

**Decree No. 2023/09**

**Designation of the Openbare kade Aziëhaven as a location for degassing, and designation of the Openbare kade Aziëhaven as an area/berth where a mobile facility is permitted to collect ship-generated waste or cargo residues from inland tankers**

**The Harbour Master of Amsterdam / the Director of the Central Nautical Management North Sea Canal Area**

**Having regard to:**

- Article 7.2.3.7.2.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) which provides that empty or unloaded cargo tanks may only be degassed to a mobile reception facility at locations authorised by the competent authority;
- Annex 4 of the Regulations on the Carriage of Dangerous Goods by Inland Waterways in which the Harbour Master of Amsterdam is designated as the competent authority for the implementation of Article 7.2.3.7.2.1. within the ports;
- Article 4.13, paragraph 2, of the Regional Port Bye-laws for the North Sea Canal Area 2019 of the Municipality of Amsterdam which provides that the Mayor and Aldermen may designate areas or berths (locations) where collection of ship-generated waste or cargo residues by a mobile facility is permitted;
- Operational Space Designation Decree Aziëhaven Public Quay, dated 31 October 2022, no 2022/037;
- The Decree of the Mayor and Aldermen of the Municipality of Amsterdam, dated 3 December 2019 (published in the Municipal Gazette on 3 January 2020 and available on the Port of Amsterdam website) in which the Director of the Central Nautical Management North Sea Canal Area is mandated to adopt relevant Decrees for the purpose of designating berths for degassing while stationary.

**Whereas:**

- At the port of Amsterdam, successful trials have been conducted with mobile degassing facilities;
- The Policy Regulation on Controlled Degassing while Stationary (i.e. moored or at anchor) of tankers outside an establishment of Province of North Holland, and the Decree of the Provincial Executive of North Holland, dated 21 December 2021, have made it possible, with an exemption from the Provincial Executive and in accordance with article 10.63, paragraph 2, of the Environmental Management Act, to carry out, other than on a trial basis, degassing operations with a mobile degassing facility at a location in the port of Amsterdam;
- An exemption as referred to above has been granted by the Environmental Service North Sea Canal Area on behalf of the Provincial Executive of North Holland to at least one company for its mobile facility;
- The onshore location Public Quay at Aziëhaven, as applied for by the exemption holder, has been approved by the Environmental Service North Sea Canal Area in accordance with the safety conditions set out in the Policy Regulation on Controlled Degassing while Stationary;
- In addition to the onshore location, it is necessary, in accordance with the ADN and the Regional Port Bye-laws for the North Sea Canal Area 2019, to designate berths on the water for the tankers to be degassed where an exemption holder is permitted to collect ship-generated waste or cargo residues (including the residual cargo vapours during degassing) by means of a mobile facility.

**Has decreed the following:**

- I. To designate the location on the water which lies within the line indicated in green and has been included in the map accompanying Decree "BAOR Openbare kade Aziëhaven", dated 31 October 2022, and which map has been included in the Appendix to this Decree, as a location where empty or unloaded cargo tanks of inland tankers may be degassed with a mobile degassing facility.
- II. To designate the area/berth (location) on the water which lies within the line indicated in green and has been included in the map accompanying Decree "BAOR Openbare kade Aziëhaven", dated 31 October 2022, and which map has been included in the Appendix to this Decree, as an area/berth (location) where a mobile facility may collect ship-generated waste or cargo residues from inland tankers.
- III. Degassing operations at this berth may, in accordance with Article 4.10 of the Regional Port Bye-laws for the North Sea Canal Area 2019, only be carried out by a permit holder that has approval from the Environmental Service North Sea Canal Area for the adjacent onshore location.
- IV. This Decree will take effect 3 days after its publication in an Announcement to Shipping IJmond North Sea Canal Area Central Nautical Management (*BASIJM*).
- V. This Decree may be cited as Designation Openbare kade Aziëhaven as a Location for Degassing, and Designation as an Area/Berth where a Mobile Facility may collect Ship-generated Waste or Cargo Residues from Inland Tankers.

Amsterdam, 17 February 2023

The Harbour Master of Amsterdam

The Mayor and Aldermen of Amsterdam,  
on their behalf, the Director of the Central Nautical Management North Sea Canal Area,



J.H.M. Mateyo

With respect to the Decree under I:

In accordance with the Algemene Wet Bestuursrecht (the Dutch General Administrative Law Act), an interested party can lodge a notice of objection against a Decree within six weeks after publication. The notice of objection must be addressed to the Havenmeester van Amsterdam, Postbus 19406, 1000 GK Amsterdam. The notice of objection must be signed and must contain at least the name and address of the party lodging the objection, the date, a description of the Decree against which the objection has been lodged as well as the grounds for objection. If you are represented by a third party, this third party must produce an authorisation.

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 Rechtbank Amsterdam, Sector Bestuursrecht, afdeling lopende voorzieningen, Parnassusweg 226, Postbus 75850, 1070 AW AMSTERDAM.

You can also submit the 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.

With respect to the Decree under II:

In accordance with the Algemene Wet Bestuursrecht (the Dutch General Administrative Law Act), an interested party can lodge a notice of objection against a Decree within six weeks after 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 party lodging the objection, the date, a description of the Decree against which the objection has been lodged as well as the grounds for objection. If you are represented by a third party, this third party must produce an authorisation.

You can submit an objection online at [www.amsterdam.nl/bezwaar/jb](http://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 a suspension or immediate relief, an application to grant suspension or provisional relief can be submitted to the Rechtbank Amsterdam, Sector Bestuursrecht, afdeling lopende voorzieningen, Parnassusweg 226, Postbus 75850, 1070 AW AMSTERDAM.

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## **Explanation**

This Decree contains two Decrees for the same location.

The reason for this Decree is that degassing of inland tankers to a mobile reception facility may, in accordance with the ADN, only take place at locations at which this is permitted by the competent authority. For the ADN, the competent authority is the Harbour Master of Amsterdam. This Decree designates the location on the water at the Openbare kade Aziëhaven as a location where inland tankers are permitted to carry out degassing operations to a degassing facility.

The Decree also designates, in accordance with the Regional Port Bye-laws for the North Sea Canal Area 2019, the area where a mobile facility may collect ship-generated waste or cargo residues from inland tankers. This is a Decree of the Director of the Central Nautical Management who has been mandated thereto by the Mayor and Aldermen. At the location on the water, ship-generated waste or cargo residues from inland tankers may only be collected by a mobile facility if the required permits and/or exemptions have been granted. In concrete terms this means that, in order to carry out degassing operations at this location, the company must have the following exemptions/permits:

1. An exemption based on the "Policy Regulation on Controlled Degassing while Stationary of tankers outside an establishment" issued by the Environmental Service North Sea Canal Area;
2. An approval from the Environmental Service North Sea Canal Area for the adjacent onshore location;

3. An operational permit from the Director of the Central Nautical Management which will only be issued if the company is in the possession of the exemption as referred to under 1.

As the Location Decree contains two Decrees and comes from two administrative bodies, namely the Harbour Master of Amsterdam and the Director of the Central Nautical Management, two remedy clauses have been included.

**Appendix: The location where it is permitted to degas empty or unloaded cargo tanks of inland tankers by a mobile facility; and the berth where it is permitted to collect ship-generated waste or cargo residues from inland tankers by a mobile facility.**

