Relation to other regulations
The provisions in the Port Bye-Laws are supplementary to higher legislation such as government regulations, in particular the *Binnenvaartpolitiereglement* (Inland Waterways Police Regulations), the *Regeling melding en communicatie scheepvaart* (Notification and Communication of Shipping Regulations), the *Regeling vervoer gevaarlijke stoffen met zeeschepen* (Carriage of Dangerous Goods by Seagoing Ships Regulations), the *Wet voorkoming verontreiniging door schepen* (Prevention of Pollution from Ships Act), the *Wet algemene bepalingen omgevingsrecht* (Environmental Permitting General Provisions Act) and European regulations such as the *Europees Verdrag inzake het internationaal vervoer van gevaarlijke stoffen over de binnenwateren* (European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways).

Explanatory notes on individual articles
Explanatory notes on individual articles are given below. Please note that not all articles have explanatory notes. Only those articles that require explanation are provided with explanatory notes.

Section 1 General provisions

Article 1.1 Definitions
The definitions used in the Port Bye-Laws that require explanation have been incorporated in article 1.1. Definitions have been aligned as much as possible with those used in national and international legislation.
A number of definitions are explained below.

Dangerous goods
The definition of dangerous goods is based on the classification used in international transport legislation, using the criterion of safety during transport and handling. Dangerous goods are all the substances listed as such in the above-mentioned transport legislation.

The distinction between dangerous goods and harmful substances (see below) is important for the application of various articles in these Bye-laws. A substance carried as cargo can be either dangerous or harmful (in the sense of having a polluting effect on the marine environment), but a substance can also be dangerous as well as harmful. Edible oil carried in bulk in a tanker, for example, is a harmful but not a dangerous good. Petrol carried in bulk in a tanker is a harmful as well as a dangerous good, whereas petrol carried in a tank container is only a dangerous good.

Port
This is an interpretation of the definition of ‘port’. The definition must be read in conjunction with article 1.2 of the Port Bye-laws. The Bye-Laws apply in the port.

Harbour Master

The definition ‘Harbour Master’ means the public law officer appointed by the Mayor and Aldermen as Harbour Master. The Harbour Master is the authority who supervises the order, the environment, and the safety in the port insofar as (s)he has been mandated for these tasks or is authorised pursuant to the Port Bye-Laws.

Inert atmosphere
This is an atmosphere of such a nature that no explosive mixture can form when mixed with air and in which the volume percentage of oxygen and hydrocarbon gas complies with the relevant IMO requirements.

Captain and skipper
The Captain or Skipper is the person who is actually in command of a ship. Officially (according to official documentation), this will be the Captain, but it may also be a person deputising for the Captain, or a crew member who is actually in command at that time. The definitions ‘Captain’ and ‘Skipper’ are relevant to article 1.3, which states that the provisions laid down under or pursuant to these Bye-Laws are (in principle) applicable to the Skipper or the Captain, unless another person has been designated as the party to which these Bye-Laws apply.

Degassing facility
Both in a national and international context, regulations are laid down which in the coming years will restrict degassing into the atmosphere of cargo tanks containing dangerous vapours. This means that ships will have to dispose of dangerous vapours from their cargo tanks in a different way, namely by means of a degassing facility.
Degassing by means of a degassing facility may take place either at a fixed location or at a mobile location (e.g. on a ship). The Harbour Master may grant a permit to degassing facilities not covered by an establishment's environmental permit.

Open cleaning and closed cleaning
The Bye-laws distinguish between open and closed cleaning. This was done in order to ensure that the articles regarding the cleaning of cargo tanks clearly indicate when vapours of certain dangerous goods may be ventilated into the atmosphere.

Volatile organic compounds
In this definition, an organic compound is understood to mean a compound that contains at least the element carbon and in addition one or more of the following elements: hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides, inorganic carbonates and bicarbonates.

Harmful substances
This definition refers solely to the *Wet voorkoming verontreiniging door schepen* (Prevention of Pollution from Ships Act). All harmful substances are designated by this Act. For this reason, the Mayor and Aldermen do not need to designate these substances in more detail, as was previously the case.

Ship-generated waste
‘Ship-generated waste’ is defined as the waste generated by a ship during its regular operation. Specifically mentioned are oil waste from the engine room, household waste water, domestic waste, small dangerous waste, and ozone-depleting substances which are

found in, for example, old fire extinguishers. In addition, the term ‘ship-generated waste’ includes cargo-related waste, such as dunnage and packaging material. Cargo residues, both dry and wet, are substances left behind after the cargo has been unloaded and do not fall under this definition.

Seagoing ship
With regard to the term ‘seagoing ship’ it should be noted that ships which have the required documents to sail both on inland waterways and at sea (the so-called *binnen-buitenschepen* or sea-river ships) are considered to be seagoing ships on the ground of this definition.

Volatile organic compounds
The definition ‘volatile organic compounds' states what substances are included in the term volatile organic compounds.

Article 1.2 Where do these regulations apply
These Bye-laws apply in port. See also the explanation of the definition of ‘port’ which is important for determining the scope of the application.

The area of application is not limited to the waters of the port as defined in the definition, but also extends to all structures, quays and quay walls belonging to the port. It may be self-evident that order and safety can also be adversely affected from the shore.

Article 1.3 To whom do these Bye-laws apply?
The provisions of these Bye-laws apply in principle to the Captain or the Skipper. Some articles in the Bye-laws, however, explicitly state that ‘persons’ or ‘any person’ must comply with the provisions (e.g. the article that forbids securing of a ship by non-owners, or rules out the possibility of anyone working on a ship).

Article 1.5 Regulations and restrictions
Violations of the provisions laid down under or pursuant to these Bye-laws may be punished. This also applies to violation of the regulations or restrictions attached to an authorisation.

Article 1.7 Period of validity
An authorisation granted for a one-off action or act will be granted for the duration of that action or act. The period is specified in the exemption and is related to the application. An authorisation may be granted for a maximum period of five years. Paragraph 2 provides that the accreditation for a boatmen's organisation may be granted for an indefinite period of time. In urgent cases, an exemption for a one-off action or act may be granted verbally by the Mayor and Aldermen. After a verbal grant, the exemption will be put in writing as soon as possible.

Article 1.9 Exemptions from orders and prohibitions
Possibilities for exemption have not been included in the articles of the Port Bye-laws and the regulations themselves. The general possibility of granting exemptions from the orders and prohibitions in the Bye-laws is sufficient. The possibility of granting exemptions is not limited. However, the condition is that the applicant - and not the Mayor and Aldermen - must be able to demonstrate that the conditions stated in article 1.9 are guaranteed.

Article 1.10 Notification to the Harbour Master
In various articles in these Bye-laws has been regulated which acts are subject to a notification obligation. The manner in which, the information to be included in, and the time when this notification must be submitted, is regulated by a separate Decree of the Harbour Master.

Section 3 Order in and use of the port

Article 3.1 Traffic signs, and Notices with the same purpose as a traffic sign
The *Binnenvaartpolitiereglement* (Inland Navigation Police Regulations) provides for a uniform system of traffic signs for the Netherlands. In order not to interfere with this system, this article lays down that the Mayor and Aldermen will use the same signs for the purpose of order in the port. Where the BPR regulates traffic handling, these Bye-laws regulate the use of the port from the point of view of certain interests, such as the environment, order, and safety. This article ensures that use of the BPR signs is made compulsory thereby creating uniformity in traffic signs. The legal basis for the signs, however, may be a different one.

Article 3.2 Designation of berthing areas and berthing periods
Broadly speaking, this article regulates that the Mayor and Aldermen are authorised to designate areas in which certain categories of ships are or are not permitted to be. Where appropriate, it is more practical to indicate which categories of ships are permitted to be in a particular area. Ships may also be permitted to be there for a certain period of time. This will require Decrees in which, for example, pleasure craft are prevented from entering harbour basins.

Article 3.3 - Berthing
Berthing also includes anchoring or using spud poles at designated anchorages.

Part d. relates to public berths specifically designated by the Mayor and Aldermen for tankers loaded with or empty of liquid dangerous or harmful substances in bulk. This paragraph is necessary because the berthing of these ships is, in principle, prohibited at public berths not designated for that purpose. The public berths referred to may be buoys, dolphins, or public quays. This part of article 3.3 therefore refers to article 6.1 which regulates berth designation.

Part e. mentions the exception, i.e., when a ship has a specific berthing permit and/or exemption. This may be a specific berthing permit or an exemption issued by the Mayor and Aldermen, but it may also be a berthing permit issued by another competent authority, such as Rijkswaterstaat. An example of this are the permanent berths for bunker ships.

Article 3.4 Proper mooring
The article deliberately does not define what is meant by being moored properly and safely. Good seamanship and existing guidelines, such as the Oil Companies International Marine Forum (OCIMF) Guidelines on Mooring, provide guidance on how a particular type of ship should be moored and leave the responsibility for mooring primarily with the Captain or Skipper.

In practice, however, it sometimes happens that a ship is being moored with only one spring line after which unloading or loading operations commence. This creates the risk of cargo being spilled into the surface water or may cause material damage to the ship or the port infrastructure. By including the obligation to being moored properly, action can be taken against improper mooring situations as above. Ships should be moored in such a way that no forward or aft movements can occur and damage, other than caused by human action, is prevented. It must be noted though, that movements due to waves or wind cannot be avoided.

Article 3.5 Raising of ships
On the basis of this article, ships may be raised-up if certain conditions are complied with. The previous Port Regulations contained a prohibition on raising-up. Due to a lack of clarity about the Dutch term *opvijzelen* (raising-up), it was decided to use the Dutch term *omhoog brengen*, which actually has the same meaning and can also be translated as 'raising-up'. It has also been decided that the regulation will no longer only apply to a drilling rig, a production platform, or a similar object (hereinafter: production platform), but also to ships in general (a term which also includes drilling platforms, etc.). Under Article 1.1, the specific objects falling under the term 'ship' have been included.

The Mayor and Aldermen may designate areas where raising-up is possible. Areas can be designated if, for example, there are no underground cables nearby or no other circumstances (safety, underwater infrastructure, etc.) that make raising-up activities impossible.
If a ship is at a shipyard or at a repair facility, the raising-up prohibition does not apply insofar as these activities fall within the scope of the permit issued under the terms of the *Wet algemene bepalingen omgevingsrecht* (Environmental Permitting General Provisions Act).

Article 3.6 Use of propulsion systems, bow thrusters, or stern thrusters
This article aims to protect the underwater infrastructure in the port. A number of engineering structures, cables, tunnels, pipelines, quays and underwater pipelines lie in, under and along the perimeter of the port. The use of propulsion systems (propellers), bow thrusters or stern thrusters may cause damage to the above-mentioned technical provisions if used for purposes other than manoeuvring to or from a berth.

A ship may also not use its propulsion systems, bow thrusters or stern thrusters if it lies on spud poles or if it is maintaining a stationary position; a ship may also not use its propulsion system, bow thrusters, or stern thrusters to push it against the quay or against the canal or river bank other than necessary immediately prior to mooring or unmooring; The reason for this prohibition lies in the fact that it has become apparent that users of the port can cause dangerous situations. Also, the testing of propulsion systems, bow thrusters or stern thrusters, as well as the actions undertaken by a ship when trying to free itself when grounded, can cause major damage.

The use of its propulsion system, bow or stern thrusters by a ship moored alongside another ship to prevent damage poses a negligible risk to the port infrastructure and is therefore acceptable in view of the often difficult berthing situation and the need to prevent direct damage.

Article 3.7 Use of anchors and spud poles

Infrastructure facilities, such as bed protection, pipe lines, and cables can be found in many places in the underwater subsoil of the port. The use of anchors or spud poles without prior knowledge of the locations of these infrastructure facilities may result in damage to these facilities. The Mayor and Aldermen may therefore designate areas, place traffic signs, or issue Decrees with the same purpose as traffic signs, if it has been proven that the use of anchors and spud poles does not cause damage.
The use of anchors and spud poles is only permitted if this does not cause damage to the infrastructure, to the underground infrastructure and facilities in the subsoil, to bank protection, or to protective structures for quays. It is also possible to intervene early if anchors or spud poles are used where damage may occur.

Article 3.11 Operational spaces for berths
The Mayor and Aldermen may allocate an operational space to a berth. This is an area on the water delimited in three dimensions (length, width and depth) in which ships may be berthed to carry out their activities. The boundaries of the operational space are determined in such a way that the owner of the berth will be able to handle all his regular shipping calls under practically all circumstances; the boundaries will also guarantee sufficient manoeuvring space for the arrival and departure of ships at neighbouring berths.

Paragraph 2 of this article refers to the term ‘nautical use’, which means, among other things, the way in which a ship has to be moored, or the required under keel clearance. ‘Nautical use’ does not include operational actions, such as transshipment of cargo, bunkering or allowing a ship to be berthed on the basis of the properties of the cargo.
The responsibility for compliance with paragraph 3 of this article is placed on the tenant, leaseholder, or owner (i.e., the manager) of the mooring facility at which the berth is located because this party not only knows what ships are expected at the berth in question, but also has the power to intervene due to the fact that this party is the owner of the stretch of water that belongs to the berth.

In paragraph 4 of this article, an exception is made for bunker ships or service ships, which allows them to carry out their activities outside the operational space. In view of the relatively short-term nature of these activities, it has been decided that in such a case, bunker ships and service ships will have to submit an operational notification to the Harbour Master. The Harbour Master can check or monitor whether bunker ships or service ships occupy areas outside the boundaries of the operational space and, if so, determine whether this will obstruct the handling of shipping traffic. No authorisation is required for these activities. If applicable, the notification may give the Harbour Master cause to issue an instruction, for example, to postpone the activity.

Article 3.12 Measures following withdrawal from commercial service
This article has been included in the Bye-laws to prevent ships either from being withdrawn from commercial service (being ‘laid-up’) by their owners, or from being involuntarily withdrawn from commercial service due to the fact that ships have been seized or have been put under a ‘no sail’ order.

A ship which has been laid up often has a minimum number of crew members on board. This is done to reduce costs and to ensure that the minimum maintenance required on board can be carried out. If a ship has been seized or has been put under a ‘no sail’ order, part of the

crew may also be removed from the ship because of the duration of the seizure order or the ‘no sail’ order.

In the event of a dangerous situation in the port, every ship berthed in the port must at all times be able to immediately shift berth under its own power or with the assistance of tugs. In addition, every ship must see to it that it is always soundly moored.

Article 3.12 makes it possible to impose effective measures on the Captain, the Skipper, or the Operator of the ship to permanently safeguard order, safety, and the environment with regard to the ship and its surrounding area. Such measures may involve the setting of a requirement for a minimum number of crew members.

Article 3.13 Mooring and unmooring seagoing ships
To ensure safety, the Port Bye-laws require that mooring and unmooring of ships must be carried out by professionals. These professionals are the boatmen. To guarantee the quality in the long term, accreditation of boatmen's organisations is provided for. Accreditation means that the organisation complies with the requirements with regard to the availability and professional competence of the boatmen deployed by the organisation.

Article 3.15 Accreditation requirements for boatmen's organisations
The requirements for mooring boats used by boatmen for mooring and unmooring seagoing ships have been modernised at a national level and have been incorporated in the Dutch standard NEN 8431-cat. B. In this standard, international requirements have been incorporated as far as possible. These include international requirements from the EU Recreational Craft Directive, the EU Inland Waterways Directive and the ISO small craft standards and safety requirements. These standards are up to date and internationally accepted; it is therefore important that mooring boats comply with them to be able to sail and operate safely. A transitional period applies to existing mooring boats. From 1 January 2028, all mooring boats must comply with the new standard. What is also new is that a copy or digital copy of the certification document for inland ships may be shown instead of the paper version. This certification document is equivalent to a seagoing ship’s Certificate of Seaworthiness.

Section 4 Safety and the Environment in the Port

Article 4.1 Pollution and nuisance caused by ships
This article has been included in the context of making a contribution to improving the noise and air quality or the local noise and air quality in the port. The prohibition set out in paragraph 1 is limited to acts that take place on board a ship. Shore-based acts fall outside these provisions. Shore-based acts are regulated by environmental laws and regulations.

The use of waste incinerators on board ships is prohibited to prevent danger, damage and nuisance to the surrounding area. Any waste on board can be delivered to the appropriate port waste collection organisation.

Article 4.2 Prohibition to use a generator, main engine and auxiliary engine
This article has been included in the context of making a contribution to improving the noise and air quality or local noise and air quality in the port. In areas to be designated by the Mayor and Aldermen it is prohibited to use a generator, main and auxiliary engine

immediately after mooring. These designated areas will generally lie in or near areas which are sensitive to nuisance, such as residential areas.

In areas sensitive to nuisance, berths are often equipped with connections where inland ships can make use of shore-side electricity. Inland ships are not obliged to make use of shore-side electricity. Ships moored at berths in areas sensitive to nuisance can also opt to use other clean sources of electrical power on board their ship, such as batteries.

Article 4.3 Ships causing danger, damage or nuisance
The admission policy for ships underway is regulated by the *Scheepvaartverkeerswet* (Shipping Traffic Act). Article 4.3 regulates good port management and also provides for the possibility to intervene when ships cause or are likely to cause serious danger, damage or nuisance or significant effects on order.

The measures to be taken can be of a far-reaching or a more or less far-reaching nature and may involve a wide variety of measures, depending on what the measures are aimed at. These include measures for when a ship is on fire, in danger of sinking, or is leaking dangerous goods. The measures may range from making emergency arrangements on board the ship in question to - in extreme cases - prohibiting the ship from entering or staying in port.

Article 4.4 Safe access
Safe access is described in the SOLAS regulations, the *Arboregelgeving* (working conditions legislation), and the *Regeling vervoer gevaarlijke stoffen met zeeschepen* (Carriage of Dangerous Goods by Seagoing Ships Regulations). These regulations describe what is meant by ‘safe access’.

Paragraph 2 makes an exception for inland ships. For inland ships, a means of access to the ship while loading or unloading activities are taking place may actually endanger safety. An inland ship is not required to set up a safe access if it is moored for only a short period of time, e.g. during bunkering or the loading/unloading of its car.

Article 4.5 Carrying out activities
Major repairs to ships usually take place at or near a shipyard or in a dock. Small repairs are often carried out on board by the ship's crew, by a repair company or by the stevedoring staff. Carrying out repairs can be dangerous. The article, therefore, is addressed to everyone.

In order to prevent minor ship repairs outside a shipyard or a ship repair yard from becoming major and long-term repairs with inherent safety risks, paragraph 1.b. states that the duration of the repairs outside a shipyard or a ship repair yard may not exceed seven consecutive days, i.e., not in time blocks consisting of one or more days. That would not be enforceable. Paragraph 1 also applies to the operational readiness of the ship. Activities on, for example, the propulsion system may not result in the obstruction of the ship's operational readiness for a period of more than seven days. Furthermore, the prohibition of open flame and creation of sparks in oil port areas, which has been regulated elsewhere, remains in full force during the carrying out of activities.

The term ‘tanker’ referred to in paragraph 2 is also understood to mean a combination carrier which has been converted to a bulk carrier and is now only suitable for the transport of dry cargo. Practice has shown that such ships, which can be converted from one type to another, may contain residues of previous liquid cargoes. These residues may lead to undesirable, dangerous situations when activities involving fire are carried out.

Activities on an LNG installation are permitted with an exemption. The exemption may be subject to conditions to ensure order, safety, or environmental safety. This type of activities may be so dangerous that a single notification is not adequate.

Ship demolition activities are regulated in paragraph 4. ‘Ship demolition’ means the dismantling of the ship's structure. Ship demolition implies specific activities which are not carried out for the purpose of repairing the ~~ship..~~ship.

Article 4.6 Fumigation
The power included in paragraph 1 covers the designation of berths for ships being treated with a fumigant in the Netherlands. Fumigation of ships in the Netherlands is regulated by the *Wet gewasbeschermingsmiddelen en biociden* (Plant Protection Products and Biocides Act).

Article 4.7 Cargo fumigated in a foreign port
Article 4.7 applies to ships calling at the port which have been loaded in a foreign country with cargo which has been fumigated either there or during the voyage.
Ships with solid bulk cargoes which still have an excessively high concentration of fumigant in the cargo must, when entering the port, act in accordance with an Action Plan adopted by the Mayor and Aldermen. The Action Plan describes the measures to be taken in order to guarantee in particular safety and the environment on board the ship and in the ship's surrounding area during the period that the cargo is insufficiently free from fumigants.
The Action Plan places great responsibility on the Fumigator. Article 4.7, paragraph 2, places the responsibility for compliance with the Action Plan on ‘all persons’. This makes it possible to address the person who, on the basis of the Action Plan, actually carries out the activities or has them carried out.

Article 4.8 Permit for the reception of waste from seagoing ships
The use of a reception facility for ships is regulated in the *Wet voorkoming verontreiniging door schepen* (Prevention of Pollution from Ships Act). The Harbour Master can designate reception facilities on the basis of this Act. That is what this provision provides for. The following tree groups of companies may be eligible for a permit: transshipment terminals and ship repair yards; companies with a permanent shore-based installation to receive and (where applicable) treat, process, or destroy the harmful substances offered; and, finally, companies or transport companies which collect waste by using exclusively mobile facilities such as barges (lighters) or vehicles.

The Explanatory Memorandum to the *Wet voorkoming verontreiniging door schepen* (Prevention of Pollution from Ships Act) shows that an overlap with the permit requirement for a collection permit in accordance with the *Wet algemene bepalingen omgevingsrecht* (Environmental Permitting General Provisions Act) is considered undesirable by the legislator. When amending the *Wet algemene bepalingen omgevingsrecht* (Environmental Permitting General Provisions Act), the legislator explicitly chose to regulate the issue of which parties are authorised to collect ship-generated waste in the *Wet algemene bepalingen*

omgevingsrecht (Environmental Permitting General Provisions Act). Only companies that have a permit based on this Act are authorised to collect ship-generated waste from seagoing ships. The port authority may, however, use the permit as a policy instrument to issue further instructions to companies that collect ship-generated waste in the port. These further instructions may consist of operational and administrative regulations to ensure a good logistics infrastructure in the port.

A transshipment terminal or a ship repair yard which has been designated (i.e., been granted a permit) to receive waste may only accept ship-generated waste from seagoing ships which are being loaded, unloaded or repaired at the company's facility. It is self-evident that companies of which the main business is to receive, treat, process or destruct waste as their main business activity are, on the basis of the Harbour Master's designation, obliged to accept all designated harmful waste. Transport companies without a permanent shore-based establishment for the storage, treatment or processing of waste are also eligible for a designation, provided that they are entitled to collect or store dangerous waste in accordance with environmental legislation. On the basis of the designation, these companies are obliged to deliver the collected ship-generated waste to a company which has been authorised to treat, process or destroy these materials in accordance with environmental legislation.
The permit laid down in the Port Bye-Laws therefore has a different purpose and is additional to the waste collection permit under the *Wet algemene bepalingen omgevingsrecht* (Environmental Permitting General Provisions Act).

Article 4.9 Minimum requirements for permits for the reception of waste from seagoing ships
European Regulation (EU) 2017/352 lays down the requirements for granting permits to companies with a waste reception facility. The above permit requirements, which are imposed by the port, are included in these Bye-laws.

Article 4.10 Permit for a mobile degassing facility
Mobile degassing facilities operating on the water that provide their services to ships and do not fall under an environmental permit may only do so with a permit from the Mayor and Aldermen. The requirements set by the Mayor and Aldermen for mobile degassing facilities used by such companies correspond as closely as possible to the requirements which apply to shore-based installations.
Mobile degassing facilities operating ashore are subject to the environmental permit of the relevant shore-based company

Article 4.11 Cleaning and ventilation of cargo tanks or slop tanks of tankers
Broadly speaking, this article regulates that cleaning of tanks, including the use of a degassing installation, must take place in a safe and environmentally sound manner. Limiting emissions is an important aspect of this article. Only the unavoidable release of a small amount of gas when the cargo tanks or slop tanks are opened is permitted.

Paragraph 1, under b., regulates that open cleaning of tanks empty of so-called odoriferous substances listed in Annex 1 not falling under the provisions of a. and c. is prohibited
Paragraph 4, under a. regulates that ventilating is permitted if the atmosphere in the tank is below 10% of the lower explosive limit (LEL). This percentage is in line with the provisions of the ADN and the CDNI.

Broadly speaking, paragraph 7 regulates that the cleaning of substances as referred to in article 4.11, paragraph 1, and paragraph 4, which also includes opening or ventilating cargo tanks after cleaning, may be restricted or prohibited by the Mayor and Aldermen if atmospheric conditions make this necessary. The Harbour Master and the environmental authorities have made agreements on this which are based on weather alerts.

Section 5 Oil port areas

Article 5.2 Ships permitted in an oil port area

In view of the risks posed by dangerous goods, only certain ships or activities are permitted in oil port areas.
Part f. provides that ships (ships in general, not specific ships) are permitted to pass through oil port areas if this is necessary for them to reach their destination. A condition for this is that ships keep a wide berth from other ships in the oil port area and choose the shortest route without any stopping or unnecessary stopping.
The intention of article 5.2 is that ships may only be in an oil port area for the purpose of carrying out certain activities; they are not permitted to berth there for longer periods of time.

Article 5.3 Open flame, smoking and creation of sparks prohibited

These prohibitions concern activities that are not appropriate in designated oil port areas. Open flame and smoking, including electronic cigarettes (e-cigarettes), are prohibited on board ships in an oil port area.

Article 5.4 Tankers carrying dangerous goods

Tankers are allowed to berth outside oil port areas if they meet certain conditions. If the ship's tanks are under inert gas, this article not only applies to seagoing tankers but also to inland tankers.
Part b. states what substances may be carried by ships that are allowed to berth outside an oil port area. In addition to the substances mentioned, it concerns harmful substances that are not also dangerous goods.

Article 5.5 Inland tankers carrying dangerous goods

Articles 5.5, 5.6 and 5.7 deal with the same subject, but relate to different types of ships. With regard to the different types of ships in view of their construction, their cargo or amount of cargo, different conditions have been declared to apply for each type of ship.
In article 5.5, part a., under II, the Dutch term *vaste locatie* (fixed location) has been replaced by *inrichting* (establishment). The term ‘fixed location’ means an establishment as referred to in the *Wet algemene bepalingen omgevingsrecht* (Dutch Environmental Permitting General Provisions Act). The term 'establishment' is defined in article 1. The use of the term ‘establishment’ in part II more clearly expresses the intention of the regulation.

Article 5.6 Seagoing tankers carrying dangerous goods

Seagoing tankers may only be berthed outside an oil port area if all the conditions as set out in paragraph 1 are complied with. The Gas Expert Declaration issued by a Gas Expert is therefore always necessary.

Article 5.7 Combination carriers carrying dangerous goods

Combination carriers may only be berthed outside an oil port area if all the conditions as set out in paragraph 1 are complied with. The Gas Expert Declaration issued by a Gas Expert is therefore always necessary.

Section 6 Transshipment of liquid dangerous or harmful substances in bulk

Article 6.1 Berth designation for tankers

This article makes provisions to fill the policy gap with regard to the berthing of tankers loaded with or empty of liquid dangerous and harmful substances in bulk at public berths. The Mayor and Aldermen may use their authority to maintain order in the port for the designation of public berths where these ships can be berthed in a safe and responsible way.

The provisions of this article therefore fill the policy gap for seagoing tankers, but the provisions are not confined to the activity of waiting. Also activities such as cleaning, repairing and transshipment fall within the scope of this article and this applies to both seagoing and inland tankers.
When designating public berths, the Mayor and Aldermen take into account aspects, such as external safety and environmental impact in relation to the nature and quantities of dangerous and harmful substances, as well as the activities carried out by the ships, such as cleaning, repairing and cargo handling. The nature and quantities of dangerous and harmful substances play a role in the designation.
The operational environmental and safety regulations and restrictions subsequently imposed on these activities are regulated under or pursuant to these Port Bye-laws.

Article 6.2 Checklist for the transshipment of liquid dangerous or harmful substances in bulk

Before transshipment of liquid dangerous or harmful substances to or from a seagoing tanker or between tankers, the persons responsible for the transshipment (this will be the Captain on seagoing tankers, the Skipper on inland tankers, and the Operator if it concerns an establishment) must check and complete a checklist. The checklist referred to here has been included in the International Safety Guide for Oil Tankers and Terminals, (ISGOTT) published by the International Chamber of Shipping (International Association of Ports and Harbors (IAPH), the International Safety Guide for Inland Navigation Tank-barges and Terminals (ISGINTT) and the Ship to Ship Transfer Guide for Petroleum (StSTGP). No reference is made to a specific edition of these guidelines. The latest editions of these guidelines must always be used.

These internationally recognised checklists are used all over the world for transshipment operations to and from a ship. The advantage of using these internationally recognised checklists is that the responsible parties in seagoing and inland tanker shipping as well as the establishments are familiar with their use and always up-to-date with the latest version that has to be used.
After the checklist has been signed, the parties are obliged to work according to it.

Article 6.3 Other regulations for the transshipment of liquid dangerous goods in bulk

Broadly speaking, this article regulates the handling of liquid dangerous goods in bulk in a safe and environmentally sound manner. Limiting emissions is an important aspect of this article.

This entire article focusses on the ship and it is the ship to which the provisions of this article apply. It does not matter whether the ship is berthed at a public berth or at a mooring facility belonging to a berth of an establishment subject to an environmental permit.

The safety regulations for transshipment between an inland tanker and an establishment are laid down in the ADN. For this type of transshipment, there is no need to incorporate additional regulation in the Port Bye-laws.

If transhipment of dangerous or harmful substances takes place between ships, a vapour return line must be used. The International Bulk Chemical Code lays down that seagoing tankers are required to have a tank with a vapour return connection for the transport of certain substances. The ADN states that inland tankers are required to carry certain substances in closed tanks. However, these international regulations do not explicitly prescribe the use of a vapour return line during the transshipment of these substances. The use of vapour return lines during the transshipment of these dangerous or harmful substances is in the interest of environmental safety in the port and for this reason the use of it is made compulsory in paragraph 5.
Vapour return lines must be used to prevent, in particular, odour nuisance or risk to the environment due to the harmful nature of these substances. The last category for which the use of vapour return lines is compulsory is the category of volatile organic compounds. If, under the *Wet algemene bepalingen omgevingsrecht* (Environmental Permitting General Provisions Act), individual permits are granted to establishments or shore-based establishments which handle environmentally dangerous goods, closed handling of these substances is made compulsory by the permit authority.

The other provisions in this article are also aimed at controlling the risks involved.

Section 7 Zoning regulations for ships carrying dangerous goods in packaged form or in bulk

Article 7.1 Mooring prohibition for ships carrying dangerous goods in packaged form
The article lays down the prohibition to berth a ship loaded with a dangerous substance in packaged form within a certain distance (as specified in the Annex) from a vulnerable object. If a certain quantity of substances listed in the IMDG Code is carried in packaged form on board a ship, the Annex shows the obligatory distance from a vulnerable object when allocating a berth. See also the explanatory notes to this Annex.

Paragraph 8 Bunkering and the transfer of additives to or from a ship

General explanation
Chapter 8 contains regulations for the energy supply on board ships. The application of non-renewable energy and renewable energy in shipping has experienced rapid growth over the past few years. This chapter takes this rapid growth into account and therefore does not specify the various types of fuel. This wording ensures that the articles are future-proof.
The port wants to contribute to a clean environment. This is done by imposing requirements on the suppliers of new, clean fuels by means of a bunker permit or a additives permit. This ensures that these permits are in line with the minimum requirements laid down in the European Seaport Regulation (EU) 2017/352.

Article 8.1 Bunkering

Paragraph 6 permits, under certain conditions, simultaneous operations during the bunkering of LNG. Activities that are carried out simultaneously with an LNG bunkering operation, such as cargo operations, bunkering operations involving other fuels or lubricating oils, cleaning and repair operations, may pose risks. The 'ISO TS 18683 guidelines for systems and installations for supply of LNG as fuel to ships' and various best practice guidelines state that simultaneous operations can only be justified if a risk assessment has been carried out which shows whether, and under which conditions, simultaneous operations can be carried out in a safe and responsible way. The result of this risk assessment will be incorporated in the operational documentation approved by the flag state, such as the bunker management plan, for the LNG-powered ship. The parties involved in the bunkering operation must comply with the provisions and restrictions stated in the operational documentation. Only those actions included in the operational documentation may take place during the bunkering of LNG.

Article 8.4 Regulations for ships alongside during bunkering

In Article 8.4 the Mayor and Aldermen may impose restrictions on ships berthed alongside a ship being bunkered. Article 8.4 aims to control the risks posed by energy carriers, future energy carriers, and fuels to the ships that are berthed alongside a ship being bunkered.