

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. 2021/52

Decree adopting an Action Plan for seagoing ships the cargo of which has been fumigated with fumigants in a foreign port

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;
- The Mandate, Power of Attorney, and Authorization Decree, dated 14 January 2021, 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 Velsen.

Having considered that:

- The Director of the Central Nautical Management North Sea Canal Area, on behalf of the Mayor and Aldermen of Velsen, has been authorised to adopt an Action Plan for the nautical and operational handling of a ship the cargo of which has been treated with a fumigant in a foreign port;
- Seagoing ships, the cargo of which has been treated with a fumigant in a foreign port, moor in the port of Velsen;
- On arrival in the port of Velsen, 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 rules 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;
- This Decree applies to the ports in the North Sea Canal Area that are located within the municipality of Velsen;
- The motives for this Decree are the environment and safety in the port.

Has decided the following:

I.

To adopt the Action Plan, dated 26 November 2020, for the handling of seagoing ships the cargoes of which have been fumigated with fumigants in a foreign port. The Action Plan has been included in Appendix 1 to this Decree.

II.

This Decree enters into force one day after its publication.

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

III.

This Decree may be cited as 'Decree adopting an Action Plan for seagoing ships the cargo of which has been fumigated with fumigants in a foreign port'.

Thus established on behalf of the Mayor and Aldermen of Velsen on 07 December 2021.

The Director of the Central Nautical Management North Sea Canal Area



J.H.M. Mateyo

Explanation

Seagoing ships the cargo of which has been fumigated with fumigants in a foreign port moor in the municipality of Velsen.

No (inter)national legislation and regulations apply to the handling of these seagoing ships and that is why a regulation has been included in the Regional Port Bye-laws for the North Sea Canal Area 2019. This is in contrast to fumigations carried out in the Netherlands. Fumigations in the Netherlands fall under the scope of the Plant Protection Products and Biocides Act. The purpose of the Action Plan is to guarantee safety and the environment in the port and its surrounding areas.

This Action Plan has been drawn up by the Director of the Central Nautical Management North Sea Canal Area for the municipality of Amsterdam and the (State) Harbour Master of Rotterdam. The Action Plan 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 ('Het Comité'). Because this Action Plan has now also been adopted by the municipality of Velsen, the seaports of Rotterdam, Amsterdam and Velsen have an identical Action Plan for the handling of these types of ships.

This Action Plan only applies to seagoing ships the cargo of which has been fumigated with phosphine in a foreign port.

Finally, the transport of cargo fumigated with fumigants carried in containers on board seagoing ships has been regulated in the IMDG Code¹; the transport of cargo fumigated with fumigants carried in containers on board inland ships has been regulated in the ADN², including labelling. The handling of containerised cargo does not fall within the scope of this Decree.

¹ International Maritime Dangerous Goods Code

² European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways