

**Decree No. 2020/049**

**Decree adopting the Action Plan for seagoing ships of which the cargo has been treated with fumigants in a foreign port, including the Decree designating Berths for ships that have been loaded with transhipped cargo not sufficiently free of fumigants.**

The Director of the Central Nautical Management North Sea Canal Area

**Having regard to:**

- Article 4.7, under c, of the Regional Port Bye-laws for the North Sea Canal Area 2019 which provides that nautical and operational handling of these ships takes place in accordance with an action plan adopted by the Mayor and Aldermen;
- 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.

**Having considered that:**

- Seagoing ships of which the cargo has been treated with fumigants in a foreign port berth in the port of Amsterdam;
- Upon arrival in the port of Amsterdam, this cargo may not be sufficiently free of fumigants;
- In this situation, from the point of view of safety and the environment in the port, additional regulations apply with regard to nautical and operational handling;
- The nautical and operational handling of these seagoing ships takes place in accordance with an action plan adopted by the Mayor and Aldermen;
- The existing action plan, as adopted by Decree 043/RHN/2018, dated 8 November 2018, and its updated version (Decree No. 2020/CNB/010), must be brought up to date as a result of advancing insights and new developments;
- The Decree applies to the harbour basins in the North Sea Canal Area that are located within the municipality of Amsterdam;
- It is desirable from the point of view of order and safety that ships which have been loaded with transhipped cargo treated with fumigants should moor at designated berths, and;
- The environment and the safety in the port are the reasons for this Decree.

**Has decided the following:**

**I.**

To adopt the action plan, dated 26 November 2020, for the handling of cargoes in seagoing ships that have been treated with fumigants in a foreign port. This action plan has been included in Annex 1 to this Decree.

**II.**

To designate the berths as referred to in Annex 2 to this Decree as berths where ships are allowed to be moored when they have been loaded with transhipped cargo from seagoing ships if, after transshipment, the cargo is not sufficiently free of fumigants.

### III.

To repeal the Decree of the Harbour Master of Amsterdam, dated 23 October 2018, with number 043/RHN/2018.

### IV.

To repeal Decree No. 2020/CNB/010, dated 6 March 2020, of the Director of the Central Nautical Management North Sea Canal Area, who is also the State Harbour Master.

### V.

The new Decree will enter into force on 1 January 2021 and will be published in the Municipal Gazette, Section 3B, and as an Announcement to shipping (Basijn).

### Annexes:

- Annex 1: Action Plan
- Annex 2: List and map indicating the berths where ships are allowed to be moored when they have been loaded with transhipped cargo from seagoing ships if, after transshipment, the cargo is not sufficiently free of fumigants.

Thus adopted on behalf of the Mayor and Alderman on 26 November 2020.

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. Mateyo

### Explanation

The Harbour Master of Amsterdam adopted an action plan on 23 October 2018. This action plan set out the actions to be taken with regard to a seagoing ship arriving from a foreign port in the port of Amsterdam carrying a cargo that has been treated with fumigants in that foreign port. The action plan also includes actions to be taken onboard the ship itself. The reason for this was (and is) that seagoing ships of which the cargo has been treated with fumigants in a foreign port often berth in the port of Amsterdam. The handling of these ships is not subject to national or international legislation and that is why a regulation to this effect has been included in the Regional Port Bye-laws for the North Sea Canal Area 2019. Fumigations carried out in the Netherlands, however, do not fall under the above-mentioned regulation. Fumigations in the Netherlands come within the scope of the Wet gewasbeschermingsmiddelen en biociden (the Dutch Plant Protection Products and Biocides Act). The aim of the action plan is to guarantee the safety and the environment in the port and its surrounding areas. Seagoing ships of which the cargo has been treated with fumigants in a foreign port are required to have an action plan.

An incident, involving an inland ship into which cargo had been transhipped from a seagoing ship in Amsterdam, occurred the inland voyage in the beginning of December 2019. The cargo had been treated with a fumigant in a foreign port. The fumigation had been carried out with the fumigant phosphine in the form of loose pills. The cargo in the seagoing ship had been declared sufficiently free of fumigants by a fumigator. After this, it was permitted to tranship the cargo into inland ships which, once loaded, were allowed to depart. It later emerged that the cargo transhipped into the inland ship in question still

contained some phosphine pills. The pills became active, causing health problems to the ship's crew. The action plan adopted on 23 October 2018 did not provide for such situations and no additional checks for or measurements of residual fumigants were to be carried out after completion of the transshipment from the seagoing ship. That is why on 6 March 2020, the Director of the Central Nautical Management North Sea Canal Area decided to issue temporary additional regulations to the action plan dated 23 October 2018 (see Decree 2020/CNB/010). This Decree includes additions to the action plan which are aimed at minimising the risk of these types of incident. The Decree therefore provides for additional checks after completion of the transshipment and additional advice from the fumigator. In his advice, the fumigator will inform the skipper or master of the ship into which the cargo has been transhipped of the potential dangers posed by this method of fumigation (loose phosphine pills placed into the cargo). This approach aims to prevent problems with such cargoes, both in and beyond the boundaries of the municipality of Amsterdam. As a result of the above, the Director of the Central Nautical Management North Sea Canal Area has decided to draw up a new action plan, incorporating the temporary measure included in Decree No. 2020/CNB/010.

The new action plan has been prepared in cooperation with the (State) Harbour Master of Rotterdam and also includes important contributions from the Ministry of Infrastructure and Water Management, the Ministry of Social Affairs and Employment, representatives of the inland navigation sector, the Human Environment and Transport Inspectorate, fumigators, and from The Royal Dutch Grain and Feed Trade Association. As a result, the two largest Dutch seaports now have an identical action plan for the handling of these types of ships.

This action plan only applies to seagoing ships of which the cargo has been treated with phosphine in a foreign port.

Ships that have been loaded with cargoes that are not sufficiently free of fumigants cannot berth everywhere in the port, but must be moored at designated berths to ensure the safety in the port. This is described in the action plan under the Section "Unloading - into an unmanned ship / barge". The relevant berths are indicated in Annex 2 to this Decree and in the map accompanying this Decree. Ships are permitted to ventilate their cargo at these berths in accordance with the conditions laid down in the action plan. Annex 2 contains the nautical conditions and/or regulations for some of these berths. In addition to this, the Operational Area of Berth Designation Decree, if applicable, applies.

It is pointed out that the transport of containerised cargo treated with fumigants, including labelling requirements, has been laid down in the IMDG Code (for seagoing ships) and in the ADN (for inland ships). Containerised cargo does not fall within the scope of this Decree.

**Annex 1:**

Action Plan dated 26 November 2020

**Appendix 2:**

The following berths are designated as berths where ships may be moored when they have been loaded with transhipped cargo from seagoing ships if, after transshipment, the cargo is not sufficiently free of fumigants

1. Amerikahaven bunkering dolphins\*
2. Alaskahaven, north side\*
3. Alaskahaven, south side\*
4. Amerikahaven, HCT quay north side\*
5. Amerikahaven, HCT quay south side\*
6. Cacacohaven, EMA\*
7. Hornhaven, Vollers\*
8. Hornhaven, Katoen Natie\*
9. Westhaven, Katoen Natie\*
10. Westhaven, Pushed barges 6
11. Westhaven, Pushed barges 7
12. Westhaven, Pushed barges 5
13. Suezhaven, Ferry 3\*
14. Vlothaven, berth 12\*
15. Vlothaven, berth 13\*
16. Vlothaven, berth 14\*
17. Mercuriushaven, inside 5
18. Mercuriushaven, berth 5
19. Neptunushaven, Fumigation dolphins

For berths marked with an asterisk (\*), please consult Article a., under regulations and/or conditions. These berths may only be used if, in accordance with the Living Environment Law Decree, the responsible person has made an online application thereto on the relevant website ([www.aimonline.nl](http://www.aimonline.nl)) of the Ministry of Infrastructure and Water Management.

If the berths marked with an asterisk (\*) are occupied by one or more ships loaded with transhipped cargo not sufficiently free of fumigants, a safety zone ashore of 15 metres around the ship must be created, demarcated by fences.

Berth designation is subject to the following general regulations:

- If phosphine has been used as a fumigant, the above-mentioned ships must comply with the provisions as referred to in Chapter 6.2 of the action plan (see Annex 1).
- If any other fumigant has been used, the above-mentioned ships must comply with the provisions as referred to in Chapter 5.3.4 of the action plan (see Annex 1).

For each of the above-mentioned berths, berth designation is subject to the following specific regulations and/or conditions:

- a. Under the Living Environment Law Decree, the berths marked by an asterisk (\*) may only be used if the responsible person has made an online application thereto on the

relevant website ([www.aimonline.nl](http://www.aimonline.nl)) of the Ministry of Infrastructure and Water Management.

- b. In the Westhaven, on the Pushed barges south dolphins, three pushed barges up to a total length of 110 metres may be moored.
- c. In the Westhaven, on the Pushed barges north dolphins, three pushed barges up to a total length of 40 metres may be moored.

