

Designation Decree for passing other vessels in, and sailing into, the Nijlhaven and Yukonhaven

The Harbour Master of Rotterdam,

in view of:

- Article 3.2 of the 2020 Rotterdam Port Bye-Laws,
- Article 11.7 of the 2016 Decree for the mandate, power of attorney and authorisation for Rotterdam;

whereas:

- the Harbour Master, on behalf of the municipal executive, is competent to designate areas where certain categories of vessels may not be present, including berthing;
- the following areas have been designated as petroleum harbours in the Designation Decree for petroleum harbours in Rotterdam, Vlaardingen and Dordrecht:
 - the Nijlhaven: the waters located between shore site number 9885 and the most northerly point of the island adjoining the Nijlhaven and between shore site number 9875 and the most southerly point of the island adjoining the Nijlhaven;
 - the Yukonhaven: the waters to the north of an imaginary line drawn between shore site numbers 9849 and 9852;
- an LNG terminal is located in these areas where tankers load and unload LNG;
- additional regulations for the environment and safety apply within these areas to shipping such that not all vessels are permitted in the area, vessels must meet certain requirements relating to equipment, vessels must maintain a certain distance from vessels loading or unloading LNG;

has decided as follows:

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Article 1 Vessels in the Nijlhaven and Yukonhaven

Access is prohibited to the Nijlhaven and Yukonhaven for all vessels, with the exception of the following vessels listed under a to e (inclusive):

- a. a vessel that is using, has used or will use the port facilities to unload, load or bunker LNG;
- b. a bunker ship used for bunkering LNG;
- c. vessels required to be present in the port in connection with the arrival, stay or departure of a tanker with LNG as cargo from the perspective of the completion of shipping-related activities;
- d. a government vessel for the performance of its duties;
- e. a service ship or bunker ship that provides services or supplies bunker oil to a tanker with a cargo of LNG.

Article 2 Minimum distance from the manifold

If a jetty is occupied by a vessel loading or unloading LNG, the approved vessels referred to in Article 1 may not be within the following minimum distance from the manifold that is being used by the vessel loading or unloading LNG:

- in the case of a vessel berthed at jetty 1 in the Nijlhaven: 110 m;

- in the case of a vessel berthed at jetty 2 in the Nijlhaven: 92 m;
- in the case of a vessel berthed at the 'barge noord location in the Yukonhaven: 53 m;
- in the case of a vessel berthed at the 'barge zuid location in the Yukonhaven: 53 m;
- in the case of a vessel berthed at the ocean-going vessels location in the Yukonhaven: 58 m.

Article 3 Entry into force

This decree will be published in the Netherlands Government Gazette and will enter into a force on 6 January 2020.

Article 4 Citation

This decree will be referred to as: Designation Decree for passing other vessels in, and sailing into, the Nijlhaven and Yukonhaven.

Enacted on 24 December 2019.

The municipal executive of Rotterdam,

On its behalf, the Harbour Master of Rotterdam,

R.J. de Vries

Explanatory note to this designation:

It is undesirable for vessels to be in a harbour where LNG transshipment is taking place unless those vessels are prepared for the risks and there is a harbour-related reason for being in the harbour. For this reason, the petroleum harbour regime is in force in the Nijlhaven and the Yukonhaven, and access restrictions and stated passing distances have also been introduced. This is in line with the safe distances stated in the environmental permit of the shore company and safe distances based on safety studies. Vessels other than those mentioned in this Decree may access the port only if they have been granted an exemption or on the basis of an exemption if no LNG tanker is loading or unloading.

Pursuant to the Dutch General Administrative Law Act, an interested party may object to this decision within six weeks after announcement by submitting a notice of objection. The notice of objection must be addressed to the municipal executive of Rotterdam, Postbus 1011, 3000 BA Rotterdam. The notice of objection must be signed and state at least the name and address of the applicant, the date, a description of the decision against which the objection is being made, as well as the grounds for the objection. If you choose to be represented by another party, you are asked to submit a power of attorney (or to have this done on your behalf). Submitting an objection does not suspend the effect of the decision. If required urgently pending the objections proceedings, a suspension or provisional ruling may be requested from the Voorzieningenrechter van de Rechtbank Rotterdam, sector Bestuursrecht, Postbus 50951, 3007 BM Rotterdam. This will involve the payment of court fees.

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