

Designation Decree prohibiting the entry by water of Recreational crafts

The Harbour Master of Rotterdam,

in view of:

- Article 3.2 of the 2020 Rotterdam Port Bye-Laws, the 2019 Vlaardingen Port Bye-Laws, the 2020 Schiedam Port Bye-Laws, the 2020 Dordrecht Port Bye-Laws, the 2020 Papendrecht Port Bye-Laws and the Port Bye-Laws for the municipality of Zwijndrecht;
- Rotterdam: Article 11.7 of the 2016 Decree for the mandate, power of attorney and authorisation for Rotterdam;
- Vlaardingen: Article III of the 2013 Mandate Decree for the Harbour Master of Rotterdam;
- Schiedam: Article 3 of the 2012 Decree for the mandate, power of attorney and authorisation for the Harbour Master;
- Dordrecht: Article 4 of the 2011 Decree for the mandate, power of attorney and authorisation for the Harbour Master;
- Zwijndrecht: Article 4 of the 2011 Decree for the mandate, power of attorney and authorisation for the Harbour Master;
- Papendrecht: Article 4 of the 2011 Decree for the mandate, power of attorney and authorisation for the Harbour Master;

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;
- in order to ensure the safe and smooth handling of shipping, Recreational crafts may not, as a rule, sail in the harbours;
- safety considerations mean that additional rules apply to sailing with Recreational crafts in harbours in these areas used by commercial shipping;

has decided as follows:

Designation Decree prohibiting the entry by water of Recreational crafts

Article 1 Recreational crafts in the port of Rotterdam

1. Recreational crafts may not be present in the port as referred to in the 2020 Rotterdam Port Bye-Laws insofar as the tides have an effect there, unless:
 - a. the vessel is in:
 - a marina;
 - the Parkhaven, insofar as the vessel is moving from the Nieuwe Maas to the Park Locks or vice-versa;
 - a harbour to the east of the Erasmus Bridge
 - the area in the Maashaven to the north of an imaginary line drawn between shore site numbers 1304 and 1368; or
 - b. the vessel goes directly and without stopping to a marina, private berth or shipyard located in the port.
2. It is forbidden to sail in the port with a vessel that is propelled solely using sails insofar as the tides have an effect there.

3. The provisions of the first and second paragraphs do not apply to Dutch national waterways.

Article 2 Recreational crafts in the port of Vlaardingen

1. Recreational crafts may not be present in the port as referred to in the 2019 Vlaardingen Port Bye-Laws insofar as the tides have an effect there, unless:
 - a. the vessel is in a marina;
 - b. the vessel goes directly and without stopping to the Oude Haven, the Buizengat or the Vlaardinger Vaart or vice-versa, a private berth or a vesselyard.
2. It is forbidden to sail in the port with a vessel that is propelled solely using sails insofar as the tides have an effect there.
3. The provisions of the first and second paragraphs do not apply to Dutch national waterways.

Article 3 Recreational crafts in the port of Schiedam

1. Recreational crafts may not be present in the port as referred to in the 2020 Schiedam Port Bye-Laws insofar as the tides have an effect there, unless:
 - a. the vessel is in a marina;
 - b. the vessel goes directly and without stopping to its destination.
2. It is forbidden to sail in the port with a vessel that is propelled solely using sails insofar as the tides have an effect there.
3. The provisions of the first and second paragraphs do not apply to Dutch national waterways.

Article 4 Recreational crafts in the port of Dordrecht

1. Recreational crafts may not be present in the port as referred to in the 2020 Dordrecht Port Bye-Laws unless:
 - a. the vessel is in a marina;
 - b. the vessel goes directly and without stopping to a marina, private berth or shipyard located in the port;
 - c. the vessel uses the northwestern basin of the 3rd Merwedehaven to be launched and is then subject to the obligation to leave or return to the port by the shortest route.
2. It is forbidden to sail in the port with a vessel that is propelled solely using sails.

Article 5 Recreational crafts in the port of Zwijndrecht

1. Recreational crafts may not be present in the port as referred to in the Port Bye-Laws for municipality of Zwijndrecht unless:
 - a. the vessel is in a marina;
 - b. the vessel goes directly and without stopping to a marina, private berth or shipyard located in the port.
2. It is forbidden to sail in the port with a vessel that is propelled solely using sails.

Article 6 Recreational crafts in the port of Papendrecht

1. Recreational crafts may not be present in the port as referred to in the 2020 Papendrecht Port Bye-Laws unless:
 - a. the vessel is in a marina;
 - b. the vessel goes directly and without stopping to a marina, private berth or shipyard located in the port.

2. It is forbidden to sail in the port with a vessel that is propelled solely using sails.

Article 7 Entry into force

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

Article 8 Citation

This Decree will be referred to as the Designation Decree prohibiting the entry by water of Recreational crafts.

Enacted on 24 December 2019.

The municipal executives of Rotterdam, Vlaardingen, Schiedam, Dordrecht, Zwijndrecht and Papendrecht.

On their behalf, the Harbour Master of Rotterdam,

R.J. de Vries

Explanatory note to this designation:

Sailing with Recreational crafts in ports used by commercial shipping can lead to very dangerous situations. For the safety of all users of the port, sailing a Recreational craft in a port is, as a rule, not permitted.

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 the relevant municipality where this decision applies.

That notice of objection must be signed and must contain at least:

- the name and address of the petitioner;
- date of the notice of objection;
- the grounds for the objection;
- a description of the decision against which the objection is made.

If you have submitted a notice of objection to the municipal executive of Rotterdam, Schiedam or Vlaardingen, you may submit a request for a provisional provision (including suspension) to:

Rechtbank Rotterdam, sector Bestuursrecht, Postbus 50951, 3007 BM Rotterdam.

Court fees will apply to a request of this kind.

If you have submitted a notice of objection to the municipal executive of Dordrecht, Papendrecht or Zwijndrecht, you may submit a request for a provisional provision (including suspension) to:

Rechtbank Dordrecht, sector Bestuursrecht, Postbus 7003, 3300 GC Dordrecht.

Court fees will apply to a request of this kind.

Correspondence:

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