ship may only be raised using appropriate equipment if that ship is located in an area designated for this purpose by the municipal executive.

Article 3.6 Use of propellers, bow thrusters or stern thrusters

1. A ship may not use propellers, bow thrusters or stern thrusters when:
 - a. it is grounded;
 - b. it is moored, anchored or on spud poles;
 - c. it is kept at a short distance from the quay or shore, or;
 - d. the propellers, bow thrusters or stern thrusters are used to press the vessel against the quay or shore, other than immediately before unmooring or mooring.
2. The provisions in subclause 1(b) do not apply if the ship is moored to another ship and must turn one way or the other to prevent damage.
3. If the propellers, bow thrusters or stern thrusters of a ship are in operation, a person who is qualified to sail the ship must be present in the wheelhouse.
4. The provisions of the third subclause do not apply when the ship:
 - a. is in the process of mooring or unmooring;
 - b. has a length of no more than 35 metres;
 - c. may navigate with a single crew member pursuant to the required valid certificate, within the meaning of the Binnenvaartwet [Inland Navigation Act], and;

- d. has a single crew member, being the skipper, who is the only person on board.

Article 3.7 Use of anchors and spud poles

1. An anchor or a spud pole may only be used:
 - a. in the areas designated by the municipal executive;
 - b. in accordance with the traffic signs erected at that location and additional information communicated on those traffic signs, or in accordance with a notice that has the same effect as a traffic sign, or;
 - c. if the use thereof shall not cause any damage to infrastructure, underground infrastructure installed in the seabed or shore or quay defences.
2. If an anchor or spud pole is used in a situation as referred to in subclause 1(c), this must be reported in advance to the harbour master.
3. The provision stated in the first subclause does not apply to an anchor when used by a seagoing ship based on a pilot's advice:
 - a. when mooring, or;
 - b. to avoid a collision.

Article 3.8 Nuisance to ships

Only authorised parties may secure a ship, be present on a ship or release a ship.

Article 3.9 Notifying an operational malfunction, a defect, damage or a collision

Operational malfunctions, defects or damage to or on board a ship that may lead to a dangerous situation, or cause damage or nuisance for the ship or the surroundings, or a collision, must be notified immediately to the harbour master.

Article 3.10 Reporting obligation for seagoing ships

1. A seagoing ship belonging to a category of seagoing ships to be determined by the municipal executive and that is under way from or to a berth located within the municipal boundaries, must report information to be determined by the municipal executive to the harbour master with regard to:
 - a. its arrival;
 - b. its departure;
 - c. warping of the ship;
 - d. the position of the ship;
 - e. information relating to the nautical service providers to be used and the ship's agent;
 - f. information relating to the ship;
 - g. the cargo it carries, and;
 - h. details of the voyage to be undertaken.
2. This article does not apply if its provisions are already regulated for by or pursuant to the Besluit meldingsformaliteiten en gegevensverwerkingen scheepvaart [Shipping (Reporting Formalities and Data Processing) Decree] and the Binnenvaartpolitierglement [Inland Waterways Police Regulations].

Article 3.11 Operational space for berths

1. The municipal executive can designate the operational space for a berth.
2. The municipal executive may lay down additional rules relating to the nautical use of the operational space.
3. The renting party, leaseholder or owner of the mooring facility for the berth may only allow ships to moor within the operational space.

4. After notifying the harbour master, bunker ships or service ships may moor at a berth partially or fully outside the operational space in order to perform their activities.

Article 3.12 Measures following withdrawal from commercial service

1. The municipal executive may impose measures to protect the safety, security, organisational or environmental interests of a ship, if:
 - a. that ship does not possess the necessary certificates;
 - b. that ship, the cargo or the bunkers have been seized;
 - c. that ship has been laid up, or;
 - d. that ship has been withdrawn from nautical or commercial service.
2. The person/entity on which the measures have been imposed is obliged to comply with them.

Article 3.13 Securing and releasing seagoing ships

1. The services of a boatman may only be performed by a boatman for a seagoing ship:
 - a. with a length exceeding 75 metres; or
 - b. with a length of 75 metres or less that has been constructed or is used for transportation of dangerous liquid goods in bulk, unless the ship is empty and the tanks have been cleaned to remove those goods.
2. The first subclause does not apply if:
 - a. the members of the crew, who are on board the ship when it arrives at or leaves the berth in question, instantly perform the tasks of a boatman and the captain reports this to the harbour master;
 - b. the tasks are performed by a boatman who is a member of a boatmen's organisation accredited by the municipal executive;
 - c. the seagoing ship is warped along a quay, without becoming completely detached from it;
 - d. the tasks are performed as part of the 'Bootman' (boatman certificate) course of study, under the responsibility of a boatman as referred to in (b); or
 - e. a naval or fishing vessel is involved and the captain informs the harbour master that the services of a boatman are not required.

Article 3.14 Accreditation of a boatmen's organisation

The municipal executive can award accreditation to boatmen's organisations.

Article 3.15 Requirements for accreditation of a boatmen's organisation

The municipal executive grants accreditation for a boatmen's organisation, if it:

- a. has a valid ISO 9001, 9002 or equivalent certificate;
- b. has at least one continuously manned contact desk where boatmen can be ordered;
- c. demonstrates that regular consultation takes place with nautical service providers in the port regarding the working methods and procedures for mooring and unmooring;
- d. demonstrates that, in order to guarantee the continuity of adequate service provision, it has capacity available to handle a continuous hourly demand for its services for separately mooring and unmooring at least three seagoing ships, in different situations in terms of size, type of vessel and location, with the assistance of appropriately qualified personnel; and
- e. it issues to the boatmen an ID with a passport photo that clearly resembles the holder, which at least states the following:
 1. the boatman's name, place and date of birth;

2. confirms that the holder has successfully completed the Bootman (boatman certificate) course of study, within the meaning of article 3.16, subclause 1(a), and states the date of issue of the certificate, and
3. states the name of the boatmen's organisation of which the boatman is a member.

Article 3.16 Profession and obligations of the boatman

1. The profession of boatman is exclusively exercised by a person who:
 - a. has successfully completed the 'Bootman' (boatman certificate) course of study, as listed by the Ministry of Education, Culture and Science and identified by an official registration code;
 - b. has, in a different member state of the European Union, successfully completed a course of study to qualify as a boatman, which is equivalent to the 'Bootman' (boatman certificate) course of study in the Netherlands, providing this person has a sufficient command of the Dutch language; or
 - c. in the seven consecutive calendar years prior to exercising the profession of boatman, has acquired at least four years of experience as a self-employed boatman in one or more ports within the European Union, and who:
 1. in a port where the situation is comparable to the North Sea Canal Area [Noordzeekanaalgebied], has gained experience with mooring and mooring to buoys, on open waters with high waves and waters where there are strong tidal currents;
 2. has a sufficiently good command of the Dutch language, and
 3. in the opinion of the accredited boatmen's organisation that makes use of the services of or employs of this person, has demonstrated an equivalent level of knowledge and skills;
 - d. and is a member of an accredited boatmen's organisation as referred to in article 3.15.
2. The boatman is issued a valid ID during the work, as referred to in article 3.15(e), and displays that ID at the request of persons or companies that make use of his services.

4 Paragraph 4 Safety and the environment in the port

Article 4.1 Pollution and nuisance caused by ships

It is prohibited:

- a. to release substances from a ship which (may) result in danger, damage or nuisance, or;
- b. to use a waste incinerator on board a ship in the port.

Article 4.2 Prohibition on the use of a generator, main engine and auxiliary engine

1. The municipal executive may designate areas where the use of a generator or a main engine or auxiliary engine on board an inland shipping vessel is prohibited.
2. Operation of a generator or a main engine or auxiliary engine on board a ship is permitted directly before the departure and directly after the arrival of a ship in a designated area.

Article 4.3 Ships causing danger, damage or nuisance

If, in the opinion of the municipal executive, a ship causes or may cause danger, damage or nuisance, or disrupt order in the port or in the environment of the port, or endangers, or may endanger safety, the municipal executive is empowered to:

- a. impose a prohibition to prevent the crew from entering the port with that ship, staying in the port or being present with that ship at a berth;
- b. give verbal or written instructions to the captain, the skipper or the operator of the ship that is staying in the port or is moored at a berth.

Article 4.4 Safe access

1. A moored ship has a point of access that cannot cause any danger or damage.
2. An inland shipping vessel does not have to have a point of access if:
 - a. the factual situation makes this impossible as a result of loading or unloading operations, or;
 - b. it is only moored for a short period.

Article 4.5 Performance of activities

1. Any person may carry out activities or have others carry out activities on a ship or an object on board a ship that is related to the ship or object's operability, or to a modification of, repair of or improvement to the ship or the object, if:
 - a. the ship is berthed in or at a shipyard, or;
 - b. the activities:
 1. require no more than 7 x 24 consecutive hours;
 2. does not cause or is not likely to cause danger, damage or nuisance;
 3. takes place at least 25 metres away from dangerous goods or combustible material;
 4. is carried out and during the work efficient fire extinguishing equipment and persons who are familiar with the use of this equipment are immediately available, and;
2. 5. does not cause or is not likely to cause sparks in the outside air if the ship is berthed in an oil port area. Activities on a tanker, or on or in a fuel tank of a ship that causes or may cause danger, damage or nuisance may only take place if a marine chemist has:
 - a. issued a safety and health declaration, or;
 - b. it has been established that a safety and health declaration is not required.

3. Nobody may carry out activities on the LNG installations of a ship, unless the work is carried out in or at a shipyard.
4. Scrapping activities on a ship may only be carried out if the ship is berthed in or at a facility which is authorised to carry out these scrapping activities.
5. Prior to the commencement of activities on a seagoing ship as referred to in subclause 1(b), and subclause 2, a notification shall be submitted to the
6. harbour master.

Article 4.6 Fumigation

The municipal executive may designate berths where a ship may be berthed for the purpose of fumigating the ship or its cargo.

Article 4.7 Cargo that has been fumigated abroad

A ship carrying a solid bulk cargo, that has been fumigated, may only berth or be moored at a berth, if:

- a. no operational actions are carried out during and after berthing;
- b. the holds and ventilation openings in the holds are closed, and;
- c. nautical and operational handling of the ship takes place in accordance with a plan of action approved by the municipal executive.

Article 4.8 Permit for the reception of waste from seagoing ships

The reception of ship-generated waste and cargo residues from seagoing ships is only permitted if a permit for the use of the reception facility has been issued by the municipal executive.

Article 4.9 Minimum requirements for the reception of waste from seagoing ships

1. The municipal executive may set minimum requirements for the permit holder and the permit for the reception of ship-generated waste and cargo residues.
2. These minimum requirements may relate to:
 - a. the professional qualifications of the permit holder, the permit holder's staff or the natural persons who effectively and permanently manage the permit holder's activities;
 - b. the permit holder's financial means;
 - c. the equipment necessary for the reception of ship-generated waste and cargo residues under normal and safe conditions and the ability to maintain this equipment to the required standard;
 - d. the availability to receive ship-generated waste and cargo residues for all users, at all berths and without interruptions, day and night, all year round;
 - e. compliance with requirements relating to maritime safety or the safety and security of the port or access to the port, its installations, equipment and workers and other persons;
 - f. compliance with local, national, European and international environmental requirements, or;
 - g. the integrity of the permit holder, as determined in accordance with any applicable national law on integrity, taking into account compelling reasons to doubt the integrity of the provider of port services.

Article 4.10 Permit for mobile vapour recovery facility

A mobile vapour recovery facility may only receive vapours from cargo residues from a tanker if a permit for its use has been issued by the municipal executive.

Article 4.11 Cleaning and ventilating tanker cargo tanks or slop tanks

1. A tanker may only clean its cargo tanks or slop tanks when closed if they contain the following substances:
 - a. a dangerous or harmful substance which, pursuant to the IBC Code or the ADN, must be transported in a tank with a connection for a vapour return pipe, or in a closed container, or;
 - b. a substance as referred to in annex 2, or;
 - c. a volatile organic compound.
2. A tanker may clean its cargo tanks or slop tanks when open in cases where the tanks do not have to be closed pursuant to the first subclause.
3. Cargo tanks of a tanker carrying liquefied gases as defined in the ADN or IGC Code may only be cleaned when the ship is moored at a berth:
 - a. at a facility that is allowed to carry out these cleaning activities, and;
 - b. this facility recovers the residues of the liquefied gases.
4. Cargo tanks or slop tanks of tankers may only be ventilated if, after cleaning, they still contain residues of dangerous goods that:
 - a. are combustible and the atmosphere in the cargo tanks is below ten per cent of the lower explosion limit, or;
 - b. are toxic and the atmosphere in the cargo tanks is below the limit value referred to in Section 4.3, first paragraph, of the Arbeidsomstandighedenbesluit [Dutch Working Conditions Decree].
5. Contrary to the first subclause, cargo tanks or slop tanks of an inland shipping tanker, empty of goods as referred to in ADN number 7.2.3.7.1.3 (not T substances) may, at the locations designated for that purpose by the harbour master, be cleaned or ventilated when open in accordance with the provisions of paragraph 7.2.3.7 of the ADN.
6. The provisions of subclauses 4 and 5 do not apply to substances listed in Annex 2.
7. The municipal executive may lay down rules regarding the limitation or prohibition of cleaning or ventilation outside facilities if the atmospheric or local conditions are such that release of the substances in question causes or may cause danger, damage, odour nuisance or nuisance.
8. A notification shall be submitted to the harbour master prior to cleaning or ventilation.

Article 4.12 Berthed alongside during open cleaning and ventilation of cargo tanks or slop tanks of seagoing tankers

Berthing alongside a seagoing tanker whose cargo tanks contain, or last contained, dangerous liquid substances and are being cleaned or ventilated in the open condition, is permitted as follows, on each side:

- a. one seagoing tanker, or;
- b. a maximum of two inland shipping tankers, certified in accordance with the ADN.

Article 4.13 Transshipment between ships and mobile shore-based facilities

1. The following prohibitions apply regarding the movement of dangerous or harmful liquids between a ship and a mobile shore-based facility:
 - a. they may not be transshipped;

- b. they may not be bunkered or debunkered as fuel, energy sources or additives in an area or berth that is not designated pursuant to article 8.1, second subclause or article 8.5, second subclause, or;
 - c. be collected as ship-generated waste or cargo residues;
unless this activity is performed by/under the supervision of a facility where these activities may be carried out.
2. Contrary to the provisions of subclause 1(c), the municipal executive may designate areas or berths where collection by means of a mobile facility is permitted.

5 Paragraph 5 Oil port areas

Article 5.1 Oil port areas

The municipal executive may designate oil port areas.

Article 5.2 Authorised ships in the oil port area

1. A ship may only be present in an oil port area if:
 - a. it is a tanker;
 - b. the ship is using, has used or shall use the port infrastructure for the purpose of unloading, loading, bunkering or cleaning cargo tanks or slop tanks;
 - c. it is a rowing boat or motorboat not propelled by a gasoline engine and belonging to the equipment of a ship referred to in (a) or (b); and:
 1. used to transport persons to and from a ship, or;
 2. a trial is being performed to test operation of the engine, davit or freefall system;
 - d. the presence of that ship in the port is necessary in connection with the arrival, stay or departure of a ship referred to in (a) or (b);
 - e. this ship is carrying out duties for a body governed by public law or the ship is owned by the port management authority;
 - f. the ship is navigating directly and without stopping from or to port infrastructure outside the oil port area;
 - g. it is a service ship;
 - h. it is a ship carrying out dredging work;
 - i. it is a working boat, or;
 - j. it is an LNG bunker ship.
2. A recreational/pleasure craft or passenger ship is not permitted to be present in an oil port area.

Article 5.3 Prohibition on open flame, smoking, sparks

1. All persons in an oil port area or on board a ship present in an oil port area are forbidden to:
 - a. use an open flame;
 - b. smoke outdoors, or;
 - c. engage in activities that cause or are likely to cause sparks in the open air.
2. The presence of a ship that emits sparks from the exhaust pipe of a combustion engine is prohibited.

Article 5.4 Tankers carrying dangerous goods

1. Tankers whose cargo or slop tanks contain dangerous goods or residues thereof may only berth in an oil port area or at berths outside an oil port area designated by the competent authority.
1. Tankers may also moor at berths outside an oil port area if the cargo or slop tanks:
 - a. only contain dangerous goods, or residues thereof, with an exclusively combustible characteristic:
 1. with a flashpoint of 55 degrees Celsius or higher, or;
 2. contain an inert atmosphere, or in the case of seagoing tankers, contain combustible vapours amounting to no more than 20% of the lower explosion limit and remain closed, or;

- b. contain only potassium hydroxide, sodium hydroxide, phosphoric acid, or only harmful substances or residues thereof, or are empty thereof.

Article 5.5 Inland shipping tankers carrying dangerous goods

Contrary to article 5.4, subclause 1, an inland shipping tanker may also berth outside an oil port area if:

- a. it berths for a short period of time:
 - I. at a designated car transfer point for the purpose of dropping off a car or taking a car on board;
 - II. at a fixed location for the purpose of taking fuel on board, or;
 - III. at a designated location for the purpose of taking drinking water on board, or;
- b. the ship is a reception facility and complies with the requirements of the ADN for an inland shipping vessel type C whose cargo tanks or slop tanks contain an inert atmosphere.

Article 5.6 Seagoing tankers carrying dangerous goods

If a seagoing tanker, as mentioned in article 5.4, subclause 2a under 2, berths outside an oil port area:

- a. a marine chemist shall issue the 'verklaring gasdeskundige' (marine chemist safety declaration) form, as approved by the harbour master;
 - b. cargo tanks or slop tanks shall remain closed, and;
 - c. no cleaning activities in relation to dangerous liquid goods or residues shall take place, with the exception of vegetable or animal oils, or only harmful substances mentioned in the IMDG Code, class 9.
2. A notification must be submitted to the harbour master beforehand when a seagoing tanker, as referred to in the first subclause, berths outside an oil port area.

Article 5.7 Combination tankers carrying dangerous goods

1. Contrary to article 5.4, subclause 1, a combination tanker may berth outside an oil port area if:
- a. a marine chemist has issued the 'verklaring gasdeskundige' (the marine chemist declaration form), as approved by the harbour master;
 - b. it is carrying or shall be loaded with solid bulk cargo;
 - c. all other tanks, with the exception of bunker tanks, and holds are free of combustible liquids with a flashpoint lower than or equal to 55 degrees Celsius, or residues;
 - d. no cleaning activities shall take place in relation to dangerous goods, and;
 - e. the tanks that are not directly adjacent to cargo holds and contain combustible cargo residues have an inert atmosphere; or contain an atmosphere where combustible vapours amount to no more than 20% of the lower explosion limit.
2. A notification must be submitted to the Harbour Master beforehand when a combination tanker berths outside an oil port area.

Article 5.8 Construction and equipment regulations for service ships and workboats

A service ship or a workboat that is present in an oil port area, has:

- a. a hull made from entirely non-combustible material;
- b. during the stay in the oil port area, an operational VHF radio installation, which is tuned constantly to the relevant port VHF channel designated for this purpose;

- c. an electrical installation that meets the requirements of Atex zone 2 of Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 or as subsequently amended;
- d. if present, an accommodation area, wheelhouse, engine room or control room that provides adequate protection against the entry of dangerous gases and vapours;
- e. if present, a heating, cooking or cooling appliance that works on electricity or a combustible liquid with a flashpoint of 55 degrees Celsius or higher, or these appliances are switched off, and;
- f. a covered engine that cannot act as an ignition source.

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

Article 6.1 Designation of berths for tankers

1. The municipal executive may designate buoys and mooring posts that fall outside the scope of the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act] or the Wet milieubeheer [Environmental Management Act], where tankers carrying or empty of dangerous or harmful liquid goods/substances may berth.
2. The municipal executive may attach conditions to the designation referred to in the first subclause with regard to the nature and quantity of the cargo and the activities to be carried out by the ships.
3. If a tanker carrying dangerous goods is moored at a berth as referred to in subclause 1, the rules that apply in the oil port area also apply in a 25-metre strip of water around all directly or indirectly moored ships. This does not apply if the tanker has a cargo or residue thereof on board in accordance with article 5.4, subclause 2.

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

1. Direct transshipment of dangerous or harmful liquid goods/substances between tankers, or transshipment between a seagoing tanker and a facility, may only take place if the checklist for the activity concerned, as referred to in the ISGOTT, StSTGP or ISGINTT, has been completed and signed by the parties involved in accordance with the provisions of the aforementioned checklist.
2. Transshipment takes place in accordance with the checklist.

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

1. During transshipment of the following dangerous liquid goods between tankers:
 - a. a dangerous or harmful substance which, pursuant to the IBC Code or the ADN, must be transported in a tank with a connection for a vapour return pipe, or in a closed tank, or;
 - b. a liquid as referred to in annex 2, or;
 - c. a volatile organic compound;use is made of a:
 - I. vapour return line connected between the cargo tanks concerned, or;
 - II. a vapour recovery facility in such a way that there is no or as little emission to the atmosphere as possible outside the frameworks specified in the permit for the vapour recovery facility.
2. No more than the necessary cargo transfer lines shall be used for the transshipment. The fixed connection points for cargo transfer lines are as close as possible to each other.
3. The fixed ship's line is used for transshipment of dangerous liquid goods.
4. The fixed ship's pump is used to discharge dangerous liquid goods, with the exception of harmful substances.
5. A ship that transships dangerous liquid goods, with the exception of harmful substances, may have a single moored ship on both sides. More ships may be moored on one side in the case of:
 - a. a single service ship provided it is berthed outside the tanker cargo zones, or;
 - b. a single bunker ship.

Article 6.4 Transshipment of gas within the meaning of the IGC Code or the ADN

The transshipment of a gas as referred to in the IGC Code or the ADN between two tankers is prohibited.

Article 6.5 Mooring alongside when transshipping gas

Mooring alongside a ship that is involved in transshipment of a gas, within the meaning of the IGC Code or the ADN, is prohibited.

7 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

1. A ship carrying dangerous goods in packaged form, as listed in Annex 3, may only berth close to a vulnerable object, within the distance specified in Annex 3, if the activities that take place comply with the provisions stated in Annex 3.
2. The location of the berth must be notified to the harbour master no later than 3 hours in advance.

8 Paragraph 8 Bunkering and bringing additives on board

Article 8.1 Bunkering permit

1. The fuels or energy sources designated by the municipal executive may only be bunkered or debunkered with a permit issued by the municipal executive.
2. The municipal executive may designate areas or berths where:
 - a. bunkering or debunkering is prohibited;
 - b. bunkering or debunkering is permitted, or;
 - c. bunkering or debunkering, in accordance with the provisions of subclause 1, is only permitted for certain fuels or energy sources.
3. The municipal executive may designate fuels that may not be bunkered.
4. A permit is not required if bunkering or debunkering takes place at a facility where that bunkering activity may be carried out.
5. Simultaneous activities may only take place during an LNG bunkering operation on board the receiving ship if they are permitted under the provisions of a class-approved LNG bunkering management plan.

Article 8.2 Minimum requirements for a bunkering permit

1. The municipal executive may set minimum requirements for the bunkering permit and the bunkering permit holder.
2. These minimum requirements may relate to:
 - a. the professional qualifications of the permit holder, the permit holder's staff or the natural persons who effectively and permanently manage the permit holder's activities;
 - b. the permit holder's financial means;
 - c. the equipment necessary for carrying out bunkering under normal and safe conditions and the ability to maintain this equipment to the required standard;
 - d. the availability of the permit holder to perform bunkering or debunkering operations, at all berths and without interruptions, day and night, all year round;
 - e. compliance with requirements relating to maritime safety or the safety and security of the port or access to the port, its installations, equipment and workers and other persons;
 - f. compliance with local, national, European and international environmental requirements, and;
 - g. the integrity of the permit holder, as determined in accordance with any applicable national law on integrity, taking into account compelling reasons to doubt the integrity of the provider of port services.

Article 8.3 Compliance with the minimum requirements for the bunkering permit

1. The information identified in an application form drawn up by the Harbour Master shall be submitted with the permit application.
2. The municipal executive may decide that, for certain fuels or energy sources, additional information shall be submitted in support of the permit application. This additional information relates to the requirements and restrictions referred to in subclause 3 and may relate to an audit that the municipal executive may carry out for the bunkering or debunkering activities performed by the company.
3. The municipal executive may attach regulations and limitations to the permit, in relation to:

- a. the location where the bunkering or debunkering operations may be carried out and the safety distances to be observed during the bunkering or debunkering operation;
- b. the operational safety and procedures for performing bunkering or debunkering, including whether or not to allow other activities that are carried out at the same time as bunkering or debunkering;
- c. nautical safety;
- d. external safety, and;
- e. issuing operational notifications relating to bunkering or debunkering.

Article 8.4 Rules for ships alongside during bunkering

The municipal executive may impose restrictions on the number, location and type of ships which may berth alongside a ship that is being bunkered or debunkered with fuels or types of energy sources designated by the municipal executive.

Article 8.5 Permit for additives

1. Additives designated by the municipal executive may only be brought on board or removed from a ship if the municipal executive has issued a permit.
2. The municipal executive may designate areas or berths where:
 - a. additives may not be removed from or brought on board a ship;
 - b. additives may be removed from or brought on board a ship, or;
 - c. only certain additives may be removed from and brought on board a ship.
3. A permit is not required if removing additives from or bringing them on board ships takes place at a facility where the activity of bringing additives on board ships may be performed.

Article 8.6 Requirements relating to a permit for additives

1. The information identified in an application form drawn up by the harbour master shall be submitted with the permit application.
2. The municipal executive may decide that, for certain additives, additional information shall be submitted in support of the permit application. This additional information relates to the requirements and restrictions referred to in subclause 3 and may relate to an audit that the municipal executive may carry out for the activities performed by the company in order to remove additives from ships or bring them aboard.
3. The municipal executive may attach regulations and limitations to the permit, in relation to:
 - a. the safety distances to be observed when removing additives from or bringing additives on board ships;
 - b. operational security and the procedures for carrying out the activities for removing additives from or bringing additives on board ships, including whether or not to allow other activities to be carried out concurrently with the activities for removing additives from or bringing additives on board ships;
 - c. nautical safety;
 - d. external safety, and;
 - e. issuing operational notifications relating to removing additives from or bringing additives on board ships.

Article 8.7 Checklist for bunkering/debunkering and bringing additives on board

1. The municipal executive may draw up and approve a checklist for bunkering or debunkering certain fuels and energy sources to be designated by the municipal executive, or for removing certain additives from ships or bringing them on board ships.
2. The municipal executive may also designate categories of ships to which the checklist applies.
3. A checklist shall be completed by the parties involved in bunkering or debunkering, observed by them and kept on board the ships concerned for at least 24 hours after completion of the bunkering or debunkering operations.

Article 8.8 Signs and signalling

1. During bunkering operations involving LNG, an LNG-powered seagoing ship shows the international signal flag "B" as an additional warning between sunrise and sunset, and shows a steady all-round red light between sunset and sunrise.
2. The municipal executive may determine signalling requirements for bunkering operations involving other fuels or energy sources as referred to in subclause 1.

9 Paragraph 9 Enforcement

Article 9.1 Obligation to comply with rules

The rules laid down in or pursuant to these Bye-Laws, and the regulations and restrictions attaching thereto, must be observed. Violation of these rules and regulations constitutes a criminal offence.

Article 9.2 Penalty

Violation of the provisions of or pursuant to these Bye-Laws shall be punishable by up to 3 months imprisonment or a fine of the second category.

Article 9.3 Supervisory officials

Persons that are to be appointed by decision of the municipal executive shall be responsible for ensuring compliance with the provisions of or pursuant to these Bye-Laws.

Article 9.4 Entry of living quarters

Persons charged with supervising compliance with or conducting investigations relating to the provisions of or pursuant to these Bye-Laws are authorised to enter a home/living quarters, without the occupant's permission, insofar as supervision of compliance with or investigation of the provisions of or pursuant to these Bye-Laws so requires.

10 Paragraph 10 Transitional and final provisions

Article 10.1 Repeal of old regulations

The Regionale Havenverordening Noordzeekanaalgebied 2012 [Regional Port Bye-Laws for the North Sea Canal Area 2012] is herewith repealed.

Article 10.2 Transitional law

1. Authorisations or decisions or accreditations granted by or pursuant to one of the regulations repealed in article 10.1 and which are in force at the time when this Regionale Havenverordening Noordzeekanaalgebied 2019 [Regional Port Bye-Laws for the North Sea Canal Area 2019] come into effect, shall be regarded as authorisations, or decisions or accreditations by or pursuant to these present Bye-Laws.
2. If, before the time of coming into effect of this Regionale Havenverordening Noordzeekanaalgebied 2019 [Regional Port Bye-Laws for the North Sea Canal Area 2019] , an application for authorisation or a decision or accreditation on the basis of one of the regulations abrogated in article 10.1 has been submitted for which no decision has yet been taken, these present Bye-Laws shall apply.
3. Decisions on notices of objection to a decision on an application for authorisation or a decision or accreditation pursuant to the regulations abrogated in article 10.1 shall be taken in accordance with the Regionale Havenverordening Noordzeekanaalgebied 2019 [Regional Port Bye-Laws for the North Sea Canal Area 2019] .

Article 10.3 Entry into force

These Bye-Laws shall be published in the municipal gazette and shall enter into force at a time to be determined by the municipal executive. The time of entry into force may be determined differently for the various articles or parts thereof.

Article 10.4 Reference title

These Bye-Laws shall be referred to as: Regionale Havenverordening Noordzeekanaalgebied 2019.

**Annex 1, pertaining to article 1.1, of the Regionale Havenverordening
Noordzeekanaalgebied 2019 [Regional Port Bye-laws for the North Sea Canal
Area 2019]**



N0496_v03.pdf



N0496_v02.pdf



N0496_v01.pdf

Annex 2: pertaining to articles 4.11 and 6.3 of the Havenverordening Noordzeekanaalgebied 2019 [Port Bye-Laws for the North Sea Canal Area 2019]

The liquid goods referred to in article 4.11 and article 6.3 are:

Substance name	UN number
- benzene	1114
- mixtures containing benzene containing more than 10% benzene	multiple UN numbers possible
- ethyl acrylate	1917
- formaldehyde solution	1198 or 2209
- isobutyl acrylate	2527
- isobutyric aldehyde	2045
- isopropylamine	1221
- methyl acrylate	1919
- n-butyl acrylate	2348
- n-butyric aldehyde	1129
- propylene oxide	1280
- styrene	2055
- turpentine	1299

**Annex 3, pertaining to article 7.1, of the Havenverordening
Noordzeekanaalgebied 2019 [Port Bye-laws for the North Sea Canal Area 2019]**

References to kilograms in the table mean kilograms of net explosive mass

Berthing zone determination for dangerous packaged goods						
IMDG Class	Type of packaging	Zone A Maritime shipping/Inland shipping 0 - 100 m to vulnerable objects	Zone B Maritime shipping 100 - 300 m to vulnerable objects	Zone C Maritime shipping 300 - 500 m to vulnerable objects	Zone D Maritime shipping 500 - 800 m to vulnerable objects	Zone E Maritime shipping At least 800 m to vulnerable objects
1.1 and 1.5	All	Prohibition for Total quantity > 25 kg NEQ	Prohibition for Total quantity 1500 kg.	Prohibition for Total quantity +/- 12000 kg	Prohibition for Total quantity +/- 50000 kg	Unlimited
1.3 and 1.6	All	Prohibition for Total quantity +/- 5000 kg	Prohibition for Total quantity +/- 30000 kg	Unlimited	Unlimited	Unlimited
1.4	All	Prohibition for +/- 5000 kg	Unlimited	Unlimited	Unlimited	Unlimited
2.1	Tank containers	Prohibition	Prohibition for UN 1032, 1036, 1041, 1061, 1063, 1083, 1085, 1087 and 1912	Unlimited	Unlimited	Unlimited
	Other packaging	Prohibition for UN 1032, 1036, 1041, 1061, 1063, 1083, 1085, 1087 and 1912	Unlimited	Unlimited	Unlimited	Unlimited
2.2	All	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
2.3	Tank containers	Prohibition	Unlimited for UN 1008, 1016, 1023, 1045, 1071, 1612, 1660, 1859, 1911, 1953, 1955, 2190, 2198, 2417, 2600, 3303, 3304, 3305 and 3306 Prohibition for other UN numbers in Class 2.3	Prohibition for UN 1017, 1026, 1048, 1050, 1053, 1067, 1076, 1082, 2192 and 2204	Unlimited	Unlimited
	Other packaging	Prohibition	Prohibition for UN 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418 and 2676	Unlimited	Unlimited	Unlimited

3	Tank containers	Prohibition	Unlimited	Unlimited	Unlimited	Unlimited
	Other packaging	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
4.1,4.2 and 4.3	All	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
5.1	All	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
5.2	Tank containers	Prohibition	Unlimited	Unlimited	Unlimited	Unlimited
	Other packaging	Prohibition for UN 3101, 3102, 3111, 3112 > 25 kg	Unlimited	Unlimited	Unlimited	Unlimited
6.1	Tank containers	Prohibition	Prohibition for UN 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2334, 2480, 2481, 2486 and 3294	Prohibition for UN 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2334, 2480, 2481, 2486 and 3294	Unlimited	Unlimited
	Other packaging	Prohibition for Total quantity: > 10 tons Prohibition for UN 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2334, 2480, 2481, 2486 and 3294	Prohibition for UN 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2334, 2480, 2481, 2486 and 3294	Unlimited	Unlimited	Unlimited
6.2		Covered within the scope of GMO and food and consumer product legislation				
7		Covered within the scope of the Nuclear Energy Act				
8	Tank containers	Prohibition for substances that have to be transported in packaging group I or II under the IMDG code	Prohibition for UN 1052, 1744, 1786, 1790 and 1829	Prohibition for UN 1052, 1744, 1786, 1790 and 1829	Unlimited	Unlimited
	Other packaging	Prohibition for Total quantity of substances that have to be transported in packaging group I or II under the IMDG code, > 10 tons Prohibition for UN 1052, 1744, 1786, 1790 and 1829	Prohibition for UN 1052, 1744, 1786, 1790 and 1829	Unlimited	Unlimited	Unlimited
9	All	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited