

Decision No. 2021/27

Permit for the bunkering of Liquefied Natural Gas (LNG) with an LNG bunker ship

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 1.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019, which provides that the Mayor and Aldermen may attach regulations and restrictions to a permit to protect the interest of the permit concerned;
- Article 8.1, paragraph 1, of the Regional Port Bye-laws for the North Sea Canal Area 2019, and the Decree based thereon, which provide that Liquefied Natural Gas (LNG) is designated as a fuel that may only be bunkered with a permit from the Mayor and Aldermen;
- Article 8.2, paragraphs 1 and 2, of the Regional Port Bye-Laws for the North Sea Canal Area 2019, which provide that minimum requirements can be set for the permit and for the holder of the bunkering permit;
- Article 8.3, paragraphs 2 and 3, of the Regional Port Bye-Laws for the North Sea Canal Area 2019, and the Decree based thereon, which provide that the permit holder has a safety management system for the fuel LNG in place of which the proper functioning has been demonstrated by means of a recent audit in accordance with the audit protocol established by the International Association of Ports and Harbors (IAPH);
- Article 8.7, paragraphs 1, 2, and 3, of the Regional Port Bye-Laws for the North Sea Canal Area 2019, and the Decree based thereon, which provide that the LNG bunker checklist must be used when bunkering LNG;
- The Mandate, Power of Attorney, and Authorization Decree, 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 of the Municipality of Amsterdam;
- The Regional Port Bye-laws for the North Sea Canal Area 2019 Mandate Decree, number 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 Central Nautical Management Regional Port Bye-laws 2019 Mandate Decree, published in the Municipal Gazette of Velsen on 13 January 2020, with number 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:

- On the March 8, 2021, the undersigned applied for a permit for bunkering LNG, in relation to which the following relevant data were submitted:
- Name of the applicant : Mr. Manish Tyagi
- Company representative of : Bernhard Schulte Shipmanagement GmbH & Co. KG.
- With its registered office in : Vorsetzen 54, 20459 Hamburg, Germany
- KBO (CBE) Company number : HRA 100346
- The applicant has demonstrated that he has a safety management system of which the proper functioning has been demonstrated by means of a recent audit in accordance with the audit protocol established by the International Association of Ports and Harbors (IAPH);
- The LNG bunker ship Kairos has been registered by the applicant to operate under this permit;

- The LNG bunker ship Kairos has been included in the conducted audit in accordance with the audit protocol of the IAPH and it has been demonstrated that this ship can be safely deployed for the supply of LNG;

Has decided the following:

- I. In this Decree, in addition to the Regional Port Bye-laws for the North Sea Canal Area 2019, the following terms are defined as stated below:
 - a. Mayor and Aldermen: The Municipal Executive;
 - b. LNG Bunker Management Plan: A plan containing the (safety) procedures for the bunkering operation, including the procedures for simultaneous operations (SIMOPS) approved by a classification society.
 - c. LNG Bunkering Operation: All activities before, during and after the bunkering of LNG that are part of the safety procedure as described in the checklist for bunkering LNG (the LNG bunker checklist);
 - d. LNG Bunker Checklist: The checklist established by or on behalf of the IAPH and published on the IAPH website;
 - e. Notification Portal: The digital portal of the Director of the Central Nautical Management North Sea Canal Area for reports and notifications and for submitting permit applications. The portal can be accessed at www.portofamsterdam.com;
 - f. Near Miss: An undesirable event that under other circumstances could have resulted in an incident;
 - g. Reality Check: A check during the execution of the LNG bunkering operation whether the procedures of the safety management system are effective;
 - h. Terminal Information Sheet: Part of the LNG Bunker Checklist containing information for the terminal concerning the berth of the ship to be bunkered;
 - i. Safety Management System: A system that supports a company in operating effectively and safely in order to meet system and operational safety criteria; a system that ensures good performance with regard to safe operations by the company, or by companies involved in these operations, with respect to the prevention of safety or environmental incidents, and the improvement of the safety and environmental performance; a system supported by ICT, where appropriate.
- II. To grant the applicant a permit to bunker LNG fuel with the above-mentioned LNG bunker ship Kairos within the municipalities of Amsterdam, Velsen and Zaanstad.
- III. This permit also covers LNG bunker ships registered by the applicant of which the registration has been approved in writing by the Director of the Central Nautical Management North Sea Canal Area.
- IV. The permit will be granted for the period of July 8, 2021 to July 8, 2026.
- V. The application, including the information submitted in the application form, as referred to in article 8.3 of the Regional Port Bye-laws for the North Sea Canal Area 2019, is part of the permit.
- VI. The applicant, being the permit holder, is responsible to supervise compliance with the regulations attached to the permit.
- VII. The following regulations are attached to the permit:
 1. **Permitted LNG bunker activities**
 - a. This permit relates exclusively to the bunkering of LNG fuel from an LNG bunker ship to another ship.
 - b. The LNG bunkering operations take place at a location permitted by or on behalf of the Mayor and Aldermen in accordance with the regulations and restrictions, if any, attached to that location.

- c. The LNG bunkering operations take place in accordance with the provisions of the LNG bunker checklist.
- d. The LNG bunker ship maintains a continuous listening watch on VHF 14, call sign 'Port Information'.

2. Other regulations

- a. The LNG bunker ship has to moor at a berth within its operational area if so designated, unless mooring outside the operational area takes place with the permission of the Director of the Central Nautical Management North Sea Canal Area in response to a request to that effect made by the Skipper or Captain of the LNG bunker ship on VHF channel 14.
- b. Under no circumstances may methane be released into the atmosphere, either during or outside the LNG bunkering operation.
- c. The Terminal Information Sheet of the LNG bunker checklist must be fully completed and handed over to the person in charge at the terminal prior to the LNG bunkering operation.
- d. The LNG Bunker Checklist must be kept on board the ships involved in the LNG bunkering operation during and until at least 24 hours after the completion of the LNG bunkering operation.
- e. The permit holder ensures that no other simultaneous operations take place on the receiving ship during the LNG bunkering operation, unless these activities are specifically mentioned and approved of in a Bunker Management Plan of the LNG receiving vessel, approved by the classification society, with procedures for simultaneous operations during the LNG bunkering operation.

3. Notifications

- a. 24 hours prior to an LNG bunkering operation, a pre-notification must be given to the Director of the Central Nautical Management North Sea Canal Area through the port's notification portal. The pre-notification contains the items as listed on the notification portal of the Director of the Central Nautical Management North Sea Canal Area. Any changes to this notification must be reported to the Director of the Central Nautical Management North Sea Canal Area prior to commencement of the operations.
- b. The commencement and completion of the LNG bunkering must be reported to the Director of the Central Nautical Management North Sea Canal Area on VHF channel 14 ('Port Information').
- c. Simultaneous operations as referred to under 2.e must be reported in advance by telephone to the Director of the Central Nautical Management North Sea Canal Area (+312 0523 4600).
- d. Any events, incidents or near misses must be reported immediately by telephone to the Director of the Central Nautical Management North Sea Canal Area (+312 0523 4600).
- e. Potentially imminent danger to public safety must be immediately reported to the emergency services (call the emergency number 112), providing them with the information necessary for their action, as referred to in ADN marginal number 1.4.1.2.

4. Reporting

Every six months, the Director of the Central Nautical Management North Sea Canal Area must be provided with reports through a reporting form adopted by and available on request from the Director of the Central Nautical Management North Sea Canal Area. The report must include the following subjects:

- a. The number of LNG bunkering operations and with which LNG bunker ship these LNG bunkering operations have been carried out;

- b. The location at which the bunkering operations have taken place and which ships have been bunkered;
- c. The flow rate used and the temperature of the LNG bunkered;
- d. The volume (in m³) of each bunkering operation;
- e. The number of incidents;
- f. The number of near misses.

5. Closing provisions

- a. The permit holder must immediately report any changes to the provisions of this permit to the Director of the Central Nautical Management North Sea Canal Area.
- b. The Director of the Central Nautical Management North Sea Canal Area reserves the right to continue to monitor the functioning of the safety management system by means of reality checks during the term of the permit.
- c. If the outcome of the reality check, or if any other circumstance gives reason for it, the Director of the Central Nautical Management North Sea Canal Area may decide to withdraw or amend the permit.
- d. The Director of the Central Nautical Management North Sea Canal Area may at any time stop the LNG bunkering operations from the point of view of order, safety and the environment.

Non-compliance with one or more of the regulations of this permit is considered as a violation of the provisions under or pursuant to the Regional Port Bye-laws for the North Sea Canal Area 2019.

In that case, the permit holder's permit for bunkering LNG by LNG bunker ship, previously granted on behalf of the Mayor and Aldermen, will be cancelled.

Thus established on behalf of the Mayors and Aldermen of Amsterdam, Zaanstad and Velsen on July 8, 2021.

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. Mateyo

Please Note

In accordance with the Algemene Wet Bestuursrecht (the Dutch General Administrative Law Act), an interested party can lodge a notice of objection against a decision within six weeks after its publication. The notice of objection must be sent to the municipal authority concerned. The notice of objection must be sent to the following addresses: Burgemeester en Wethouders van Amsterdam, Postbus 202, 1000AE Amsterdam; Velsen, Postbus 465, 1970 AL IJmuiden; Zaanstad, Postbus 2000, 1500 GA Zaandam. The notice of objection must be signed and must contain at least the name and address of the person lodging the objection, the date, a description of the decision 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 Municipality of Amsterdam also enables you to lodge a digital objection through its website at www.amsterdam.nl/bezwaar/jb. For this option you will need a DigiD.

The notice of objection has no suspensive force. If, pending the objection procedure, the situation requires a suspension or immediate relief, an application to grant suspension or provisional relief can be submitted to the judge in preliminary relief proceedings of the Administrative-Law Sector of the Court of Haarlem, Postbus 1621, 2003 BR Haarlem if it concerns the permits of Velsen and Zaanstad; or to the judge in preliminary relief proceedings of the Administrative-Law Sector of the Court of Amsterdam, Parnassusweg 226, Postbus 75850, 1070 AW Amsterdam if it concerns the permit of Amsterdam. For this procedure, court fees are due. You can also submit the above application digitally at <http://loket.rechtspraak.nl/bestuursrecht>. For this option you will need a DigiD. Please visit the above-mentioned site for more information.