

Decree No. 2020/69

Decree adopting a Bunkering Permit, De-bunkering Prohibition and Permit Requirements for fuels and energy sources

The Director of the Central Nautical Management North Sea Canal Area

Having regard to:

- Article 1.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 8.1, paragraph 1, of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 8.1, paragraph 3, of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 8.2, paragraphs 1 and 2, of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 8.3, paragraphs 2 and 3, of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- The Mandate, Power of Attorney, and Authorization Decree, dated 3 December 2020, 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 of Amsterdam;
- The Mandate Decree Regional Port Bye-laws for the North Sea Canal Area 2019, No. 2019/19452, dated 27 August 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 of Zaanstad;
- The Mandate Decree Central Nautical Management Regional Port Bye-laws 2019, published in the Municipal Gazette of Velsen on 13 January 2020, with No. 8237, 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 of Velsen;

Having considered that:

- The Director of the Central Nautical Management North Sea Canal Area, on behalf of Mayor and Aldermen of Amsterdam, Zaanstad and Velsen, is authorised to designate fuels or energy sources the bunkering of which is only allowed with a permit from the Mayor and Aldermen;
- The Director of the Central Nautical Management North Sea Canal Area, is authorised, on behalf of the Mayor and Aldermen of Amsterdam, Zaanstad and Velsen, to designate fuels the de-bunkering of which is prohibited;
- The Director of the Central Nautical Management North Sea Canal Area, is authorised, on behalf of the Mayor and Aldermen of Amsterdam, Zaanstad and Velsen, to set requirements for the bunkering permit and for the permit holder;
- The Director of the Central Nautical Management North Sea Canal Area, is authorised, on behalf of the Mayor and Aldermen of Amsterdam, Zaanstad and Velsen, to set additional conditions for the issuing of a permit for certain fuels or energy sources;
- The underlying idea behind this authorisation is the safety in the port and its immediate surroundings;

Has decided the following:

I.

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

- a. 'Bunkering' means the supply of solid, liquid or gaseous fuels, or of any other source of energy used for propulsion of ships or for the general or specific energy supply on board ships;

- b. 'De-bunkering': the removal of solid, liquid or gaseous fuels, or any other source of energy from a ship used for the propulsion of ships and for the general and specific energy supply on board ships.
- c. 'Safety management system': a system that supports a company to operate effectively and safely to meet system and operational safety criteria; a system that ensures the achievement of good performance in terms of safe operation by the company or by the companies involved in its operations in preventing safety or environmental incidents and improving safety and environmental performance; a system supported by ICT where appropriate.
- d. 'IAPH': International Association of Ports and Harbors.

II.

To designate the following fuels and energy sources the bunkering of which is only allowed with a permit from the Mayor and Aldermen:

- a. methane in all forms, including liquefied natural gas (LNG) and compressed natural gas (CNG);
- b. liquefied petroleum gas (LPG);
- c. methanol;
- d. ethanol;
- e. ammonia;
- f. hydrogen or hydrogen carriers;
- g. electrolyte fluids;
- h. electricity or heat from an energy supply unit or production unit, with the exception of electricity from the electricity network;
- i. packaged fuels or packaged energy sources;
- j. energy supply units or energy production units;
- k. fissile materials.

III.

To designate the following fuels, the de-bunkering of which is prohibited:

- a. residual fuels, distillates and blends thereof (all forms of fuel oil and marine diesel oil).
- b. methane in all forms, including liquefied natural gas (LNG) and compressed natural gas (CNG);
- c. liquefied petroleum gas (LPG);
- d. methanol;
- e. ethanol;
- f. ammonia;
- g. hydrogen or hydrogen carriers;
- h. fissile materials.

IV.

To set the following minimum requirement for the permit as referred to under II:

- a. As a condition for the issuing of a bunkering permit for those fuels and energy sources, the permit holder is required to have and to operate in accordance with a safety management system.
- b. In addition to what is stated under a., the permit holder is required, for the following designated fuels:
 - i) methane in all forms, including liquefied natural gas (LNG) and compressed natural gas (CNG);
 - ii) liquefied petroleum gas (LPG);
 - iii) methanol;
 - iv) ethanol;
 - v) ammonia;
 - vi) hydrogen or hydrogen carriers;
 - vii) fissile materials;

to provide further evidence on the basis of a recent audit carried out in accordance with the audit protocol established by IAPH, demonstrating that the safety management system in place provides sufficient guarantees of its proper functioning during the permit period for the fuel concerned.

V.

The 'Decree designating fuels that require a Bunkering Permit / are subject to a De-bunkering Prohibition', dated 03 January 2020, CNB Decree No. 2019/66, is repealed.

VI.

This Decree enters into force one day after its publication.

The Decree will be published as an Announcement to Shipping IJmond North Sea Canal Area Central Nautical Management (BASIJN).

VII.

This Decree is referred to as the 'Decree adopting a Bunkering Permit, De-bunkering Prohibition and Permit Requirements for fuels and energy sources'.

Thus adopted on behalf of the Mayor and Alderman of Amsterdam, Zaanstad and Velsen on 21 December 2020.

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. Mateyo

Explanation

Bunkering or de-bunkering operations are energy transshipment operations involving safety or environmental risks to the surrounding area or to other port users. The purpose of a permit requirement for bunkering companies for the bunkering of fuels and energy sources, or an exemption from the prohibition on the de-bunkering of fuels that pose such risks, is to stipulate conditions in the permit to mitigate those risks. The conditions are or will be based on safety standards resulting from safety studies.

Bunkering or, in exceptional cases, de-bunkering activities generally take place in the port with a bunker ship and sometimes also in the form of another type of bunkering operation, such as with a tank truck. In addition to the permitted operations at a permitted establishment, bunkering or de-bunkering operations in the port involving fuels or energy sources that present an environmental risk are only permitted in the areas or at the berths designated thereto by or on behalf of the Mayor and Aldermen and only for those fuels or energy sources mentioned in the permit or the exemption. This way, for example, berths in the port have been designated by means of a separate Decree where the bunkering of LNG is permitted. The permit includes conditions stipulating that LNG may only be bunkered at designated berths and this makes the permit future-proof.

At the moment, residual fuels, distillates and blends thereof, such as fuel oil and marine diesel oil, are not subject to a permit requirement which means that the existing situation continues. There is the possibility, though, that in the future a permit may be required for the bunkering of these fuels. In that case, this Decree will be amended.

The de-bunkering of a fuel is an activity that only occurs in specific circumstances, for example when fuel has been delivered that does not meet the desired specifications. De-bunkering is not a normal activity and does not often occur. That is why a de-bunkering prohibition is in force for fuels that may pose a safety or environmental risk. The prohibition ensures that the risks can be assessed on a case-by-case basis. The de-bunkering of fuels and energy sources referred to in this Decree is prohibited. The de-bunkering of fuels and energy sources not referred to in this Decree may take place without a permit. If necessary, an exemption from the prohibition may be granted in an exceptional case.

A risk mitigation measure is that for the issuance of a permit and for compliance with the permit conditions the applicant/permit holder is required to have and to operate in accordance with a safety management system. For the most high-risk fuels, an additional condition for the granting of a permit is stipulated. As an additional condition, evidence must be available in the form of recent audit results, showing that the system is functioning properly and will continue to do so for the duration of the permit, whereby the observations from the audit must have been incorporated into the system.

The way in which the audit is to be carried out has been developed by an IAPH working group which, by international consensus, has set an audit protocol for the fuels concerned.

This audit protocol includes many checks on requirements, as referred to in Article 8.2, paragraph 2, being checks on professional qualifications, equipment, and compliance with maritime, environmental and safety requirements as set out in local, national, European and international regulations.