

Decree No: 2024/58

Decree on the restriction of the use of exhaust gas cleaning systems (scrubbers) in Amsterdam

The Director of the Central Nautical Management North Sea Canal Area

Having regard to:

- article 1.1 of the Regional Port Bye-laws for the North Sea Canal Area 2023
- article 4.3 (a) of the Regional Port Bye-laws for the North Sea Canal Area 2023, permitting the Municipal Executive to prohibit a vessel from berthing if, in the opinion of the Municipal Executive, it is deemed to cause or likely to cause damage or nuisance;
- the Decree mandating nautical powers to the Director of the Central Nautical Management North Sea Canal Area 2024 of 9 July 2024, published in Municipal Gazette No. 309847 of 17 July 2024, on the basis of which a decision may be taken by the Director of Central Nautical Management in a mandate for the Regional Port Bye-laws for the North Sea Canal Area 2023, Article 4.3, on behalf of the Amsterdam Municipal Executive.

Having considered that:

- some seagoing vessels apply exhaust gas cleaning systems (scrubbers) when using fuel oil (high sulphur fuel oil with more than 0.1% sulphur by mass) to comply with the international sulphur air emission requirements;
- given the letter dated 17 June 2024 to the House of Representatives from the Minister of Infrastructure and Water Management, it is unlikely that a national restriction on the use of exhaust gas cleaning systems (scrubbers) in Dutch ports or at sea is to be expected in the short term;
- research conducted by RIVM (Report 2023-0466) demonstrates that the use of scrubbers, particularly in open loop mode, by seagoing vessels in the port of Amsterdam through the used wash water from those scrubbers results in the release of harmful, poorly degradable substances into the environment, both into surface water and sediment;
- in addition to the RIVM study in question, numerous other scientific publications have assessed the environmental and hygienic impacts of discharged wash water from these scrubbers as being more harmful than the results presented in the RIVM report, based on alternative scientific methodologies and assumptions;
- the discharge of used wash water resulting from seagoing vessels using scrubbers in open-loop mode in combination with fuel oil causes environmental damage to the marine area in the port;
- the discharge of scrubber wash water is most concentrated locally, forming the most significant contribution to environmental impact, when a scrubber is used by a moored seagoing vessel at berth;
- other European ports, including Antwerp and Hamburg, have already implemented local bans on the use of open-loop scrubbers;
- seagoing vessels have a proven alternative, as applied in other ports with a scrubber usage ban, by switching seamlessly and without safety issues upon arrival in port to diesel oil or gas oil (MDO or MGO) with less than 0.1% sulphur by mass, allowing them to comply with sulphur air emission requirements without the use of a scrubber;

- the option of a local ban in Amsterdam has already been announced in a public memorandum dated 17 June 2024 from the Ministry of Infrastructure and Water Management to its minister;
- the Regional Port Bye-laws for the North Sea Canal Area 2023 are designed to protect environmental interests, consequently providing a legal basis for this decree;
- the intention behind this decision has been shared with the KVNR, the Dutch Shipowners' Association, and the regional ship agents' forum and it was concluded that this ban may be adjusted in the future if scientific evidence demonstrates that additional reduction methods significantly lower the pollutant content of the discharged wash water.

Decree:

I.

Seagoing vessels at berth within the municipality of Amsterdam are prohibited from using an exhaust gas cleaning system.

II.

The ban referred to in Paragraph I. applies to the use of open-loop exhaust gas cleaning systems and hybrid exhaust gas cleaning systems in open loop mode, both in combination with fuel oil or blends containing fuel oil with more than 0.1% sulphur by mass.

III.

This decree will come into effect upon publication in the IJmond North Sea Canal Area Central Nautical Management Announcement (BASIJN), but no earlier than 1 January 2025.

IV.

This decree will be cited as a Decree on the restriction of the use of scrubbers.

Issued on behalf of the Amsterdam Municipal Executive, on 1 December 2024.

The Director of the Central Nautical Management North Sea Canal Area

J.H.M. Mateyo



Announcements

Under the [Dutch] General Administrative Law Act, objections to this decree may be submitted within six weeks of its publication by filing an appeal. Appeals should be addressed to the Amsterdam Municipal Executive, P.O. Box 202, 1000 AE Amsterdam [The Netherlands]. The appeal must be signed and should include at least the name and address of the applicant, the date, a description of the decree being challenged, and the grounds for objection. Objections can be submitted online at <https://www.amsterdam.nl/bezwaar/jb>. This requires a DigiD login. If represented by a third party, a letter of authorisation is required. Submitting an appeal does not suspend enforcement. If necessitated by immediate urgency, a suspension or provisional measure can be requested from the Amsterdam District Court, Administrative Law Sector, Provisional Measures Division, Parnassusweg 226, P.O. Box 75850, 1070 AW Amsterdam [The Netherlands], pending the objection procedure. They can also be submitted online at <http://loket.rechtspraak.nl/bestuursrecht>. This requires a DigiD login. You will find more information on this site too. Filing fees apply when filing a request for a provisional measure.

Explanation of the decision

Various studies, including those under the European EMERGE project, confirm that scrubber wash water discharges have severe environmental consequences. This local ban is being implemented because discussions regarding a broader national, regional, or global scrubber ban are unlikely to result in such a ban in the short term. As a sustainable port, the Port of Amsterdam has a duty of care towards the marine environment and aims to minimise marine and soil pollution as much as possible, in line with other European ports such as Antwerp, which also is a non-tidal port. Since scrubbers operating in open-loop mode continuously discharge wash water while vessels are at berth, prohibiting the use of this technology is a logical initial measure towards protecting the marine environment.

This ban therefore applies to:

- moored seagoing vessels, i.e. not sailing;
- an open-loop scrubber and a hybrid scrubber in open loop mode in combination with fuel oil or fuel oil blends with more than 0.1% sulphur by mass;
- at berths within the municipality of Amsterdam.

Switching fuels while sailing and maneuvering is discouraged due to an increased risk of engine failure. In practice, this means that upon arrival at a berth within the municipality of Amsterdam, the captain must immediately switch to a fuel other than heavy fuel oil or heavy fuel blends, if applicable. Similarly, the captain may opt to switch fuels again shortly before departure.

This brief use of these scrubbers is permitted upon arrival and departure for safety reasons.

The restriction on the use of scrubbers from 1 January 2025 and its resulting consequences have been discussed with stakeholders.

In talks, it was agreed that if shipowners and manufacturers can demonstrate through independent research that there is a significant reduction in emissions into the water, a potential amendment to the ban may be considered, including an exemption clause.

The reduction in emissions into the water specifically refers to the decrease in pollutants, such as heavy metals, achieved through the application of additional filtration or other systems in conjunction with standard open-loop scrubber systems.