

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. 2019/63

Tanker Lay-By Berths Designation Decree

The Director of the Central Nautical Management North Sea Canal Area

Having regard to:

- Article 6.1, paragraph 1 and paragraph 2, 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.

Having considered that:

- The Mayor and Aldermen and, being mandated thereto, the Director Central Nautical Management North Sea Canal Area, is, on the ground of the Regional Port Bye-laws for the North Sea Canal Area 2019, authorised to designate public berths for tankers; this includes the authority to designate public berths for the purpose of the activities to be carried out at these berths;
- The authority offers the possibility to designate public berths at which such ships can be moored in a safe and responsible manner;
- There is a need to establish a mooring policy for tankers loaded with or empty of liquid dangerous and harmful substances in bulk at public berths;
- The present designation has taken account of the aspects of external safety and environmental impact in relation to the nature and quantities of dangerous and harmful liquid substances, and of the activities carried out by the ships while waiting, such as cleaning and repairs.
- The present designation is in line with the zoning as referred to in the Gebiedsvisie Externe Veiligheid Westpoort (Westpoort External Safety Area Vision).

Has decreed the following:

I.

To designate the following public berths where tankers loaded with or empty of liquid dangerous or harmful substances in bulk are permitted to moor at a lay-by berth to wait, as indicated in the authenticated map in the Annex to this Decree. This Decree does not apply to mooring at these berths for the purpose of direct (ship-to-ship) transshipment of cargo.

- a. Afrikahaven, mooring dolphins
- b. Amerikahaven lay-by and transshipment dolphins
- c. Hornhaven, Buoy 2

- d. Mercuriushaven, Transshipment Buoys North and Transshipment Buoys South
- e. Vlothaven, Mooring buoy 6

II.

The designation is subject to the following provisions:

- a. When mooring, the captain or ship's master of the tanker must comply with the instructions of the Harbour Master;
- b. When mooring, the captain or ship's master of the tanker is obliged to comply with other statutory regulations;

III.

The designation is subject to the following specific provisions and restrictions for each berth:

- a. Afrikahaven, mooring dolphins
 - i. Mooring (waiting)
 - 1. There are no restrictions as to the type of tankers and the type of cargo.
 - ii. Cleaning (including ventilating) and delivery of slops
 - 1. Cleaning must take place in accordance with Articles 4.10, 4.11 and 4.12 of the Regional Port Bye-Laws for the North Sea Canal Area 2019, with the restriction that cleaning as referred to in Article 4.11, first, second, fourth, and fifth paragraphs is only permitted for tankers that are reloading in Amsterdam.
 - 2. The delivery of residues originating from cargoes that, under the Regional Port Bye-Laws for the North Sea Canal Area 2019, fall within the list as referred to in Article 4.11, first paragraph, may only take place with the use of a vapour return connection.
 - 3. The Harbour Master, being the competent authority for the ADN¹, may designate this location as a berth to be allocated for the degassing of inland tankers. The application for it must be made by VHF on channel 14 and the allocation may be subject to further conditions.
 - iii. Repairs
 - 1. Repairs must take place in accordance with Article 4.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019.
- b. Amerikahaven lay-by and transshipment dolphins
 - i. Mooring (waiting)
 - 1. There are no restrictions as to the type of tankers and the type of cargo.
 - ii. Cleaning (including ventilating) and delivery of slops
 - 1. Cleaning must take place in accordance with Articles 4.10, 4.11 and 4.12 of the Regional Port Bye-Laws for the North Sea Canal Area 2019, with the restriction that cleaning as referred to in Article 4.11, first, second, fourth, and fifth paragraphs is only permitted for tankers that are reloading in Amsterdam.

¹ ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways.

2. The delivery of residues originating from cargoes that, under the Regional Port Bye-Laws for the North Sea Canal Area 2019, fall within the list as referred to in Article 4.11, first paragraph, may only take place with the use of a vapour return connection.
- iii. Repairs
1. Repairs must take place in accordance with Article 4.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019.
- c. Hornhaven, buoy 2
- i. Mooring (waiting)
1. There are no restrictions as to the type of tankers and the type of cargo.
- ii. Cleaning (including ventilating) and delivery of slops
1. Cleaning must take place in accordance with Articles 4.10, 4.11 and 4.12 of the Regional Port Bye-Laws for the North Sea Canal Area 2019, with the restriction that cleaning as referred to in Article 4.11, first, second, fourth, and fifth paragraphs is only permitted for tankers that are reloading in Amsterdam.
 2. The delivery of residues originating from cargoes that, under the Regional Port Bye-Laws for the North Sea Canal Area 2019, fall within the list as referred to in Article 4.11, first paragraph, may only take place with the use of a vapour return connection.
- iii. Repairs
1. Repairs must take place in accordance with Article 4.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019.
- d. Mercuriushaven, Transhipment Buoys North and Transhipment Buoys South
- i. Mooring (waiting)
1. Gas tankers are not permitted to moor here.
 2. Tankers loaded with or empty of combustible liquids with a flashpoint lower than 55 degrees Celsius are not permitted to be moored here, unless the atmosphere in these tanks contains not more than 8% of oxygen or the concentration of combustible gases is not more than 20% of the lower explosive limit and these tanks are closed.
- ii. Cleaning (including ventilating) and delivery of slops
1. Tanks empty of dangerous or harmful substances may not be cleaned.
 2. There may be no delivery of residues from cargoes that, in accordance with the Regional Port Bye-laws for the North Sea Canal Area 2019, fall within the list as referred to in article 4.11, first paragraph.
- iii. Repairs
1. Repairs must take place in accordance with Article 4.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019.
- e. Vlothaven, Mooring buoy 6
- i. Mooring (waiting)
1. Gas tankers are not permitted to be moored here.

2. Tankers loaded with or empty of combustible liquids with a flashpoint lower than 55 degrees Celsius are not permitted to be moored here, unless the atmosphere in these tanks contains not more than 8% of oxygen or the concentration of combustible gases is not more than 20% of the lower explosive limit and the tanks are closed.
- ii. Cleaning (including ventilating) and delivery of slops
 1. Tanks empty of dangerous or harmful substances may not be cleaned.
 2. There may be no delivery of residues from cargoes which, in accordance with the Regional Port Bye-laws for the North Sea Canal Area 2019, fall within the list as referred to in article 4.11, first paragraph.
 - iii. Repairs
 1. Repairs must take place in accordance with Article 4.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019.

IV.

The Decree of the Harbour Master of Amsterdam, numbered 043 / RHN / 2017 will be cancelled.

V.

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

Annex: Map with number N0391_v03, Map of lay-by berths for tankers - Decree No. 2019 / 63, is part of this Decree.

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

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

Preface

In connection with the new Regional Port Bye-laws for the North Sea Canal Area 2019, the designation of lay-by berths for tankers, as laid down by Decree No. 043 / RHN / 2017 of the Harbour Master of Amsterdam on 13 November 2017, has to be amended.

In addition to this, buoy 2 in the Amerikahaven has been removed as a result of which this berth no longer exists. The conditions for each berth have not been changed. For the sake of clarity, a full explanation of the Decree is set out below.

The Decree must also be amended because the plan accompanying Decree No. 043 / RHN / 2017 of the Harbour Master of Amsterdam, dated 13 November 2017, was not correct. The error has been corrected in this Decree.

This Decree designates the public berths where tankers loaded with or empty of liquid dangerous and harmful substances in bulk are permitted to moor at a lay-by berth to wait. From the point of view of safety, the environment and the order in the port it was necessary to designate public berths where these tankers may be moored and to describe for each berth the permitted activities while waiting. In designating these public berths, account has been taken of the aspects of external safety and environmental impact in relation to the nature and quantities of dangerous and harmful substances, and of the activities carried out by the ships while waiting, such as cleaning and repairs. In addition, the designation of the above-mentioned berths will be linked to the zoning of the Westpoort External Safety Area Vision, taking into account that the most high-risk activities take place in zone I.

The operational environmental and safety conditions that are subsequently imposed on these activities have been included as a separate article in or pursuant to the Regional Port Bye-Laws for the North Sea Canal Area 2019. (Article 4.5 Regional Port Bye-laws for the North Sea Canal Area 2019 ('Carrying out activities') and Articles 4.10, 4.11 and 4.12 of the Regional Port Bye-laws for the North Sea Canal Area 2019 ('Cleaning of tankers')). These articles and any additions or deviations are set out in this Decree under the specific conditions of the activities for each berth.

Ship-to-ship transshipment operations of liquid cargo at public berths are excluded. Public berths where these activities are permitted to take place are yet to be designated and will be laid down in a separate Decree, setting out the regulations and restrictions for these activities.

The operational nautical restrictions for each berth in terms of operating space are set separately by or pursuant to Article 3.11 of the Regional Port Bye-Laws for the North Sea Canal Area 2019.

In Article 5.4, first paragraph of the Port Regulations for the North Sea Canal Area 2019, an exception is specifically made for the mooring of tankers with dangerous substances outside an oil port area if these ships fall under the provisions of this Decree. Via this exception, these tankers can moor at the designated public berths despite the fact that these berths are situated outside an oil port area.

Background

The Recommendations of the International Maritime Organisation (IMO), 'The safe handling of dangerous cargoes in port areas', include the following text:

'The Port Authority should be empowered to:

Direct when and where a ship, having any dangerous cargoes should anchor, moor, be moored or remain within the port area, taking into consideration relevant matters such as the quantity and nature of the dangerous cargoes involved, the environment, the population, the weather conditions'.

The Port Bye-law instrument

For the implementation of the admission policy for ships carrying dangerous and harmful substances, the Harbour Master needs an assessment framework in which the criteria for admission have been determined. In other words, what activities may be carried out under what conditions and at which berth. The details of the admission policy are regulated by local legislation: the Regional Port Bye-Laws. Particular attention should be paid to the articles relating to order and operational regulations setting conditions for activities carried out by ships or on board ships.

Order

Included in the Port Bye-laws are an area zoning system of oil port areas and non-oil port areas, a berth zoning system for ships carrying dangerous substances in packaged form, and an entry prohibition in certain harbour basins for non-commercial ships. The provisions mentioned above (order in the port) are in line with other legislation, including the Inland Waterways Police Regulations and the ADN. These regulations provide for berths at which inland ships carrying dangerous substances are permitted to moor. The above-mentioned provisions are also in line with the environmental permits granted to stevedoring companies that receive certain types of ships. Oil port areas, for example, are situated around oil terminals that receive tankers. The regulations provide for which ships are permitted to moor at which berths so that a high-quality safety structure in the port waters can be guaranteed.

Operational regulations: setting conditions for activities

The Port Bye-laws contain operational regulations for the prevention of danger, damage or nuisance caused by activities that can be carried out by ships or on board (seagoing) ships. These activities include repairs, cleaning and the delivery of slops.

Scope of this Decree:

This Decree specifically regulates the gap in the mooring policy at public berths located outside the oil port areas for tankers carrying liquid dangerous and harmful substances in bulk. From the point of view of safety, the environment and the efficient order in the port, it was necessary to designate public berths where these tankers are permitted to moor (lay-by) to wait, and to describe the permitted activities for each berth.

In order to be able to make a proper assessment of which activities under which restrictions can be carried out responsibly at which public berths, supporting information for each public berth has been provided for. The supporting information includes an estimate of the environmental impact (air and safety) at the berth in question.

In addition, annual monitoring will take place and any changes to the surrounding area will be under permanent supervision, whereby the zoning plan on land is taken into account. This ensures that any necessary adjustments to the permitted activities at the location can be timely made by means of a revision of the Decree.

Motivation for each berth

In view of the results and conclusions of the study 'External safety risks of activities involving liquid dangerous substances in bulk in the port of Amsterdam', carried out by Royal Haskoning in 2009 and 2011, the (non) permitted activities and the associated regulations and restrictions for each public berth have been described as an integral part of the Decree. In addition, the Westpoort External Safety Area Vision was also taken into account for the designation, so that the permitted activities will fit the character of the area.

The execution of the permitted activities, such as repairing, cleaning and bunkering, falls within the operational scope of the relevant articles under the Regional Port Bye-laws for the North Sea Canal Area 2019. In addition to these environmental and safety provisions, there may also be nautical restrictions at the berth in question. These restrictions have to do with the dimensions (length, breadth, draught) of the ships in relation to the available space at the berth. These restrictions have been included for each berth by means of a separate Decree on the basis of Article 3.11 of the Regional Port Bye-Laws for the North Sea Canal Area 2019.

Afrikahaven, mooring dolphins

Due to its sheltered location inside a harbour basin, the risk of collision is very low. Also, this location is not open to the public and there are no sensitive objects in the vicinity of this location. Therefore, from the point of view of order and external safety, it is acceptable that tankers with all types of cargo are allowed access to this location. Also, all operational activities connected with waiting, such as cleaning, repairing, bunkering and delivering slops can, in view of the surrounding area, take place without any problems under the operational conditions that are set in accordance with the Regional Port Bye-Laws for the North Sea Canal Area 2019. Drying after having washed the tanks with liquid dangerous substances is subject to the restriction that this is only permitted if reloading takes place in Amsterdam in order to minimise emissions in the port. In order to limit nuisance and risks, operations with regard to the delivery of liquid dangerous substances are only permitted if it can be ensured that no emissions of dangerous substances take place (mandatory vapour return line).

This location has also been designated as a location for the degassing of inland tankers. The specific permission for this activity is not regulated under the Regional Port Bye-Laws 2019, but has been laid down in the ADN. By or on behalf of the Harbour Master, who is the competent authority for the ADN, the berth can be assigned to inland tankers whereby further conditions may be set on the basis of the ADN. The procedures for inland tankers follow the same line as for seagoing tankers - permission can only be granted if reloading takes place in Amsterdam. On the basis of the ADN, inland tankers may apply for this permission by VHF on channel 14.

Amerikahaven lay-by and transshipment dolphins

Due to its sheltered location inside a harbour basin, the risk of collision is very low. Also, this location is not open to the public. Therefore, from the point of view of order and external safety, it is acceptable that tankers with all types of cargo are allowed access to this location. Also, all operational activities connected with waiting, such as cleaning, repairing, bunkering and delivering slops can, in view of the surrounding area, take place without any problems under the operational conditions which are set under the Regional Port Bye-Laws for the North Sea Canal Area 2019. Drying after having washed the tanks with liquid dangerous substances is subject to the restriction that this is only permitted if reloading takes place in Amsterdam in order to minimise emissions in the port. In order to limit nuisance and risks, operations with regard to the delivery of liquid dangerous substances are only permitted if it can be ensured that no emissions of dangerous substances take place (mandatory vapour return line).

Hornhaven, buoy 2

Due to its sheltered location inside a harbour basin, the risk of collision is very low. Also, this location is not open to the public. Therefore, from the point of view of order and external safety, it is acceptable that tankers with all types of cargo are allowed access to this location. Also, all operational activities connected with waiting, such as cleaning, repairing, bunkering and delivering slops can, in view of the surrounding area, take place without any problems under the operational conditions that are set under the Regional Port Bye-Laws for the North Sea Canal Area 2019. Drying after having washed the tanks with liquid dangerous substances is subject to the restriction that this is only permitted if reloading takes place in Amsterdam in order to minimise emissions in the port. In order to limit nuisance and risks, operations with regard to the delivery of liquid dangerous substances are only permitted if it can be ensured that no emissions of dangerous substances take place (mandatory vapour return line).

Mercuriushaven, Transshipment Buoys North and Transshipment Buoys South

The buoys in the Mercuriushaven are in a less sheltered location and thus more collision-prone. The Transshipment Buoys North are located in the Mercuriushaven, near the entrance, and the Transshipment Buoys South are located in the busy fairway of the Mercuriushaven. As a result, the risks of cargo being released due to a collision are considerable. The permitted activities are limited in view of the character of the surrounding area. In order to limit nuisance and risks, activities with regard to cleaning and delivery of liquid dangerous substances are not permitted due to the risks involved with the release of these substances.

Vlothaven, mooring buoy 6

Although this is a sheltered location inside a harbour basin, there is a lot of terminating traffic to and from companies in this harbour basin. The permitted activities are limited in view of the character of the surrounding area. In order to limit risks and nuisance, activities with regard to cleaning and delivery of liquid dangerous substances are not permitted, as this can involve risks in the event of the release of these substances.