

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. 2021/38

Decree designating berths for

- 1. the bunkering of fuel oil, gas oil and diesel oil by bunker ship and for the transfer of lubricating oil by a ship to a seagoing ship**
- 2. the bunkering of gas oil and diesel oil by bunker ship and for the transfer of lubricating oil by a ship to an inland 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 8.1, paragraph 2, under b. of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 8.5, paragraph 2, under b. of the Regional Port Bye-laws for the North Sea Canal Area 2019, and;
- The Mandate, Power of Attorney, and Authorisation Decree, published on 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;

Having considered that:

- The Director of the Central Nautical Management North Sea Canal Area is authorised, on behalf of the Mayor and Aldermen of Amsterdam, to designate areas or berths where the bunkering of fuels or energy sources is permitted;
- The Director of the Central Nautical Management North Sea Canal Area is authorised, on behalf of the Mayor and Aldermen of Amsterdam, to designate areas or berths where the transfer of additives to a ship is permitted;
- The bunkering of fuels or energy sources may involve risks which can be reduced by prescribing that bunkering has to take place in designated areas or at designated berths;
- The transfer of additives to a ship may involve risks that can be reduced by prescribing that the transfer of additives to a ship has to take place in designated areas or at designated berths; and
- The reason that the Director of the Central Nautical Management North Sea Canal Area uses this authorisation is the safety and the environment in the port and its immediate surroundings.

Has decided the following:

I.

In the provisions under or pursuant to these Bye-laws, the following terms are defined as stated below:

- a. additives: materials necessary on board a seagoing ship for the operation of the propulsion or the auxiliary plant;
- b. auxiliary plant: machinery, equipment or installations on a ship which support the propulsion or provide the energy supply;
- c. bunkering: the supply of solid, liquid or gaseous fuels or the supply of any other energy source used for the propulsion of ships or for the general or specific energy supply on board ships;
- d. bunker ship: ship used for bunkering;

- e. inland ship: ship not being a seagoing ship, and;
- f. seagoing ship: a ship which, according to its construction, is intended exclusively or primarily for navigation at sea.

II.

To designate all the berths in the port of Amsterdam which are suitable and intended for the mooring of seagoing ships as berths for the bunkering by bunker ship of fuel oil, gas oil and diesel oil, or blends thereof, or for the transfer of lubricating oil as a additives to a ship by another ship.

III.

To designate all the berths in the port of Amsterdam which are suitable and intended for the mooring of inland ships as berths for the bunkering by bunker ship of gas oil and diesel oil, or blends thereof, or for the transfer of lubricating oil as a additives to a ship by another ship.

IV.

Decree No. 2021/26, of the Director of the Central Nautical Management North Sea Canal Area, dated 18 august 2021, will be cancelled.

V.

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).

VI.

This decree is cited as “Besluit aanwijzing ligplaatsen voor het bunkeren” (Decree designating berths for bunkering”).

Thus adopted on behalf of the Mayor and Aldermen of the Municipality of Amsterdam on 12th of october 2021.

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. Mateyo

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 addressed to: Burgemeester en Wethouders van Amsterdam, Postbus 202, 1000 AE AMSTERDAM. 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 by a third party, you are requested to submit an authorisation.

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 (a (digital personal identification)).

The notice of objection has no suspensive force. If, pending the objection procedure, the situation requires immediate relief, an application to grant suspension or provisional relief can be submitted to the judge in preliminary relief proceedings of the Rechtbank Amsterdam, Sector Bestuursrecht, afdeling lopende voorzieningen, Parnassusweg 226, Postbus 75850, 1070 AW Amsterdam.

You can also submit the above application digitally at <https://loket.rechtspraak.nl/bestuursrecht>. For this option you will need a DigiD (a (digital personal identification)). Please visit the above-mentioned site for more information.

Filing an application for provisional relief is subject to court fees.

Explanation

This Decree replaces CNB Decree 2021/26 because the old version contained an omission. The omission concerned the fact that no berths had been designated for the bunkering of gas oil and diesel oil or blends thereof by bunker ship as well as the transfer of lubricating oil by a ship to inland ships. This Decree rectifies this omission.

This Decree is necessary because the bunkering of fuels and consumable materials can pose safety and environmental risks to the surrounding area or other port users. To minimize these risks, berths are designated where such operations can safely take place. On the basis of this methodology, berths have to be designated for the bunkering of seagoing ships with fuel oil, gas oil, diesel oil, or blends thereof, by bunker ship, as well as for the transfer of lubricating oil by bunker ship. The above also applies to the bunkering of inland ships with fuel oil, gas oil, diesel oil, or blends thereof, by bunker ship, as well as to the transfer of lubricating oil. This Decree provides for this. A conscious choice has been made to designate those berths where seagoing and inland ships can be moored and where these operations have always been carried out safely.

The CNB Decree 2021/03 (<https://www.portofamsterdam.com/sites/default/files/2021-01/Bunkercontrolelijstbesluitfinal18januari.pdf>) established the bunker checklist for the bunkering of a seagoing ship with residual fuels, mineral oil distillates and blends thereof (all forms of fuel oil and diesel oil, including blends with biofuels) by bunker ship. The checklist referred to in this Decree is the checklist as referred to in the ISGOTT^[1] or the ISGINTT^[2]. This checklist also applies to the transfer of lubricating oil in bulk to a seagoing ship by a bunker ship.

For the sake of completeness, the following is noted:

Question 5 of this checklist provides that the barge or inland ship (this is the bunker ship) is safely moored. The explanatory notes to the ISGINTT checklist state that: *“Tankers should remain adequately secured in their moorings. Ranging of the tanker should be prevented by the correct positioning and keeping taut of all mooring wires and ropes. Particular attention should be given to possible movements of the tanker caused by wind, currents, tides or passing ships. Wires and ropes should not be used together in the same direction (i.e. as breast lines, spring lines, head or stern lines) because of the difference in their elastic properties. The use of automatic (self-tension) winches is prohibited. This function, if present, must be switched off. Means should be provided to enable quick and safe release of the tanker in case of an emergency. In ports where anchors are required to be used, special consideration should be given to this matter. Irrespective of the mooring method used, the emergency release operation should be agreed, taking into account the possible risks involved. Anchors not in use should be properly secured.”*

No check list is required for the bunkering of an inland ship by another inland ship. However, in accordance with article 3.4 of the Regional Port Bye-laws for the North Sea Canal Area 2019, ships must be properly moored at all times. This article applies to all ships and to all operations and therefore also applies during bunkering. Operations may be ordered to be stopped if a ship is not safely moored.

^[1] ISGOTT: : International Safety Guide for Oil Tankers and Terminals

^[2] ISGINTT: International Safety Guide for Inland Navigation Tank-barges and Terminals