

NON AUTHORITATIVE TRANSLATION

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Action Plan for seagoing vessels whose solid bulk cargo has been fumigated with phosphine abroad

Under the Regional Port Byelaws for the North Sea Canal Area
2023

for the municipality of Velsen

dated 1 September 2026

Introduction

This Action Plan is prescribed under Article 4.7(2) of the Regional Port Byelaws for the North Sea Canal Area 2023 (hereinafter: RHN). The interests protected by the RHN are the efficient use of the port, the safety and the environment in the port. The Director of Central Nautical Management for the North Sea Canal Area (hereinafter: the Director of CNB) is responsible for safeguarding these interests in the port and its surrounding area within the scope of the RHN. The Director of CNB does so by establishing, on behalf of the municipal executive a procedure for all parties involved in transshipment in the port and the onward carriage of solid bulk cargo from seagoing vessels where that cargo has been fumigated with phosphine abroad. This procedure addresses the following interests:

- Efficient use of the port: at all times, vessels carrying bulk cargo fumigated with phosphine abroad are safely moored in the port.
- Safety in the port and its surrounding area: cargo carried by seagoing vessels and fumigated with phosphine abroad, is handled as safely as possible, and loading, discharging, mixing and ventilating, and other operations, including bunkering, are also performed as safely as possible. The conditions and restrictions in the Action Plan supplement the rules already applicable under the Working Conditions Act and the Plant Protection Products and Biocides Act, as well as international rules, including the IMSBC Code, and contractual obligations between the parties.
- Environment: cargo carried by seagoing vessels and fumigated with phosphine abroad is handled in a way that causes as little environmental harm as possible. The rules in the Action Plan supplement those already applicable under the IS Management Act (Wet milieubeheer), the Environment and Planning Act (Omgevingswet) and their subordinate legislation, insofar as they apply.

Within the procedure established in the Action Plan, substantive assessments must be made concerning the concentration of phosphine in the cargo and the safety of the cargo. As an expert in this field, the fumigator in charge is responsible for providing substantive advice on these assessments. The Director of CNB's Action Plan enables the fumigator in charge to use their expertise to create the safest possible situation.

The RHN contains rules for handling seagoing vessels carrying cargo fumigated abroad because no other binding national or international rules provide for this. The relevant article is limited to vessels carrying solid bulk cargo. Cargo in containers that has been fumigated with phosphine is therefore excluded from this Action Plan. Requirements for such cargo are laid down in the IMDG Code. The IMDG Code is made mandatory under Dutch law through the Transport of Dangerous Goods Act and the Regulations on the Carriage of Dangerous Goods by Seagoing Vessels.

The RHN was adopted by the municipal councils of Amsterdam, Beverwijk, Velsen and Zaanstad and is therefore a statutory regulation that applies only within the municipality concerned. The same applies to the Action Plan adopted under the RHN. Matters relating to the carriage and storage of this cargo outside the municipality, and interests other than those mentioned above, such as the construction of the vessel carrying it, fall outside the scope of the RHN.

The following articles of the RHN are relevant to this Action Plan:

- Article 4.7 Cargo fumigated abroad
- Article 3.10 Notification requirement for seagoing vessels
- Article 1.3 To whom do these Byelaws apply?
- Article 9.1 Obligation to comply with the rules

The person directly responsible—the captain (master), skipper and/or operator—holds the fumigator in charge to the responsibilities assigned to them under the Action Plan.

General terms and abbreviations

Advice	Substantive written advice in Dutch and English from the fumigator in charge to the captain or skipper of the vessel into which cargo fumigated on the seagoing vessel has been discharged. The minimum information required is described in Annex 2 to this Action Plan.
Workplace	Any place used, or customarily used, in connection with the performance of work.
Occupational safety	Conditions in which work can be performed safely and without risk to health, as referred to in the Working Conditions Act.
Inland vessel	Vessel, other than a seagoing vessel
Concentration	The concentration of phosphine in ppm (parts per million).
Director of CNB	The Director of Central Nautical Management for the North Sea Canal Area, a nautical partnership between the municipalities of Amsterdam, Beverwijk, Velsen and Zaanstad.
Push barge	A vessel without a pushing vessel that is built or particularly suited to being pushed.
ENI number	A unique, eight-digit identification number for inland vessels.
Fumigator in charge	A recognised expert under the Plant Protection Products and Biocides Act whose certification includes authorisation to work with phosphine.
Threshold limit value, as used by the Social and Economic Council of the Netherlands (SER)	The threshold limit value is the maximum permissible concentration of a gas, vapour, aerosol, fibre or substance in the air at the workplace. The threshold limit value applies over a defined reference period, usually 15 minutes or eight hours. The value is set based on the principle that the health of workers and their offspring must not be adversely affected, even by repeated exposure to that concentration over an extended period, including an entire working lifetime.
IMO number	A unique vessel identification number consisting of the letters “IMO” followed by seven digits, assigned when a seagoing vessel is built.
Gas measurement report	A report by the fumigator in charge containing information about the measurements performed. The minimum contents of the gas measurement report are set out in Annex 1 to this Action Plan.
Measurement results	The measured phosphine concentration in ppm (parts per million).
Reporting to the Director of CNB	By telephone on 020-5234600, option 2; on the applicable VHF channel; or by email gsm@portofamsterdam.com
Measuring concentration	A measurement performed by the fumigator in charge in accordance with this recent “Guideline for gas measurements for cargo that has been fumigated with phosphine abroad”. It can be found through this link .
Mixing cargo	Mixing up the cargo with a grab crane to allow phosphine to escape, so the phosphine concentration falls more quickly. The cargo is not transhipped during this operation.
Environment (surrounding area)	The immediate and wider surroundings of the vessels concerned and the transhipment site within the port area for which the Director of CNB is responsible, where risks may arise from storage on board the vessel and transhipment.

Unmanned vessel	An inland vessel with no crew or other persons on board.
Residues ¹	Residues are sleeves, plates and bags that contained or may still contain phosphine, or phosphine tablets that have not been fully spent or have not yet become active.
Vessel (ship)	Any craft, including a non-displacement craft, used or suitable for use as a means of transport on water.
Providing information in writing to the Director of CNB	By email to gsm@portofamsterdam.com
Stevedore	The party carrying out the assignment to load and discharge vessels.
Supervision	The physical presence and intervention of the fumigator in charge in accordance with this Action Plan.
Equipment of the seagoing vessel	The equipment of the seagoing vessel in accordance with the safety requirements of IMO Circular MSC.1/Circ. 1264 or as subsequently amended.
Ventilation	The removal, by mechanical or other means, of phosphine from spaces fumigated with phosphine. Mechanical ventilation is performed by a specialised external company under the direction of a fumigator in charge, using fans and associated equipment that do not form part of the seagoing vessel's equipment. The conditions for mechanical ventilation are set out in point 23c.
Warning sign	The international sign for cargo treated with a fumigant, as referred to in Appendix 2 to the <i>"Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds"</i> (MSC.1/Circ. 1264). The warning sign may be displayed on either a board or a sticker. Where the text refers to a board, this may also be read as a sticker.
Seagoing vessel	A seagoing vessel carrying solid bulk cargo that has been fumigated with phosphine abroad.

General: Information and communication

1. As soon as it is known whether spaces containing phosphine will be mechanically ventilated, the fumigator in charge reports this to the Director of CNB.
2. The Director of CNB provides the following information:
 - a. the name of the seagoing vessel
 - b. the fumigant phosphine used and the method applied, and
 - c. the name and contact details of the company of the fumigator in charge
 to the Human Environment and Transport Inspectorate, the National Police's national expertise and operations unit, the IJmond Environmental Service, the North Sea Canal Area Environmental Service, Customs or other relevant parties.
3. All other legislation and regulations remain fully in force.
4. The Director of CNB reserves the right to postpone or stop operations, or to supplement or amend the requirements of this Action Plan, if circumstances warrant it.

General: Obligations and restrictions concerning fumigated cargo

5. Securing the surrounding area by the fumigator in charge takes precedence over all other work on and around the vessel.

¹ When loose phosphine tablets are used, they leave a powder after they have been fully spent. This powder mixes with the cargo and is not removed at the port of discharge. These spent remains are an inert product and do not fall within the definition of residues in this Action Plan.

6. The fumigator in charge must determine the phosphine concentration in accordance with the "Guideline for gas measurements for cargo that has been fumigated with phosphine abroad".
7. While the Action Plan is in force, if a hazardous situation arises which, in the fumigator in charge's opinion, is not described in the Action Plan, all work on and around the seagoing vessel must be stopped immediately and the Director of CNB must be notified immediately.
8. While the seagoing vessel is berthed in the port, its status must be indicated by the warning sign. The warning sign must be placed at every entrance to the seagoing vessel and on the hatch coamings on the port and starboard sides. The warning sign must be clearly visible and legible.
9. As long as the vessel and/or its cargo, or parts of either, have not been declared safe for work, any part of the cargo that has not been declared safe for work must be discharged under the fumigator in charge's supervision at all times, unless this document states otherwise.
10. Until the cargo on the seagoing vessel has been declared safe for work, the fumigator in charge must take measurements daily during cargo operations, unless the fumigator in charge decides otherwise, for example because of weather conditions.
11. Until the fumigator in charge has declared the deck of the seagoing vessel safe for work in relation to phosphine exposure, only the vessel's crew and other persons whose presence the fumigator in charge considers necessary may be on board. Only vessels whose presence the fumigator in charge considers necessary may moor alongside the seagoing vessel.
12. The fumigator in charge advises the captain of the seagoing vessel on the safety of persons on board in relation to the presence of phosphine before and during the discharge of cargo from the seagoing vessel.

Arrival – opening closed holds

13. The seagoing vessel must keep its cargo spaces, manholes and other hold openings closed while in port and during mooring.
14. Immediately after the vessel has moored at its berth, and before the cargo spaces are opened, the fumigator in charge must measure the phosphine concentration in the hold or holds using a method of their choosing, for example through a *Gas Sampling Point*.
15. Once the vessel has been safely moored, the holds may be opened only with the fumigator in charge's permission or on their instructions.
16. If the measurement referred to in Point 14 establishes that the phosphine concentrations exceed the threshold limit value, at least two people must be present when the cargo spaces are opened to ensure that the work is carried out safely. At least one of them must be a fumigator in charge.

Before discharge – removal of residues

17. Where possible, residues must be removed after the deck has been declared safe for work and before ventilation, discharge or cargo mixing begins.
18. The fumigator in charge must remove the residues, either personally or with the assistance of a suitably qualified colleague. Removal must be carried out in accordance with the duty of care set out in Annex 3 to this Action Plan and Article 2a of the Plant Protection Products and Biocides Act (see Annex 3). Access to the cargo hold where the removable enclosures or residues are being removed must be cordoned off clearly with tape and warning signs.
19. The collected residues must be removed from the seagoing vessel as soon as possible by an authorised company, under the responsibility of the captain and the fumigator in charge.

20. If the collected residues cannot be removed immediately, they must be placed in UN-approved drums bearing the appropriate hazard labels, either in a safe, clearly cordoned-off area on deck or in a well-ventilated space. The fumigator in charge must give the captain written advice in English on how to handle the residues and the cordoned-off area on the seagoing vessel. The captain must sign to acknowledge receipt of the advice.

Before discharge – measurements

21. After the cargo spaces have been opened and the fumigator in charge has declared the deck of the seagoing vessel, or parts of it, safe for work, the fumigator in charge must take measurements at several locations in and above the phosphine-treated cargo to determine the phosphine concentration.
22. As soon as possible after the measurement preceding discharge, the fumigator in charge must submit the gas measurement report in writing to the Director of CNB and the captain of the seagoing vessel. The captain must sign the gas measurement report to acknowledge receipt. The fumigator in charge must indicate which of the following steps will follow:
1. ventilation because discharge is not possible
 2. mixing the cargo, followed by a measurement
 3. discharge under supervision;
 4. discharge without supervision.

List of inland vessels involved

If, during discharge of the seagoing vessel or after one or more receiving vessels have been loaded and departed, it becomes apparent that an excessively high concentration of phosphine remains on board one of the vessels involved, the Director of CNB at the loading location may instruct the surveyor or stevedore who was present when the cargo was discharged from the seagoing vessel into the receiving inland vessels to provide a list of the inland vessels involved. This is so that the captains and skippers of those vessels can be warned of possible health risks to their crews or other persons on board².

Discharge – without supervision by a fumigator in charge

23. The fumigator in charge assesses whether:
- a. the cargo in one or more of the cargo spaces to be discharged can be discharged safely
 - b. no concentrations above the threshold limit value are measured at the workplaces or, in the fumigator in charge's assessment, is expected to occur there, and
 - c. the holds can be entered safely in view of the phosphine concentration.

If these conditions are met, the fumigator in charge may determine that discharge can proceed without supervision, possibly subject to the fumigator in charge's advice.

Discharge - under supervision by a fumigator in charge

24. If, in the fumigator in charge's opinion, cargo operations in one or more of the seagoing vessel's cargo spaces require supervision because of the phosphine concentration in the cargo, the seagoing vessel must begin discharge or cargo mixing under the supervision of a fumigator in charge who ensures that these operations are carried out

² The Director of CNB may request this information on grounds of vital interests under Article 6(1)(d) of the General Data Protection Regulation (GDPR). The Director of CNB must handle this information with care: it may be used only to inform the captains and skippers concerned and may not be retained for more than two months.

under conditions that are safe for work. The fumigator in charge must take measures to control risks and safeguard safety at work.

25. During ventilation, cargo mixing or discharge:

- a. the fumigator in charge must keep the Director of CNB informed of the phosphine concentration on board the seagoing vessel and in the cargo by providing a written gas measurement report at least once a day
- b. the fumigator in charge must mark places on board the seagoing vessel that are not safe for work with the warning sign and a clearly recognisable cordon
- c. in the case of mechanical ventilation, the fumigator in charge must comply with the following requirements:
 - I. the discharge velocity, measured at every outlet, must be at least 30 metres per second at all times
 - II. the ventilation pipes must be secured so that they remain firmly in place at all times and cannot fall over
 - III. the ventilation outlet must be at least three metres above the hatch coaming of the seagoing vessel
 - IV. the ventilation discharge must be directed vertically upwards
 - V. hoods or non-return valves are not permitted in or on the outlet pipes of the ventilation pipes, and
 - VI. negative pressure must be prevented from developing in the ventilated holds at all times
- d. the captain must stop the operations, or have them stopped, if the phosphine concentrations present or actions by third parties endanger the safety of those present and safe working conditions can no longer be guaranteed. The fumigator in charge must advise the captain on this. The fumigator in charge must also report that advice to the Director of CNB as soon as possible in a gas measurement report
- e. when cargo is discharged into the cargo spaces of other vessels, the fumigator in charge must perform the measurement referred to in Point 21 on board the receiving vessel. The fumigator in charge must provide a gas measurement report to the captain or skipper of the receiving vessel and send a copy to the Director of CNB as soon as possible
- f. if, in the fumigator in charge's assessment, the phosphine concentration in the cargo in the receiving holds poses risks to personnel working on board or to the surrounding area after transhipment, this must be indicated by the warning sign. The warning sign must be placed at every entrance to the vessel and on the hatch coamings on the port and starboard sides, and must be clearly visible and legible, and
- g. during discharge under supervision, the fumigator in charge must monitor the safety of working conditions on board the vessels involved and in the surrounding area with respect to the phosphine concentration.
- h. The fumigator in charge must advise everyone involved in the operations where necessary.

Discharge – into an unmanned vessel or push barge

26. If, following the fumigator in charge's assessment, it is decided to discharge part of the cargo from a hold of the seagoing vessel in which the phosphine concentration is too high into an unmanned vessel or push barge that remains in the port, the phosphine concentration in the cargo on the unmanned vessel or push barge must be measured after transhipment.

- a. before cargo is transhipped into the holds of other unmanned vessels or push barges whose final destination is in the ports of the North Sea Canal Area, the transshipment company must check with the Director of CNB whether sufficient berths are available;
 - b. after measurement, the hatches of the unmanned vessel or push barge must remain closed. The hatches may be opened only under the fumigator in charge's responsibility until the fumigator in charge has declared that the cargo can be discharged safely
 - c. if the fumigator in charge determines that further handling of the cargo on the unmanned vessel or push barge cannot be carried out safely, that vessel or push barge must berth at a location designated for this purpose in the port
 - d. warning signs must remain in place until the unmanned vessel or push barge has been discharged. They must be placed at every entrance to the unmanned vessel or push barge and on the hatch coamings on the port and starboard sides and must be clearly visible and legible.
27. After part of the cargo has been discharged into an unmanned vessel or push barge, the fumigator in charge must measure the phosphine concentration in the cargo remaining in the hold of the seagoing vessel. If the fumigator in charge establishes that the cargo can be discharged safely and that no phosphine concentrations above the threshold limit values is measured at any workplace, discharge may continue without supervision, as described in Point 23.
28. The fumigator in charge determines when further handling of the cargo on the unmanned vessel or push barge, including discharge, cargo mixing or ventilation, can be carried out safely. Until the fumigator in charge has made that determination, an unmanned vessel or push barge that has received part of the cargo referred to in Point 24, must berth at a designated berth in the port:
- a. names and IMO or ENI numbers of the unmanned vessels, and their final destinations or berths in the ports of the North Sea Canal Area, must be reported to the Director of CNB if the phosphine concentrations in the cargo exceed 1 ppm after the measurement referred to in Point 25e. This information must be reported separately to the Director of CNB
 - b. the phosphine concentration in the cargo must be reported to the Director of CNB as soon as possible by means of a gas measurement report, and
 - c. the fumigator in charge must also determine whether the cargo on the unmanned vessel or push barge:
 - i. must be ventilated because discharge is not possible
 - ii. must be mixed, followed by a measurement, or
 - iii. can be discharged.
29. Whenever a vessel that has not yet been declared safe for work moves to another berth in the port, the information referred to under Point 28a must be provided to the Director of CNB immediately after the vessel has berthed.
30. The fumigator in charge monitors the phosphine concentration in the cargo on the unmanned vessel or push barge and, as soon as the cargo can be discharged safely, releases the unmanned vessel or push barge for discharge.
31. The fumigator in charge must then send a copy of the gas measurement report to the Director of CNB as soon as possible.

Procedure where phosphine may remain in the cargo

32. If not all residues could be removed as described in Point 17, or if it is unclear whether damaged sleeves containing phosphine are present, the following procedure applies:

- a. the fumigator in charge determines which part of the cargo on the seagoing vessel is to be transhipped into unmanned vessels or push barges. That is the part of the cargo in which the fumigator in charge suspects phosphine might still remain
 - b. that part of the cargo on the seagoing vessel is transhipped into push barges
 - c. the fumigator in charge monitors the phosphine concentration on board the unmanned vessels or push barges carrying the transhipped cargo
 - d. if the fumigator in charge determines that transhipment can be carried out safely, the cargo on the unmanned vessel or push barge is transhipped into the receiving vessel under the fumigator in charge's supervision, or released for onward carriage on that unmanned vessel or push barge.
33. Before transhipment to the unmanned vessel or push barge referred to in Point 32 begins, the fumigator in charge must inform the captain or skipper of the unmanned vessel or push barge that intends to depart immediately after loading that the cargo contained loose phosphine tablets or damaged sleeves containing phosphine. The fumigator in charge must give the captain or skipper written advice on handling the residual risk and the hazards of phosphine, while maintaining safe working conditions. The captain or skipper must sign the advice to acknowledge receipt.

Completion of the fumigator in charge's operations

34. As soon as the fumigator in charge has completed their operations, this must be reported to the Director of CNB as soon as possible, together with the final gas measurement report for the seagoing vessel and/or the receiving vessel or push barge.
35. If, after the fumigator in charge has completed their operations on the seagoing vessel or in the receiving vessels or push barges, phosphine concentrations above the threshold limit value are found at workplaces on the vessel concerned, or conditions are not safe for work, transhipment operations in the relevant cargo hold of that vessel must be stopped. The captain, skipper or stevedore must contact the fumigator in charge immediately. The fumigator in charge must take measurements on board the vessel concerned as soon as possible, as described in Point 21. The fumigator in charge must immediately report the situation to the Director of CNB and also provide the gas measurement report in writing.
36. For as long as phosphine concentrations above the threshold limit value are measured at workplaces, the fumigator in charge remains responsible for the safe conduct of discharge and must advise the captain or skipper on the safety of the vessel's crew, including the measures needed to ensure safe working conditions. The measurement results must be provided in writing to the Director of CNB, the stevedore and the captain or skipper of the discharging seagoing vessel and the receiving vessel or push barge. The stevedore, captain or skipper must sign both the advice on safety at work and the measurement results to acknowledge receipt.

Annex 1: Information in the gas measurement report

The gas measurement report must contain at least the following information, where applicable:

- The responsible fumigation company and its contact details
- Name of the company that commissioned the fumigation company
- Name, IMO number or ENI number, and berth of the vessel
- Names of the spaces measured and the measurement results
- Fumigant used and, in the case of phosphine, whether sleeves, plates, bags or tablets were used
- Fumigant concentration on the deck of the seagoing vessel (safe for work/below the threshold limit value)

- Fumigant concentration in the holds above the cargo, if above the threshold limit value
- Fumigant concentration in the cargo in the holds
- Suitability of the holds for discharge (not suitable, or suitable with or without supervision)
- Advice given on board concerning ventilation or cargo mixing
- Safety advice given on board and any equipment provided
- Operations that may be performed
- Start of discharge, if known
- Date and time of measurement
- Date and time of the next scheduled measurement
- Locations on the vessel where measurements were taken
- Removal of residues (sleeves), the recipient and their destination
 - If residues remain on board: where and how they are stored
 - Whether all residues (sleeves) have been found (number of sleeves placed and removed)
- Signatures of the fumigator in charge and captain

The gas measurement report for an unmanned vessel or push barge must contain at least the following information:

- ENI number
- Name and telephone number of the captain, skipper or operator, available 24 hours a day, seven days a week
- Destination of push barges or lighters if warning signs have been placed on them

Annex 2: Advice to the captain or skipper

The fumigator in charge's advice to the captain or skipper of the receiving vessel must contain at least the following information:

- How to minimise the risks of unsafe conditions for the vessel and its surrounding area in the period ahead.
- This must take account of the history, aspects and circumstances of the cargo's treatment.
- It must also state which conditions or operations may affect the risk, such as ventilation of the holds and weather conditions.

Annex 3: Overview of statutory provisions

The following are some of the statutory provisions concerning the carriage of cargo treated with fumigants. This list is not exhaustive.

Plant Protection Products and Biocides Act (Article 2a) - (Wet gewasbeschermingsmiddelen en biociden):

Everyone is required to handle plant protection products, biocides, their active substances, additives used with them, their residues and opened packaging with due care. This duty of care means, at the very least, that anyone who knows or may reasonably suspect that their acts or omissions create or may create a danger to a person, an animal, plants whose preservation is desirable, plants belonging to others, soil or water must refrain from those acts or omissions, unless they cannot reasonably be expected to do so, or must immediately take all measures that can reasonably be expected of them to prevent that danger or limit and, as far as possible, remedy its harmful consequences.

IMSBC Code of the International Maritime Organisation

The Code contains guidelines on fumigating cargo and carrying it on seagoing vessels. It is *not*, in itself, national or international legislation. The Code contains provisions and recommendations.

MSC.1/Circ.1264, MSC.1/Circ.1358 and MSC.1/Circ.1396 are relevant. These circulars all concern the fumigation of seagoing vessels or their cargo. MSC.1/Circ.1264 sets out steps to be taken before arrival, including notification of the authorities (3.3.2.16), the obligation to acquaint oneself with local regulations, the wearing of protective clothing when entering a hold, and the determination of the concentration of the fumigant used (3.3.2.17). Before a hold is entered, it must be sufficiently free of fumigant (3.3.2.19).

Regulation 4 of the General Provisions of the IMSBC Code requires appropriate precautions when pesticides are used on vessels, particularly for fumigation, including precautions concerning measurements on board.

The Code also contains guidelines on working with fumigants and on ventilation in ports. Paragraph 3.1.4.8 states that gas-free certificates may be issued only when tests show that all residual fumigant has been dispersed from empty cargo spaces and adjacent working spaces and any residual fumigant material has been removed. The annex also requires the manufacturer's instructions to be followed strictly.

Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI), Budapest, 22 June 2001

The Convention applies to any contract of carriage under which the port of loading or place of taking over the goods and the port of discharge or place of delivery are situated in two different States, at least one of which is a Party to the Convention.

Article 7(1) of the Convention provides that, if dangerous or environmentally harmful goods are to be carried, the consignor must, before handing over the goods, expressly inform the carrier in writing of the hazards and environmental risks inherent in the goods and of the precautions to be taken.

Article 3(3) of the Convention provides that the carrier—defined in the Convention as any person by whom or on whose behalf a contract of carriage has been concluded with a consignor—determines which vessel is to be used. It further provides that before and at the beginning of the voyage, the carrier must exercise due diligence to ensure that the vessel is suitable for taking on the cargo, fit to navigate and equipped and crewed as required by the applicable regulations, taking account of the goods to be carried, and that the national and international permits required to carry the goods concerned have been acquired.