

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.

Decree adopting the Action Plan for seagoing vessels whose cargo has been fumigated with phosphine abroad, and the decree designating berths for vessels onto which cargo that is not sufficiently free of fumigants has been transhipped.

Decree No. 2026/42

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

having regard to:

- Article 4.7(1)(c.) and (2) of the Regional Port Byelaws for the North Sea Canal Area 2023 (Regionale Havenverordening Noordzeekanaalgebied, hereinafter: RHN), which provides that the municipal executive adopts an Action Plan and that the nautical and operational handling of a vessel takes place in accordance with the Action Plan, and
- the Decree mandating nautical powers to the Director of Central Nautical Management for the North Sea Canal Area 2024, issued by the Mayor and Executive Council of the Municipality of Amsterdam on 9 July 2024 and published on 17 July 2024, on the basis of which the Director of Central Nautical Management for the North Sea Canal Area (hereinafter: Director of CNB) may exercise powers under mandate on behalf of the Mayor and Executive Council of the municipality of Amsterdam.

having considered that:

- seagoing vessels, whose cargo has been fumigated with phosphine abroad, berth in the port of Amsterdam
- on arrival in the port of Amsterdam, this cargo may not be sufficiently free of the fumigant phosphine
- additional rules apply to the nautical and operational handling of these vessels in this situation in the interests of safety and the environment in the port
- the nautical and operational handling of these seagoing vessels takes place in accordance with an Action Plan adopted by the Mayor and Executive Council
- the existing Action Plan, adopted under Decree No. 2020/049 on 26 November 2020, needs to be updated in light of new insights and developments
- this decree applies to the ports in the North Sea Canal Area within the municipality of Amsterdam, and
- in the interests of orderly port management and safety, it is desirable for vessels onto which cargo treated with fumigants has been transhipped to berth at designated public berths; and
- the motives for this decree are the environment and safety in the port.

hereby decrees:

I.

To adopt the Plan of action dated 1 September 2026 for seagoing vessels whose solid bulk cargo has been fumigated with phosphine abroad. This Action Plan is included in Annex 1 to this decree.

II.

To designate the berths listed in Annex 2 to this decree as berths where unmanned inland vessels or push barges may berth after taking on cargo transhipped from seagoing vessels, where that cargo is not sufficiently free of the fumigant phosphine following transhipment.

III.

To revoke Decree No. 2020/049 of the Director of CNB, dated 26 November 2020.

IV.



The decree enters into force on 1 October 2026 and will be published in the Municipal Gazette, section 3B and as an Announcement to Shipping for the IJmond North Sea Canal Area by Central Nautical Management (BASIJN).

V.

This decree shall be cited as the “Decree adopting the Action Plan for phosphine-treated bulk cargo on seagoing vessels in Amsterdam”.

Annexes:

- Annex 1: Action Plan
- Annex 2: List and drawing of berths where vessels may berth after taking on cargo transhipped from seagoing vessels, where that cargo is not sufficiently free of fumigants following transshipment

Thus adopted on behalf of the Mayor and Executive Council of Amsterdam on 22 September 2026,

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

DocuSigned by:

Stuart Kemp

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S.C. Kemp

Explanatory note

Seagoing vessels regularly berth in the port of Amsterdam carrying solid bulk cargo that has been fumigated with phosphine abroad. Unlike fumigation carried out in the Netherlands, fumigation carried out abroad is not subject to national or international legislation. For these reasons, the RHN contains a provision requiring the Mayor and Executive Council to adopt an Action Plan. This provision also requires the nautical and operational handling of the seagoing vessel to take place in accordance with the adopted Action Plan and requires everyone to comply with it. The purpose of the Action Plan is to safeguard safety and the environment in the port and its surrounding area.

The current Action Plan adopted by the Director of CNB for the municipality of Amsterdam needed updating. The reasons for the update are:

- the information to be reported concerning cargo treated with the fumigant phosphine was specified in the Action Plan and could not be transferred directly into the vessel traffic management systems. These systems have now been modified, and the reports are being incorporated into the reporting requirement under Article 3.10 of the Regional Port Byelaws for the North Sea Canal Area 2023. The existing decree, the Reporting Regulations for Seagoing Vessels in the North Sea Canal Area 2019, is being updated at the same time
- a method of mechanical ventilation has been developed. This method has been tested several times. The tests show that the method can be carried out safely 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. This method of ventilation is being included in the Action Plan.
- following an incident involving an inland vessel at an inland port, it became apparent that, for emergency response purposes, a record must be kept of the inland vessels that have taken on the cargo. The Action Plan requires the surveyor or stevedore to maintain such a list. This must be done in compliance with the General Data Protection Regulation (GDPR), and
- the fumigators in charge have jointly drawn up a measurement protocol for measuring the phosphine concentration. This protocol, Guideline for Gas Measurements for Cargo That Has Been Fumigated with Phosphine Abroad (Richtlijn gasmetingen voor lading die in het buitenland is begast met fosfine), is prescribed in the Action Plan. It ensures that all fumigators in charge determine the concentration of the fumigant phosphine in the same way.

The Action Plan has been updated jointly by the Director of CNB for the municipalities of Amsterdam and Velsen and the State Harbour Master of Rotterdam for the municipalities of Rotterdam, Dordrecht, Papendrecht, Schiedam, Vlaardingen and Zwijndrecht.

Inland vessels onto which cargo has been transhipped that is not sufficiently free of fumigants cannot berth anywhere in the port. To safeguard safety in the port, these vessels must berth at designated berths. The relevant berths are shown in Annex 2 to this decree and in the drawing accompanying this decree.

Annex 1:

Action Plan for seagoing vessels whose cargo has been fumigated with phosphine abroad, dated 1 September 2026.

Annex 2:

To designate the following berths where vessels may berth after taking on cargo transhipped from seagoing vessels, where that cargo is not sufficiently free of fumigants following transhipment:

1. Westhaven, Push barges 6
2. Westhaven, Push barges 7
3. Westhaven, Push barges 5
4. Suezhaven, Ferry 3
5. Neptunushaven, Fumigation dolphins

These berths are shown on the drawing below.

