

Policy regulations for exemptions for the use of a generator or a main or auxiliary engine in Rotterdam

The Harbour Master of Rotterdam,

in view of:

- Article 1.9 and Article 4.2 of the 2020 Rotterdam Port Bye-Laws ,
- Article 11.7(1)(d) in conjunction with Article 1.3(2) of the 2016 Decree for the mandate, power of attorney and authorisation for Rotterdam;
- the Designation decree for areas where the use of a generator or a main or auxiliary engine is prohibited;

whereas:

- it is prohibited to use a generator for generating electricity on board an inland vessel at berths in the port of Rotterdam designated by the municipal executive;
- shore power is available at those designated berths so that inland vessels have an electricity supply;
- it has not proven possible for inland vessel to use shore power in some cases;
- an exemption from the prohibition on the use of a generator can be granted;
- in cases described further in these policy regulations, it is possible to grant an exemption from the generator prohibition;

has decided as follows:

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Article 1 Scope

These policy regulations apply to the berths listed in the Designation Decree for areas where the use of a generator or a main or auxiliary engine is prohibited insofar as those berths are located in the municipality of Rotterdam.

Article 2 Grounds for exemption

An exemption for the use of a generator on board an inland vessel will be granted only if:

- a. the skipper can prove that his vessel uses more electricity than the shore-based power supply can deliver;
- b. the vessel is connected to the shore power supply and there is a malfunction which makes it impossible to use the shore power supply;
- c. a skipper wishes to occupy a berth and the shore-based power unit concerned or the available connections in the shore-based power unit are not available to supply shore power;
- d. a technical malfunction prevents the use of the Utiliq internet network or telephone exchange;
- e. all connection points for shore power are occupied in a port basin.

Article 3 Duration of exemption under Article 2(a)

1. The exemption referred to in Article 2(a) can:
 - a. be granted once for a maximum of 12 hours for the following berths:
 - Maashaven Noordzijde (shore site numbers 1304 to 1317 (inclusive) and 1318 to 1325 (inclusive));
 - Prins Hendrikkade (shore site numbers 1141 to 1144 (inclusive) and 1160 to 1167 (inclusive));
 - Maaskade (shore site numbers 1148 to 1158 (inclusive));
 - Bartel Wiltonkade (shore site numbers 247 to 250 (inclusive));on the understanding that no exemption will granted for the period between 10 p.m. and 6 a.m;
 - b. for a maximum of 72 hours for the following berths:
 - Waalhaven Oz (= Pier 3) (shore site numbers 2211 to 2214 (inclusive));
 - Waalhaven Zz (shore site numbers 2237 to 2242 (inclusive));
 - Heysehaven (shore site numbers 2624 to 2627 (inclusive));
 - Hartelsluis (shore site numbers 5007 to 5010 (inclusive));
 - c. once for a maximum of 12 hours for the other berths.
2. The exemption referred to in paragraph 1(b) can be granted more than once on the understanding that there must be a minimum of 48 hours between the granting of exemptions.

Article 4 Duration of exemption under Article 2(b), (c) and (d)

1. The exemption referred to in Article 2(b), (c) and (d) can be granted for a maximum of:
 - a. 72 hours for the following berths:
 - Waalhaven Oz (= Pier 3) (shore site numbers 2211 to 2214 (inclusive));
 - Waalhaven Zz (shore site numbers 2237 to 2242 (inclusive));
 - Heysehaven (shore site numbers 2624 to 2627 (inclusive));
 - Hartelsluis (shore site numbers 5007 to 5010 (inclusive));
 - b. 12 hours for the other berths.
2. The exemption referred to in paragraph 1 can be granted more than once on the understanding that there must be a minimum of 48 hours between the granting of exemptions.

Article 5 Duration of exemption under Article 2(e)

1. The exemption referred to in Article 2(e) can be granted for a maximum of:
 - a. 12 hours for the following berths:
 - Maashaven Noordzijde (shore site numbers 1304 to 1317 (inclusive) and 1318 to 1325 (inclusive));
 - Prins Hendrikkade (shore site numbers 1141 to 1144 (inclusive) and 1160 to 1167 (inclusive));
 - Maaskade (shore site numbers 1148 to 1158 (inclusive));
 - Bartel Wiltonkade (shore site numbers 247 to 250 (inclusive));on the understanding that no exemption will granted for the period between 10 p.m. and 6 a.m;
 - b. 72 hours for the following berths:
 - Waalhaven Oz (= Pier 3) (shore site numbers 2211 to 2214 (inclusive));
 - Waalhaven Zz (shore site numbers 2237 to 2242 (inclusive));
 - Heysehaven (shore site numbers 2624 to 2627 (inclusive));
 - Hartelsluis (shore site numbers 5007 to 5010 (inclusive));

- c. 12 hours for the other berths.
2. The exemption referred to in paragraph 1 can be granted more than once on the understanding that there must be a minimum of 48 hours between the granting of exemptions.

Article 6 Revocation

The Policy rules for exemptions to the generator prohibition in Rotterdam has been revoked.

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

These policy regulations will be referred to as: Policy regulations for exemptions for the use of a generator or a main or auxiliary engine in Rotterdam.

Enacted on 24 December 2019.

The municipal executive of Rotterdam,

On its behalf, the Harbour Master of Rotterdam,

R.J. de Vries

Non Authoritative Translation

Explanatory note to these policy regulations:

These policy regulations state clearly for a skippers of an inland vessel and other stakeholders how the Harbour Master, on behalf of the municipal executive, exercises his competence to grant an exemption from the prohibition on the use of a generator or a main and auxiliary engine. They also state which exemption may be granted in which area, the duration of the exemption and whether an exemption can be granted more than once.

In order to help improve local air quality and air quality in general and to reduce noise and smell nuisance, the Harbour Master of Rotterdam, on behalf of the municipal executive, has designated locations in the port where it is prohibited for skippers of inland vessels to use a generator or a main and auxiliary engine. The statutory basis for the designation of these areas can be found in Article 4.2 of 2020 Rotterdam Port Bye-Laws.

These areas have been designated in the Designation decree for areas where the use of a generator or a main or auxiliary engine is prohibited (hereinafter: the Designation Decree). In these designated areas, the use of a generator or a main and auxiliary engine on board an inland vessel is prohibited. Pursuant to Article 1.9 of 2020 Rotterdam Port Bye-Laws, the municipal executive may grant an exemption to the prohibition on the use of a generator or a main and auxiliary engine.

In the areas listed in the Designation Decree, a vessel may not use a generator or a main or auxiliary engine unless an exemption has been granted. Exemptions are granted in writing or electronically (by email) by the Haven Coördinatie Centrum (Port Coordination Centre) of the Harbour Master Division. The exemption must be requested in writing or electronically by the inland navigation skipper from the Port Coordination Centre. These provisions relating to submission are mandatory pursuant to the Dutch General Administrative Law Act.

It is perhaps unnecessary to point out that the Port Coordination Centre can be reached 24 hours a day, 365 days a year and that, as a rule, an exemption for the use of a generator on board an inland vessel can be granted within half an hour after receipt of an application to that effect.

Article 1

It is perhaps unnecessary to point out that Article 1 stipulates that an exemption can – of course – only be applied for if a vessel is berthed in one of the areas designated in the Designation Decree. Changes may be made to these areas. These policy regulations therefore apply if the Designation Decree is amended and new areas are designated.

General explanatory note to Articles 2, 3, 4 and 5

Article 2 gives an exhaustive description of the five cases in which an exemption can be requested. In principle, a cautious approach is adopted to the granting of exemptions. Articles 3, 4 and 5 then specify the period for which an exemption can be requested and whether an exemption will be granted more than once. A few matters are explained below.

Article 3: Use of more electricity than the shore power connection can supply

First of all, on the basis of Article 2(a), a skipper of an inland vessel can be granted an exemption if he can demonstrate that his vessel uses more electricity than the shore power connection can supply.

It is assumed that the electricity supplied by the shore power connection will be adequate for the domestic purposes of an inland vessel. However, there are circumstances in which a vessel will use more power than the available amperage that the shore power connection can supply. If a skipper can demonstrate that the vessel uses more electricity than the shore power connection can supply, he can apply for an exemption.

The inability to connect to a shore power connection is attributable to the level of consumption or the electrical plant on board a vessel. These are difficulties that a skipper can resolve. Given this consideration, an exemption on these grounds will be granted only once, with the exception of the berths listed in Article 3(1)(b). In order to prevent nuisance, an exemption of this kind will also not be granted for the hours of night in berths located near housing. When a skipper cannot connect after berthing because he uses more than the shore power connection can supply, the vessel can still look for another berth relatively easily. An exemption will, as a rule, be granted for a maximum of twelve hours. This gives the skipper the opportunity to either call in an electrician or to start looking for another berth relatively calmly.

A different policy applies to the berths referred to in Article 3(1)(b). A skipper can apply for an exemption for a maximum of 72 hours in these berths. Unlike the other berths, the skipper can request an exemption more than once on the understanding that must be a period of at least 48 hours between two exemptions. This prevents vessels berthing permanently in berths subject to a generator prohibition.

Article 4: Malfunction when shore power is being used

If a vessel connects to a shore power supply and there is a malfunction during use that prevents shore power from being delivered, it is not reasonable to require a skipper to move his vessel, for example, in the middle of the night or with a limited crew on board. In these cases, an exemption can be granted for a maximum of 72 hours in the berths referred to in Article 4(1)(a), and at the other berths referred to in the Twelve Hour Designation Decree. This exemption can also be granted for the hours of night in berths that are located near housing. It is expected that malfunctions will occur only rarely after a successful connection has been made to the shore power supply. This exemption can be granted more than once. Here, it will not be possible in practice for an exemption to be granted consecutively: the exemption can be granted only if a vessel is connected to the shore power supply and a malfunction occurs during use.

Article 4: The shore-based power unit / the available connections is/are not available to supply shore power

It can happen on occasion that a shore-based power unit malfunctions, for example due to a cable break or a power outage. In that case, a skipper may be granted an exemption for a maximum of twelve hours to use his own generator. This exemption can also be granted for the hours of night in berths that are located near housing. It is expected that this situation will be so rare that it will result in only a low level of nuisance for the surrounding area. An exemption for a maximum of 72 hours can be granted for the berths referred to in Article 4(1)(a). This longer period is possible because these berths are located at a considerable distance from housing and so a generator operating on an inland vessel will not be likely to result in nuisance.

Pursuant to Article 4(2), a new exemption can be granted again 48 hours after the expiry of the exemption. In practice, this will mean that, after the end of the period in the exemption, a different berth will have to be found where shore power is available or where no generator ban applies.

Article 4: The Utiliq internet network or telephone exchange cannot be used

There are sometimes malfunctions affecting the Utiliq website or telephone exchange. In that case, skippers cannot register for shore power. It is then not reasonable in all cases to ask a skipper to find another berth immediately. In the event that, due to these circumstances, it is not possible to connect to a shore-based power unit, an exemption can be granted for the maximum duration of 12 hours, with the exception of the berths referred to in Article 4(1)(a). This exemption can also be granted for the hours of night in berths that are located near housing. It is expected that this situation will be so rare that it will result in only a low level of nuisance for the surrounding area.

An exemption for a maximum of 72 hours can be granted for the berths referred to in Article 4(1)(a). This longer period is possible because these berths are located at a considerable distance from housing and so a generator operating on an inland vessel will not be likely to result in nuisance.

Pursuant to Article 4(2), a new exemption can be granted again 48 hours after the expiry of the exemption. In practice, this will mean that, after the end of the period in the exemption, a different berth will have to be found where shore power is available or where no generator ban applies.

Article 5: All connections for shore power in a harbour basin are occupied.

If all the connections for shore power are occupied in a given berth and there are no other berths available in the vicinity of that berth where the skipper can berth, an exemption can be requested for the maximum duration of twelve hours.

For the berths referred to in Article 5(1)(a), an exemption may be granted for a maximum of twelve hours on the understanding that this exemption is not granted for the hours of night in order to prevent nuisance for the surrounding area. An exemption that is requested, for example, at 8 p.m. will be granted until 10 p.m.

An exemption for a maximum of 72 hours can be granted for the berths referred to in Article 5(1)(b). This longer period is possible because these berths are located at a considerable distance from housing and so a generator operating on an inland vessel will not be likely to result in nuisance.

Pursuant to Article 5(2), a new exemption can be granted again 48 hours after the expiry of the exemption. In practice, this will mean that, after the end of the period in the exemption, a different berth will have to be found where shore power is available or where no generator ban applies.