

NON AUTHORITATIVE TRANSLATION

Warning: Notwithstanding great care has been taken in translating the original Dutch legal document into English, differences between the English and Dutch text may occur. In cases of disputes or discrepancies the Dutch text shall prevail.

Bye-law of the Council of the Municipality of Amsterdam containing regulations with regard to promoting good port management, including the efficient use of the port, the safety, the environment of the port and the port's surrounding area and the service quality of the port. (Regional Port Bye-Laws for the North Sea Canal Area 2023)

The Council of the Municipality of Amsterdam,

Having read the proposal of the Mayor and Aldermen, dated

Having regard to Articles 147, 149, 149a and 156, paragraph 3, of the Municipalities Act;

Having regard to the "Reaction to views of the consultations for the 3rd amendment of the Port Bye-Laws of Amsterdam and Rotterdam" of the Harbour Master's Division of Amsterdam and the Harbour Master's Division of Rotterdam dated 3 April 2023;

Having heard the advice of the Council Committee, dated

Has decreed to adopt the following Bye-law:

The Regional Port Bye-laws for the North Sea Canal Area 2023;

Section 1 General provisions

Article 1.1 Definitions

In the provisions under or pursuant to these Bye-laws, the following terms are defined as stated below:

- ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways;
- Announcement with the same purpose as a traffic sign: A written notice to shipping, informing the shipping traffic of the following:
 - a. Information concerning the state of a particular place in a waterway or of a particular part of a waterway, or;
 - b. Information, a recommendation, an requirement or a prohibition, or the lifting of

a requirement or a prohibition relating to traffic behaviour at a particular place in a waterway or at a particular part of a waterway;

- Auxiliary plant: Machinery, equipment or installations on a ship which support the propulsion or provide the energy supply;
- Boatman: The person who, in the framework of the exercise of his profession, moors or unmoors seagoing ships;
- Boatmen's organisation: An organisation of boatmen which carries out activities to guarantee the competencies of boatmen and is responsible for the required equipment;
- Bunker ship: Ship used for bunkering;
- Bunkering: The supply of solid, liquid or gaseous fuels or the supply of any other energy source used for the propulsion of ships or for the general or specific energy supply on board ships;
- Bunkering Permit: Permit to bunker or de-bunker solid, liquid or gaseous fuels or any other energy source used for the propulsion of ships or for the general or specific energy supply on board ships;
- Captain: The person actually in command of a seagoing ship;
- Cargo residues: Residues of any cargo material on board which remain **on the deck or in holds or tanks** after loading or unloading, **including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;**
- Checklist: List used to check the transshipment of **liquid** hazardous **or harmful** substances, or to check the bunkering or de-bunkering or the transfer of consumable materials to a ship;
- Closed cleaning: Any operation aimed at or related to the cleaning, degassing or the removing of vapour from cargo tanks or slop tanks of a tanker in such a way that no emission to the atmosphere takes place during the operation; closed cleaning also includes the use of a degassing facility;
- Combination carrier: Seagoing ship designed to carry oil or alternatively solid bulk cargo;
- Combustible liquid: Liquid of which the flammability is its only hazardous property;
- Consumable materials: Materials necessary on board a ship for the operation of the propulsion or the auxiliary plant;
- De-bunkering: The return of solid, liquid or gaseous fuels or of any other energy source used for the propulsion of ships or for the general or specific energy supply on board ships;
- Degassing facility: Fixed or mobile facility, other than a vapour return line, for receiving vapours from cargo during the degassing or the removing of vapour from empty cargo tanks, or from cargo tanks which have been unloaded, and from the loading and unloading pipe lines connected to them, or during the transshipment of dangerous or harmful substances;
- Establishment: An establishment as referred to in the *Wet algemene bepalingen omgevingsrecht* (the Dutch Environmental Permitting General Provisions Act);
- Flash point: The lowest temperature of a liquid at which its vapour forms a combustible mixture with air;
- Fumigate: To treat with gases or with substances which release gases;
- Gas Expert: Professional who holds a Certificate of Professional Competence as Gas

- Expert as referred to in article 3.5h, paragraph 4, of the *Arbeidsomstandigheden-besluit* (Working Conditions Decree);
- Harbour Master: The Harbour Master as referred to in Article 2.1;
 - Harmful substances: Substances which have been designated or are referred to as such under or pursuant to the *Wet voorkoming verontreiniging door schepen* (Prevention of Pollution from Ships Act);
 - Inland ship: A ship other than a seagoing ship;
 - Hazardous substances: Substances which present or may present a risk of explosion, fire, corrosion, poisoning, intoxication or radiation, as referred to in the:
 - a. the IBC Code;
 - b. the IGC Code;
 - c. the IMDG Code ;
 - d. the IMSBC Code, or;
 - e. the ADN;
 - **Highly vulnerable buildings: Buildings as referred to in the *(ontwerp)Besluit kwaliteit leefomgeving, Bijlage VI, onder E, ((draft) Living Environment Quality Decree, Annex VI, under E)*;**
 - IBC Code: IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;
 - IGC Code: IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
 - IMDG Code: International Maritime Dangerous Goods Code;
 - IMO: United Nations International Maritime Organisation;
 - IMSBC Code: International Maritime Solid Bulk Cargoes Code;
 - Inert atmosphere: An atmosphere in a cargo tank or slop tank in which the oxygen content has been reduced to a maximum of 8% by volume by the addition of an inert gas under positive pressure;
 - **Infrastructure: The whole of location related durable investment goods that enable the traffic and the transport of:**
 - a. **People and cargo, such as waterways, bridges, tunnels, quays, locks and sea ports;**
 - b. **Masts for overhead power lines and overhead telecommunication lines, or;**
 - c. **Underground (or sub-sea) pipelines for water, gas and oil, sewers, cables for telecommunication, etcetera;**
 - Inland ship: A ship not being a seagoing ship;
 - Inland tanker: Inland ship constructed or adapted for the carriage of liquid cargo in bulk, **or for the carriage of gas as referred to in the ADN**, in cargo tanks;
 - ISGINTT: International Safety Guide for Inland Navigation Tank-barges and Terminals;
 - ISGOTT: International Safety Guide for Oil Tankers and Terminals;
 - LNG fuel: LNG used as a fuel for the propulsion or the auxiliary plant of a ship;
 - LNG-powered ship: Ship which uses or partly uses LNG fuel for propulsion;
 - MARPOL: International Convention for the Prevention of Pollution from Ships, 1973, as amended;
 - Mayor and Aldermen: Municipal executive;
 - Noordzeekanaalgebied (North Sea Canal Area): Area as indicated on the map in Annex 1 to these Bye-laws;
 - Oil port port **(oil port area)**: Area intended for the handling of tankers carrying **dangerous liquid substances in bulk**;

- Open cleaning: Any operation aimed at or related to the cleaning, degassing, or the removing of vapour from cargo tanks or slop tanks of a tanker in such a way that emission to the atmosphere can take place;
- Open flame: Fire, creation of sparks, and any surface within 25 metres of a dangerous good which has a temperature equal to or higher than the minimum ignition temperature of that substance;
- Operational space: Area bounded in length, breadth, depth or height within which ships can berth for the purpose of carrying out their activities;
- Operator: Owner, manager, bareboat charterer, or any other party having control over the use of the ship;
- Passenger ship: An **inland ship** intended or used for the commercial transport of more than 12 persons excluding its crew members;
- Permission: permit, exemption, recognition or dispensation;
- Pleasure craft: Ship intended or used for sport or recreation;
- Port: The **waters, harbours or waterways as well as all civil engineering structures belonging to these waters, slipways, docks, ship repair yards and loading and unloading berths within the boundaries of the municipality in the North Sea Canal area concerned** that are open to shipping as indicated in the map in Annex 1 to these Bye-laws;
- Reception of **ship waste substances**: The reception of **ship waste substances** by a fixed, floating or mobile facility equipped to receive **ship waste substances as defined in Directive 2019/883/EC of the European Parliament and of the Council**, or as subsequently amended or revised;
- Reception facility: Facility for the reception of **ship waste substances**;
- Seagoing ship: A ship which, according to its construction, is intended exclusively or primarily for navigation at sea;
- Seagoing tanker: A seagoing ship built for or adapted for the carriage of liquid cargo in bulk or **gas as referred to in the IGC Code** in its cargo tanks;
- Service ship: Any ship involved in the provision of the services **to ships, and where the services relate to:**
 - a. **Repairing or cleaning;**
 - b. **Cleaning, whether open, closed or otherwise;**
 - c. Transfer of supplies or ship parts;
 - d. **Collection of ship waste substances, or;**
 - e. **Inspections of the ship's hull;**
 - f. **Transport of personnel to and from seagoing ships;**
- Ship: Any vessel including a seaplane, a hydrofoil, an air-cushion vehicle (hovercraft), a drilling rig, a production platform or similar object, a bucket dredger, a floating crane, a floating elevator, a pontoon, a barge (lighter), a floating equipment, a floating installation, or a floating establishment;
- **Ship waste substances: All ship-generated waste, including cargo residues, generated during the operation of a seagoing ship or during loading, unloading and cleaning operations and which falls within the scope of Annexes I, II, IV, V and VI to the MARPOL Convention, as well as passively fished waste;**
- Shipyard: Shipyard or repair establishment for the repair or maintenance of ships;
- Skipper: The person actually in command of an inland ship;
- Slop tank: Tank on board a ship intended to hold cargo residues of harmful, combustible or other hazardous liquids (slops), whether or not mixed with water;

- StSTGP: Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases;
- Tanker: Inland tanker or seagoing tanker;
- Transshipment: The loading or unloading of cargo into or out of a ship;
- Vapour: The atmosphere above a liquid substance as a result of a certain pressure of that liquid substance;
- Vapour return line: (Vapour pressure equalisation) system between the cargo tanks involved in direct transshipment, allowing for emission-free transshipment;
- Vegetable or animal oils: Oils or fats extracted from the seeds and fruits of plants or trees; or oils and fats of animal origin;
- Ventilate: The drying of a tanker's open cargo tanks or slop tanks into the atmosphere after they have **been cleaned. The following applies to the concentration of dangerous gases and vapours in the emitted mixture at the point of discharge:**
 - a. **The concentration may not exceed 10% of the lower explosive limit, or;**
 - b. **The concentration lies below the limit value referred to in Article 4.3 of the *Arbeidsomstandighedenbesluit* (Working Conditions Decree) for substances as referred to in the ADN and which substances, in column 18 of Table C, require a toxicity meter;**
- Volatile organic compounds: Organic compounds of anthropogenic origin - with the exception of methane - with a vapour pressure of 1 kPa or more at 293.15 degrees K, or with a similar volatility under the particular conditions of use;
- Work ship: Any ship carrying out maintenance work to the **infrastructure**, excluding a ship carrying out dredging operations;

Article 1.2 Where do these regulations apply?

The provisions laid down under or pursuant to these Bye-laws apply in port.

Article 1.3 To whom do these Bye-laws apply?

1. The Captain or Skipper is responsible for compliance with the provisions laid down under or pursuant to these Bye-laws, unless otherwise provided for in these Bye-laws.
2. If the Captain or Skipper is not on board the ship, the Operator will be responsible for compliance with the provisions laid down under or pursuant to these Bye-laws.

Article 1.4 Decision period for permission

1. The Mayor and Aldermen decide on applications for permissions within eight weeks of the date of receipt of the application.
2. The Mayor and Aldermen may extend the period by a maximum of eight weeks.

Article 1.5 Regulations and restrictions

1. The Mayor and Aldermen may attach regulations and restrictions to a permission, instruction **or measure**. These regulations and restrictions are intended to protect the interest or interests of the relevant permission, instruction **or measure**.
2. The person to whom an permission or an instruction has been given **or on whom a measure** has been imposed complies with the regulations and restrictions attached thereto.

Article 1.6 Refusal, amendment or withdrawal of the permission

The Mayor and Aldermen may refuse, amend or withdraw the permission if:

- a. Incorrect or incomplete information was provided with the application;
- b. This is necessary to protect the safety, **the efficient use of the port**, the environment in the port or its surrounding areas, as well as the service quality;
- c. The regulations and restrictions attached to the permission have not been or are not being complied with;
- d. The permission is not used within a time limit specified therein or, in the absence of a specified time limit, within a reasonable period of time, or;
- e. The holder of the permission so requests.

Article 1.7 Period of validity

1. The permission is valid for a maximum of 5 years.
2. Contrary to the provisions of paragraph 1, **the Mayor and Aldermen may:**
 - a. Grant recognition for an indefinite period of time;
 - b. **Grant permits as referred to in Article 8.1 or Article 8.5 for a different period of validity.**

Article 1.8 Obligations to keep permissions on board

1. The permission relating to the ship, or a copy or digital copy thereof, must be kept on board.
2. This Article does not apply to a barge (lighter).

Article 1.9 Exemptions from requirements and prohibitions

1. The Mayor and Aldermen may, upon request, grant exemption from the orders and prohibitions laid down under or pursuant to these Bye-laws.
2. The Mayor and Aldermen will only use this authority if:
 - a. This does not harm **the efficient use of the port**, the safety, the environment in the port or its surrounding areas, and;
 - b. The applicant demonstrates that all the purposes referred to under a. are being served to at least the same extent.

Article 1.10 Notification to the Harbour Master

The submission of a notification compulsory on the grounds of the provisions laid down under or pursuant to these Bye-laws takes place in a manner or at a time indicated by the Harbour Master who may also determine what information must be included in the notification.

Section 2 Harbour Master

Article 2.1 Appointment of the Harbour Master

The Harbour Master is appointed by the Mayor and Aldermen.

Section 3 Efficient use of the the port

Article 3.1 Traffic signs, and Announcements with the same purpose as a traffic sign

1. The Mayor and Aldermen may place traffic signs as listed in the Binnenvaartpolitiereglement (Inland Navigation Police Regulations) and may provide these traffic signs with additional information.
2. A traffic sign, including the related additional information, must be complied with.
3. The provisions in the first and second paragraph apply equally to an Announcement with the same purpose as a traffic sign.

Article 3.2 Designation of berthing areas and berthing periods

1. The Mayor and Aldermen may designate areas in which:
 - a. Certain categories of ships are or are not permitted to be or to berth, or;
 - b. **Certain activities are or are not permitted.**
2. In the designation, the Mayor and Aldermen may specify the periods for which the designation applies.

Article 3.3 - Berthing

A ship may only berth if this is done:

- a. In accordance with on-site traffic signs and on-site additional information;
- b. In accordance with Announcements having the same purpose as a traffic sign;
- c. At berths located at a mooring facility with the consent of a tenant, leaseholder or owner, unless the Mayor and Aldermen do not permit a ship taking berth there for reasons of efficient use of the port, safety or the environment
- d. For tankers, as referred to in Article 6.1, or;
- e. With a granted berthing permit.

Article 3.4 Proper mooring

A ship must be moored properly and safely.

Article 3.5 Jacking-up of ships

It is only permitted to jack-up a ship with the use of equipment if the ship is in an area designated for that purpose by the Mayor and Aldermen.

Article 3.6 Use of propulsion systems, bow thrusters, or stern thrusters

1. A ship may not use its propulsion systems, bow thrusters or stern thrusters if:
 - a. It is aground;
 - b. It is moored, at anchor, or on spud poles, or;
 - c. **The propulsion systems, bow thrusters or stern thrusters are used to push the ship against the quay or against the canal or river bank other than immediately prior to mooring or unmooring;**
 - d. **This may damage the infrastructure.**

2. **The provisions in paragraph 1, under b**, do not apply if the ship is moored alongside another ship and has to use its propulsion system, bow or stern thrusters to prevent damage.
3. If the ship's propulsion systems, or its bow or stern thrusters are in operation, a person authorised to manoeuvre the ship must be present in the wheelhouse
4. **The provisions in paragraph 3** do not apply if the ship:
 - a. Is in the process of mooring or unmooring;
 - b. Has a length of not more than 35 metres;
 - c. Is permitted to navigate with only one crew member in accordance with the required valid certificate, as referred to in the *Binnenvaartwet* (Inland Navigation Act), and;
 - d. Has only one crew member, the Skipper, who is the only person on board.

Article 3.7 Use of anchors and spud poles

1. A ship may only use anchors or spud poles if:
 - a. They are used in one of the areas designated thereto by the Mayor and Aldermen;
 - b. This is in accordance with on-site traffic signs and on-site additional information, or in accordance with a Decree having the same purpose as a traffic sign, or;
 - c. The use of it does not or will not cause damage to the infrastructure, to the underground infrastructure installed in the river or canal bed, to **embankment protection systems**.
2. If an anchor or a spud pole is used in a situation as referred to in paragraph 1, under c., this the Harbour Master must be notified of this in advance.
3. The provisions of paragraph 1 do not apply to anchors used by a seagoing ship if this is done on the pilot's advice if:
 - a. The ship is mooring, or;
 - b. This is necessary to prevent a collision.

Article 3.8 Entitled parties

Only entitled parties may detain a ship, to be on board a ship, or to unmoor it.

Article 3.9 Notification of operational failure, defect, damage or collision

Operational failures, defects or damage to a ship or on board a ship that could cause danger, damage or nuisance to the ship or its surroundings, or could cause a collision, must be reported immediately to the Harbour Master.

Article 3.10 Notification requirement for seagoing ships

1. **The captain, operator, or agent of a** seagoing ship belonging to a category of seagoing ships to be determined by the Mayor and Aldermen and which is underway to or coming from a berth located within the municipal boundaries, must report to the Harbour Master such information as may be determined by the Mayor and Aldermen concerning:
 - a. The ship's arrival;

- b. The ship's departure;
 - c. Berth shifts;
 - d. The ship's position;
 - e. Information relating to the nautical service providers to be used, and the name of the ship's agent;
 - f. Information relating to the ship;
 - g. The ship's cargo, and;
 - h. Details of the voyage to be undertaken.
2. **What is stated in paragraph 1** does not **apply** insofar as the subject regulated therein is provided for under or pursuant to the *Besluit meldingsformaliteiten en gegevensverwerkingen scheepvaart* (Shipping Reporting Formalities and Data Processing Decree) and the *Binnenvaartpolitiereglement* (Inland Navigation Police Regulations).

Article 3.11 Operational spaces for berths

- 1. The Mayor and Aldermen may designate the operational spaces for berths.
- 2. The Mayor and Aldermen may set additional regulations regarding the nautical use of the operational space.
- 3. The tenant, leaseholder or owner of the mooring facility may only allow ships to moor within the operational space of the berth.
- 4. After notifying the Harbour Master, bunker ships or service ships are allowed to moor partially or fully outside the operational space of the berth in order to perform their activities, **unless otherwise determined in accordance with the Decree of the Mayor and Aldermen referred to in paragraph 1.**

Article 3.12 Measures following withdrawal from commercial service

- 1. In the interest of safety, the environment, and the **efficient use of the port**, the Mayor and Aldermen may impose measures on a ship, if:
 - a. The ship does not possess the required certificates;
 - b. The ship, its cargo, or its bunkers have been seized;
 - c. The ship has been laid up, or;
 - d. The ship has been withdrawn from nautical or economic service.

Article 3.13 Mooring and unmooring seagoing ships

- 1. **Anyone who is not a boatman is prohibited from carrying out boatmen services for the following seagoing ships:**
 - a. Ships with a length of more than 75 metres;
 - b. Ships with a length of 75 metres or less that have been built or are used for the carriage of liquid hazardous substances in bulk, **unless they are empty and have been cleaned of these substances.**
- 2. Paragraph 1 does not apply if:
 - a. The crew members on board who, upon arrival or departure of the ship at the berth concerned, **immediately** act as boatmen and if the captain notifies the

- Harbour Master of this;
- b. The activities are carried out by a boatman who is a member of a boatmen's organisation recognised by the Mayor and Aldermen;
 - c. The seagoing ship is shifted along a quay without being completely unmoored from that quay;
 - d. The activities are carried out as part of the Training for Boatman under the responsibility of a boatman as referred to under b.;
 - e. It concerns navy or fishing ships and the Captain notifies the Harbour Master that boatmen services are not required.

Article 3.14 Recognition of boatmen's organisations

The Mayor and Aldermen may recognise boatmen's organisations.

Article 3.15 recognition requirements for boatmen's organisations

The Mayor and Aldermen grant recognition to a boatmen's organisation if it:

- a. Has a valid ISO 9001 or equivalent certificate;
- b. Has at least one continuously manned desk which can be contacted for ordering boatmen;
- c. Demonstrates that regular consultation takes place with nautical service providers in the port regarding the working methods and procedures for mooring and unmooring;
- d. Demonstrates that, in order to guarantee continuity of adequate services, it has capacity available to handle a continuous hourly demand for its services for separately mooring and unmooring at least three seagoing ships in different situations in terms of ship's size, type, and location, with the assistance of personnel qualified for this purpose;
- e. It provides its boatmen with an identity card with a passport photo showing a true likeness of the bearer. The ID card states at least the following information:
 - 1. The name, place and date of birth of the boatman;
 - 2. Confirmation that the holder has successfully completed the Training for Boatman as referred to in Article 3.16, paragraph 1, under a., stating the date on which the diploma was issued;
 - 3. The name of the boatmen's organisation at which the boatman is registered **or employed**.

Article 3.16 Profession and obligations of the boatman

- 1. The profession of boatman is exclusively practised by:
 - a. Those who have successfully completed the Training for Boatman, which has been adopted by the Minister van Onderwijs, Cultuur en Wetenschap (*Minister of Education, Culture and Science*) and has been listed under its corresponding registration code;
 - b. Those who have successfully completed a boatman training in another Member State of the European Union which is equivalent to the Dutch Training for Boatman, on condition that the person concerned has sufficient command of the

- Dutch language;
- c. Those who, during the seven consecutive calendar years prior to practising the profession of boatman, have acquired at least four years of experience as an independent qualified boatman in one or more ports within the European Union and, in addition to the above:
 - 1°. Who have, in a port where the situation is comparable to that of the North Sea Canal Area, acquired experience in mooring and unmooring ships to buoys on open waters with high waves and on waters with strong tidal currents;
 - 2°. Who have sufficient command of the Dutch language;
 - 3°. Who have demonstrated, in the opinion of the recognised boatmen's organisation by which they are hired or employed, an equivalent level of knowledge and skills;
 - d. Who are registered with an recognised boatmen's organisation as referred to in Article 3.15.
2. During their work, boatmen carry with them a valid ID card, as referred to in article 3.15, under e, and will produce their ID card at the request of persons or companies that make use of their services.

Article 3.17 Carriage of persons

- 1. It is prohibited to carry more than 13 persons on pleasure craft;**
- 2. Commercial passenger transport must comply with minimum safety and environmental regulations;**
- 3. The provisions of paragraph 2 do not apply if the ship is in transit on primary waterways without berthing at Amsterdam, and the transit does not involve any economic activity in relation to Amsterdam;**
- 4. The Mayor and Aldermen may set regulations regarding minimum safety and environmental regulations.**

Section 4 Safety and the Environment in the Port

Article 4.1 Pollution and nuisance caused by ships

It is prohibited:

- a. To allow substances to escape from a ship which cause or may cause danger, damage or nuisance, or;
- b. To use a waste incinerator on board a ship in the port.

Article 4.2 Prohibition to use a generator, main engine and auxiliary engine

- 1. The Mayor and Aldermen may designate areas where **ships** are prohibited from using a generator, main engine or auxiliary engine on board their ship;
- 2. Ships are permitted to operate a generator, main engine or auxiliary engine on board their ship directly before departure and directly after arrival of the ship in a designated area

Article 4.3 Ships causing danger, damage or nuisance

The Mayor and Aldermen can take the following measures if, in its opinion, a ship causes or may cause danger, damage or nuisance, or disturbs or may disturb **the efficient use of the port** or its surrounding area, or endangers or may endanger safety:

- a. To prohibit the ship from entering the port, staying in the port, or from mooring at a berth in the port, or;
- b. To give oral or written instructions to the Captain, Skipper or Operator of the ship staying in the port or moored at a berth.

Article 4.4 Safe access

1. A moored ship has a **safe** means of access.
2. An inland ship is not required to have a means of access if:
 - a. The actual situation makes this impossible due to loading or unloading operations, or;
 - b. It will stay at the berth for a short period only.

Article 4.5 Carrying out activities

1. **Anyone** may carry out or have carried out work on a ship or on an object on board a ship relating to the operational readiness, modification, repair or improvement of the ship or object, if:
 - a. The ship is berthed at **a location where these activities are permitted**, or;
 - b. **The activities meet the following conditions:**
 - 1°. **They are carried out within a period of 7 x 24 hours after commencement of the initial activities;**
 - 2°. They do not cause or are not likely to cause any danger, damage or nuisance;
 - 3°. They are carried out at least 25 metres away from hazardous substances or combustible materials;
 - 4°. During the carrying out of the activities, a sufficient number of efficient fire-fighting equipment and persons familiar with the use of this equipment are immediately available, and;
 - 5°. They do not or cannot cause sparks to fly in the open air if the ship lies in an oil port area.
2. Activities on a tanker, or to or in a fuel tank of a ship, which cause or may cause danger, damage or nuisance may only take place if a Gas Expert:
 - a. Has issued a Safety and Health Declaration, or;
 - b. Has determined that a Safety and Health Declaration is not required.
3. **The Mayor and Aldermen may designate fuels, energy sources or consumable materials for installations on which no work may be carried out on board a ship by anyone, unless the work takes place at a location where such activities are permitted.**
4. Ship demolition activities may only be carried out if the ship is berthed at **a location where it is permitted to carry out these activities.**
5. Prior to the commencement of the activities to a seagoing ship as referred to in

paragraph 1, under b., and in paragraph 2, the Harbour Master must be notified of this.

Article 4.6 Fumigation

The Mayor and Aldermen may designate berths where a ship may be moored in order to fumigate the ship or its cargo.

Article 4.7 Cargo fumigated in a foreign port

1. A ship loaded with a solid bulk cargo which has been fumigated is only permitted to be **at a berth** if the following applies:
 - a. No operational actions are carried out during and after mooring;
 - b. The holds and ventilation openings in the holds are closed, and;
 - c. The nautical and operational handling of the ship takes place in accordance with the Action Plan.
2. This Action Plan is adopted by the Mayor and Aldermen. Anyone is obliged to comply with the adopted Action Plan.

Article 4.8 Permit for the reception of waste from seagoing ships

The reception of **ship waste substances** from seagoing ships is only permitted if the reception facility has a permit from the Mayor and Aldermen.

Article 4.9 Minimum requirements for permits for the reception of waste from seagoing ships

1. The Mayor and Aldermen may set minimum requirements for the permit holder and for the permit for receiving **ship waste substances**.
2. These minimum requirements may relate to:
 - a. The professional qualifications of the permit holder, its staff, or the natural persons who effectively and continuously manage the permit holder's activities;
 - b. the permit holder's financial standing;
 - c. The equipment needed to receive **ship waste substances** under normal and safe conditions and the ability to maintain this equipment to the required standard;
 - d. The availability to receive **ship waste substances** for all users, at all berths and without interruption, day and night, all year round;
 - e. Compliance with the requirements relating to maritime safety or the safety and security of the port or access to the port, its installations, equipment, workers and other persons;
 - f. Compliance with local, national, European and international environmental requirements, or;
 - g. The permit holder's integrity as determined in accordance with any applicable national law on integrity, taking into account compelling reasons to doubt the integrity of the provider of port services.

Article 4.10 Permit for a mobile degassing facility

1. A mobile degassing facility may only receive vapours from cargo residues of a tanker if

it has a permit from the Mayor and Aldermen.

2. **The Harbour Master must be notified immediately prior to and immediately after the closed cleaning of cargo tanks by means of a mobile degassing facility, unless cleaning takes place at a location where this activity is permitted.**

Article 4.11 Cleaning and ventilation of cargo tanks or slop tanks of tankers

1. If a tanker's cargo tanks or slop tanks are empty of the following substances, they may only be cleaned if they remain closed:
 - a. A dangerous or harmful substance which, in accordance with the IBC Code, must either be carried in a tank fitted **with an option to connect a vapour return line, or;**
 - b. **A dangerous or harmful substance which, in accordance with the ADN, must be carried in a closed tank, or;**
 - c. **A liquid as referred to in Annex 2, or;**
 - d. **A volatile organic compound.**
2. **A tanker's cargo tanks or slop tanks empty of other substances as referred to in the first paragraph may be cleaned when they are open at the locations designated for this purpose by the Harbour Master.**
3. Cargo tanks of a tanker carrying liquefied gases as referred to in the ADN or the IGC Code may only be cleaned when the ship lies at the berth in the following cases:
 - a. **At a location where these cleaning activities are permitted, and;**
 - b. **This location takes delivery of residues of liquefied gases.**
4. **The ventilation of cargo tanks or slop tanks of a tanker is only permitted at the locations designated for this purpose by the Harbour Master.**
5. The provisions of paragraphs 1 and 4 do not apply to the substances listed in Annex 2.
6. The provisions of paragraphs 4 and 5 do not apply to substances listed in Annex 2.
7. The Mayor and Aldermen may lay down regulations concerning the restriction on or the prohibition of cleaning or ventilation outside companies if the atmospheric or local conditions are such that the release of the substances concerned causes or may cause danger, damage, odour nuisance or nuisance.
8. The Harbour Master must be notified prior to cleaning or ventilation.

Article 4.12 Berthing alongside during open cleaning and ventilation of cargo tanks or slop tanks of seagoing tankers

The following applies to ships lying on either side alongside a seagoing tanker the cargo tanks of which contain or **are empty of** liquid dangerous substances and are being cleaned or ventilated when open:

- a. One seagoing tanker may lie alongside on either side, or;
- b. A maximum of two inland tankers which are certified in accordance with the ADN may lie alongside on either side.

Article 4.13 Transshipment between ships and mobile shore-based facilities

1. The following applies to operations involving dangerous or harmful liquid substances

between a ship and a mobile shore-based facility:

- a. Transshipment operations are prohibited;
 - b. Bunkering or de-bunkering operations involving fuels, energy sources or consumable materials in an area or at a berth which has not been designated as such on the ground of Article 8.1, paragraph 2, or Article 8.5, paragraph 2, are prohibited, or;
 - c. Collecting dangerous or harmful liquid substances **as ship waste substances** is prohibited, unless the collection of dangerous or harmful liquid substances forms part of **a location where these activities are permitted**.
2. Contrary to what is stated in paragraph 1, under c., the Mayor and Aldermen may designate areas or berths where collection by a mobile facility is permitted.

Section 5 Oil Ports

Article 5.1 Oil Ports

The Mayor and Aldermen may designate oil ports.

Article 5.2 Ships permitted to an oil port

1. Only the following ships are permitted to be in an oil port:
 - a. Tankers;
 - b. Ships which are using, have used or will use the infrastructure during or shortly before or after the following activities: unloading, loading, cleaning of cargo tanks or slop tanks, or bunkering;
 - c. Rowing boats, or motorboats not propelled by a petrol engine, which belong to the equipment of the ships as referred to under a. or b. above, and which:
 - 1°. Are used to transport crew or persons on board to and from a ship; or
 - 2°. Of which the operation of the engine, davit or free fall launching arrangement is being tested;
 - d. Ships the presence of which in the port is necessary in connection with the arrival, stay or departure of a ship as referred to under a. or b.;
 - e. Ships carrying out activities for a public-law body, or ships of the port authority;
 - f. Ships navigating directly and without interruption to or from the **infrastructure** outside the oil port;
 - g. Service ships;
 - h. Ships which perform dredging operations;
 - i. Work ships; or
 - j. **Bunker ships**.
2. Recreational craft or passenger ships are prohibited from being in an oil port area.

Article 5.3 Open flame, smoking and creation of sparks prohibited

1. Anyone in an oil port area or on board a ship in an oil port area is forbidden to:
 - a. Use open flame;
 - b. Smoke in the open air, or;

- c. **Smoke in the ship, unless this takes place in a space not directly accessible from outside, or in a closed space, or in a space - a dwelling or service space - which complies with national or international legislation, or;**
 - d. Undertake activities that cause or may sparks flying into the outside air.
2. Ships with sparks flying from the exhaust pipe of a combustion engine are prohibited from being in an oil port area.

Article 5.4 Tankers carrying hazardous substances

- 1. Tankers of which the cargo tanks or slop tanks contain hazardous substances or residues thereof may **only be at a berth** in an oil port or at berths outside an oil port designated for this purpose by the Mayor and Aldermen.
- 2. Tankers are also permitted to **be at berths** outside an oil port if **their cargo tanks or slop tanks:**
 - a. Only contain hazardous substances with exclusively combustible characteristics, or residues thereof, with:
 - 1°. A flash point of 55 degrees Celsius or higher or;
 - 2°. Contain an inert atmosphere or,
 - 3°. Contain no more combustible vapours than 20% of the lower explosive limit while the tanks remain closed, or
 - b. **Only contain or are empty of the substances listed in Annex 4, or residues thereof.**

Article 5.5 Inland tankers carrying hazardous substances

Contrary to Article 5.4, paragraph 1, inland tankers are permitted **to be at a berth** outside an oil port if:

- a. They are at the berth for only a short period of time at:
 - 1. A designated car landing place for the immediate unloading or loading of their car;
 - 2. **A location** where the intake of fuel is permitted, or;
 - 3. A designated place for the immediate intake of drinking water.
- b. The ship concerned is a reception facility **which, at this specific location, is used exclusively for the reception of ship waste substances.**

Article 5.6 Seagoing tankers carrying hazardous substances

- 1. The following applies if a seagoing tanker as referred to in Article 5.4, paragraph 2, part a., under 2° and 3°, is berthed outside an oil port:
 - a. **The ship has been issued a Gas Expert Declaration in accordance with the form adopted by the Harbour Master;**
 - b. The cargo tanks or slop tanks must remain closed, and;
 - c. **No operations with dangerous substances** take place.
- 2. If a seagoing tanker, as referred to in paragraph 1, is **going to berth** outside an oil port, the Harbour Master must be notified of this in advance.

Article 5.7 Combination carriers carrying hazardous substances

1. Contrary to Article 5.4, paragraph 1, combination carriers are permitted **to be at a berth outside an oil port area** if:
 - a. **A Gas Expert has issued a Gas Expert Declaration in accordance with the form adopted by the Harbour Master;**
 - b. They are or will be loaded with a solid bulk cargo;
 - c. All other tanks, with the exception of bunker tanks, and all other spaces are free from combustible liquids **or residues thereof** with a flash point lower than or equal to 55 degrees Celsius;
 - d. **No operations** involving dangerous substances take place, and;
 - e. The tanks which are situated not directly adjacent to the cargo holds and which contain combustible cargo residues have an inert atmosphere, or an atmosphere in which combustible vapours amount to not more than 20% of the lower explosion limit.
2. If a combination carrier is **going to berth** outside an oil port, the Harbour Master must be notified of this in advance.

Article 5.8 Construction and equipment regulations for service ships or work boats

If a service ship or work boat navigates or stays in an oil port area, the following applies:

- a. The ship's hull must be made entirely of non-combustible material;
- b. During the stay in the oil port area, the ship must have a working VHF maritime radio-telephone installation on which the relevant VHF port channel is continuously monitored;
- c. The ship must have an electrical installation which at least meets the requirements of Atex zone 2 of Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999, or as subsequently amended;
- d. The ship's accommodation area, wheelhouse, engine room or control room, if any, must offer adequate protection against the ingress of dangerous gases and vapours;
- e. The ship's heating, cooking or refrigerating appliance, if any, which operates on electricity or uses a combustible liquid with a flash point of 55 degrees Celsius or higher, must be switched off; and
- f. It must have a shielded engine which cannot serve as a source of ignition.

Section 6 Transshipment of liquid dangerous or harmful substances in bulk

Article 6.1 Berth designation for tankers

1. The Mayor and Aldermen may designate **berths** falling outside the scope of **the Omgevingswet/het (ontwerp) Besluit activiteiten leefomgeving (the Environment and Planning Act/the (draft) Living Environment Activities Decree** where tankers loaded with or empty of liquid dangerous or harmful substances are permitted to berth.
2. The Mayor and Aldermen may attach conditions to the designation as referred to in

paragraph 1 with regard to the nature and quantity of the cargo and the activities to be carried out by the ships **insofar as the (draft) Living Environment and Planning Activities Decree does not attach conditions to this.**

3. If a tanker carrying hazardous substances lies at a berth as referred to in paragraph 1, the regulations which apply in the oil port area will also apply to the area consisting of a strip of water of 25 metres wide around all directly or indirectly moored ships. This does not apply if the tanker carries a cargo of hazardous substances or a residue thereof in accordance with Article 5.4, paragraph 2.

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

1. The direct transshipment of liquid dangerous or harmful substances between tankers or between a seagoing tanker and **a location where this activity is permitted** if for the activity concerned the checklist as referred to in the ISGOTT, StSTGP or ISGINTT has been completed and signed by the parties involved in accordance with the provisions of the checklist mentioned above.
2. Transshipment takes place in accordance with the checklist.

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

1. During transshipment between tankers of the following liquid dangerous substances:
 - a. A dangerous or harmful substance which, in accordance with the IBC Code or the ADN, has to be carried in a tank fitted an option to connect **a vapour return line**;
 - b. **A dangerous or harmful substance which, in accordance with the ADN, must be carried in a closed tank**; or;
 - c. **A liquid as referred to in Annex 2, or;**
 - d. **A volatile organic compound;**

The transshipment must comply with the following:

1. To connect a vapour return line between the cargo tanks concerned, or;
 2. To use a degassing facility in such a way that no, or as little as possible, emission to the atmosphere takes place outside the parameters specified in the permit of the degassing facility.
2. To use no more cargo transfer lines than necessary for the transshipment operation. To ensure that the fixed connection points for the cargo transfer lines lie at the shortest possible distance from each other.
3. To use the ship's fixed cargo pipeline system for the transshipment of liquid hazardous substances.
4. To use the ship's fixed cargo pump during the discharge of liquid hazardous substances with the exception of harmful substances.
5. A ship engaged in the transshipment of liquid hazardous substances with the exception of harmful substances may have one ship berthed alongside on either side. More ships may be berthed alongside on one side if it concerns:
 - a. One service ship, provided that it is berthed outside the cargo zones of the tanker, or;

- b. One bunker ship.

Article 6.4 Transshipment of gas

Transshipment of a gas as referred to in the IGC Code or the ADN between two tankers is prohibited.

Article 6.5 Mooring alongside during the transshipment of gas

Mooring alongside a ship engaged in the transshipment of a gas as referred to in the IGC Code or the ADN is prohibited.

Section 7 Zoning regulations for ships carrying dangerous substances in packaged form

Article 7.1 Zoning regulations for ships carrying dangerous substances in packaged form or in bulk

1. A ship loaded with a dangerous substance as referred to in Annex 3 in packaged form may only berth within a distance specified in Annex 3 **from the stowed position of the dangerous substance to Highly Vulnerable Buildings** if the parties concerned act in accordance with the provisions incorporated in Annex 3.
2. In that case, the Harbour Master must be notified of the ship's berthing at least 3 hours in advance.

Section 8 Bunkering, de-bunkering and the transfer of consumable materials to or from a ship

Article 8.1 Bunkering

1. The fuels or energy sources designated by the Mayor and Aldermen may solely be bunkered or de-bunkered **by anyone** with a permit from the Mayor and Aldermen.
2. The Mayor and Aldermen may designate areas or berths where:
 - a. Bunkering or de-bunkering is prohibited;
 - b. Bunkering or de-bunkering is permitted, or;
 - c. Bunkering or de-bunkering is permitted only for certain fuels or energy sources in accordance with the provisions of paragraph 1.
3. The Mayor and Aldermen may designate fuels that may not be debunked.
4. A permit is not required if bunkering or de-bunkering takes place **at a company where these activities are permitted.**
5. **The Mayor and Aldermen may designate fuels or energy sources that contain one or more properties of a dangerous substance where simultaneous activities with bunkering or de-bunkering of these fuels or energy sources are permitted.**

Article 8.2 Minimum requirements for a bunkering permit

1. The Mayor and Aldermen may set minimum requirements for the bunkering permit and the bunkering permit holder.
2. These minimum requirements may relate to:

- a. The professional qualifications of the permit holder, the permit holder's staff, or the natural persons who effectively and continuously manage the permit holder's activities;
- b. the permit holder's financial standing;
- c. The equipment needed for carrying out bunkering operations under normal and safe conditions and the ability to maintain this equipment to the required standard;
- d. The availability of the permit holder to carry out bunkering or de-bunkering operations, at all berths and without interruptions, day and night, all year round;
- e. Compliance with requirements relating to maritime safety or the safety and security of the port, or access to the port, its installations, equipment, workers and other persons;
- f. Compliance with local, national, European and international environmental requirements, or;
- g. The permit holder's integrity as determined in accordance with any applicable national law on integrity, taking into account compelling reasons to doubt the integrity of the provider of port services.

Article 8.3 Compliance with the minimum requirements for a bunkering permit

1. Together with the permit application, the applicant must submit the information required in the application form adopted by the Harbour Master;
2. The Mayor and Aldermen may determine that for certain fuels or energy sources additional information must be submitted in support of the permit application. This additional information relates to the regulations and restrictions referred to in paragraph 3 and may be connected with an audit which the Mayor and Aldermen may conduct for the bunkering or de-bunkering operations carried out by the company.
3. Regulations and restrictions may be attached to the permit, **including**:
 - a. The location where the bunkering or de-bunkering operations may be carried out and the safety distances to be observed during bunkering or de-bunkering;
 - b. Operational safety and operational procedures dealing with bunkering or de-bunkering, **as well as** whether or not simultaneous activities during bunkering or de-bunkering are permitted;
 - c. The nautical safety;
 - d. The external safety, and;
 - e. Submitting operational notifications related to the bunkering or de-bunkering; **and;**
 - f. **The subjects as referred to in article 8.2, paragraph 2.**

Article 8.4 Regulations for ships alongside during bunkering

The Mayor and Aldermen may **designate fuels and energy sources** subject to restrictions on the number, the location and the type of ships which may berth alongside a ship which is being bunkered or de-bunkered **with these fuels or energy sources**.

Article 8.5 Permit for consumable materials

1. Consumable materials designated as such by the Mayor and Aldermen may be transferred to or from a ship **by anyone** solely with a permit from the Mayor and Aldermen..
2. The Mayor and Aldermen may designate areas or berths where:
 - a. Consumable materials may not be transferred to or from a ship;
 - b. Consumable materials may be transferred to or from a ship, or;
 - c. Only certain additives may be transferred to or from a ship.
3. A permit is not required if the transfer of consumable materials to or from a ship takes place **at a location where these activities are permitted.**

Article 8.6 Requirements for a permit for consumable materials

1. Together with the permit application, the applicant must submit the information required in the application form adopted by the Harbour Master;
2. The Mayor and Aldermen may determine that for certain consumable materials additional information must be submitted in support of the permit application. This additional information relates to the regulations and restrictions referred to in paragraph 3 and may be connected with an audit which the Mayor and Aldermen may conduct for the activities carried out by the company for the transfer of consumable materials to or from a ship.
3. The permit may be subject to regulations and restrictions, which may relate to the following:
 - a. The safety distances to be observed during the transfer of consumable materials to or from a ship;
 - b. Operational safety and the operational procedures governing the conduct of the transfer of consumable materials to or from a ship, **as well as** whether or not simultaneous activities during the transfer of auxiliary materials to or from a ship are permitted;
 - c. The nautical safety;
 - d. The external safety, and;
 - e. The issuing of operational notifications relating to the transfer of consumable materials to or from a ship.

Article 8.7 Checklist for bunkering and de-bunkering and transfer of consumable materials

1. **The Mayor and Aldermen may establish a checklist for the bunkering or de-bunkering, or for the transfer of consumable materials to or from a ship.**
2. The Mayor and Aldermen may designate **fuels, energy sources and consumable materials** and may also designate categories of ships for **which, during bunkering or de-bunkering, or during the transfer of consumable materials**, a checklist applies.
3. A checklist must be completed and complied with by the parties involved in the bunkering or de-bunkering operations and must be kept on board the ships concerned for at least 24 hours after the completion of the bunkering or de-

bunkering operations.

Article 8.8 Signs

1. **The Mayor and Aldermen may designate fuels or energy sources for which a sign, to be determined by the Mayor and Aldermen, applies during the bunkering or de-bunkering thereof.**
2. **The Mayor and Aldermen may determine minimum passing distances for ships in relation to the bunkering activities for each of the designated fuels as referred to in paragraph 1.**

Article 8.9 Notifications

1. **The Mayor and Aldermen may designate fuels, energy sources or consumable materials which require that the Harbour Master must be notified prior to and after completion of the bunkering, de-bunkering, or the transfer of consumable materials to or from a ship;**
 - a. **The notification requirement applies to the holder of the bunkering permit and must be made by on or behalf of him;**
 - b. **If there is no holder of the bunkering permit, the ship to be bunkered must fulfil the notification requirement**

Section 9 Enforcement

Article 9.1 Obligation to comply with the regulations

The regulations laid down under or pursuant to these Bye-laws and the related regulations and restrictions must be complied with. Violating these rules and regulations is a criminal offence.

Article 9.2 Penal provision

Violation of the provisions laid down under or pursuant to these Bye-laws is liable to a term of detention of not more than three months or a fine of the second category.

Article 9.3 Supervisory officials

The persons to be appointed by decision of the Mayor and Aldermen are responsible for the supervision of compliance with the provisions laid down under or pursuant to these Bye-laws.

Article 9.4 Entry into a home

Persons in charge of the supervision of compliance or detection of violations of the provisions laid down under or pursuant to these Bye-laws for the purpose of maintaining public order, safety, protection of the life or health of persons, are authorised to enter a home without the permission of the occupant.

Section 10 Transitional and final provisions

Article 10.1 Repeal of old legislation

The Regional Port Bye-laws for the North Sea Canal Area **2019** are repealed

Article 10.2 Transitional law

1. Permissions, decrees, or recognitions granted by or pursuant to the **Port Bye-laws for the North Sea Canal Area 2019** and are in force at the time of entry into force of the Port Bye-laws for the North Sea Canal Area 2023, are considered to be permissions, decrees, or recognitions by or pursuant to these Port Bye-laws.
2. If, prior to the date of entry into force of these Regional Port Bye-laws for the North Sea Canal Area 2019, an application for permission, a decision, or an recognition on the ground of one of the regulations repealed in Article 10.1 has been submitted and on which a decision has not yet been taken, these Bye-laws will be applied.
3. Notices of objection directed against a decision on an application for permission, or against a decision or recognition pursuant to the regulations repealed in Article 10.1 will be decided upon subject to the provisions of the Regional Port Bye-Laws for the North Sea Canal Area 2019.

Article 10.3 Entry into force

These Bye-laws enter into force on 1 January 2023.

Article 10.4 Short title

These Bye-laws are cited as: Regional Port Bye-laws for the North Sea Canal Area **2023**.

Adopted at the Council Meeting on (date).

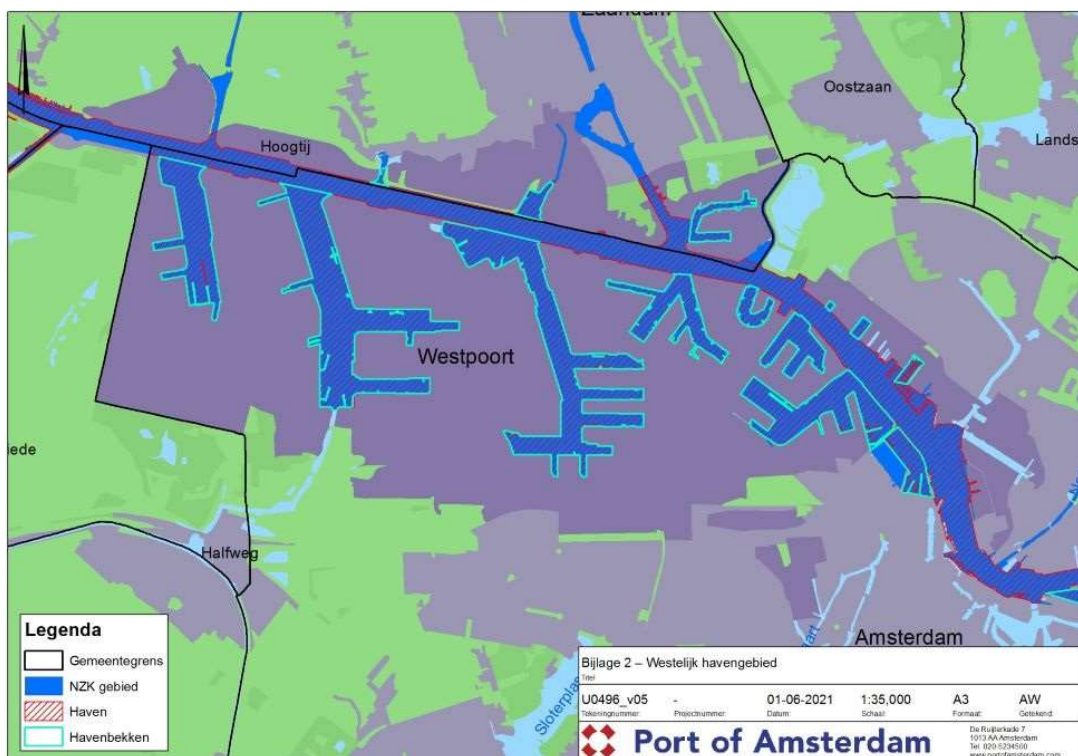
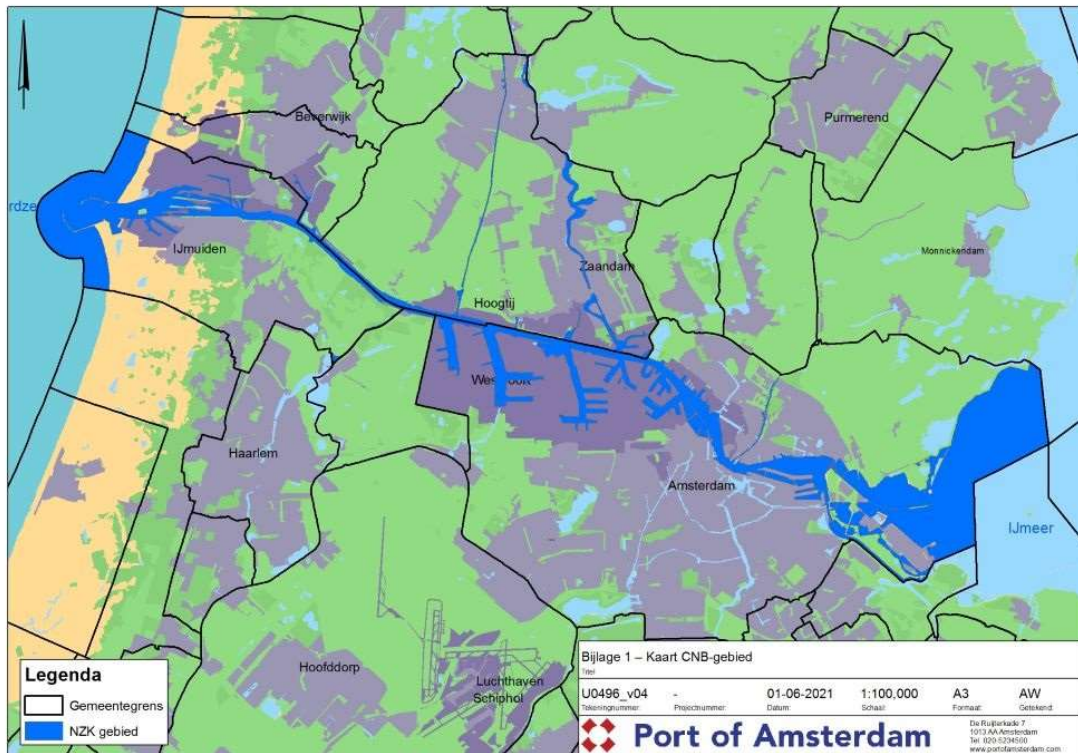
Chair
Femke Halsema

Council Registrar
Jolien Houtman

Annex 1 Maps of the North Sea Canal Area

In the maps below, the following terms are defined as follows:

- 'Gemeentegrens' means: municipal boundary;
- 'NZK gebied' means: North Sea Canal Area;
- 'Haven' means harbour;
- 'Havenbekken' means harbour basin





NO

NON AUTHORITYATIVE

Annex 2, related to article 4.11 and article 6.3

The liquids referred to in article 4.11 and article 6.3, are:

Substance name	U.N. number
- benzene	1114
- benzene-containing mixtures with more than 10% benzene	multiple UN numbers possible
- ethyl acrylate	1917
- formaldehyde solution	1198 - 2209
- iso-butyl acrylate	2527
- iso-butyric aldehyde	2045
- iso-propylamine	1221
- methyl acrylate	1919
- n-butyl acrylate	2348
- n-butyric aldehyde	1129
- propylene oxide	1280
- styrene	2055
- turpentine	1299

Annex 3 Related to article 7.1

IMDG Class	Zone A Seagoing/Inland ships 0-100 m to highly vulnerable buildings	Zone B Seagoing ships 100-300 m to highly vulnerable buildings	Zone C Seagoing ships 300-500 m to highly vulnerable buildings	Zone D Seagoing ships 500-800 m to highly vulnerable buildings	Zone E Seagoing ships >800 m to highly vulnerable buildings
1.1 (NEM)	Prohibited for: Total quantity > 25 kg Other: unlimited	Prohibited for: Total quantity > 1,500 kg Other: unlimited	Prohibited for: Total quantity > 12,000 kg Other: unlimited	Prohibited for: Total quantity > 50,000 kg Other: unlimited	Unlimited
1.2 (NEM)	Prohibited for: Total quantity > 25 kg Other: unlimited	Prohibited for: Total quantity > 5,000 kg Other: unlimited	Prohibited for: Total quantity > 12,000 kg Other: unlimited	Unlimited	Unlimited
1.3 (NEM)	Prohibited for: Total quantity > 5,000 kg Other: unlimited	Prohibited for: Total quantity > 12,000 kg Other: unlimited	Unlimited	Unlimited	Unlimited
1.4 (NEM)	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
1.5 (NEM)	Prohibited for: Total quantity > 25 kg Other: unlimited	Prohibited for: Total quantity > 1,500 kg Other: unlimited	Prohibited for: Total quantity > 12,000 kg Other: unlimited	Prohibited for: Total quantity > 50,000 kg Other: unlimited	Unlimited
1.6 (NEM)	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
2.1	Prohibited for: Total quantity > 10,000 kg Other: unlimited	Prohibited in packaging with a cargo > 13,000 kg for UN numbers: 1032, 1036, 1041, 1061, 1083 Other: unlimited	Unlimited	Unlimited	Unlimited
2.2	Prohibited in packaging with a load > 13,000 kg for UN number: 2451 Other: unlimited	Unlimited	Unlimited	Unlimited	Unlimited
2.3	Prohibited	Prohibited for UN numbers: 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083	Prohibited in packaging with a cargo > 13,000 kg for UN numbers: 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076,	Prohibited in packaging with a cargo > for UN numbers: 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188,	Unlimited

		Unlimited for UN numbers: 1008, 1016, 1023, 1045, 1071, 1612, 1660, 1859, 1911, 1953, 1955, 2190, 2198, 2417, 2451, 2600, 3303, 3304, 3305, 3306 Other: unlimited	1082, 2188, 2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083 Other: unlimited	2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083 Other: unlimited	
3	Prohibited for: Total quantity > 10,000 kg	Unlimited	Unlimited	Unlimited	Unlimited
4.1	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
4.2	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
4.3	Prohibited for UN no: 1295 Prohibited for: Total quantity > 10,000 kg for UN number: 1242 Other: unlimited	Prohibited for UN no: 1295 Other: unlimited	Prohibited in packaging with a cargo >13,000 kg for the UN number: 1295 Other: unlimited	Unlimited	Unlimited
5.1	Prohibited for UN no: 1745 Prohibited for: Total quantity > 10,000 kg for UN numbers: 1745 and 2495 Other: unlimited	Prohibited for UN no: 1745 Other: unlimited	Prohibited in packaging with a cargo >13,000 kg for the UN number: 1745 Other: unlimited	Unlimited	Unlimited
5.2	Prohibited for: Total quantity > 10,000 kg	Unlimited	Unlimited	Unlimited	Unlimited
6.1	Prohibited for UN numbers: 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2480, 2486, 3249 Other UN numbers prohibited for: total quantity >10,000 kg	Prohibited for UN numbers: 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2480, 2486, 3249 Other: unlimited	Prohibited in tank containers with a cargo >13,000 kg for UN numbers: 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2480, 2486, 3249 Other: unlimited	Unlimited	Unlimited

7	Prohibited for UN numbers: 1052, 1744, 1786, 1790, 1818 Other substances prohibited for: total quantity > 10,000 kg	Prohibited for UN numbers: 1052, 1744, 1786, 1790, 1818 Other: unlimited	Prohibited in packaging with a cargo >13,000 kg for UN numbers: 1052, 1744, 1786, 1790, 1818 Other: unlimited	Unlimited	Unlimited
8	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

Weights in this annex apply to substances and packaging, container weights are not taken into account. The total quantities of Class 1 may not exceed the quantities mentioned in the Carriage of Dangerous Goods by Seagoing Ships Regulations and are in Net Explosive Mass (NEM).

Annex 4 Related to article 5.4

The substances referred to in Article 5.4 are:

Substance name	UN number
• potassium hydroxide	1814
• sodium hydroxide	1824
• phosphoric acid	1805

Substances listed in the IBC code with indication S/P and notation 'Toxic Vapour detection:

- acid oil mixture from soyabean, corn, (maize) and sunflower oil refining
- camelina oil
- cashew nut shell oil (untreated)
- castor oil
- cocoa butter
- coconut oil
- coconut oil fatty acid
- corn oil
- cotton seed oil
- fatty acids (C12+)
- fish oil
- grapeseed oil
- lard
- non-edible industrial grade palm oil
- olive oil
- palm acid oil
- palm fatty acid distillate
- palm kernel acid oil
- palm kernel fatty acid distillate
- palm kernel oil
- rice bran oil
- saffloweroil
- shea butter
- soyabeanoil
- sunflower seed oil
- tungoil
- used cooking oil (Triglycerides., C16-18 and C18 unsaturated)
- vegetable acid oils (m)

Annex 5

Explanatory notes to the Regional Port Bye-laws for the North Sea Canal Area 2023

Preamble to the Port Bye-laws

One of the objectives of the Port Bye-laws is to regulate the order of or in the port. That concept 'order' is not immediately obvious at first glance. 'Order' does not refer to spatial planning. Spatial planning is the responsibility of the Council (zoning plans) and of the Mayor and Aldermen (permits and detailed zoning plans and amendment plans). The concept 'order' means the efficient use of the port. The Preamble to the Port Bye-laws has been amended. The Port Bye-laws will therefore use the term 'efficient use of the port' whenever necessary.

Relation to other legislation

The provisions in the Port Bye-Laws are supplementary to higher national and international legislation. With regard to national legislation, the following rules and regulations, in particular, are included: The Binnenvaartpolitiereglement (Inland Navigation Police Regulations), the Regeling melding en communicatie scheepvaart (Regulation on the notification and communication of shipping), 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) (after the implementation of the Omgevingswet (Environment and Planning Act) in the Besluit activiteiten leefomgeving (Living Environment Activities Decree). With regard to international legislation, the following are included: MARPOL, SOLAS and ADN.

Interrelation between articles

There is a relation between the articles in the Port Bye-laws. The articles may have a relation or dependency with other sections and articles in the Port Bye-laws. The Port Bye-laws must therefore be viewed and read as a whole to determine whether or not a particular act or behaviour is permitted.

Explanatory notes to individual articles

Below are the explanatory notes to individual articles including the third amendment (cumulative explanation). Not all articles have explanatory notes; only those articles that require an explanation are included.

Section 1 General provisions

Article 1.1 - Definitions

Definitions used in the Port Bye-Laws requiring explanation have been incorporated in article 1.1. Definitions have been aligned with those used in national and international legislation as

much as possible.

The following is an explanation of some of the definitions.

Hazardous substances

The definition of hazardous substances is based on the classification in international transport legislation, using the criterion of safety during transport and handling. Hazardous substances are all substances listed as such in the transport legislation listed in this definition.

The distinction between hazardous and harmful substances (see below) is important for the application of several articles in the Port Bye-laws. A substance carried as cargo may be either hazardous or either harmful in the sense of polluting the marine environment; a substance can also be both hazardous and harmful. For example, edible oil carried in bulk in a tanker is a harmful but not a hazardous substance. Gasoline carried in bulk in a tanker is both a hazardous and harmful substance, while gasoline transported in a tank container is only a hazardous substance.

Port

This defines what is included in the term 'port'. This term must be read in conjunction with Article 1.2 of the Port Bye-laws. The Port Bye-laws apply in the port. 'Port' includes civil engineering structures located in or along the water.

Harbour Master

The term 'Harbour Master' means the public-law Harbour Master appointed by the Mayor and Aldermen, i.e. the authority in the port that supervises the efficient use of the port, the environment and the safety, insofar this authority has mandated duties or has been authorised on the basis of the Port Bye-laws.

Inert atmosphere

An inert atmosphere is an atmosphere in which, when it is mixed with air, no explosive mixtures can occur and where the volume percentage of oxygen and hydrocarbon gas complies with the relevant IMO requirements.

Infrastructure

The term infrastructure appears in the Port Bye-laws, for example in Article 3.7. The reason for including a definition is that it avoids ambiguity about the purpose of the article in which the term appears.

Captain and skipper

The captain or skipper is the person 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 of 'captain' and 'skipper' are relevant to Article 1.3 which states that the provisions of these Port Bye-laws apply (in principle) to the skipper or captain, unless another person is designated to whom the provisions of these Port Bye-laws apply.

Degassing facility

At supra-local level, regulations are set to restrict the degassing into the atmosphere of cargo tanks containing hazardous vapours. This means that ships will have to dispose of hazardous 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 or a truck). A degassing facility can also be used to capture vapours during the transshipment of harmful or hazardous substances for which a connection to a vapour return line is required. The Harbour Master may grant permits to degassing facilities that are not covered by an environmental permit of an establishment or which, after the introduction of the Omgevingswet (Environment and Planning Act), are permitted to operate at a location on the basis of the Besluit activiteiten leefomgeving (Living Environment Activities Decree).

Open cleaning and closed cleaning

The Port Bye-laws distinguish between cleaning with open tanks and closed tanks. This option was chosen to ensure that the articles on the cleaning cargo tanks clearly indicate when vapours from certain hazardous or harmful substances may be ventilated into the atmosphere.

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 waste substances

The amendment is a consequence of the amendment to the Wet voorkoming verontreiniging door schepen (Prevention of Pollution from Ships Act). While the previous Act referred to 'ship's waste', the new Act uses the term 'ship waste substances'. The definition is similar to the one used in the Act. 'Ship waste substances' has been defined as ship-generated waste, including cargo residues, generated during the ship's operation or during loading, unloading and cleaning operations. Specifically mentioned are oily waste from the engine room, household waste water, household waste, small hazardous waste and ozone-depleting substances, which are found in, for example, old fire extinguishers. In addition, the term 'ship waste substances' also includes cargo-related waste, such as dunnage and packaging material.

Cargo residues, both dry and wet, are substances left behind after unloading the cargo and also fall under this definition.

Ventilate

The definition of ventilation is in line with the provisions of the CDNI (to be adopted). The CDNI sets a limit below which vapours may be ventilated into the outside air; this limit is called the Accepted Vent Free Level. This level corresponds to 10% of the lower explosive limit of a (flammable) substance.

Volatile organic compounds

In this definition, an organic compound is understood to mean a compound containing at least the element carbon and additionally one or more of the following elements: hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides, anorganic carbonates and bicarbonates.

Seagoing ship

With regard to the term 'seagoing ship', it should be noted that ships in the possession of the required documents to operate both on inland waterways and at sea (the so-called category of binnen-buitenschepen (sea-river ships)), are classified as seagoing ships under this definition.

Highly vulnerable buildings

The definition of 'highly vulnerable buildings' is in line with the (forthcoming) Omgevingswet (Environment and Planning Act), which uses different concepts for external safety. Recent studies have already taken into account this new classification of vulnerable objects/buildings in relation to the determination of environmental circles around highly vulnerable buildings.

Article 1.2 Where do these regulations apply?

The Port Bye-laws apply in the port. See also the explanation of the term 'port' which is important for determining the scope of application.

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

Article 1.3 To whom do these Port Bye-laws apply?

The provisions of these Port Bye-laws apply (in principle) to the skipper or the captain. But some articles in the Port Bye-laws explicitly require that 'anyone' must comply with the provision in question (such as in article 3.8, which prohibits non-entitled parties to detain a

ship, and in article 4.5, which states that 'anyone' may carry out work on a ship, and in article 4.7, which states that 'anyone' is obliged to comply with the Action Plan.

Article 1.5 Regulations and restrictions

Violations of the provisions laid down under or pursuant to these Bye-laws may be punished. The same applies to a violation of the regulations or restrictions attached to a permission.

Article 1.7 Period of validity

A permission granted for a one-off action or act is granted for the duration of that action or act. The period of time is stated in the permission or exemption and is related to the application. A permission can be granted for the maximum duration of five years. Paragraph 2 is a new paragraph which makes it possible to deviate from this in certain situations.

In urgent cases, the Mayor and Aldermen may grant an exemption for a one-off action or act orally. The exemption, however, will be put in writing as soon as possible thereafter.

Article 1.9 Exemption and dispensation from regulations and prohibitions

The Port Bye-laws do not include any dispensation or exemption options in the articles themselves. A general possibility of granting dispensation or exemption from the orders and prohibitions in the Port Bye-laws is sufficient. And this possibility has not been limited. However, the condition for granting dispensation or exemption is that the applicant (and not the Mayor and Aldermen) must be able to demonstrate that the conditions set out in this article are guaranteed. This possibility is included in general terms because when the Port Bye-laws were drafted, not all developments in shipping were (or could be) foreseen.

Article 1.10 Notification to the Harbour Master

The acts which are subject to a notification requirement have been regulated in several articles in the Port Bye-laws. The manner in which, the information to be included in, and the time when notifications must be submitted has been regulated by means of a separate Decree of the Harbour Master. The Harbour Master, in general, is authorised to set conditions which applications or permissions must comply with.

Section 3 Efficient use of the port

Traffic signs, and announcements with the same purpose as a traffic sign

The Binnenvaartpolitiereglement (Inland Navigation Police Regulations) provides for a system of traffic signs that is uniform for the Netherlands. To avoid interference with this system of traffic signs, this article stipulates that the Mayor and Aldermen will use the same signs for the purpose of efficient use of the port. Where the BPR regulates traffic handling, the Port Bye-laws regulate the use of the port from the point of view of certain interests, such as the

environment, the efficient use of the port, 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 of berthing periods

Broadly speaking, this article regulates that the Mayor and Aldermen are authorised to designate areas in which certain types of ships are not permitted to be, or to indicate which activities are or are not permitted at these berths. The designation may also stipulate the period of time. It will be necessary, therefore, to adopt decrees, for example, to prevent pleasure craft from entering harbour basins. In the previous Port Bye-laws, this had been regulated by means of a prohibition.

Article 3.3 Berthing

Berthing also includes anchoring or the use of spud poles at the designated anchorages.

Part d refers to public berths specifically designated by the Mayor and Aldermen for tankers loaded with or empty of liquid hazardous or harmful substances in bulk. Part d is necessary because the above-mentioned ships are, in principle, prohibited from berthing at non-designated public berths. Part d of this article therefore has a reference to Article 6.1 that provides for the designation.

Part e mentions the exception, namely when a ship has a specific berthing permit and/or a berthing exemption. This may be a specific berthing permit or berthing exemption issued by the Mayor and Aldermen, but it may also be a berthing permit issued by another competent authority, such as Rijkswaterstaat. This may include 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 mentioned above. Ships should be moored in such a way that no forward or aft movements can occur and that 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 Jacking-up of ships

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

The Mayor and Aldermen may designate areas where jacking-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 jacking-up activities impossible.

If a ship is at a location where jacking-up activities are permitted, the prohibition does not apply insofar as the activities fall within the scope of the permit issued under the Wet algemene bepalingen omgevingsrecht (the Dutch Environmental Permitting Act) or insofar as the activities are permitted under the Besluit activiteiten leefomgeving (Living Environment Activities Decree).

Article 3.6 Use of propulsion systems, bow thrusters, or stern thrusters

This article aims to protect 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 infrastructure if used for purposes other than manoeuvring to or from a berth.

For this reason, it has been determined that the use of these devices is not permitted if they cause or may cause damage to the infrastructure. It is up to the skipper or captain to determine whether the use of the propulsion systems, bow thrusters or stern thrusters can take place safely.

Reason for the prohibition is that it has become apparent that users of the port could 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, may cause major damage.

Article 3.7 Use of anchors and spud poles.

Infrastructural 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 infrastructural facilities may result in damage to these facilities.

Anchors or spud poles may only be used if it is ensured that they cannot cause damage. This is in areas designated by the Mayor and Aldermen or at berths with the relevant traffic signs or

Decrees with the same purpose as a traffic sign. In other cases, information will have to be requested from the Harbour Master.

Article 3.8 Entitled parties

The title of this provision better reflects the content than in the previous version of the Port Bye-laws. An entitled party is someone who can assert rights over the ship, whether as a legitimate user (owner/lessee) or as someone who has been authorised or otherwise (e.g. an administrative body exercising its authority to apply administrative sanctions).

Article 3.11 Operational spaces to berths

The Mayor and Aldermen may allocate operational spaces to berths. An operational space is a stretch of 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 the transshipment of cargo, bunkering or allowing a ship to be berthed on the basis of the properties of the cargo.

The responsibility for compliance 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.

In paragraph 4, 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 must 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 permission is required for these activities. The notification may, however, give the Harbour Master cause to issue an instruction to, for example, postpone the activity. At some berths, it may be undesirable for bunker ships or service ships to berth outside the operational space. Paragraph 4 therefore adds that the Mayor and Aldermen may determine otherwise in the Decree as referred to in paragraph 1.

Article 3.12 Measures following withdrawal from commercial service

This article has been included in the Port 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

arrested or have been banned from navigation.

If a ship has been laid up, there will usually remain a minimum of crew 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 arrested or has been banned from navigation, part of the crew may also be removed from the ship in view of the duration of the measure.

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 properly moored.

This article makes it possible to impose effective measures on the captain, the skipper, or the operator of the ship to permanently safeguard the efficient use of the port, the safety, or 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 of seagoing ships

For safety reasons, the Port Bye-laws requires that the mooring and unmooring of ships must be carried out by professionals. These professionals are the boatmen. To guarantee the quality in the long term, recognition of boatmen's organisations has been provided for. recognition means that the organisation complies with the requirements with regard to the availability and professional competence of the personnel deployed by the organisation.

The 75-metre limit used in the first paragraph is related to regulations for ships subject to compulsory pilotage that are included in the Compulsory Pilotage Decree 2021.

The obligation to make use of boatmen has been aligned with the obligation to use a pilot. On historical grounds, the 'obligation to use boatmen' coincides with the 'obligation to use a pilot'. In the port, ships with a length of 75 metres or more are subject to compulsory pilotage, regardless of their location in the port.

The second paragraph contains a number of exceptions to the prohibition on carrying out boatman services. The option to moor or unmoor the ship by its own crew members has been included in the provisions for those cases where the assistance of a third party is not required, for instance if, due to the dimensions of the ship, it would not be reasonable to prescribe professional assistance. In the cases as referred to in paragraph 2 under a. and e., a notification must be sent to the Harbour Master. The notification requirement has been included so that the Harbour Master is made aware of the fact that this exception is being used and the Harbour Master, if necessary (for example due to weather conditions) can intervene.

Article 3.15 Recognition requirements for boatmen's organisations

The requirements for mooring boats used by boatmen for the mooring and unmooring of 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 navigate 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 a digital copy of the declaration of seaworthiness (for inland ships) may be shown instead of the paper version.

Article 3.17 Carriage of persons.

Until the introduction of this article, the operating permit system for passenger transport, including passenger transport on port waters, was included in the Verordening op het binnenwater 2010 (Inland Waterways Bye-law 2010). Because the system for port waters (general regulations) is going to differ from the system for inland waters, it is obvious to include the regime for port waters in the Port Bye-Laws, as these Bye-laws contain nautical regulations for the port.

For pleasure boats, this article also contains regulations similar to what has been regulated on inland waters. It is prohibited to sail with more than 13 persons on board. There are no regulations for sailing with fewer persons on board. Sailing with fewer persons on board is permitted.

There are no specific regulations for passenger shipping in these Bye-laws; this article has therefore been included in Section 3, which contains regulations for the efficient use of the port.

Primary waterways as referred to in paragraph 3 are the following: Afgesloten-IJ, Buiten-IJ, Noordhollandsch Kanaal, Noordzeekanaal and Amsterdam-Rijnkanaal.

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 (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. Acts that take place on the shore fall outside these provisions. This is because 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 (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 or main and auxiliary engines 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 the efficient use of the port.

The measures to be taken can be of a (more or less) far-reaching nature and may involve a wide variety of measures, depending on what is necessary. These include measures for when a ship is on fire, in danger of sinking, or is leaking hazardous substances. 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'. In general, safe access means that a ship's means of access must be positioned in such a way that it cannot cause danger or damage.

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 engineering works on ships usually take place at a location where these activities are permitted, for example at a shipyard or in a dock. All other activities may be carried out by the ship's crew, by a repair company or by workers employed by the stevedore. The article, therefore, is addressed to 'anyone'. Carrying out engineering works may involve hazards.

In order to prevent other activities outside a location where these activities are permitted from becoming major works with inherent safety risks, provisions have been incorporated in paragraph 1, under b, stating that the duration of these activities carried out in the port may not exceed seven days. Paragraph 1 also applies to the operational readiness of the ship. Engineering works 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 tanker referred to in the second paragraph is also deemed to include a combination carrier which has been converted into a bulk carrier and is only suitable for the transport of dry bulk cargoes. 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 engineering works involving fire are carried out.

The third paragraph provides that engineering works on a ship's installation powered by specific fuels, energy sources or consumable materials, are not automatically permitted. The Mayor and Aldermen may set conditions with regard to these engineering works to ensure the efficient use of the port, the safety and the environmental safety. The reason is that such work may involve so much danger that a mere notification of these activities is not sufficient.

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 but for taking the ship out of service.

Article 4.6 Fumigation

The authority 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 loaded with solid bulk cargoes which, upon arrival in the port, have been treated with a fumigant must act in accordance with the Action Plan adopted by the Mayor and Aldermen. The Action Plan describes the measures to be taken in order to guarantee, in particular, the 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. Paragraph 2, places the responsibility for compliance with the Action Plan on 'anyone'. 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 three 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 permitted to collect ship waste substances by means of the provisions laid down in the Wet algemene bepalingen omgevingsrecht/Omgevingswet (Environmental Permitting General Provisions Act/Environment and Planning 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 waste substances 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 substances may only accept waste substances 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 substances as their main business activity are, on the basis of the Harbour Master's designation, also obliged to accept all designated harmful waste substances. 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 authorised to collect or store hazardous waste in accordance with environmental legislation. On the basis of the designation, these companies are obliged to deliver the collected ship waste substances 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 has, therefore, a different purpose and is additional to the waste collection permit under the Wet algemene bepalingen omgevingsrecht (Environmental Permitting General Provisions Act)/the general provisions of the Besluit activiteiten leefomgeving (Living Environment Activities Decree).

Article 4.9 Minimum requirements for permits for the reception of waste from seagoing ships
European Regulation (EU) 2017/352 sets out the requirements for granting permits to companies with waste reception facilities. These requirements are included in these Port Bye-laws and can be imposed as minimum requirements for the granting of a permit.

Article 4.10 Permits for mobile degassing facilities

Mobile degassing facilities can be operated in three ways.

Firstly, mobile degassing facilities can be operated outside a company on a public quay. In this case, the operation of the mobile degassing facility falls under the scope of the provincial Beleidsregel gecontroleerd stilliggend ontgassen binnentankschepen buiten een inrichting Noord-Holland (Policy Regulation for Controlled Degassing of Inland Tankers while Stationary Outside a Facility in North Holland) (hereinafter: the Policy Regulation). The Policy Regulation is based on the Wet milieubeheer (Environmental Management Act). The mobile degassing facility is granted an exemption from the Provincial Executive of the province of North Holland in accordance with this Policy Regulation. In that case, the permit on the basis of the Port Byelaws has no added value compared to the exemption from the province of North Holland.

Secondly, mobile degassing facilities on the water can provide their services to ships. In this case, degassing does not fall under the Policy Regulation, nor under the omgevingsvergunning (permit under the Environment and Planning Act)/the general provisions of the (ontwerp) Besluit activiteiten leefomgeving ((draft) Living Environment Activities Decree). This means that the mobile degassing facilities may carry out their activities solely with a permit granted by the Mayor and Aldermen. The requirements set by the Mayor and Aldermen for mobile degassing facilities operated by these companies are aligned as much as possible to the requirements applied to shore-based installations, or to the regulations contained in or the exemption based on the Policy Regulation.

Thirdly, mobile degassing facilities may be located on the shore at a location where this activity is permitted. In that case, the mobile degassing facilities fall under the omgevingsvergunning (permit under the Environment and Planning Act)/the general provisions of the (ontwerp) Besluit activiteiten leefomgeving ((draft) Living Environment Activities Decree) of the shore-based company concerned.

The second paragraph contains a notification requirement for degassing to a mobile degassing installation. This notification requirement applies to the ship that is going to degas to a mobile degassing installation that falls under the scope of the Policy Regulation, or if the ship is going to degas to a mobile degassing installation placed on another ship. If the degassing installation is required to have a permit, the permit will also include a notification requirement for the installation.

Article 4.11 Cleaning and ventilation of cargo tanks or slop tanks of tankers

Broadly speaking, this article regulates that the 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 it is not permitted to clean with open tanks the so-called odorous substances, which are listed in Annex 2 and are not covered by the provisions under a, b, and d.

It follows from the first paragraph that for substances where closed cleaning is not prescribed, open cleaning is permitted.

Paragraph 4 regulates that ventilation of cargo tanks or slop tanks of a tanker is only permitted at a location designated for this purpose by the Harbour Master. The term 'ventilation' has been included in the Port Bye-laws. This is the situation where the concentration of hazardous gases and vapours from the cargo tank in the blown-out mixture is below set values. With regard to ventilation, both flammability and toxicity limits are taken into account. Whether hazardous gases and vapours have to meet the above-mentioned limits depends on the classification code given to these substances under international transport legislation such as the ADN. It is not necessary to measure the toxicity of gases and vapours of hazardous substances that only have the classification code 'flammable' (F). Toxicity must, however, be measured if a substance has the classification code T and the ADN prescribes in Table C, column 18, that a toxicity meter is required for the substance in question. This is in line with international regulations.

Paragraph 6 states in general terms that the cleaning of substances (as referred to in Article 4.11, paragraph 1), which also includes opening or ventilating these spaces after cleaning, may be restricted or prohibited by the Mayor and Aldermen if atmospheric conditions make this necessary. Agreements on this have been made between the Harbour Master and environmental authorities based on issued weather alerts.

Paragraph 5 Oil ports

Article 5.2 Permitted ships in oil ports

In view of the risks posed by hazardous substances, only certain ships or activities are permitted in oil ports.

Part f. provides that ships (i.e. ships in general, not specific ships) are permitted to pass through an oil port if this is necessary to reach their destination. Given the nature of these ships, it is obvious that they keep a wide berth from other ships in the oil port and choose the shortest route without any unnecessary stopping.

Article 5.3 Open flame, smoking and creation of sparks prohibited

These prohibitions concern activities that are not appropriate in designated oil ports.

Open flame and smoking, including electronic cigarettes (e-cigarettes), are prohibited on board ships in oil port areas. Smoking is only allowed in enclosed spaces (including spaces that are not directly accessible from outside) and in spaces which comply with the requirements set by (inter)national legislation for spaces where smoking is allowed.

Articles 5.5, 5.6 and 5.7 Tankers carrying hazardous substances

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.

It is important to note that the provisions of Article 5.4 continue to be fully applicable to these provisions. Consequently, the requirements of Article 5.4 apply to all situations described in Articles 5.5 to 5.7.

Article 5.5 Inland tankers carrying hazardous substances

In addition to the situations as referred to in Article 5.4 and Article 5.5, an inland tanker carrying hazardous substances is also permitted to be at a berth outside an oil port if this is in accordance with traffic signs and additional information signs placed at the location concerned as referred to in Article 3.1.

Article 5.6 Seagoing tankers carrying hazardous substances

Seagoing tankers are only permitted to berth outside an oil port if all the conditions as stated in paragraph 1 are met. A Gas Expert Declaration is required if the hazardous substances contain the properties listed in Article 5.4, paragraph 2, under 2° and 3°. The captain must ensure that a Gas Expert issues a Gas Expert Declaration.

Activities involving hazardous substances, which change the condition of cargo tanks or slop tanks, are not permitted if a Gas Expert Declaration is required. If the conditions of the ship deviate from the Gas Expert Declaration, for example because tanks have been loaded or unloaded, or cleaned, the ship is not or no longer permitted to berth outside an oil port area, because the situation is no longer covered by the Gas Expert Declaration. The contents of the Gas Expert Declaration determine what the ship is permitted to do; in this case if it is permitted to berth outside an oil port.

Article 5.7 Combination carriers carrying hazardous substances

Combination carriers may only berth outside an oil port if all conditions as stated in paragraph 1 are met. This means that a Gas Expert Declaration is always required. The captain must ensure that a Gas Expert issues a Gas Expert Declaration.

The provisions under Article 5.6 also apply to combination carriers.

Section 6 Transshipment of liquid hazardous or harmful substances in bulk

Article 6.1 Berth designation for tankers

This article specifically regulates the legislative gap in the berthing policy for tankers loaded with or empty of liquid hazardous and harmful substances in bulk at public berths. On the basis of their authority in the context of efficient management of the port, the Mayor and Aldermen may designate public berths where these ships can berth in a safe and responsible way. This authority may only be used if berth designation has not been provided for under the (ontwerp) Omgevingswet (Draft) Environment and Planning Act)/Besluit activiteiten

leefomgeving (Living Environment Activities Decree).

This article fills the legislative gap for seagoing tankers, but provides for more than only the activity of waiting. Also activities such as cleaning, repair 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 hazardous and harmful substances and the activities carried out by the ships such as cleaning, repairing and transshipment operations. Nature and quantity of the cargo play a role in berth designation.

The operational environmental and safety regulations and restrictions subsequently imposed on these activities are regulated, under or pursuant to the Port Bye-laws, in the designation.

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

Before transshipment of liquid hazardous 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 hazardous substances in bulk

Broadly speaking, this article regulates the safe and environmentally responsible handling of the above-mentioned substances. 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 omgevingsvergunning (permit under the Environment and Planning Act).

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 transshipment of hazardous 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 hazardous or harmful substances is in the interest of environmental safety in the port. For this reason, the use of it is made compulsory in paragraph 1.

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 hazardous substances, 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 hazardous substances in packaged form

Article 7.1 Mooring prohibition for ships carrying hazardous substances in packaged form

The regulation states that it is prohibited to berth a ship loaded with certain quantities of a hazardous substance in packaged form within a distance from highly vulnerable buildings listed in Annex 3. The annex shows the distance to highly vulnerable buildings that must be observed when assigning a berth if a certain quantity of substances listed in the IMDG Code are on board the ship in packaged form. The distance is determined from the stowage position of the hazardous substances on board the ship. The purpose of the berth zoning system is, in the unlikely event that an incident occurs with a ship carrying a hazardous substance, to create a sufficient safe distance between the ship and the highly vulnerable buildings. This regulation anticipates the Omgevingswet (Environment and Planning Act) entering into force at a later date.

A berth zoning system is a safety contour drawn around highly vulnerable buildings within which ships, carrying certain quantities of hazardous substances, are not permitted to berth. This risk measure is in addition to the safety distances that municipalities and provinces must observe when granting (environmental) permits to companies with hazardous substances.

A recalibration of the safety distances listed in Annex 3 took place in 2022. The distances are based on the safety standards prescribed in the (ontwerp)Besluit kwaliteit leefomgeving ((draft) Living Environment Quality Decree), which municipalities and provinces are obliged to comply with when granting (environmental) permits to companies with hazardous substances.

The berth zoning system works with the effect of an incident involving hazardous substances on board ships, but it does not take into account the probability that the incident may occur.

Thus, this measurement method is more strict than the regular measurement method and, as a result, the berth zoning system uses greater safety distances than if the provisions of the (draft) Living Environment Quality Decree were applied. This stricter measurement method contributes to safety in the port and its surrounding areas.

To calculate the safety distances of Class 1 substances (explosives), the 2020 Calculation Regulations for Environmental Safety, Module VI for Storage of Explosive Substances prepared by RIVM (Dutch National Institute for Public Health and Environmental Protection) was used.

Paragraph 8 Bunkering, de-bunkering and the transfer of consumable materials to or from a ship

General explanatory notes

Section 8 incorporates regulations for the energy supply on board ships. We see rapid developments in the application of (renewable) energy in shipping. This chapter takes this into account and no longer mentions any specific fuels. In this way, the articles are future-proof.

The port wants to contribute to a clean environment. This is done by imposing requirements on suppliers of new clean fuels, for example, through a bunkering permit or consumable materials permit. This puts the permits in line with the minimum requirements prescribed in the European Seaport Regulation.

Article 8.1 Bunkering permit

Article 8.1 relates to bunkering. It contains regulations for the designation of fuels and consumable materials that require a bunkering (or de-bunkering) permit.

Paragraph 5 permits, under certain conditions, simultaneous operational activities during bunkering. Simultaneous activities carried out during bunkering, such as cargo operations, bunkering of other fuels or lubricating oil, cleaning and repair, may pose risks. Several best practice guidelines state that simultaneous operations are only justified if a risk assessment has been carried out showing whether, and under what conditions, simultaneous other activities can take place in a responsible way. The result of the risk assessment is incorporated into the operational documentation approved by the flag state, such as the bunker management plan for the ship being bunkered. The parties involved in the bunkering operations must comply with the provisions and restrictions stated in the operational documentation. Only those actions included in the operational documentation may take place during bunkering.

Article 8.4 Regulations for ships alongside during bunkering

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

Article 8.8 Signs

Article 8.8 authorises the Mayor and Aldermen to prescribe signs for designated fuels and energy sources as well as passing distances that ships must comply with in relation to the bunkering operation. The motive for this authority is safety: Bunkering is an activity that affects the safety of the surrounding area. For users of the area, safety is served by prescribing signs and passing distances. For each bunkering operation, the Mayor and Aldermen determine what signs are mandatory and also what minimum passing distance to the bunkering operation ships must maintain.

Section 9 Enforcement

In addition to a number of prohibitions, the Port Bye-laws also include a number of requirements. Article 9.1 has been included to ensure that these requirements are complied with and that non-compliance is punishable

The authority of supervisors to enter places other than homes follows from the Algemene wet bestuursrecht (General Administrative Law Act). Article 9.4 additionally regulates the entry into a home against the consent of the occupant. If consent is given, however, the regulations of the Algemene wet op het binnentreden (General Act on Entry into Dwellings) applies. Please note that an authorisation from the administrative body is always needed before the entry into a home.

Article 149a of the Gemeentewet (Municipalities Act) regulates that the municipal council is authorised to designate persons who may enter into a home without consent of the occupant. These are the persons charged with the supervision of compliance or the detection of violations of regulations for the purpose of maintaining public order, safety, protection of the life or health of persons.