

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 No. 2026/41**Decree adopting the Action Plan for seagoing vessels whose cargo has been fumigated with phosphine abroad**

The Deputy Director of the 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 Velsen Municipality Mandate Decree concerning Central Nautical Management for the North Sea Canal Area 2023, issued by the Mayor and Executive Council of the Municipality of Velsen on 30 January 2024 and published on 2 February 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 Velsen.

having considered that:

- seagoing vessels, whose cargo has been fumigated with phosphine abroad berth in the port of Velsen
- on arrival in the port of Velsen, 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. 2021/52 on 7 December 2021, 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 Velsen, and
- the motives for this decree are the environment and safety in the port.

hereby decrees:**I.**

To adopt the Action Plan dated 1 September 2026 for handling cargo on board seagoing vessels whose solid bulk cargo has been fumigated with phosphine abroad. This Action Plan is annexed to this decree.

II.

To revoke Decree No. 2021/52 of the Director of CNB, dated 7 December 2021.

III.

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

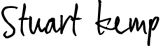
IV.

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

Annex: Action Plan.

Thus adopted on behalf of the Mayor and Executive Council of Velsen on 22 September 2026.

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

DocuSigned by:

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S.C. Kemp

In accordance with the Dutch General Administrative Law Act [Algemene wet bestuursrecht], any interested party may lodge an objection to a decree by submitting a notice of objection within six weeks of its publication. The notice of objection must be addressed to the Mayor and Executive Council of Velsen, P.O. Box 465, 1970 AL IJmuiden, [The Netherlands]. The notice of objection must be signed and must include at least the name and address of the person submitting it, the date, a description of the decree being challenged, and the grounds for the objection. You can lodge an objection online at <https://www.velsen.nl/bezwaar>. This requires a DigiD login.

If represented by a third party, that third party must provide a letter of authorisation. Lodging an objection does not have a suspensive effect. If urgent circumstances require it, you may request a suspension or interim relief from the Interim Relief Judge at Haarlem District Court, Administrative Law Division, Stationsplein 80, PO Box 1621, 2003 BR Haarlem, while the objection procedure is pending. You can also submit this request online at <http://loket.rechtspraak.nl/bestuursrecht>. This requires a DigiD login. More information is also available on that website. A court fee is payable for submitting a request for interim relief.

Explanatory note

Seagoing vessels regularly berth in the port of Velsen 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 Regional Port Byelaws for the North Sea Canal Area 2023 contain a provision concerning the adoption of 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 Action Plan adopted by the Director of CNB for the municipality of Velsen on 7 December 2021 required 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 have shown 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.

Because this Action Plan has now also been adopted by the municipality of Velsen, the seaports of Rotterdam, Amsterdam and Velsen have an identical Action Plan for the handling of these types of vessels.

Annex

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

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