

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.

## **Decree No. 2019/61**

### **Permitted Ships in Harbour Basins Designation Decree**

The Director of the Central Nautical Management North Sea Canal Area

#### **Having regard to:**

- Article 3.2 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 1.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 3.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Annex 2, accompanying article 1.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- The Mandate, Power of Attorney, and Authorization Decree, No. ZD2019-004323, dated 3 December 2019, on the basis of which the Director of the Central Nautical Management North Sea Canal Area is mandated to adopt Decrees on behalf of the Mayor and Aldermen
- Annex 7, under A1, Prohibitory signs, of the Inland Navigation Police Regulations (BPR).

#### **Having considered that:**

- The Director of the Central Nautical Management North Sea Canal Area, is authorised, on behalf of the Mayor and Aldermen, to designate harbour basins in which certain categories of ships are not permitted to be or to berth;
- Pleasure craft are not permitted to navigate in these harbour basins in view of the order in the port and the safe and smooth handling of shipping traffic;
- Within these areas, from a safety point of view, additional regulations apply to the navigation of pleasure craft in harbour basins which are used by commercial shipping;
- For these reasons, pleasure craft are not permitted to enter or to be in these harbour basins.
- A traffic instruction to this effect has been placed on both sides of the entrance to each harbour basin in the form of the prohibitive traffic sign A1, with an additional sign below, as prescribed in the Inland Navigation Police Regulations (BPR).

#### **Has decreed the following:**

##### **I.**

In the provisions under or pursuant to this Decree, the following terms shall mean:

- a. 'Pleasure craft': a ship intended or used for the purpose of sports or pleasure, including a sailing vessel whether or not used commercially or non-commercially;
- b. 'Harbour basin': the green-bordered areas as indicated on the map accompanying this Decree.

##### **II.**

The following ships are permitted to enter the harbour basins as referred to in item I, under b:

- a. Ships having to load, unload or wait for a berth in accordance with the provisions of Article 3.3 of the Regional Port Bye-Laws North Sea Canal Area 2019';

- b. Seagoing passenger ships or river cruise ships proceeding directly and without interruption to a berth intended for that purpose;
- c. Pleasure craft proceeding directly and without interruption to a marina or shipyard located in that harbour basin, or to a waterway connected to that harbour basin and open to pleasure craft, or to a berth intended for pleasure craft;
- d. Service ships;
- e. Bunker ships;
- f. Ships deployed by a body governed by public law, or ships that carry out operations on the instruction of a body governed by public law;
- g. Ships the presence of which in the port is necessary in connection to the arrival, stay or departure of the ships referred to in parts (a) or (b) in view of the conduct of the shipping business;
- h. Work ships the presence of which in the port is necessary in connection with new building of or maintenance work to the port infrastructure; or
- i. Ships carrying out dredging operations.

**III.**

Ships propelled only by sail are not permitted to navigate into or inside a harbour basin.

**IV.**

The Decree of the Harbour Master of Amsterdam, numbered 078 / RHN / 2012 will be cancelled.

**V.**

This Decree will enter into force 3 days after its publication in an Announcement to Shipping IJmond North Sea Canal Area Central Nautical Management (BASIJN).

**VI.**

This Decree may be cited as Entry Prohibition for Pleasure Craft Designation Decree

Annex: Map of the harbour basins which are prohibited to enter accompanying Decree 2019/61 with number N0018\_v20.

Adopted on behalf of the Mayor and Aldermen on 03 January 2020

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. M. Mateyo

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<sup>1)</sup> Article 3.3 of the Regional Port Bye-laws for the North Sea Canal Area 2019 reads as follows:

Article 3.3                      Berthing

Ships are only permitted to berth if:

- This is in accordance with on-site traffic signs and additional signs placed there;
- This is in accordance with Announcements having the same effect as a traffic sign; or
- This is taking place at berths located at a mooring facility with the consent of a tenant, leaseholder or owner, unless the Mayor and Aldermen do not permit a ship taking berth there for reasons of order, safety or the environment.
- It concerns tankers, as referred to in article 6.1; or

- If a berthing permit has been granted.

*In accordance with the Algemene Wet Bestuursrecht (the Dutch General Administrative Law Act), an interested party may lodge an objection within six weeks of its publication by filing a notice of objection to this Decree. The notice of objection must be addressed to the Mayor and Aldermen of Amsterdam, Postbus 202, 1011 PN Amsterdam.*

*The notice of objection must be signed and shall contain at least the name and address of the person lodging the objection, the date, a description of the Decree against which the objection has been lodged as well as the grounds for objection. If you choose to be represented, we request you to submit an authorization.*

*The notice of objection shall have no suspensive force. If, in the course of the objection procedure, the situation requires immediate relief, a suspension or provisional arrangement can be requested from the Judge in preliminary relief proceedings of the Administrative Law Sector of the Amsterdam District Court, Parnassusweg 226, Postbus 75850, 1070 AW Amsterdam. For this procedure, court fees are due.*

## **Explanatory notes**

In the Regional Port Bye-laws for the North Sea Canal Area 2012, this subject had been regulated in Article 3.8 ('Designation of Dock Basins with an Entry Prohibition'). This was accompanied by a Decree stating the harbour basins referred to in that article. In the new Port Bye-laws, the designation of areas has been generally regulated in Article 3.2. The advantage of this is that the Entry Prohibition has been laid down in an orderly fashion in one Decree. Item I of this Decree states what is meant by pleasure craft. Pleasure craft include sailing ships regardless of whether or not being used commercially, such as the so-called brown fleet (the sailing charter business). The harbour basins indicated on the map accompanying this Decree are not open to all ships. The only ships permitted to the harbour basins are those that have to carry out activities there. These categories of ships are listed under item II of this Decree.


In part c, an exception has been made for pleasure craft and sailing ships that enter or are (underway) in a harbour basin as referred to in the first paragraph. These ships are only permitted to be there subject to the condition that they proceed directly and without interruption to a marina or shipyard located in that harbour basin, or to a waterway connected to that harbour basin and open to pleasure craft. The purpose of this is to keep the stay of these ships in the harbour basins as short as possible. The navigation of pleasure craft and sailing ships in ports or port basins used by commercial shipping could result in dangerous situations. In the event, however, that pleasure craft and sailing ships are bound for a specific berth (not being a marina or shipyard) located in a harbour basin, they are permitted to enter that harbour basin provided they proceed directly and without interruption to this specific berth.


Item III provides that sailing ships propelled only by sail are not permitted to enter harbour basins. The reason for this is that this can lead to extremely dangerous situations for both commercial ships and sailing ships.



Warning: Notwithstanding great care has been taken in the translation of the annotations to the Dutch map, differences between the English and Dutch version may occur. In cases of disputes or discrepancies the Dutch map shall prevail.

**Legenda**

 Harbour basin

 North Sea Canal Area

Annex to Decree 2019 / 61					
Titel					
N0018_v20	-	30-01-2020	1:25,000	A3	AW
Tekeningnummer:	Projectnummer:	Datum:	Schaal:	Formaat:	Getekend:
 <b>Port of Amsterdam</b>				De Ruijterkade 7 1013 AA Amsterdam Tel: 020-5234500 <a href="http://www.portofamsterdam.com">www.portofamsterdam.com</a>	