

ANNOUNCEMENT TO SHIPPING
IJmond North Sea Canal Area
Central Nautical Management

Announcement No. 14/2023

Amsterdam, 23 March 2023

NON AUTHORITATIVE TRANSLATION

Warning: Notwithstanding great care has been taken in translating the Dutch Announcement to shipping IJmond North Sea Canal Area Central Nautical Management, differences between the English and Dutch text may occur.

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

Subject: Policy Regulation for the use of spud poles and compliance with the notification requirement in the North Sea Canal Area

The Director of the Central Nautical Management North Sea Canal Area (CNB) announces the following:

The Director of the CNB adopted the policy regulation for compliance with the notification requirement/use of spud poles in the North Sea Canal Area on 23 of March 2023.

The following Mandates and Designation Decrees are important for this policy:

- *Besluit Mandaat nautische rijkstaken Noordzeekanaalgebied 2013* (Central Government Nautical Responsibilities Mandate Decree 2013), published in the *Staatsblad* (Bulletin of Acts and Decrees) 2013, No. 9184, dated 19 March 2013, mandating the Director of the CNB to perform the nautical responsibilities of the central government on governmental waters;
- The *Besluit mandaat, volmacht en machtiging* (Mandate, Power of Attorney, and Authorization Decree), dated 3 December 2019 and published on 3 January 2020, 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.
- The *Besluit aanwijzing havenmeester Regionale Havenverordening Noordzeekanaalgebied 2012* (Regional Port Bye-laws for the North Sea Canal Area 2012 - Designation of Harbour Master – Decree), dated 26 June 2012 and published on 27 February 2013, in which the Head of the Nautical Sector of Port of Amsterdam is designated as Harbour Master under the Regional Port Bye-laws for the North Sea Canal Area 2012, and that the Harbour Master is authorised to determine the method of notification;
- The Regional Port Bye-laws for the North Sea Canal Area 2012 - Designation of Harbour Master – Decree, which provides that notifications are to be made to the implementing organisation of the Central Nautical Management North Sea Canal Area for the purpose of the 'one-stop shop' function, on behalf of the Mayor and Aldermen of Beverwijk;
- The Regional Port Bye-laws for the North Sea Canal Area 2012 - Designation of Harbour Master - Decree, in which the Director of the Central Nautical Management North Sea Canal Area is designated as Harbour Master and is authorised to determine the method of notification as referred to in Articles 11.1 to 11.16 of the Port Regulations for the North Sea Canal Area 2012, on behalf of the Mayor and Aldermen of Velsen;
- The *Mandaatbesluit Regionale Havenverordening Noordzeekanaalgebied 2019* (Regional Port Bye-laws for the North Sea Canal Area 2019 Mandate Decree), number 2019/19452 of 27 August 2019, on the basis of which by the Director of Central Nautical Management North Sea Canal Area is mandated to adopt Decrees on behalf of the Mayor and Aldermen of Zaanstad;

Has decided the following:

1. to adopted the policy regulation for the use of spud poles in the North Sea Canal Area, and;
2. the decree on the notification requirement Regional Port Bye-laws for the North Sea Canal Area.

Ad 1. (the policy regulation for the use of spud poles in the North Sea Canal Area)

Waterways

For this policy regulation, a distinction is made between two types of waterways. These are:

- a. The waterways as stated in Annex 14, of the Binnenvaartpolitiereglement (Inland Navigation Police Regulations) (BPR), and
- b. The waterways within the CNB area that are not listed in Annex 14 of the BPR.

Re a.

The waterways listed in Annex 14 of the BPR situated within the CNB area are the following:

25. the Amsterdam-Rijnkanaal (Amsterdam-Rhine Canal);
31. the Buiten-IJ;
32. the Afgesloten IJ;
33. the inner and outer approach channels to the North Sea locks in IJmuiden and the inner and outer sluicing channels of the North Sea locks in IJmuiden;
34. Side Channels B, C, D, E, G and H; Side Channel G but only over a length of 1.000 m from the axis of the North Sea Canal;
35. the waterway west of the North Sea locks at IJmuiden, including the harbour basins connected to it; and,
51. the Noordzeekanaal (North Sea Canal), see the chart in annex 1 of this policy regulation.

Legal framework

For the use of spud poles, BPR is the most important regulation on governmental waters (i.e. the waters managed by the central government). In addition to BPR, the Regional Port Bye-laws for the North Sea Canal Area 2019 (RHN 2019) is relevant on all non-governmental waters of the municipality concerned. With regard to the use of spud poles, RHN 2019 determines what is and what is not allowed in non-governmental waters (municipal waters).

Governmental waters

With regard to the use of spud poles, Rijkswaterstaat (hereafter: RWS) distinguishes between the use of spud poles in the context of berthing with the following purposes:

- a. waiting and/or staying overnight at public berths, and
- b. carrying out work.

The following situations are important for the policy of RWS:

Re a.

Rijkswaterstaat has not yet identified any areas with regard to the use of spud poles on the basis of BPR art 7.03, paragraphs 2 and 3, which specifies where the use of spud poles is permitted on the basis of traffic sign BPR E.6.1 (Annex 7). As soon as RWS has designated such areas it will announce it.

Re b.

Lifting the prohibition on the use of spud poles is possible in the following cases:

- by adopting a Traffic Decree and, in accordance with article 7.03, paragraph 1, of the BPR, the placing of traffic sign BPR E.6.1 (Annex 7), or
- the granting of a permission on the basis of article 1.23, paragraph 2, of the BPR¹.

The application for a permission is submitted to the Director of CNB. RWS has indicated that the processing time for an application is four weeks. Applications with regard to activities as referred to in article 1.23, paragraph 1, of the BPR should therefore be submitted at least four weeks prior to the start of the activities. After the receipt of the application, the Director of the CNB will consult with RWS

¹ Article 1.23: Notification of and granting of permission for events and other occasions.

1. It is prohibited (...) to carry out or activities or have them carried out on a waterway without notifying the competent authority of it in advance.
2. If an event as referred to in paragraph 1 may endanger the smooth and safe handling of shipping traffic, it is not allowed to have it take place without permission of the competent authority. A permission may be subject to regulations.

as the waterway manager. RWS determines whether spud poles can be used for the activities concerned and also determines the regulations to be attached to the permission.

Applications for permission

Applications are submitted to the Director of the CNB via the website:

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

The application for a permission has to be accompanied by the following information:

- Ship's name/ships' names
 - ENI/IMO number of the ship(s)
 - Name of the applicant
 - Company of the applicant
 - Name of the party that commissioned the work
 - E-mail address of the applicant
 - E-mail address for a copy
 - Berth or location where spud poles are going to be used
 - Description of the activities to be carried out
 - Start and completion of the use of spud poles
 - Applicant's telephone number
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- Please note that when making the notification, you also have to upload the report to the KLIC-cable and pipeline information centre².

Non-governmental waters

The regulations of the RHN 2019 are relevant on all non-governmental waters situated in the North Sea Canal Area.

Article 3.7 of the RHN 2019: "Use of anchors and spud poles", contains regulations for the use of spud poles. This article is identical in all CNB ports (Amsterdam, Beverwijk, Velsen and Zaanstad). The use of anchors is exceptional and therefore its use is not taken into account.

In accordance with article 3.7, paragraph 1, of the RHN 2019, spud poles are only allowed in the following cases:

- 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 it does 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.

Article 3.7, paragraph 2, reads as follows:

If (.....) spud poles are used in situations as referred to in paragraph 1, under c, the Harbour Master must be notified of this in advance.

Re a)

The areas designated by the Mayor and Aldermen of Amsterdam for the use of spud poles can be found at:

https://www.portofamsterdam.com/nl/view-decrees?term_node_tid_depth=130&page=0

In the ports of Beverwijk, Velsen and Zaanstad no areas have been designated where the use of spud poles is permitted.

Re c)

Since the entry into force of the RHN 2019 on 6 January 2020, the use of spud poles, apart from the cases as referred to in article 3.7, paragraph 1, under a. and b., has been allowed without a permit or

² A so-called KLIC report 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.

an exemption if their use will 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 (see article 3.7, paragraph 1, under c.) **Anyone wanting to use spud poles must check this in advance.** This should be done by means of a recent report to the KLIC cable and pipeline information centre². A “recent report” means that the report to the KLIC cable and pipeline information centre is no older than seven days.

If the report to the KLIC cable and pipeline information centre shows that you will or may damage the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems, you are **not allowed** to use spud poles. That is the meaning of article 3.7, paragraph 1, opening words, and under c.

If you have established that the use of spud poles will not damage the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems, you must notify that you intend to make use of spud poles in accordance with article 3.7, paragraph 2, of the RHN 2019.

Conditions for the use of spud poles in Amsterdam

- The use of spud poles is not allowed within 20 metres from a bank with a rock armour underwater protection system.

The reason for this is that if there is no quay and 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. The use of spud poles within 20 meters of the bank line will therefore cause damage, not only to the spud poles but also to the underwater protection system. The Harbour Master's Division can check if you intend to use your spud poles near such a bank. The use of spud poles is prohibited if your notification indicates that you intend to use the spud poles in such a location.

No such distance is applicable with regard to the use of spud poles near quays. The use of spud poles near quays, however, is only allowed if the report to the KLIC cable and pipeline information centre does not constitute any obstacles. The notification requirement as set out in article 3.7, paragraph 2, of the RHN 2019 remains in full force.

- If cables and pipelines are present at the location where you intend to use spud poles, the use of spud poles is prohibited. Even if the report to the KLIC cable and pipeline information centre shows that no damage will or may be caused.

Notifications for Amsterdam

For the port of Amsterdam, a notification to the Director of the CNB, as described above, will be sufficient. The notification is included in the Regulation on the Notification Requirement Regional Port Bye-laws for the North Sea Canal Area 2019. If you provided a timely notification and there are any objections against the use of spud poles, you will receive a reply as soon as possible. If there are any objections, the use of spud poles is prohibited on the basis of article 3.7, paragraph 1, under c, of the RHN 2019. The notification is to be made at least four working days before the intended use of the spud poles. The notification will be assessed by the CNB. If the person who made the notification has not received a reply 24 hours prior to the intended use of the spud poles at the latest, he can make use of the spud poles.

Notifications for the CNB ports outside Amsterdam

The CNB can only assess whether the notification meets the requirements. In case of notifications for the use of spud poles on the waters outside the municipality of Amsterdam, the CNB cannot assess if the use of these spud poles may cause damage to the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems. You will therefore have to contact the Harbour Master of the port in question to obtain the information required for the notification.

Furthermore, the use of spud poles is not allowed within 20 metres from the bank line if the bank is protected by a rock armour underwater protection system. You will therefore have to contact the local

Harbour Master to learn if you are dealing with such a bank. The notification must be made to the CNB at least four working days before the intended use of the spud poles. Furthermore, the person making the notification must provide in writing the information received from the local port or the local municipality. The person making the notification is responsible for the accuracy of the information provided to the CNB.

This means that, despite the fact that the CNB has received a complete and recent report to the KLIC cable and pipeline information centre, there will or may still be damage caused by the use of spud poles to the infrastructure, the underground infrastructure installed in the river or canal bed, the bank protection, or the quay protection systems for which the CNB will bear no responsibility. The user of the spud poles remains responsible at all times. If the person who made the notification has not received a reply 24 hours prior to the intended use of the spud poles at the latest, he can make use of the spud poles.

The notification

Notifications are submitted to the Director of the CNB via the website:

<https://myport.portofamsterdam.com/en/applications/form/spudpalen-opvijzelen?typeofwater=havenwater>

The notification has to be accompanied by the following information:

- Ship's name/ships' names
- ENI/IMO number of the ship(s)
- Name of the person making the notification
- Company of the person making the notification
- Email address of the person making the notification
- Email address for a copy
- Berth or location and the municipality where spud poles are going to be used
- Start and completion of the use of spud poles
- Telephone number of the person making the notification

- Please note that when making the notification, you also have to upload the report to the KLIC cable and pipeline information centre.

- For Beverwijk, Velsen and Zaanstad: The written information received from the port or municipality concerned.

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 also 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.

Finally:

- Please be aware that you must at all times have the permission for the use of spud poles from the manager of the legal entity under private law in question;
- 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.

Ad 2 (Decree "Regulation on the Notification Requirement Regional Port Bye-laws for the North Sea Canal Area 2019")

Due to the establishment of the policy regulation for the use of spud poles, the CNB Decree 2019/70 "Regulation Notification Requirement Regional Port Bye-laws for the North Sea Canal Area 2019" must be amended. This decree will take effect simultaneously with the policy rule for the use of spud poles.

The Director of the Central Nautical Management North Sea Canal Area, who is also the Harbour Master,

J.H.M. Mateyo

Explanation

The use of spud poles may cause damage to the infrastructure, to the underground infrastructure installed in the river or canal bed, or to bank protection or quay protection systems in the port. This policy is intended to prevent this from happening.

In the Regional Port Bye-laws for the North Sea Canal Area 2012, the use of spud poles had been prohibited, unless the use of spud poles was:

- In accordance with on-site traffic signs and on-site additional information as referred to in article 3.1 of the RHN 2012, or
- In accordance with a Decree having the same purpose as a traffic sign.

If a ship intended to use spud poles for berthing in an area without relevant traffic signs or without a Decree having the same purpose as a traffic sign, the ship in question could apply for an exemption.

In the Regional Port Bye-laws for the North Sea Canal Area 2019, this system has been changed. Spud poles may only be used if the conditions laid down in article 3.7, paragraph 1, of the RHN 2019 are met.

Annex 1

Border between governmental and non-governmental waters in the eastern part of the Amsterdam port area.

