

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

Exemption from the obligation to comply with the established Plan of Approach during the nautical and operational handling of seagoing vessels carrying bulk cargo in solid form that has been fumigated abroad with phosphine, specifically with regard to the mechanical ventilation of the cargo of the seagoing vessels.

Decree No: 2026/33

33

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

Having regard to:

- article 4.7 of the Regional Port Byelaws for the North Sea Canal Area 2023 (Regionale Havenverordening Noordzeekanaalgebied 2023);
- decree dated 07 December 2021, number 2021/52 establishing the Plan of Approach for seagoing vessels whose cargo has been treated abroad with fumigants (Plan van Aanpak voor zeeschepen waarvan de lading in het buitenland met ontsmettingsmiddelen is behandeld)
- the 2023 Decree, issued by the Mayor and Executive Council of Velsen on 30 January 2024 and published on 2 February 2024, mandating nautical powers to the Director of the Central Nautical Management North Sea Canal Area, on the basis of which the Director of the Central Nautical Management North Sea Canal Area is authorised to take decisions on behalf of the Mayor and Executive Council of the Velsen municipality.

Having considered that:

- there are no specific international or national regulations for the discharge of dry bulk cargoes in ports when such cargoes have been fumigated abroad;
- for this reason, admission to the port and handling of vessels with dry bulk cargo treated abroad with fumigants is regulated locally, specifically in Article 4.7 of the Regional Port Byelaws North Sea Canal Area 2023 and the Plan of Approach for seagoing vessels whose cargo has been fumigated abroad with phosphine;
- the mechanical ventilation of dry bulk cargo treated abroad with fumigants promotes the efficient use of the port, as tests have shown that the period required to sufficiently reduce fumigant concentration can be significantly shortened;
- tests have also demonstrated that mechanical ventilation can be performed safely; and,
- the Municipal Executive may impose conditions and restrictions on the allocation of berths under Article 4.7 of the Regional Port Byelaws North Sea Canal Area 2023, taking into account the nature of the cargo, the environment, the port surroundings, and the activities to be carried out, in this case specifically the degassing of dry bulk cargo that has been treated abroad with fumigants.

Decree:

To grant Ruvoma B.V. an exemption under Article 4.7 of the Regional Port Byelaws North Sea Canal Area 2023, allowing deviation from the applicable requirements regarding the nautical and operational handling of the vessel as laid down in the Plan of Approach (Plan van Aanpak).

This exemption specifically applies to the mechanical ventilation of cargo of a seagoing vessel, where the cargo has been fumigated abroad with phosphine.

The following specific conditions apply to this exemption:

1. the Plan of Approach for seagoing vessels whose cargo has been treated abroad with fumigants (Plan van Aanpak voor zeeschepen waarvan de lading in het buitenland met ontsmettingsmiddelen is behandeld), as established in the decree of 26 November 2020, with number 2020/049, remains fully in force, subject to the conditions set out below;



2. Mr. P. Verhart (Director at Ruvoma) is designated as the contact person at Ruvoma (+31 6 50 62 37 90) and is responsible for the mechanical ventilation and for compliance with the conditions and restrictions attached to this exemption;
3. in the event he is unavailable, Mr. J. Koolwijk (+31 6 43 02 32 21) will act as the contact person (+31 6 43 02 32 21) and will be responsible for the mechanical ventilation and, consequently, for compliance with the conditions and restrictions attached to this exemption;
4. the start, end, or any temporary interruption of the mechanical ventilation must be reported via VHF Channel 14 "Meldpunt Haven";
5. the name and mobile phone number of the responsible fumigation supervisor (gassingsleider) must be emailed to the Director of Central Nautical Management North Sea Canal Area, no later than 12 hours before the start of mechanical ventilation, through gsm@portofamsterdam.com;
6. hoses and equipment used for mechanical ventilation must be suitable for the product and the ventilation process;
7. hatch covers must remain closed during mechanical ventilation;
8. ventilation pipes must be securely fastened at all times to prevent tipping or collapse;
9. the ventilation outlet must be positioned at least three metres above the hatch coaming;
10. the minimum outlet velocity must be at least 30 metres per second at all times, as measured at the outlet openings;
11. the outlet (exhaust) direction must always be vertically upward;
12. no hoods or non-return valves are permitted in the ventilation or exhaust pipes;
13. phosphine concentration measurements must be available at all times during mechanical ventilation;
14. a measurement report must be emailed once a day to the Director of Central Nautical Management: gsm@portofamsterdam.com;
15. cargo holds undergoing mechanical ventilation must be clearly cordoned off, with signage indicating that access is prohibited;
16. prior to ventilation, arrangements must be made with the vessel's master to prevent underpressure in the holds that are to be ventilated;
17. copies of this exemption must be in the possession of the fumigation supervisor, the vessel's master, and the stevedore;
18. the Director of Central Nautical Management North Sea Canal Area reserves the right at all times to delay or stop the operations mentioned above, or to amend the conditions, should circumstances so warrant; and,
19. non-compliance with one or more conditions of this permit constitutes a violation of the provisions set out under or pursuant to the Regional Port Byelaws for the North Sea Canal Area 2023.

This exemption is valid from 1 August 2026 until midnight on 31 December 2026.

Issued on behalf of the Velsen Municipal Executive, on 10 juli 2026.

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

DocuSigned by:

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J.H.M. Mateyo



Objection

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 Velsen Municipal Executive, P.O. Box 465, 1970 AL IJmuiden [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 the objection.

Appeals can be submitted online at <https://www.velsen.nl/bezwaar>. This requires a DigiD login.

If represented by a third party, a letter of authorisation is required. Filing an appeal does not suspend enforcement. If necessitated by immediate urgency, a suspension or provisional measure can be requested from the Haarlem District Court, Administrative Law Sector, Provisional Measures Division, Stationsplein 80, P.O. Box 1621, 2003 BR Haarlem [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 that site too. Filing fees apply when filing a request for a provisional measure.

Explanation

Seagoing vessels regularly berth in the Port of Velsen carrying solid bulk cargo, such as grain, rice, maize, etc. which has been fumigated abroad using phosphine as a fumigant. There is no specific international or national legislation applicable to the handling of such vessels or cargo. For this reason, the Regional Port Byelaws North Sea Canal Area 2023 (Regionale Havenverordening Noordzeekanaalgebied, RHN) includes a specific provision, see Article 4.7. RHN. Based on this article, a Plan of Approach is prescribed for such vessels and cargoes, see:

<https://www.portofamsterdam.com/en/announcement/decree-adopting-action-plan-seagoing-ships-cargo-which-has-been-fumigated-fumigants>. This Plan of Approach is intended to ensure safety and environmental protection in the port and surrounding area.

If, upon arrival of the vessel, the concentration of phosphine is too high to allow safe discharge of the cargo, the cargo is normally ventilated naturally by opening the hatches. Ventilating the cargo to reduce the concentration of phosphine to a level that allows safe discharge can, in some cases, take more than two weeks.

Ruvoma B.V. has developed a method for mechanical ventilation of cargo. This method has been tested several times. Tests have shown that the process can be safely executed, and that phosphine concentrations decrease more rapidly, allowing the cargo to be unloaded sooner. This shortens the seagoing vessel's port stay, thereby improving port efficiency. For these reasons, and in anticipation of an update to the Plan of Approach for seagoing vessels carrying solid bulk cargo that has been fumigated abroad with phosphine, an update in which this method of ventilation will be incorporated, a temporary exemption is hereby granted.