

Decree No. 2022/52

Oil Port Area Designation Decree

The Director of the Central Nautical Management North Sea Canal Area

Having regard to:

- Article 5.1 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 5.4 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 5.5 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 5.6 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- Article 5.7 of the Regional Port Bye-laws for the North Sea Canal Area 2019;
- The Mandate, Power of Attorney, and Authorization Decree, dated 3 December 2019, published on 3 January 2020, on the basis of which the Director of the Central Nautical Management North Sea Canal Area is mandated to adopt Decrees on behalf of the Mayor and Aldermen;
- The Decree of the Provincial Council of North Holland, dated 21 December 2021, laying down the “Policy Regulation for Controlled Degassing of Inland Tankers while Stationary Outside a Facility in North Holland” (hereinafter referred to as ‘Policy Regulation’);

Having considered that:

- The Mayor and Aldermen, and, being mandated, the Director of the Central Nautical Management North Sea Canal Area, is authorised to designate oil port areas;
- Storage companies and companies that handle dangerous goods are located in these oil port areas;
- The Director of the Central Nautical Management North Sea Canal Area designates oil port areas, because within these areas, from an environmental and safety point of view, additional regulations apply to shipping, such as that some ships are not permitted to enter these areas, or that ships must comply with certain equipment requirements;
- The oil port area in the Australiëhaven has to be adjusted to take into account the establishment of a non-oil port area related company;
- The oil port area in the Aziëhaven has to be adjusted to take into account the construction of a quay which, among other things, is intended as a berth for the degassing of tankers carrying dangerous substances to a mobile shore-based degassing facility. Degassing to a mobile shore-based degassing facility must take place in accordance with the Policy Regulation;
- This extension of the oil port area does not endanger the interests of efficient use of the port and the security of the Regional Port Bye-laws for the North Sea Canal Area 2019; and,
- A number of oil port areas, both permanent and temporary, have already been designated by means of several Decrees. In order to avoid fragmentation of Designation Decrees, it was decided to include all the oil port areas in one Decree. This Decree is the present Decree. In comparison with the previous Designation Decree, the only new items in the present Designation Decree are the above-

described extension/adjustment of the oil port areas in the Australiëhaven and Aziëhaven.

Has decreed the following:

I.

To designate the following areas, which are indicated in blue on the Map included in the Appendix to this Decree, as permanent oil port areas:

- a. In the Afrikahaven, including part of the Mauritiushaven, the water bordering on the southwestern and southern banks and enclosed by the contour of imaginary lines drawn through the following positions:
 - I. 52°24'59" North and 004°44'45" East;
 - II. 52°25'00" North and 004°44'54" East;
 - III. 52°25'70" North and 004°44'52" East;
 - IV. 52°25'08" North and 004°45'02" East;
 - V. 52°24'46" North and 004°45'08" East, and;
 - VI. 52°24'45" North and 004°45'06" East.
- b. In Amerikahaven, including the Texashaven, the water bordering on the southwestern and southern banks and enclosed by the contour of imaginary lines drawn through the following positions:
 - I. 52°24'32" North and 004°46'20" East;
 - II. 52°24'32" North and 004°46'21" East;
 - III. 52°24'39" North and 004°46'22" East;
 - IV. 52°24'39" North and 004°46'28" East;
 - V. 52°24'29" North and 004°46'26" East;
 - VI. 52°24'24" North and 004°46'34" East;
 - VII. 52°24'13" North and 004°46'29" East;
 - VIII. 52°24'09" North and 004°46'36" East;
 - IX. 52°24'09" North and 004°46'40" East, and;
 - X. 52°24'01" North and 004°46'42" East.
- c. In the Amerikahaven, the water bordering on the northeastern bank and in the Australiëhaven, the water bordering on the northern bank and enclosed by the contour of imaginary lines drawn through the following positions:
 - I. 52°24'23" North and 004°46'23" East;
 - II. 52°25'22" North and 004°46'22" East;
 - III. 52°25'23" North and 004°46'22" East;
 - IV. 52°25'22" North and 004°46'20" East;
 - V. 52°25'17" North and 004°46'23" East;
 - VI. 52°25'16" North and 004°46'18" East;
 - VII. 52°24'38" North and 004°46'38" East;
 - VIII. 52°24'43" North and 004°46'24" East, and;
 - IX. 52°24'38" North and 004°47'24" East.
- d. In de Sonthaven, the water bordering on the southern bank and in the Westhaven, the water bordering on the western bank and in the Bosporushaven, the water bordering on the northern bank and enclosed by the contour of imaginary lines drawn through the following positions:

- I. 52°24'18" North and 004°49'49" East;
 - II. 52°24'22" North and 004°49'49" East;
 - III. 52°24'22" North and 004°49'12" East;
 - IV. 52°24'09" North and 004°49'18" East;
 - V. 52°24'09" North and 004°49'48" East, and;
 - VI. 52°24'10" North and 004°49'48" East.
- e. In the Hornhaven, the water bordering on the northwestern bank and enclosed by the contour of imaginary lines drawn through the following positions:
- I. 52°23'49" North and 004°48'40" East;
 - II. 52°23'48" North and 004°48'40" East, and;
 - III. 52°23'49" North and 004°48'30" East.
- f. In the Westhaven, the water bordering on the southern bank and in the Mainhaven, the water bordering on the western bank and enclosed by the contour of imaginary lines drawn through the following positions:
- I. 52°23'41" North and 004°49'13" East;
 - II. 52°23'44" North and 004°49'13" East;
 - III. 52°23'44" North and 004°49'24" East;
 - IV. 52°23'36" North and 004°48'24" East, and;
 - V. 52°23'36" North and 004°49'22" East.
- g. In the Beringhaven, the water bordering on the southeastern bank and enclosed by the contour of imaginary lines drawn through the following positions:
- I. 52°23'41" North and 004°49'32" East;
 - II. 52°23'43" North and 004°49'32" East, and;
 - III. 52°23'43" North and 004°49'45" East.
- h. In the Jan van Riebeeckhaven, including the Adenhaven, the Carel Reynierszhaven, and the Usselincxhaven, the water enclosed by the contour of an imaginary lines drawn through the following positions:
- I. 52°24'51" North and 004°49'58" East;
 - II. 52°24'51" North and 004°49'59" East;
 - III. 52°24'53" North and 004°49'59" East;
 - IV. 52°24'50" North and 004°50'22" East;
 - V. 52°24'58" North and 004°50'32" East, and;
 - VI. 52°24'58" North and 004°50'38" East;
- This with the exception of the water in the Jan van Riebeeckhaven enclosed by the contour of imaginary lines drawn through the following positions:
- I. 52°24'36" North and 004°50'37" East;
 - II. 52°24'37" North and 004°50'39" East;
 - III. 52°24'30" North and 004°50'42" East;
 - IV. 52°24'23" North and 004°50'58" East, and;
 - V. 52°24'21" North and 004°50'01" East.
- i. In the Petroleumhaven, the water south of an imaginary line drawn through the following positions:
- I. 52°24'54" North and 004°51'19" East, and;
 - II. 52°24'53" North and 004°51'26" East.
- This with the exception of the water enclosed by the contour of imaginary lines drawn through the following positions:

- I. 52°24'36" North and 004°50'37" East;
- II. 52°24'37" North and 004°50'39" East;
- III. 52°24'30" North and 004°50'42" East; and;
- IV. 52°24'23" North and 004°50'58" East.

II.

To designate the following areas, which are indicated in purple on the Map included in the Appendix to this Decree, as temporary oil port areas:

- j. In the Amerikahaven, the water bordering on the western side of the oil port area and on the eastern side of the Groene Kade and enclosed by the contour of imaginary lines drawn through the following positions:
 - I. 52°24'41" North and 004°46'20" East (abeam of bollard No. 16);
 - II. 52°24'39" North and 004°46'22" East;
 - III. 52°24'32" North and 004°46'21" East, and;
 - IV. 52°24'32" North and 004°46'20" East.
- k. In the Aziëhaven, the water bordering on the southern bank and enclosed by the contour of imaginary lines drawn through the following positions:
 - I. 52°24'14" North and 004°47'22" East;
 - II. 52°24'13" North and 004°47'23" East;
 - III. 52°24'14" North and 004°47'38" East, and;
 - IV. 52°24'13" North and 004°47'38" East.
- l. In the Coenhaven, the water bordering on the eastern bank and enclosed by the contour of imaginary lines drawn through the following positions:
 - I. 52°24'43" North and 004°52'17" East;
 - II. 52°24'44" North and 004°52'21" East;
 - III. 52°24'36" North and 004°52'19" East; and;
 - IV. 52°24'37" North and 004°52'14" East.

III.

The temporary oil port areas stated under II. will only be considered as oil port areas if a tanker has been moored there which does not meet the conditions as defined in Articles 5.4 to 5.7 of the Regional Port Bye-laws for the North Sea Canal Area 2019.

IV.

If a berth as referred to under II. has been occupied by a tanker carrying dangerous goods or harmful substances, 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.

V.

To repeal the Decrees of the Director of the Central Nautical Management North Sea Canal Area, dated 8 January 2020 with numbers 2020/01, and dated 18 August 2021 with number 2021/31.

VI.

This Decree will enter into force 3 days after its publication in an Announcement to Shipping IJmond North Sea Canal Area Central Nautical Management (*BASIJN*).

VII.

This Decree may be cited as: "Oil Port Area Designation Decree".

Appendix: Map of the oil port area, numbered N0065_v14, accompanying Decree No. 2022/52.

Thus adopted on behalf of the Mayor and Aldermen on 29 December 2022

The Director of the Central Nautical Management North Sea Canal Area,



J.H.M. Mateyo

Explanation

The oil port area as adopted by the Decree of the Director of the Central Nautical Management North Sea Canal Area on 18 August 2021 with number 2021/31 has, due to recent developments, to be adjusted for the areas in the Australiëhaven and Aziëhaven. The oil port area in the Australiëhaven has to be adjusted to take into account the establishment of a non-oil port area related company. This fact allows the oil port area to be reduced in size. In the Aziëhaven, a quay has been constructed which, among other things, is intended as a berth for the degassing of tankers to a mobile shore-based degassing facility. This also applies to the Groene Kade in the Amerikahaven. Therefore, in cases where tankers are moored at these berths and where the provisions of Articles 5.4 to 5.7 of the Regional Port Bye-laws for the North Sea Canal Area 2019 (RHN 2019) are not complied with, these areas must be designated as oil port areas (the text below describes when these areas are considered to be an oil port area). These areas are considered to be an oil port area when a tanker is moored here carrying dangerous goods or harmful substances or residues thereof, and also if ships are moored here carrying flammable substances having certain properties.

Whether the temporary areas as referred to under II. of this Decree must be considered to be an oil port area depends on the tanker's cargo, the state of the cargo tanks, and the

operations permitted to be carried out on board. On the basis of Articles 5.4 to 5.7 of the RHN 2019, these areas are to be considered as oil port area if:

- A tanker has moored there, which:
 - o Has or had solely been loaded with hazardous substances with exclusively combustible characteristics with flash points of 55 degrees Celsius or lower; or,
 - o Does not have an inert atmosphere; or
 - o Has an atmosphere containing combustible vapours amounting to more than 20% of the lower explosive limit and not remain closed; or,
 - o Carries cargoes other than potassium hydroxide, sodium hydroxide, phosphoric acid or carries solely harmful substances or residues thereof, or is empty thereof;
- A seagoing tanker has been moored here, whereby:
 - o A Gas Expert has issued a "Gas Expert Declaration", using a form established by the Harbour Master, which shows that the tanker has no inert atmosphere; or, in the case of a seagoing tanker, this seagoing tanker has an atmosphere containing combustible vapours amounting to more than the maximum of 20% of the lower explosive limit, and which has cargo tanks or slop tanks which are or remain not permanently closed;
 - o Cleaning operations are taking place of dangerous substances, or of residues of substances other than vegetable or animal oils, or of solely harmful substances as listed in the IMDG Code, Class 9;
- An inland tanker has moored at:
 - 1°. A car landing place which has not been designated as such for the immediate unloading or loading of a car;
 - 2°. At a company's berth where the unloading or loading of a car is permitted and where not immediately fuel is taken in; or,
 - 3°. A place which has not been designated as such for the immediate intake of fresh water; or,
 - 4°. A place which is not a reception facility; or,
 - 5°. A place which is a reception facility but does not meet the requirements of the ADN for a type C inland ship the cargo tanks or slop tanks of which do not contain an inert atmosphere; or,
 - 6°. A place which is a reception facility and does meet the requirements of the ADN for a type C inland ship the cargo tanks or slop tanks of which do not contain an inert atmosphere;
- It concerns a combination carrier:
 - o For which a Gas Expert has issued a "Gas Expert Declaration", using a form established by the Harbour Master, which shows that the combination carrier does not have an atmosphere in which the oxygen content is no more than 8% or in which combustible vapours amount to no more than 20% of the lower explosive limit;
 - o Which has not been or is not being loaded with a solid bulk cargo;
 - o Of which all other tanks and spaces, with the exception of bunker tanks, are not free from combustible liquids with a flash point lower than or equal to 55 degrees Celsius, or of residues thereof;
 - o Cleaning operations of dangerous substances are taking place;

- o Of which the tanks that are not directly situated adjacent to the cargo holds and contain combustible cargo residues do not have an inert atmosphere or do have an atmosphere containing combustible vapours amounting to more than 20% of the lower explosive limit.

The provisions of Section 5, of the Regional Port Bye-laws for the North Sea Canal Area 2019, are in force if these areas are considered to be an oil port area.

Appendix: Map of the oil port area accompanying Decree No.: 2022/52

