

NON AUTHORITATIVE TRANSLATION

Warning: Notwithstanding great care has been taken in translating the Dutch text, differences between the English and Dutch text may occur.

In cases of disputes or discrepancies the Dutch text shall prevail.

The use of spud poles

Regulations for the use of spud poles on governmental waters (i.e. the waters managed by the central government) can be found in the Binnenvaartpolitiereglement (Inland Navigation Police Regulations) (BPR). Regulations for the use of spud poles on all non-governmental waters can be found in the Regionale Havenverordening Noordzeekanaalgebied (RHN 2019) (Regional Port Bye-laws for the North Sea Canal Area 2019) of the municipality concerned. The use of spud poles and how to comply with the notification requirement in the North Sea Canal Area is explained in the Policy Regulation, see https://www.portofamsterdam.com/en/basijnen?order=field_announcement_number&sort=desc. In addition to the regulations for the use of spud poles, this Policy Regulation specifies which waters in the North Sea Canal Area have been defined as governmental waters.

Governmental waters

The use of spud poles in governmental waters is prohibited. However, you can apply for permission regarding article 1.23 of the Inland Navigation Police Regulations (BPR). In the application, you have to indicate that you intend to use spud poles for the purpose of carrying out work.

For application for a permission to use spudpoles, click at:

<https://myport.portofamsterdam.com/en/applications/form/spudpalen/rijkswater>

Non-governmental waters

In the new Regional Port Bye-laws for the North Sea Canal Area 2019 (RHN 2019), article 3.7 has been included. Article 3.7: "Use of anchors and spud poles", contains regulations for the use of spud poles in paragraph 1.

An anchor or a spud pole may only be used:

- a. In areas designated thereto by the Mayor and Aldermen;
- b. In areas where this is in accordance with on-site traffic signs and on-site additional information, or where this is in accordance with a Decree having the same purpose as a traffic sign, or
- c. If the use of spud poles will or may not cause damage to the infrastructure, to the underground infrastructure installed in the river or canal bed, or to bank protection or quay protection systems.

Re a.

The currently applicable decrees where spudpoles can be used can be find at:

<https://www.portofamsterdam.com/en/view-decrees>

Re c)

This is a change from the previous Port Bye-laws. In the previous Port Bye-laws, the use of spud poles was prohibited unless this was done in accordance with on-site traffic signs and on-site additional information as referred to in article 3.1, or where this was in accordance with a Decree from the competent authority having the same purpose as a traffic sign

If this was not the case, the skipper or the captain of a ship who wanted to use spud poles for berthing could apply for an exemption.

Since the entry into force of the RHN 2019 on 6 January 2020, the use of spud poles outside the designated areas is, in principle permitted, on condition that their use does not cause damage to the infrastructure, to the underground infrastructure installed in the river or canal bed, to bank protection, or to quay protection systems. The skipper or the captain, as the person who has the intention to use the spud poles, is required to investigate this prior to the use of the spud poles. This is done by sending a recent report to the KLIC cable and pipeline information centre¹. A “recent report” means that the report to the KLIC cable and pipeline information centre is no older than seven days.

If you have ascertained that the use of spud poles will or may cause damage, the use of spud poles is prohibited.

Amsterdam

If you have established that the use of spud poles does not damage the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems, you must, in accordance with article 3.7 of the RHN 2019, notify the Harbour Master that you intend to make use of spud poles.

You can make the notification by clicking on the link below. Please note that when making the notification, you also have to upload a recent report to the KLIC cable and pipeline information centre. A “recent report” means that the report to the KLIC cable and pipeline information centre is no older than seven days. The notification is to be made at least four working days prior to the intended use of the spud poles.

It is prohibited at all times to use spud poles within 20 metres from a bank with a rock armour underwater protection system. The reason for this is that if the underwater bank is protected by a rock armour protection system, this rock armour protection system will extend to up to 20 meters from the bank line. If spud poles are placed on the underwater slope, not only the spud poles but also to the underwater protection system will be damaged.

From the above it follows that even if the report to the KLIC cable and pipeline information centre shows that no damage will or may be caused, the rock armour protection system could still suffer damage.

That is why the use of spud poles near or at underwater slopes is prohibited. The use of spud poles near quays is permitted unless it concerns a quay with an underwater slope, or unless the report to the KLIC cable and pipeline information centre shows that damage will be caused.

Furthermore, the use of spud poles is prohibited if cables and pipelines are present at the location where you intend to use the spud poles.

The reason for this is that the report to the KLIC cable and pipeline information centre only provides one-dimensional information about the location of cables and pipelines. The report to the KLIC cable and pipeline information centre does not provide information about the

¹ A so-called KLIC melding can be done through <https://www.kadaster.nl/producten/woning/klic-melding>. This website is only available in the Dutch language. Please contact the Kadaster by telephone.

depth at which cables and pipelines lie. To prevent possible damage, the use of spud poles at locations where cables and pipelines lie is prohibited.

If, 24 hours prior to the intended use of the spud poles, you have not been informed that the use of spud poles is prohibited, you can make use of the spud poles.

For the ports of Beverwijk, Velsen and Zaanstad

If the CNB receives a notification for the use of spud poles on the waters in the above municipalities, it will not be able to assess if the use of these spud poles will cause damage to the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems. The reason for this is that the CNB has no knowledge of the local situation outside the municipality of Amsterdam. You will therefore have to contact the Harbour Master of the port in question to obtain the information required for the notification. When making the notification, you must provide in writing the information received from the local port or the local municipality. As the person making the notification, you are responsible for the accuracy of the information you provide to the CNB.

If, 24 hours prior to the intended use of the spud poles, you have not been informed that the use of spud poles is prohibited, you can make use of the spud poles.

For notification for the use spudpoles, click at:

<https://myport.portofamsterdam.com/en/applications/form/spudpalen/havenwater>

For Beverwijk

For the port of Beverwijk, you must also report the intended use of spud poles to the Harbour Master of Beverwijk. You can contact the Beverwijk Harbour Office 24/7 on telephone number +312 5122 4750.

For Velsen

For the port of Velsen, please contact Zeehaven IJmuiden on telephone number +312 5554 7000.

For Zaanstad

For the port of Zaanstad, you must report the intended use of spud poles to the KCC (customer contact centre) on telephone number 14075 or from outside the Netherlands +317 5681 6969. This number is available only on working days during office hours.

Please note that, regardless of the location for the use of spud poles, the following always applies:

- You must at all times have the permission for the use of spud poles from the manager of the legal entity under private law of the berth in question; and,
- You are responsible for the accuracy of the information you provide to the CNB; and,
- You are responsible that through the use of spud poles no damage occurs to the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems..