
The Municipal Council of Rotterdam,

having read the proposal of the Municipal Executive dated 8 September 2009 (council motion no. 336660; council paper 2009-3667);

having regard to Articles 147 and 156, third paragraph, of the Municipalities Act;

considering that for the promotion of good port management it is necessary to lay down rules in respect of order, safety and the environment in the port and its surroundings, and the quality of the services in the port;

Decides to enact:

the 2010 Rotterdam Port Management Bye-Laws

§ 1 General provisions

Article 1.1 Definitions
In these bye-laws and all provisions made pursuant thereto, the following terms shall have the following meanings:
- ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways;
- waste: ship's waste, cargo residues, liquid or solid waste which is created during the cleaning of a ship;
- handling of dangerous substances: handling of a dangerous substance: loading, unloading, internal pumping over, shifting, mixing, blending or cleaning of a dangerous substance, with the exception of transfer or pumping back of bunker oil or LNG fuel, bunkering or LNG bunkering;
- announcement with the same meaning as a marine traffic signal: announcement with the same meaning as a marine traffic signal as specified in Article 1, first paragraph, under h, of the Shipping Traffic Act;
- appendix: any appendix belonging to these bye-laws;
- inland vessel: any ship other than a seagoing vessel;
- inland tanker: inland vessel built for or adapted to the transport of bulk liquid cargo in its cargo tanks;
- bilge collection vessel: vessel that moors alongside other vessels in ports or while sailing, with the aim of collecting ships’ commercial waste, as referred to in article 15.01, second paragraph, of the Rhine Navigation Police Regulations 1995, from these ships;
- buoy berth: berth with the feature that the ship can moor from the bow or stern at or between one or more buoys or pole berths for that purpose, whereby the ship is moored without any contact with other port berthing facilities;
- boatmen’s organisation: organisation of boatmen recognised by the Municipal Executive which performs activities for safeguarding the professional competence of boatmen and which ensures the required equipment;
- boatman: a person who in the practice of his profession moors or unmoors seagoing vessels;
- combustible liquid: a liquid with a flash point lower than or equal to 100 degrees Celsius and that has only a combustible property;
- fuel oil: any oil which is used as fuel for the propulsion or auxiliary equipment of ships;
- bunkering checklist: bunkering checklist which only includes the parts as specified in the Bunkering Safety Check-List in the ISGOTT;
- bunkering: transfer of bunker oil from a bunkering vessel to a seagoing vessel;
- bunker oil: fuel oil or lubricant;
- bunkering vessel: any tanker used for supplying fuel oil or lubricants to ships;
- combination carrier: any seagoing vessel designed to carry liquid bulk or dry bulk cargo alternately;
- debunkering: the pumping back of bunker oil from a sea-going vessel to another vessel;
- shuttle services: the transport of persons to and from seagoing vessels in return for payment;
- vapour return line: a vapour pressure control system between the cargo tanks involved in the direct transshipment thus ensuring emission-free transshipment;
- vapours: the atmosphere which is present above a liquid substance as a result of a certain vapour pressure from that liquid substance;
- service vessel: any ship involved in providing services to a ship lying in a petroleum harbour or LNG harbour:
  1°. in connection with cleaning;
  2°. in connection with delivery or collection of stores or ship’s parts, or;
  3°. which is a reception facility;
  and which complies with the regulations laid down in these bye-laws regarding the construction, fitting out and equipment of the ship;
- edible oils: oils or fats produced from seeds or fruits of plants or trees or oils and fats of animal origin;
- drying: allowing open cargo tanks or slop tanks to dry out or ventilate after these have been cleaned with water or have been sufficiently cleaned in a different manner;
- operator: the owner, manager, bareboat charterer or any other person having control over the use of the ship;
- gases: substances which are fully gaseous at 20 degrees Celsius and a standard pressure of 101.3 kilopascal;
- gas expert: gas expert who possesses a certificate of professional competence as gas expert as referred to in Article 3.5h, fourth paragraph, of the Working Conditions Decree;
- dangerous substances: substances that constitute a danger of explosion, fire, corrosion, poisoning, a person losing consciousness or radiation, as referred to in the International Maritime Dangerous Goods Code for the transport of packaged dangerous goods by sea (IMDG Code), the code for the construction and equipment of ships carrying dangerous chemicals in bulk (IBC Code), with the exception of the substances which are only (environmental) pollutants and which have no toxic or combustible properties, the international code for the construction and equipment of ships carrying liquefied gases in bulk (IGC Code), the IMSBC Code and the ADN, with the exception of edible oils;
- port: waters within the municipality which are open to shipping with the exception of:
  1° the Nieuwe Maas;
  2° the Zuiddiepje;
  3° the Koningshaven;
  4° the Nieuwe Waterweg;
  5° the Maas estuary and its approaches;
6° the Calandkanaal, to the west of the point located 1000 metres to the east of the intersection with the axis of the Beerkanaal;

7° the Beerkanaal, to the north of the point located 1320 metres to the south of the intersection with the axis of the Calandkanaal;

8° the Breeddiep;

9° the Berghaven;

10° the Oude Maas;

11° the Delftse Schie, from the mouth of the Delfshavense Schie to the municipal boundary;

12° the Rotte, from the Prinses Irenebrug in the Terbregseweg to the municipal boundary;

- Harbour Master: the Harbour Master of Rotterdam;
- IBC Code: the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk or the IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;
- IGC Code: the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk or the IMO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
- IMDG Code: International Maritime Dangerous Goods Code;
- IMSBC Code: International Maritime Solid Bulk Cargoes Code;
- IMO: the International Maritime Organisation of the United Nations;
- inert atmosphere: an atmosphere in a cargo tank or slop tank in which the oxygen content has been reduced to no more than 8 volume percent through the addition of an inert gas under positive pressure;
- installation: installation as referred to in the Environmental Management Act;
- ISGOTT: the International Safety Guide for Oil Tankers and Terminals;
- captain: the person actually in command of a seagoing vessel;
- cargo residues: the residues of cargo holds, cargo tanks or slop tanks on board which remain after unloading and cleaning operations including residues after loading or unloading operations and spills;
- LNG-bunkering: bringing LNG fuel or natural gas fuel on board a ship for the ship’s own use;
- LNG bunkering vessel: tanker used for LNG bunkering;
- LNG-fuelled ship: ship which uses or partly uses LNG fuel for propulsion;
- LNG fuel: LNG used as fuel for the propulsion or auxiliary operation of a ship;
- LNG-harbour area designed for handling LNG tankers;
- LNG-tanker: tanker suitable for the transport of LNG cargo;
- localised risk: localised risk as specified in Article 1, paragraph 1, opening words and under o, of the Public Safety (Establishments) Decree;
- MARPOL: the International Convention for the Prevention of Pollution from Ships;
- mooring vessel: ship built and intended for the exercise of the profession boatman;
- reception facility: a facility suitable for the reception of ship’s waste, other hazardous substances or residues of hazardous substances;
- naked flame: fire, sparking and any surface within a distance of 25 metres of a dangerous substance which has a temperature equal to or higher than the minimum ignition temperature of that substance;
- transshipment: loading of cargo onto or unloading of cargo from a ship;
- passenger ship: any ship which is designed for the transport of more than twelve passengers and which holds adequate and valid certificates;
- passenger transport: the transport of persons in return for payment;
- petroleum harbour: area designed for the handling of tankers carrying dangerous liquid bulk cargo;
- pleasure craft: ship intended or used for the practice of sport or leisure activities;
operator of a buoy span or a pole berth: owner, manager or any other person with authority for the use of a buoy span or a pole berth;
- pole berth: berth with the characteristic that the ship can moor against and at the poles for that purpose, whereby the ship is moored without any contact with other port berthing facilities;
- hazardous substances: substances which have been designated or are referred to as such under or pursuant to the Prevention of Pollution from Ships Act;
- ship’s waste: waste including residues other than cargo residues and sanitary waste which is created during the operation of a ship and which falls under the scope of Annexes I, IV, V and VI of the Marpol Convention, as well as cargo-related waste, being all the material that is left on board as waste after the stowage and handling of the cargo, including in any case dunnage, shoring, pallets, packaging material, wooden sheets, paper, cardboard, wire or steel bands;
- ship: any vessel including water planes, hydrofoils, hovercrafts, drilling installations, production platforms or similar objects, dredgers, floating cranes, elevators, pontoons, floating equipment, floating objects or floating installations;
- skipper: the person actually in command of an inland vessel;
- cleaning vessel: a ship which is designed for cleaning cargo holds, cargo tanks, slop tanks or other places on board another ship which contain hazardous or dangerous substances;
- cleaning: any operation which is aimed at or related to the cleaning, degassing or devaporising of the cargo tanks or the slop tanks of a tanker;
- lashing company: a company which provides lashing services in a professional capacity and which is registered with the Chamber of Commerce;
- lasher: a person who lashes containers on board seagoing vessels;
- lashing: sea-proof securing and releasing of containers on board seagoing vessels;
- slop tank: tank on board a ship intended for the storage of cargo residues of hazardous, combustible or other dangerous liquids (slops) whether or not mixed with water;
- lubricant: any liquid intended for the lubrication of machines on board ships;
- spud pole: facility with which a ship can anchor itself in the water bed by means of vertical mooring posts with which the ship itself is equipped;
- tanker: inland tanker or seagoing tanker;
- permission: permit, designation, recognition, general exemption or exemption;
- flash point: the flash point as determined using the Pensky-Martens tester;
- safety contour, safety contour as specified in the:
  1°. Decree establishing the Safety Contour Botlek-Vondelingenplaat;
  2°. Decree establishing the Safety Contour Maasvlakte 1 and Maasvlakte 2, or;
  3°. Decree establishing the Safety Contour Europoort and Landtong, of the Provincial Executive of South Holland and the Municipal Executive of Rotterdam of 4 February 2014;
- SOLAS: International Convention for the Safety of Life at Sea of the IMO;
- work boat: any ship which carries out maintenance operations on the port infrastructure or to vessels with the exception of dredgers;
- residential concentration: a group of dwellings on land;
- transhipment pump vessel: vessel that moors alongside other vessels or plants, with the aim of sucking dry bulk cargo from those vessels or plants;
- seagoing vessel: any ship which is used for maritime navigation or which according to its construction is intended for maritime navigation and any ship which is provided with a document - issued by the competent authority in the country where the ship is registered - which demonstrates that it is suitable for maritime navigation;
- seagoing tanker: seagoing vessel built for or adapted to the transport of bulk liquid cargo in its cargo tanks.
Article 1.2 Area of application
1. These bye-laws shall apply in the port and to all engineering structures belonging to the port, as well as to the slipways, docks, ship repair yards, loading and unloading locations within the municipality.
2. These bye-laws shall also apply to ships which are, either directly or indirectly, berthed, at anchor or moored to spud poles outside the port but within the municipality.

Article 1.3 Supplement to or derogation from the General Administrative Law Act
In addition to or in derogation from Title 4.1 of the General Administrative Law Act the provisions of this section shall apply with regard to permissions under or pursuant to these bye-laws.

Article 1.4 Decision period
1. The Municipal Executive will decide upon an application for permission within 4 weeks of the day upon which the application is received unless a different decision period has been set under or pursuant to these bye-laws.
2. The Municipal Executive may within 4 weeks of receipt of the application extend the period referred to in the first paragraph once by a maximum of 4 weeks. It will notify the applicant of this.

Article 1.5 Conditions and restrictions
1. The Municipal Executive may attach conditions to permissions. Permissions may be granted subject to restrictions.
2. The conditions and restrictions referred to in the first paragraph may only serve to protect the interest or interests in connection with which the permission is required.
3. The person to whom the permission applies is obliged to observe the conditions and restrictions attached thereto.

Article 1.6 Period of validity
1. Unless stipulated otherwise in these bye-laws permits or general exemptions are granted for the maximum duration of five years.
2. Recognitions may be granted for an indefinite period.
3. An exemption can be granted for a maximum of one year.
4. In cases of urgency an exemption may be granted verbally for a once-only action or act. The exemption is confirmed in writing as soon as possible.
Article 1.7  Refusal, modification or withdrawal of permission
The Municipal Executive may, without prejudice to the provisions contained elsewhere in these bye-laws, refuse, modify or withdraw its permission if:

a. one or more of the interests which are protected by these bye-laws, including the order, safety or the environment in the port or its surroundings, and the quality of the services provided in the port, require this;
b. the attached conditions or restrictions under which it has been granted have not been or are not being complied with;
c. following its granting a fact or circumstance occurs such that if the fact or circumstance had been known at the time of its granting, the permission would not have been granted or would not have been granted under these conditions or restrictions;
d. on the basis of a change in circumstances or views which occurred following the granting of the permission, it must be assumed that withdrawal or modification is required by the interest or interests for the protection of which the permission is required;
e. for the obtaining thereof incorrect or incomplete information has been provided;
f. the permit or exemption is not used within a period specified therein or, in the absence of such a period, within a reasonable period at the discretion of the Municipal Executive, or;
g. the person to whom the permission applies, requests this.

Article 1.8  Grounds for the granting of an exemption
An exemption is only granted if the interest which is protected by the prohibition concerned does not dictate otherwise.

Article 1.9  Obligations of holders of permissions
A holder shall keep the permission relating to a ship or a copy thereof on board the ship unless it concerns a ship without crew quarters.

Article 1.10  Party to which the standard applies
1. Unless stipulated otherwise in these bye-laws, the captain or skipper shall be responsible for compliance with the provisions stipulated under or pursuant to these bye-laws.
2. In the absence of a captain or skipper, the operator shall be responsible for compliance with the provisions stipulated under or pursuant to these bye-laws.
§ 2 Harbour Master of Rotterdam

Article 2.1 Appointment of Harbour Master
The Municipal Executive will appoint the Harbour Master of Rotterdam.
§ 3 Order in and use of the port

Article 3.1 Traffic signs
1. The Municipal Executive may erect traffic signs in the port as specified in the Inland Waterways Police Regulations (Binnenvaartpolitiereglement) and add additional instructions to these traffic signs.
2. It is prohibited to act in contravention of traffic signs or the corresponding additional instructions.
3. The Municipal Executive may grant exemption from the prohibition set forth in the second paragraph.

Article 3.1a Announcements with the same meaning as a marine traffic signal
Article 3.1 applies equally with respect to announcements with the same meaning as a marine traffic signal.

Article 3.2 Prohibition of berthing
1. It is prohibited to berth a ship or to occupy a berth with a ship unless this is done:
   a. in accordance with the traffic signs and corresponding additional instructions erected in situ as referred to in Article 3.1 or announcements with the same meaning as a marine traffic signal as referred to in Article 3.1a;
   b. in accordance with the Houseboats Bye-Laws 2013 (Verordening woonzepen 2013);
   c. with a permit on the basis of the Berthing Dues Bye-Laws (Verordening Kadegeld), or;
   d. with the consent of the tenant, leaseholder or owner of a berth.
2. It is likewise prohibited to berth a ship or to occupy a berth with a ship if, in the opinion of the Municipal Executive, this endangers order, safety or the environment in the port or its surroundings.
3. The Municipal Executive may grant general exemption or exemption from the prohibition set forth in the first paragraph.

Article 3.2a Prohibition of mooring
1. It is prohibited to berth a ship or to occupy a berth with a ship in areas designated by the Municipal Executive longer than a period specified by the Municipal Executive.
2. The period referred to in the first paragraph is deemed not to be interrupted or terminated, if:
   a. a ship returns to an area as referred to in the first paragraph, without this involving commercial transport within the meaning of Article 1 of the Inland Navigation Act (Binnenvaartwet), and
   b. the ship has been shifted less than 500 metres.
3. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 3.3 Safe mooring
1. It is prohibited for anyone to carry out loading or unloading operations unless the ship is properly moored.
2. A seagoing vessel which is moored:
   a. lapsed;
   b. shall be properly moored, whereby, taking into account the local conditions and if possible, the mooring lines used for mooring shall be fed out and positioned as follows:
1°. the breast ropes shall be as much as possible at right angles to the seagoing vessel and the spring lines shall be as parallel as possible to the seagoing vessel;
2°. the vertical angle of mooring lines shall be limited to a minimum, and;
3°. all mooring lines which are in the same direction shall be made of the same material and shall have equal paid out length and tension;
c. shall be berthed lengthways in relation to another moored vessel with due regard to the following spacing:
1°. for a seagoing vessel up to and including 120 metres; 0.1 x the length of the seagoing vessel with a minimum of 10 metres, and;
2°. for a seagoing vessel with a length over 120 metres; 0.1 x the length of the seagoing vessel with a minimum of 15 metres and a maximum of 35 metres, and;
d. in a buoy berth, shall, local circumstances permitting, be moored with the bow in the prevailing wind direction and shall present at least one anchor.
3. The Municipal Executive may grant exemption or general exemption from the provisions in this article.

Article 3.4 Prohibition of jacking up a drilling or production platform
1. It is prohibited to jack up a drilling installation, production platform or similar object.
2. The prohibition does not apply if the drilling installation, production platform or similar object is located in a shipyard or ship repair yard for which a environmental permit has been issued pursuant to Article 2.1, first paragraph, of the Environmental Permitting (General Provisions) Act (Wet algemene bepalingen omgevingsrecht).
3. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.
4. Applications for exemption shall in any case contain:
a. the name and technical data relating to the object to be jacked up;
b. the name of the shipping agent;
c. the results of the seabed survey, and;
d. the nature and duration of the activities to be performed.

Article 3.5 Facilities in the port
1. It is prohibited for anyone to have, place or install facilities or objects in, on, under or above the water if these could cause danger, damage or hindrance.
2. The prohibition set forth in the first paragraph does not apply if it concerns having, placing or installing ship’s accessories and facilities which serve, and are in use as such, to load and unload a ship.
3. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 3.6 Shifting of ships
1. The Municipal Executive may order an operator in writing to shift a ship or have it shifted to another berth if this is necessary for the protection of order, safety or the environment in the port or its surroundings.
2. If the order as referred to in the first paragraph is not complied with, the Municipal Executive may shift the ship or have it shifted at the expense and risk of the operator.
3. In cases of urgency or if the operator is unknown, the Municipal Executive may shift the ship or have it shifted immediately at the expense and risk of the operator.

Article 3.7 Use of propellers, bow thrusters or stern thrusters
1. It is prohibited to use propellers, bow thrusters or stern thrusters if the ship:
a. is aground;
b. is berthed, at anchor or moored to spud poles, or;
c. is kept running near the quay or shore or is pressed against the quay or shore other than necessary for mooring or unmooring.

2. During the operation of the propellers, bow thrusters or stern thrusters of a ship, a person shall be present in the wheel house who is familiar with the operation of the ship.

3. The prohibition set forth in the first paragraph does not apply if it concerns a bunkering vessel or supply vessel moored to another ship which must heave to or turn away in order to prevent damage.

4. The provisions of the second paragraph do not apply if it concerns a bilge collection vessel, bunkering vessel or transhipment pump vessel that:
   a. moors or unmoors;
   b. is no more than 35 metres long;
   c. pursuant to required valid certificate as referred to in the Dutch Inland Navigation Act, is permitted to sail with one crew member, and;
   d. has one crew member, being the skipper, who is the only person on board.

5. The Municipal Executive may grant exemption or general exemption from the prohibition set forth in the first paragraph.

**Article 3.8 Use of anchors**

1. It is prohibited to use an anchor unless:
   a. a ship is berthing in a buoy berth or a pole berth;
   b. this is done by means of a floating crane and it has been ascertained that the use of an anchor will not cause any damage to the pipes, cables, culverts or shore or quay defences installed in the water bed.

2. The intention to use an anchor as referred to in the first paragraph, under b, shall be reported to the Harbour Master.

3. The notification referred to in the second paragraph shall be submitted by telephone, by VHF radio on the channel designated for the purpose, by fax or by e-mail.

4. The Municipal Executive may grant exemption or general exemption from the prohibition set forth in the first paragraph.

**Article 3.9 Use of spud poles**

1. It is prohibited to use a spud pole unless it is used in accordance with the traffic signs and corresponding additional instructions erected in situ as referred to in Article 3.1 or Article 3.1a.

2. If a ship uses spud poles, Article 4.5 applies equally.

3. The Municipal Executive may grant exemption or general exemption from the prohibition set forth in the first paragraph.

**Article 3.10 Pleasure craft and sailing ships in the port**

1. It is prohibited to be in the port, insofar as it is under the influence of tidal movement, with a pleasure craft, unless:
   a. the ship is in:
      1°. a marina;
      2°. the Parkhaven, insofar as the ship is proceeding from the Nieuwe Maas to the Parksluizen and vice versa;
      3°. a harbour to the east of the Erasmus Bridge, or;
   b. the ship is proceeding directly and without interruption to a marina, private berth or shipyard located in the port.

2. It is prohibited to sail in the port, insofar as it is under the influence of tidal movement, with a ship which is propelled exclusively by means of sails.
3. The Municipal Executive may grant exemption from the prohibitions set forth in the first and second paragraphs.

4. The Municipal Executive may, in the case of an event as referred to in the 2012 Rotterdam General Municipal Bye-Laws, grant general exemption from the prohibitions set forth in the first and second paragraphs.

5. The Municipal Executive may designate areas to which the prohibitions set forth in the first and second paragraphs do not apply.

Article 3.11 Nuisance to vessels
It is prohibited for non-entitled parties to detain a ship, board a ship, be on board a ship or unmoor a ship.

Article 3.12 Notification of operational failures, defects or damage
1. Operational failures and defects on or on board a ship and damage to or on board a ship which could cause damage or hindrance to the ship or the surroundings shall be reported immediately to the Harbour Master.

2. The notification referred to in the first paragraph shall be submitted by telephone, by VHF radio on the channel designated for the purpose, by fax or by e-mail.

Article 3.13 Duty of notification of sea-going ships
1. This article applies to all waters within the Municipality.

2. A sea-going vessel which belongs to a category of sea-going ships to be set by the Municipal Executive and which is on its way from or to a berth within the Municipality, notifies the Harbour Master of the information to be set by the Municipal Executive concerning the arrival, departure, shifting and the position of the vessel, the information relating to the nautical service providers to be used and the shipping agent, the information relating to the vessel, the cargo it carries and the journey to be undertaken.

3. The Municipal Executive may specify more detailed rules concerning:
   a. the cases in which and the conditions under which exemption or dispensation of this duty of notification is possible, or;
   b. the way in which and the moment at which the notification takes place.

4. This article is not applicable insofar as the subject it provides for is arranged through or pursuant to the Shipping (Reporting Formalities and Data Processing) Decree and the Inland Navigation Police Regulations.
§ 4 Safety and protection of the environment in the port or its surroundings

Article 4.1 Air pollution; stench, hindrance or risk causing substances
1. It is prohibited to blow through the exhaust system from internal combustion engines into the open air on board a ship by means of compressed gas or steam as a result of which soot escapes from the ship.
2. It is prohibited to allow substances to escape from a ship as a result of which danger, damage or hindrance occurs or could occur.
3. The Municipal Executive may grant exemption from the prohibition set forth in the second paragraph.

Article 4.2 Use of waste incinerators
It is prohibited for anyone to have a waste incinerator in use in the port on board a ship.

Article 4.3 Notification and removal of substances or objects which have ended up in the water
A person due to whose actions an object or substance is released into or ends up in the water as a result of which danger, damage or hindrance is or could be caused, shall ensure that:
1. the Harbour Master is notified immediately of this, and;
2. the substance or object is removed immediately unless this is not reasonably feasible.

Article 4.4 Serious danger, damage or hindrance causing ships
1. The Municipal Executive may, if in its opinion a ship causes or could cause serious danger, damage or hindrance, or serious disruption of the order in the port or its surroundings:
   a. impose a prohibition upon that ship to enter the port, stay in the port or occupy a berth, or;
   b. impose measures upon the captain or skipper of the ship which stays in the port or occupies a berth.
2. The person upon whom the prohibition or measures have been imposed, is obliged to comply therewith.

Article 4.5 Safe access
1. A berthed ship shall have a means of access which cannot cause any danger or damage.
2. An inland vessel does not need to have a means of access if:
   a. the actual situation renders this impossible as a result of loading or unloading operations, or;
   b. berthing is of short duration.

Article 4.6 Prohibition of the use of generators
1. It is prohibited to use a generator in the areas to be specified by the Municipal Executive on board an inland vessel.
2. The Municipal Executive may grant exemption or general exemption from the prohibition set forth in the first paragraph.

Article 4.7 Prohibition of use of main engine
1. It is prohibited to have the main or auxiliary engine running on board a berthed ship, unless immediately prior to departure of the ship:
   a. in the berths located on the Noordereiland;
   b. in the areas as referred to in Article 4.6.
2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

**Article 4.8 Performance of activities**

1. It is prohibited for any person to carry out or have persons carry out activities on a ship or on an object on board a ship which are connected with the operability, modification, repair, scrapping or improvement of the ship or object, unless:
   a. the ship is berthed in or near a shipyard or ship repair yard for which an environmental permit pursuant to Article 2.1, first paragraph, of the Environmental Permitting (General Provisions) Act (Wet algemene bepalingen omgevingsrecht) has been issued, or;
   b. the ship is not berthed in or near a shipyard or ship repair yard for which an environmental permit pursuant to Article 2.1, first paragraph, of the Environmental Permitting (General Provisions) Act (Wet algemene bepalingen omgevingsrecht) has been issued and per ship visit to the port of Rotterdam:
      1°. the activities to be performed will take a maximum of three days;
      2°. the activities to be performed cannot present any danger, damage or hindrance;
      3°. during the activities to be performed, efficient fire extinguishing equipment and persons familiar with the use of such equipment are available, and;
      4°. the activities to be performed whereby fire or sparking can occur are at least 25 metres away from dangerous substances or combustible material.

2. Notwithstanding the provisions of the first paragraph, heading, under b, it is prohibited for any person to carry out the activities if:
   a. they take place on a tanker or on or in a fuel tank of a ship, unless a gas expert has issued a Health and Safety Certificate for the repair activities or the gas expert has established that no Health and Safety Certificate is required, or;
   b. these activities take place on an LNG system of an LNG-fuelled ship and the activities are not performed by the supplier of the system or an installation company recognised by Stichting Erkenning Installatiebedrijven or by Stichting Sterkin.

3. The Municipal Executive may grant exemption from the provisions of this article.

**Article 4.9 Notification of performance of activities**

1. If a ship is not berthed in or near a shipyard or ship repair yard which holds a permit pursuant to the Environmental Management Act, the following information shall be submitted to the Harbour Master prior to the activities referred to in Article 4.8:
   a. the name and call sign of the ship;
   b. the berth of the ship during the activities;
   c. the date, time of commencement and duration of the activities;
   d. the nature of the activities;
   e. the place or places on board where the activities will be performed;
   f. the person or company performing the activities;
   g. whether the ship will at all times have its main propulsion capacity available;
   h. for LNG-powered vessels:
      1°. the amount of LNG on board;
      2°. the locations of the LNG bunker tanks;
      3°. the pressure in the LNG bunker tanks at the start of the repairs;
      4°. the opening pressure of the safety valves of the LNG bunker tanks;
      5°. the confirmation that the Boil Off Gas control continues to operate, and;
6°. the confirmation that control measures are being taken to prevent emissions.

2. The notification requirement stipulated in the first paragraph does not apply to a ship that is empty of or is loaded with dry cargo, not being dangerous substances, and that is carrying out work exclusively as referred to in Article 4.8 and that cannot create any danger, damage or disturbance.

3. The notification referred to in the first paragraph shall be submitted electronically to an electronic address to be determined by the Harbour Master using a message definition and message protocol to be determined by the Harbour Master.

4. Contrary to the third paragraph a notification of the performance of activities off board or underneath a ship may be submitted by telephone, by VHF radio on the channel designated for the purpose, by fax or by e-mail.

Article 4.10 Fumigation of ships
1. It is prohibited to berth a ship to disinfect the ship or the cargo by treating it with gases or substances which release gases.

2. It is prohibited to berth a ship or occupy a berth with a ship carrying solid bulk cargo if outside the Netherlands the cargo has been treated with gases or substances which release gases in order to fumigate the cargo, unless a certificate has been issued in respect of the ship by an expert, recognised or designated under or pursuant to the Crop Protection Agents and Biocides Act, that the ship and cargo are sufficiently free of gases or substances.

3. The Municipal Executive may grant exemption from the prohibitions set forth in the first and second paragraphs.

Article 4.11 Reporting inland vessels with disinfected cargo
1. Before berth is taken by an inland vessel loaded with bulk cargo as referred to in Article 4.10, paragraph 2, the following must be reported to the Harbour Master:
   a. the name of the inland vessel;
   b. the intended berth.

2. If an inland vessel loaded with bulk cargo as referred to in Article 4.10, paragraph 2, leaves the municipality, the following must be reported to the Harbour Master:
   a. the name of the inland vessel;
   b. the destination of the inland vessel.

3. If an inland vessel loaded with bulk cargo as referred to in Article 4.10, paragraph 2, has been unloaded, this will be reported to the Harbour Master without delay.

4. The notifications referred to in this Article take place by telephone, by VHF on the intended channel, by fax or by e-mail.
§ 5 Petroleum harbours

Article 5.1 Designation of petroleum harbours

The following areas are designated as petroleum harbours:

- of 1e Petroleumhaven, the waters to the south of an imaginary line running between shore site numbers 3204 and 3253;
- of 2e Petroleumhaven, the waters to the south of an imaginary line running between shore site numbers 3003 and 3117;
- of 2e Werkhaven a strip of water of 105 metres that borders on and runs parallel to the western shore and that is bounded by shore site numbers 4534 and 4539 and a strip of water of 100 metres that borders on and runs parallel to the western shore and that is bounded by shore site numbers 4539 and 4544;
- of 3e Petroleumhaven, the waters to the south of an imaginary line running between shore site numbers 4031 and 4118;
- of 4e Petroleumhaven, the waters to the south of an imaginary line running between shore site numbers 5715 and 5736;
- of 5e Petroleumhaven, the waters to the south of an imaginary line running between shore site numbers 5640 and 5710;
- of 6e Petroleumhaven, the waters to the east of an imaginary line running between shore site numbers 6403 and 6428;
- of 7e Petroleumhaven and the Donauhaven, the waters that border on the southern shore and that are enclosed by the imaginary lines running between shore site numbers 5524 and 5340, 5615 and 5340, and 5312 and 5380;
- of 8e Petroleumhaven, the waters to the north of an imaginary line running between shore site numbers 9749 and 8500;
- of Beneluxhaven, the waters that border on the eastern shore and that are enclosed by the imaginary lines running between shore site numbers 5738 and 5840, 5800 and 5840, and 5809 and 5410;
- of the Botlek, a strip of water between shore site numbers 4142 and 4144 and extending 80 metres northwards from the crown of the slope;
- of the Botlek, a strip of water of 25 metres surrounding the BTT pier, between shore site numbers 4258 and 4262 and the berth of all tankers moored directly or indirectly at this pier including a strip of water of 25 metres around these ships and the waters to the west of an imaginary line running 30 metres to the east and parallel with pier 23 close to shore site number 4212 as far as the BTT pier;
- of the Botlek, a strip of water of 25 metres surrounding the Maastank pier, between shore site numbers 4138 and 4137 and the berth of all tankers moored directly or indirectly at this pier including a strip of water of 25 metres around these ships;
- of the Botlek, the berth and a strip of water of 25 metres around all tankers berthed directly or indirectly to all berthing posts between shore site number 4260, in easterly direction until the intersection of an imaginary line between the shore site numbers 4148 and 4308, exclusively and in the case a dangerous substance is on board as cargo or cargo residue, with the exception of a combustible liquid with a flash point of 55 degrees Celsius or higher;
- of Brittaniëhaven, the waters that border on the southern shore and that are enclosed by the imaginary lines running between shore site numbers 5227 and 5211 and a line running at a distance of 90 metres from the northern quay, parallel to this quay;
- of Calandkanaal and Wezerhaven, the waters which border on the southern shore and which are enclosed by the imaginary lines running between shore site numbers 5626 and 5342, 5615 and 5340, and a line running from shore site number 5317 in a westerly direction to a point which lies on intersection of the imaginary line between 5626 and 5340;
- of Calandkanaal, the waters that border on the southern shore and that are enclosed by the imaginary lines running between shore site numbers 5629 and 5351, 5634 and 5356, and a line running from shore site number 5317 in a westerly direction to a point which lies on the imaginary line between 5634 and 5356 at a distance of 90 metres from shore site number 5634 in an easterly direction, and between 5632 and 5634 115 metres from the shore;
- of Calandkanaal, the waters that border on the southern shore and that are enclosed by the imaginary lines running between shore site numbers 5315 and 5522, 5318 and 5524, and 5309 and 5338;
- of Calandkanaal, the berth and a strip of water of 25 metres around all tankers berthed directly or indirectly to all buoys and pole berths, between shore site numbers 5332 and 5370 on the north side of the Calandkanaal, exclusively and in the case that a dangerous substance is on board as cargo or cargo residue, with the exception of a combustible liquid with a flash point of 55 degrees Celsius or higher;
- of Chemiehaven, the waters to the south of an imaginary line running between shore site numbers 4209 and 4144;
- of Europahaven, the waters that border on the northern shore that are enclosed by the imaginary lines running between shore site numbers 8208 and 8229, 8210 and 8218, and 8199 and 8214;
- of Geulhaven, the waters to the east of an imaginary line running from shore site number 4026 in a north-westerly direction to the head of the Geulhavendam;
- of the Nieuwe Maas, a strip of water of 25 metres parallel to the quay located between the shore site numbers 3117 and 3124 and the berth of all tankers moored directly or indirectly at this quay including a strip of water of 25 metres around these ships;
- of Neckarhaven, the waters to the north of an imaginary line running between shore site numbers 6009 and 6909;
- in Oude Maas, a strip of water of 25 metres surrounding the concrete jetty, near shore site numbers 4016 and 4017 and the berth of all tankers berthed directly or indirectly at this jetty including a strip of water of 25 metres around these ships;
- of Seinehaven, the waters to the east of an imaginary line running between shore site numbers 5089 and 5105;
- of Sint Laurenshaven, the waters that border on the northern shore and are situated between shore site numbers 4402 and 4510 and that are used either directly or indirectly as a berth;
- of Tennessehaven, the waters to the east of an imaginary line running between shore site numbers 6328 and 6343 and to the south of an imaginary line running at a distance of 60 metres to the north of and parallel to the jetty;
- of Torontohaven, the waters to the north of an imaginary line running between shore site numbers 4525 and 4534;
- of Welplaathaven, the waters that border on the southern shore and that are enclosed by the imaginary lines running between shore site numbers 4131 and 4557, 4135 and 4550 and a line at a distance of 125 metres from the southern shore, parallel to this shore;
- of the Prinses Alexiahaven the berths and a strip of water of 25 metres around all tankers moored at mooring poles directly or indirectly at the berths, in the area on the west side of Yangtzekanaal and in front of the entrance to Prinses Alexiahaven, only and if a dangerous substance is on board as cargo or cargo residue, with the exception of a combustible liquid with a flash point of 55 degrees Celsius or higher.
Article 5.2 Prohibition of naked flame and sparking
1. It is prohibited for anyone to use naked flame or undertake activities as a result of which sparking occurs or could occur into the open air in a petroleum harbour or on board a ship in a petroleum harbour, unless:
   a. as a result of repairs on a tanker which is berthed to buoys or berthing posts located on the northern side of the Calandkanaal, and for the repair works a Health and Safety Certificate has been issued by a recognised gas expert as referred to in the Working Conditions Provisions for the activities to be performed;
   b. for the lighting of a welding device for underwater welding or cutting and prior to lighting it has been demonstrated by means of a measurement that no combustible gas is present, or;
   c. in a galley of which the construction, the location on the ship and the ventilation system prevent the entry of combustible gas.
2. It is prohibited to be in a petroleum harbour with a ship with a sparking exhaust gas pipe from an internal combustion engine.
3. The Municipal Executive may grant exemption from the prohibition set forth to in the first paragraph.

Article 5.3 Prohibition of smoking
1. Smoking is prohibited in a petroleum harbour.
2. This prohibition does not apply if on board a ship smoking takes place in:
   a. an area designated by the skipper or captain which is not directly accessible from outside, is closed and is clearly marked with a sign as a smoking area, or;
   b. an accommodation or wheel house on board an inland vessel which complies with the provisions of part 7.2.4.74 of the ADN.

Article 5.4 Placing of information signs
At the entrance to a ship which is berthed in a petroleum harbour it shall be made clear by means of a clearly visible sign in Dutch or English or a picture with a similar meaning that smoking, naked flame and access by unauthorised persons are prohibited.

Article 5.5 Tankers carrying dangerous substances outside petroleum harbours
1. It is prohibited to occupy a berth with a tanker outside the petroleum harbours if a dangerous substance is on board as cargo or cargo residue, unless:
   a. the tanker is or was loaded with a combustible liquid with a flash point of 55 degrees Celsius or higher, potassium hydroxide, sodium hydroxide, phosphoric acid, substances listed in the IMDG Code, class 9, or substances listed in the ADN, class 9, or;
   b. berthing briefly:
      1°. at a designated car landing place for the immediate loading or unloading of a car;
      2°. at a fixed location on the water for bunkering in order to bunker immediately, or;
      3°. at a designated location for the taking on of drinking water in order to take on drinking water immediately.
2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.
Article 5.5a  Inland tankers carrying dangerous substances outside petroleum harbours

1. Notwithstanding the provisions of Article 5.5, it is prohibited to occupy a berth with an inland tanker outside the petroleum harbours if a dangerous substance is on board as cargo or cargo residue, unless it is an inland tanker:
   a. of which it has been ensured that there are only closed cargo tanks or slop tanks, which have contained combustible liquids with a flash point lower than 55 degrees Celsius and which have an inert atmosphere or contain a maximum of 20% of the lower explosive limit combustible vapours, or;
   b. which is also a reception facility and:
      1°. satisfies the requirements of the ADN for an inland vessel of type C and that inland vessel wants to collect waste substances from a seagoing ship;
      2°. whose tanks or slop tanks are loaded with or empty of combustible liquids with a flash point lower than 55 degrees Celsius and of which it has been ensured that they have an inert atmosphere, and;
      3°. whereby all other tanks and holds of the inland tanker are closed and these tanks have an inert atmosphere or contain a maximum of 20% of the lowest explosive limit combustible vapours.

2. Contrary to the provisions of Article 5.5, the Municipal Executive can designate areas where it is permitted to occupy a berth with an inland tanker if a dangerous substance is on board as cargo or cargo residue.

3. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 5.5b  Seagoing tankers carrying dangerous substances outside petroleum harbours

1. Notwithstanding the provisions of article 5.5, it is prohibited to occupy a berth with a seagoing tanker outside the petroleum harbours if a dangerous substance is on board as cargo or cargo residue, unless it is a seagoing tanker which is or was loaded with a combustible liquid with a flash point lower than 55 degrees Celsius which is not in a cargo tank or a slop tank directly adjacent to the ship’s side and these tanks have an inert atmosphere or contains a maximum of 20% of the lower explosive limit combustible vapours, and:
   a. a gas expert has issued a “gas expert declaration” set by the Harbour Master which shows that the cargo situation of the seagoing tanker concerned is in accordance with the regulations laid down in this section;
   b. only the substances referred to in article 5.5, under a will be transshipped;
   c. cargo tanks or slop tanks will remain closed, unless it is necessary to open the cargo tanks or slop tanks for the transshipment of the substances stated in article 5.5 under a;
   d. no cleaning operations will take place in spaces containing dangerous substances, and;
   e. a maximum of one ship is lying alongside.

2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.
Article 5.5c  Combination carriers carrying dangerous substances outside petroleum harbours

1. Notwithstanding the provisions of Article 5.5, it is prohibited to occupy a berth with a combination carrier outside the petroleum harbours if a dangerous substance is on board as cargo or cargo residue, unless it is a combination carrier which is or was loaded with solid bulk cargo, of which:
   a. the slop tanks contain or have contained combustible cargo residues of which the slop tanks have an inert atmosphere or a maximum of 20% of the lower explosive combustible vapours which are not directly adjacent to cargo holds and which are not cleaned;
   b. all other spaces in the cargo zone are free of combustible liquids or vapours;
   c. a gas expert has issued a “gas expert declaration” set by the Harbour Master which shows that the slop tanks or cargo holds of the combination carrier are in accordance with the regulations laid down in this section, and;
   d. the combustible cargo residues on board will not be transshipped.

2. Immediately after a combination carrier as referred to in the first paragraph berths outside a petroleum harbour, the gas expert begins his inspection.

Article 5.5d  Notification of the information by the gas expert

The gas expert shall issue a verbal report as soon as possible to the Harbour Master as referred to in Article 5.5c, first paragraph, section c. The gas expert subsequently immediately confirms his report in writing to the Harbour Master.

Article 5.6  Notification of berthing of a tanker outside a petroleum harbour

1. Prior to a tanker as referred to in Article 5.5a, first paragraph, part a, and Article 5.5b, berthing outside a petroleum harbour, the following information shall be submitted to the Harbour Master:
   a. if it concerns a seagoing vessel, the name and call sign;
   b. if it concerns an inland tanker, the name, the official ship number and the last cargo;
   c. the intended berth for the ship, and;
   d. of the intended activities on board the ship:
      1. the date, time of commencement and duration, and;
      2. the nature of the intended activities.

2. The notification referred to in the first paragraph shall be submitted electronically to an electronic address to be determined by the Harbour Master using a message definition and message protocol to be determined by the Harbour Master.

3. Without prejudice to the provisions of the second paragraph, a notification as referred to in article 5.5a, first paragraph, part a, may also be submitted by telephone, by VHF radio on the channel designated for that purpose, by fax or by email.

Article 5.7  Notification of a combination carrier

1. In respect of a combination carrier which will be unloaded of or loaded with solid bulk cargo the following information shall also be submitted to the Harbour Master:
   a. the presence of combustible liquids or residues thereof from previous cargoes;
   b. the stowage of any cargo residue from combustible liquids, and;
   c. the oxygen percentage of the inerted tank atmosphere above the cargo residues referred to in part b.
2. The notification referred to in the first paragraph shall be submitted by fax or by e-mail.

Article 5.8 **Ships allowed into petroleum harbours**

1. It is prohibited to be in a petroleum harbour with a ship, unless:
   a. the ship is using, has used or will be using port facilities for loading, unloading, cleaning of cargo tanks or slop tanks or bunkering;
   b. it concerns a tanker;
   c. it concerns a rowing boat or a motor boat which is not propelled by a petrol engine and which belongs to the equipment of a ship as referred to in part a or b, and:
      1°. is used to transport seafarers to and from a ship, or;
      2°. of which the operation of the engine, the davit or the free fall system is tested;
   d. the presence of this ship in the port is necessary in connection with the arrival, stay or departure of a ship as referred to in part a or b, for the purposes of shipping operations;
   e. the ship is in the service of a public corporation or of the port authority;
   f. the ship is proceeding directly and without interruption to or from port facilities in a section of the port adjacent to and outside the petroleum harbour and will remain out of the proximity of the ships present in the petroleum harbour;
   g. it concerns a service vessel;
   h. it concerns a passenger ship which holds valid certificates pursuant to the Inland Waterways (Transport) Act and which only collects or takes persons at the request of a shore-based company in that petroleum harbour and keeps its route and stay as short as possible;
   i. it concerns a ship involved in shuttle services;
   j. it concerns a ship which carries out dredging operations;
   k. it concerns a work ship, or;
   l. it concerns an LNG bunkering vessel.

2. It is prohibited to be in a petroleum harbour with a pleasure craft.

3. The Municipal Executive may grant exemption from the prohibitions set forth in the first and second paragraphs.

Article 5.9 **Construction and equipment regulations for service vessels, work boats and passenger ships**

1. Service vessels, work boats or passenger ships which are in a petroleum harbour, shall have:
   a. a hull constructed completely of nonflammable material;
   b. an electrical installation safely installed by a recognised firm;
   c. a spark arrester on the exhaust gas pipe of an internal combustion engine;
   d. heating, cooking and cooling/refrigeration equipment which work on electricity or a combustible liquid with a flash point of 55 degrees Celsius or higher;
   e. on deck a clearly visible sign pursuant to Article 3.32 of the Inland Waterways Police Regulations stating/depicting that smoking and naked flame are prohibited;
   f. accommodation which provides sufficient protection against the entry of dangerous gases, and;
   g. during the stay in the petroleum harbour an operational VHF radio installation on which communications are monitored continuously on the VHF port channel designated for the purpose.

2. The Municipal Executive may grant exemption or general exemption from the provisions of the first paragraph.
Article 5.10 Notification of work boats
1. Prior to a work boat entering a petroleum harbour the following information shall be submitted to the Harbour Master:
   a. the intended berth;
   b. the operations to be performed, and;
   c. the expected duration of the stay.
2. The Notification as referred to in the first paragraph shall be submitted by telephone, by VHF radio on the channel designated for the purpose, by fax or by e-mail.

Article 5.11 Berthing of seagoing tankers carrying dangerous substances
cancelled

Article 5.12 Notification of berthing of seagoing tankers carrying dangerous substances
cancelled
§ 6 LNG harbours and LNG-fuelled vessels

Article 6.1 Designation of LNG harbours
The following areas are designated as LNG harbours:
- of Nijlhaven, the waters between shore site number 9885 and the northernmost point of the island in the Nijlhaven and between shore site number 9875 and the southernmost point of the island in the Nijlhaven;
- of Yukonhaven, the waters to the north of an imaginary line running between shore site numbers 9849 and 9852.

Article 6.2 Prohibition of naked flames and sparking
1. It is prohibited for anyone to use naked flame or undertake activities as a result of which sparking occurs or could occur into the open air in an LNG harbour or on board a ship at that place, unless in a galley of which the construction, the location on the ship and the ventilation system prevent the entry of combustible gas.
2. It is prohibited to be in an LNG harbour with a ship with a sparking exhaust gas pipe from an internal combustion engine.
3. The Municipal Executive may grant exemption from the prohibition stipulated in the first paragraph.

Article 6.3 Prohibition of smoking
1. Smoking is prohibited in an LNG harbour.
2. This prohibition does not apply if smoking takes place on board a ship, in:
   a. an area designated by the skipper or captain that is not directly accessible from outside, is closed and is clearly marked with a sign as a smoking area, or;
   b. an accommodation or wheel house on board an inland vessel that complies with the provisions of part 7.2.4.74 of the ADN.

Article 6.4 Placing of information signs
At the entrance to a ship that is berthed in an LNG harbour it will be made clear by means of a clearly visible sign in Dutch or English or a picture with a similar meaning, that smoking, naked flame and access by unauthorised persons are prohibited.

Article 6.5 LNG tankers outside LNG harbours and petroleum harbours
1. It is prohibited to occupy a berth with an LNG tanker outside an LNG harbour or a petroleum harbour.
2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 6.6 Ships allowed in LNG harbours
1. It is prohibited to be in an LNG harbour with a ship, unless:
   a. it is an LNG tanker that is using, has used or will be using port facilities for loading, unloading or bunkering;
   b. the presence of this ship in the harbour is necessary in connection with the arrival, stay or departure of an LNG tanker for reasons of the operation of the shipping company;
c. it concerns a ship of the Harbour Master Division of the Port of Rotterdam Authority or the police, Rotterdam Regional Division, Seaport Police district;
d. it concerns a service vessel which is providing services to an LNG tanker;
e. it concerns an LNG bunkering vessel;
f. it concerns a bunkering vessel that provides an LNG tanker with bunker oil;
g. it concerns a work vessel or a ship carrying out dredging work, and no loading or unloading operations of LNG take place.

2. A vessel, as referred to in the first paragraph under a, b, c, d, e and f, is prohibited from arriving within a radius of the following distances in relation to the manifold of a loading or unloading LNG tanker:
   a. in the Nijlhaven, the berth located at shore site number 9878: 110 metres;
   b. in the Nijlhaven, the berth located at shore site number 9883, 92 metres;
   c. in the Yukonhaven, the berth located at shore site number 9850, 58 metres.

3. The Municipal Executive may grant exemption or general exemption from the prohibition set forth in the first paragraph.

Article 6.7 Notification of ship entering LNG harbour
1. Prior to a ship as specified in article 6.6, first paragraph, under d, f or g, entering an LNG harbour, the following information will be submitted to the Harbour Master:
   a. the intended berth;
   b. the operations to be performed, and;
   c. the expected duration of the stay.
2. The notification as referred to in the first paragraph will be submitted by telephone or by VHF radio on the channel intended for that purpose.

Article 6.8 Construction and equipment regulations for service vessels and work boats
Article 5.9 applies equally to a service vessel and a work boat that is in an LNG harbour.

Article 6.9 Berthing of LNG tankers
cancelled.

Article 6.9a LNG bunkering vessels in the port
1. Except as provided for in article 5.8, paragraph 1, under l, and article 6.6, paragraph 1, under e, it is forbidden for an LNG bunkering vessel to be in the port.
2. The Municipal Executive may grant exemption as well as designate areas to which the prohibition set forth in the first paragraph does not apply.

Article 6.10 LNG bunkering
1. It is forbidden to bunker LNG, unless the LNG bunkering takes place:
   a. at an installation where this activity is included in the environmental permit, or;
   b. by an LNG bunkering vessel which has a permit as referred to in article 6.12.
2. It is forbidden to allow LNG or natural gas to escape during:
   a. the bunkering of LNG;
   b. the cooling of LNG tanks or the associated installation;
   c. the blowing of nitrogen through the bunkering pipeline;
   d. the pumping back or degassing of LNG tanks or the associated installation or pipelines.
3. It is forbidden to allow LNG to escape during LNG bunkering when disconnecting the bunkering connection.

4. During LNG bunkering it is forbidden to perform other operational activities on board an LNG-fuelled ship, unless these simultaneous activities:
   a. are specified in the operational documentation of the ship;
   b. the relevant operational documentation has been approved by the flag state, and;
   c. take place in accordance with the provisions of the relevant operational documentation.

5. It is forbidden to have more than one LNG bunkering vessel alongside a ship.

6. It is forbidden to berth alongside ships which are bunkering LNG ship-to-ship.

7. The Municipal Executive may grant exemption from the prohibitions set forth in the first, second, fourth, fifth and sixth paragraphs.

Article 6.11 Marine signals for LNG bunkering
1. During LNG bunkering, an LNG-fuelled seagoing ship flies as extra sign the international signal flag ‘B’ between sunrise and sunset, and an all-round red light between sunset and sunrise.

2. An LNG-fuelled inland vessel which is bunkering LNG displays on the deck along the longitudinal axis a square sign with a triangle at the bottom. The sign must be white on both sides with a red edge and a red diagonal bar and with the letter P in black, and the triangle on both sides white with the figure 10 in black, which shows the distance in metres within which no vessels may berth. Between sunset and sunrise, the sign must be illuminated such that it is clearly visible on both sides of the ship.

3. It is prohibited for a vessel to be berthed or take berth within a distance of 50 metres around an LNG-powered sea-going vessel that carries the light or the signal flag referred to in the first paragraph.

4. It is forbidden for a ship, within a distance of 10 metres:
   a. to berth or be berthed alongside an LNG-fuelled inland vessel which displays a sign as referred to in the second paragraph;
   b. to pass an LNG-fuelled inland vessel if that ship displays the sign as referred to in the second paragraph.

Article 6.12 Permit for LNG bunkering vessel
1. It is forbidden to bunker LNG with an LNG bunkering vessel without a permit from the Municipal Executive.

2. For the application for a permit as referred to in the first paragraph, at least the following are submitted:
   a. the details of the company of the applicant, name and position of the applicant;
   b. the details of the LNG bunkering vessels to be used which come under the permit;
   c. the documentation specified in the ISO standard 20519, Chapter 9, or in the case of an LNG bunkering vessel, which is also an inland vessel, similar documents;
   d. the facility used for connecting the LNG bunker pipeline;
   e. the berthing facilities used for the LNG bunkering vessel.
3. Notwithstanding the provisions of article 1.5, first paragraph, the Municipal Executive can attach provisions and restrictions to the permit as referred to in the first paragraph, which can relate among other things to:
   a. safety during LNG bunkering;
   b. the procedures for preventing and checking high-risk situations;
   c. the functional requirements for risk mitigation;
   d. the training of the staff;
   e. the berthing of the LNG bunkering vessel;
   f. locations where LNG bunkering is permitted.

4. During the term of the permit, changes relating to the details provided upon the application are reported immediately to the Municipal Executive.

Article 6.13 Permit for floating LNG-fuelled electricity supply

1. It is forbidden to have a floating LNG-fuelled electrical supply in operation without a permit from the Municipal Executive.

2. For the application for a permit for an LNG-fuelled electrical supply as referred to in the first paragraph, the following details are submitted at any rate:
   a. the details of the company of the applicant, name and position of the applicant;
   b. the details of the LNG-fuelled electrical supply to be used which comes under the permit;
   c. the relevant ship certificates;
   d. the operational documentation on the electricity supply and the use of LNG as fuel for the power generation;
   e. the procedure for connecting the electrical connection;
   f. the sound level during the operation of the facility;
   g. the berthing facilities used;
   h. the training of the staff;
   i. the outcomes of the risk assessment, hazard identification study and hazard and operability study which were carried out for this facility.

3. Notwithstanding the provisions of article 1.5, first paragraph, the Municipal Executive can attach provisions and restrictions to the permit as referred to in the first paragraph, which can relate among other things to:
   a. safety during the operation of the facility;
   b. the procedures for preventing and checking high-risk situations;
   c. the functional requirements for risk mitigation;
   d. the training of the staff;
   e. the berthing;
   f. the locations where it is permitted to operate the facility;
   g. the filling of the LNG fuel tank.

4. During the term of the permit, changes relating to the details provided upon the application are reported immediately to the Municipal Executive.
§ 7 Zoning regulations for ships carrying dangerous substances in packaged form or in bulk

Article 7.1 Prohibition of berthing a ship carrying dangerous substances in packaged form
1. It is forbidden to berth a ship carrying the dangerous substance in packaged form as referred in Appendix I within a distance of the stowage position of the dangerous substance to a residential concentration as specified in Appendix I, unless the provisions included in Appendix I are complied with.
2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 7.2 Prohibition of berthing a tanker carrying dangerous substances in bulk
1. It is prohibited to berth an seagoing tanker carrying a dangerous substance as cargo or cargo residue within a distance from a residential concentration as specified in Appendix I which applies to zones A and B.
2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 7.3 Notification of loading of dangerous or hazardous substances in packaged form
Lapsed.
§ 8 Transshipment of liquid dangerous or hazardous substances in bulk

Article 8.1 Transshipment of liquid dangerous or hazardous substances in bulk

1. It is prohibited to allow transshipment of dangerous or hazardous substances between a seagoing tanker and a facility, unless, before the transshipment takes place, a seagoing vessel/terminal safety checklist in the facility and on board the seagoing tanker concerned in which only those sections are copied which are stated in the Ship/Shore safety check list in the ISGOTT is completed fully and truthfully and signed by the persons responsible for the facility and the seagoing tanker involved in the transshipment of a dangerous or hazardous substance.

2. It is prohibited to allow transshipment of dangerous or hazardous substances between:
   a. seagoing tankers unless the sections as stated in the Pre-Transfer and During Transfer Checklist of the Ship to Ship transfer Guide;
   b. a seagoing tanker and an inland tanker unless the sections as stated in the Seagoing - Inland Tanker / Inland Tanker Safety Checklist of the ISGINTT, or;
   c. inland tankers unless the sections as stated in the Seagoing - Inland Tanker / Inland Tanker Safety Checklist of the ISGINTT, before the transshipment takes place, have been completed fully and truthfully and signed by the persons responsible for the tankers involved in the transshipment of a dangerous or hazardous substance.

3. In the situations as referred to in the first and second paragraphs:
   a. the provisions of the safety checklists referred to in the first and second paragraphs shall be complied with by the installation or seagoing tankers involved during the transshipment of a dangerous or hazardous substance and as long as a berth is occupied in situ by the tanker concerned;
   b. the transshipment of a dangerous or hazardous substance shall be stopped immediately if the provisions in the safety checklists referred to in the first and second paragraphs for every installation or tanker involved in the transshipment operations are not complied with.

4. During the transshipment between two tankers of a dangerous substance, use shall be made of a vapour return line connected between the cargo tanks involved unless:
   a. a tanker involved in the transshipment is technically not capable of having a vapour return line connected, because the vapour return system:
      1°. has been implemented as a single line, and;
      2°. is already in use for another loading action;
   b. the seagoing tanker involved in the transshipment has an inert atmosphere in accordance with SOLAS and IBC and will unload in an inland tanker which does not have an inert atmosphere and it is not a substance for which, pursuant to Article 7.2.4.25.5 in conjunction with chapter 3.2, Table C, column (7) of the ADN, a closed ship is prescribed.

5. The transshipment of a gas as referred to in the IGC Code or the ADN between two tankers is prohibited.

6. It is prohibited to berth a ship or occupy a berth with a ship alongside a ship which is involved in the transshipment of a gas as referred to in the IGC Code or the ADN.

7. It is prohibited for anyone to handle a dangerous or hazardous substance, whether or not simultaneously with the cleaning of cargo tanks or sloptanks, without immediate intervention in those operations being possible.

8. It is prohibited to berth alongside a tanker which is involved in the handling of a dangerous substance if as a result more than two ships will be berthed widthwise, unless this is done by:
   a. one single service vessel, provided that it is berthed outside the cargo zones of the tanker, or;
b. one single bunkering vessel.

9. The permanent connection points for cargo hoses of vessels involved in the transshipment of a dangerous substance shall be connected to each other over as short a distance as possible.

10. It is prohibited:
   a. to transship dangerous substances unless the ship’s permanent cargo line is used, or;
   b. to unload dangerous substances from a ship unless the ship’s permanent unloading pump is used.

11. It is prohibited to transship or handle dangerous substances at a buoy span or a pole berth in derogation of what is indicated pursuant to Article 11.5.1, under c, by the operator of the buoy span or pole berth.

12. The Municipal Executive may grant exemption from the prohibitions set forth in the fourth, fifth, sixth, eighth and tenth paragraphs.
§ 9 Regulations for bunkering checklist

Article 9.1 Bunkering checklist
1. It is prohibited to bunker a seagoing vessel unless it is ensured on board off all ships involved in bunkering that immediately before bunkering the bunkering checklist:
   a. has been completed fully, positively and truthfully, and;
   b. has been signed by the persons responsible for the bunkering off all ships involved in bunkering.
2. On board the ships involved in the bunkering operations:
   a. the provisions of the bunkering checklist off all ships involved in bunkering shall be complied with during bunkering, and;
   b. the bunkering shall be stopped immediately if the provisions in the bunkering checklist off all vessels involved in bunkering are not complied with.
3. The bunkering checklist, referred to in the first paragraph, shall be kept on board off all vessels involved in bunkering during the bunkering operations and until twenty-four hours after the end of the bunkering operations.

Article 9.1a Debunkering checklist
1. It is forbidden to debunker a sea-going vessel unless it is ensured on board of all vessels involved in debunkering that, immediately before debunkering commences, the debunkering checklist referred to in appendix VII:
   a. has been completed fully, positively and truthfully, and;
   b. has been signed by the persons responsible for debunkering of all vessels involved in debunkering.
2. On board of all vessels involved in debunkering:
   a. the provisions of the debunking checklist referred to in appendix VII will be observed during debunkering by every vessel involved in debunkering, and;
   b. the debunkering will be stopped immediately if the provisions of the debunking checklist referred to in appendix VII are not observed during debunking of every vessel involved in debunking.
3. The debunkering checklist, as referred to in the first paragraph, is kept on board of all vessels involved in debunking during and up to twenty-four hours after the end of debunking.

Article 9.2 LNG bunkering checklist
1. Notwithstanding the provisions of paragraph 6, it is forbidden to bunker LNG to an LNG-fuelled ship:
   a. from an LNG tank truck, unless it is ensured by the LNG tank truck and on board the LNG-fuelled ship concerned that before LNG bunkering commences, the LNG Bunker Checklist – Truck to Ship, as included in appendix IV;
   b. from an LNG bunkering vessel, unless it is ensured by the LNG bunkering vessel and on board the LNG-fuelled ship concerned that before LNG bunkering commences, the LNG Bunker Checklist – Ship to Ship, as included in appendix V;
   c. from a facility, unless it is ensured by the person responsible for the facility and on board the LNG-fuelled ship concerned that before LNG bunkering commences, the LNG Bunker Checklist – Shore to Ship, as included in appendix VI, has been completed fully, positively and truthfully, and signed by the persons responsible for the LNG bunkering of the parties involved in the LNG bunkering.
2. The parties involved in the LNG bunkering as referred to in the first paragraph:
   a. comply with the provisions of the LNG bunkering checklist, and;
   b. stop the LNG bunkering immediately if the provisions in the LNG bunkering
      checklist for each party involved in the LNG bunkering are not observed.
3. The LNG bunker checklist, as referred to in the first paragraph, is kept on board the
   ships involved in the LNG bunkering during and up to twenty-four hours after the end of the
   LNG bunkering.

Article 9.3 Notification of bunkering, debunkering, LNG bunkering or pumping back
   or emptying of LNG fuel
1. At least thirty minutes and no more than six hours before the bunkering or transfer
   pumping of bunker oil between bunkering vessels as referred to in Article 9.1, the
   bunkering vessel pumping the bunker oil notifies the Harbour Master of:
   a. the berth where the bunkering or transfer pumping will take place;
   b. the type and quantity of bunker oil which will be bunkered or transfer pumped,
      and;
   c. the time of commencement of the bunkering or transfer pumping.
2. At least thirty minutes and no more than six hours before the debunkering from a
   vessel, the vessel receiving the bunker oil notifies the Harbour Master of:
   a. the berth where the pumping back will take place;
   b. the type and quantity of bunker oil which will be pumped back;
   c. the time of commencement of the pumping back, and;
   d. the reason for the pumping back.
3. At least thirty minutes and no more than six hours before the LNG bunkering by an
   LNG tank truck as referred to in Article 9.2, the LNG-fuelled vessel notifies the
   Harbour Master of:
   a. the berth where the LNG bunkering will take place;
   b. the quantity of LNG which will be bunkered, and;
   c. the time of commencement of the LNG bunkering.
4. At least thirty minutes and no more than six hours before the pumping back or
   emptying of LNG fuel from an LNG-fuelled ship to an LNG tank truck, facility or LNG
   bunkering vessel, notifies the Harbour Master of:
   a. the berth where the pumping back or emptying will take place;
   b. the quantity of LNG which will be pumped back or emptied, and;
   c. the time of commencement of the pumping back or emptying.
5. The Municipal Executive may grant exemption from the prohibition set forth in the
   first, second, third and fourth paragraphs.
6. The notification as referred to in the first, second, third and fourth paragraphs will be
   submitted by telephone, by VHF radio on the channel intended for that purpose, by
   fax or by email.
§ 10 Cleaning of tankers and taking receipt of ship's waste

Article 10.1 Cleaning or drying of cargo tanks or slop tanks of tankers
1. It is forbidden for a tanker to clean the substances as specified in Appendix III, unless it is a closed cleaning operation.
2. It is prohibited during navigation through the port to clean a tanker’s cargo tanks or slop tanks of dangerous substances, unless this is a closed cleaning operation and the tanker is equipped for that purpose.
3. It is prohibited to clean the cargo tanks or slop tanks of a tanker carrying liquefied gases unless the ship is berthed alongside an installation which holds a permit issued by the competent authority pursuant to the Environmental Management Act for the performance of the cleaning operations and this installation takes receipt of the residues of the liquefied gases.
4. The Municipal Executive may specify rules concerning the limitation or prohibition of cleaning as referred to in this paragraph if the atmospheric conditions are such that due to the release of the substances involved, danger, damage, odour nuisance or hindrance occurs or could occur under those conditions.
5. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph.

Article 10.2 Cleaning and drying of cargo tanks or slop tanks of seagoing tankers
1. During the washing of cargo tanks or slop tanks on a seagoing tanker using crude oil, a maximum of two inland tankers, which as a minimum comply with the requirements set by the ADN with regard to inland vessels of type N, may berth alongside within the cargo zone of the tanker.
2. It is prohibited during the cleaning, other than washing with crude oil, of cargo tanks or slop tanks of a seagoing tanker which contain or recently contained liquid dangerous substances, to occupy a berth alongside the seagoing tanker, unless this is done:
   a. by a ship which takes receipt of washing water resulting from a prewash or cargo residues as referred to in Marpol Annex II, or;
   b. by a maximum of two tankers if the cleaning referred to in Article 4.4, fourth paragraph of the Working Conditions Regulations takes place closed off.
3. It is prohibited to open the cargo tanks or slop tanks of the seagoing tanker following completion of the closed cleaning operations if the cargo tanks or slop tanks referred to in the second paragraph, part b, are berthed alongside, unless the cargo tanks or slop tanks contain residues of dangerous substances:
   a. which are also combustible and the atmosphere in the tank is below twenty percent of the lower explosive limit, or;
   b. which are also toxic and the atmosphere in the tank is below the limit value referred to in Article 4.3, first paragraph, of the Working Conditions Decree.
4. It is prohibited to clean the cargo tanks or slop tanks of a seagoing tanker if those tanks contain residue of substances which, pursuant to the IBC Code, must be transported on that ship in a tank with a connection for a vapour return line.
5. The prohibition set forth in the fourth paragraph does not apply if:
   a. the cargo tanks or slop tanks on the tanker are cleaned whilst closed off and during the cleaning operations no gas or vapour escapes to the open air other than briefly upon commencement of the drying of these tanks, or;
   b. the tanker is berthed alongside an installation which holds a permit issued by the competent authority pursuant to the Environmental Management Act for the performance of the cleaning operations and this installation takes receipt of the vapours resulting from the cleaning operations.
Article 10.2a Notification of the cleaning and drying of tanks of seagoing tankers
1. Prior to commencement of the cleaning of cargo tanks or slop tanks of a seagoing tanker or washing of cargo tanks on a seagoing tanker using crude oil, the following information shall be submitted to the Harbour Master:
   a. the name of the vessel;
   b. the nationality and the port of registry of the ship;
   c. the agent, owner or shipper of the ship;
   d. the date and time of commencement of the washing or cleaning operations;
   e. the berth during the washing or cleaning operations;
   f. the cargo tanks or slop tanks of the ship which will be washed or cleaned;
   g. the chemical or technical name of the substances which the cargo tanks of slop tanks to be cleaned contain or recently contained, and;
   h. the method of washing or cleaning to be applied.
2. The notification referred to in the first paragraph shall be submitted electronically to an electronic address to be determined by the Harbour Master using a message definition and message protocol to be determined by the Harbour Master.
3. The time of commencement of a prewash which is compulsory pursuant to Marpol Annex II shall be reported to the Harbour Master at least 30 minutes and a maximum of 2 hours prior to commencement of the prewash operations.

Article 10.2b Cleaning or drying of inland tankers
1. It is prohibited to clean or dry the cargo tanks or slop tanks of an inland tanker unless this takes place at a location allowed by the Harbour Master.
2. It is prohibited to clean the cargo tanks or slop tanks of an inland tanker if those cargo tanks or slop tanks contain residue of substances as specified in the ADN, provision 7.2.3.7.1.
3. The prohibition stated in the first and second paragraphs does not apply if this is a closed operation.
4. The Municipal Executive may grant exemption from the prohibitions set forth in the first or second paragraph.

Article 10.2c Notification of the cleaning and drying of cargo tanks or slop tanks of inland tankers
1. Prior to commencement of the cleaning or drying operations of an inland tanker, the following information shall be submitted to the Harbour Master:
   a. the name of the vessel;
   b. the berth during the cleaning or drying operations;
   c. the cargo tanks or slop tanks of the ship which will be cleaned or dried;
   d. the chemical or technical name of the substances which the cargo tanks or slop tanks to be cleaned contain or recently contained, and;
   e. the method to be applied.
2. The notification as referred to in the first paragraph will be submitted by telephone, by VHF radio on the channel intended for that purpose, by fax or by email.

Article 10.3 Cleaning vessels and reception facilities
1. If the cleaning of a ship which contains dangerous or hazardous substances is carried out by a cleaning vessel waste shall be taken on board the cleaning vessel.
2. It is prohibited to have any substances other than waste in the cargo tanks or holds on board the cleaning vessel.
3. Water which is contaminated with waste and which is used for cleaning operations by a cleaning vessel shall be obtained from a storage tank designed for the purpose on the cleaning vessel.

4. Recycled water from and via the storage tank referred to in the third paragraph shall be purified by an efficient filter installation.

5. Cargo tanks or slop tanks on the cleaning vessel in which waste is transported shall be marked with a number on a general or capacity plan. A copy of this plan shall be available on board the cleaning vessel.

6. The construction of cargo tanks or slop tanks on the cleaning vessel in which liquid waste is transported shall be such that the content of the cargo tanks or slop tanks can be easily measured and sampled.

7. Liquid, solid or packaged ship’s waste taken on board a cleaning vessel or reception facility shall be stated on a substance registration form for that purpose an example of which has been included in an appendix to the permit as referred to in Article 10.48 of the Environmental Management Act for the collection of ship’s waste.

8. The forms referred to in the seventh paragraph shall, immediately upon receipt of these substances, be completed fully and truthfully and signed in accordance with the explanation of the form.

9. The operator of the cleaning vessel or reception facility shall ensure that the completed and signed forms referred to in the seventh paragraph are in the possession of the Harbour Master at the latest eight days after the end of the calendar month in which the receipt or creation of the waste took place and shall keep the copies of the fully completed and signed forms for at least six months on board the cleaning vessel.

10. Unless otherwise stipulated under or pursuant to the Environmental Management Act, the operator shall deliver the waste received within 30 days to a company which holds an adequate permit for the storage, treatment or processing of waste.

11. The Municipal Executive may grant exemption from the commandment of prohibition set forth in the first and second paragraphs.

Article 10.4 Notification of cleaning operations by cleaning vessels

1. Prior to commencement of the cleaning operations by a cleaning vessel the following information shall be submitted to the Harbour Master:
   a. the name of the cleaning vessel;
   b. the name or the number of the ship of which the cargo tanks, slop tanks or cargo spaces will be cleaned;
   c. the berth where the cleaning operations will take place;
   d. the chemical or technical name of the substance or substances which the cargo tanks, slop tanks or cargo spaces to be cleaned contain or recently contained and which cargo tanks, slop tanks or cargo spaces are concerned, and;
   e. the date and time of commencement of the cleaning operations and the expected duration.

2. The notification referred to in the first paragraph shall be submitted by telephone, by VHF radio on the channel designated for the purpose, by fax or by e-mail.

Article 10.5 Notification of delivery of ship’s waste

1. At least 24 hours before waste generated by a seagoing vessel is delivered, the following information shall be submitted to the Harbour Master:
   a. to which designated company the waste will be delivered, and;
   b. which waste will be delivered and in what quantities.
2. The notification referred to in the first paragraph shall be submitted electronically to an electronic address to be determined by the Harbour Master using a message definition and message protocol to be determined by the Harbour Master.

**Article 10.6 Designation of companies with reception facilities**

1. It is prohibited to take receipt of ship’s waste, other hazardous substances or residues from hazardous substances originating directly from seagoing vessels which call in at the area of application referred to in Article 1.2 for load, unloading, bunkering or repair purposes without designation from the Municipal Executive.

2. Without prejudice to the provisions of Article 1.5, first paragraph, the Municipal Executive may attach conditions and restrictions to the designation referred to in the first paragraph which may relate inter alia to:
   a. the type of reception facilities and the changes thereto;
   b. the suitability and availability of the reception facilities;
   c. the obligation to take receipt of ship’s waste;
   d. the types of substances to which the designation applies;
   e. the notification of the tariff of the costs which will be charged to ships which deliver ship’s waste;
   f. the notification of receipt of ship’s waste and the provision of associated information;
   g. the maximum duration of stay in the reception facilities of the substances received and the provision of information and keeping of records in that respect, or;
   h. the delivery of the substances received.

3. Designations are granted for a maximum of 5 years.

**Article 10.7 Application for a designation**

Together with the application for a designation as referred to in Article 10.6, the following information shall in any case be provided:

a. information regarding the company of the applicant, name and position of the applicant;

b. an extract from the register at the Chamber of Commerce of the company concerned;

c. the relevant permits and exemptions issued pursuant to the Environmental Management Act;

d. information regarding the reception facilities to be deployed which fall under the scope of the designation including as a minimum their capacity and suitability;

e. the types of hazardous substance as referred to in Article 2 of the Prevention of Pollution from Ships Decree to which the application applies, and;

f. the destination of the hazardous substances received.
§ 11 Services

Part 1 General

Article 11.1.1 Definition
In this section the term length shall be deemed to mean: length as referred to in Article 1, part o, of the Certificates of Tonnage Act 1981.

Article 11.1.2 Inspection of ships
1. If a ship complies with the provisions of article 11.2.4, first paragraph, under a, sub 2 or Section 12 an institution or person recognised by the Minister of Infrastructure and the Environment for the inspection of inland vessels will issue a certificate of reliability. A copy of the certificate shall be submitted to the Harbour Master.
2. A certificate of reliability will lose its validity if:
   a. the design of the ship is changed, or;
   b. due to the condition of the ship, use is no longer justified.

Article 11.1.3 Requirements regarding ships and crew
1. The skipper of a ship which is designed and is used for shuttle services or passenger transport of 12 persons or fewer excluding the crew:
   a. shall use a ship which complies with the requirements set pursuant to Article 11.1.2, first paragraph, for the category concerned and which is provided with:
      1° a certificate of reliability as referred to in Article 11.1.2, first paragraph, or;
      2° a certificate of inspection as referred to in Article 6 of the Inland Shipping Decree (Binnenvaartbesluit), and;
   b. shall possess a commercial vessels master’s certificate as referred to in Article 14 of the Inland Navigation Decree and a basic certificate for VHF radio.
2. The skipper of a ship which is designed and is used for shuttle services or passenger transport of 12 persons or fewer excluding the crew, which sails in a petroleum harbour, shall use a ship which also complies with the provisions set forth in Article 5.9.
3. The holder shall keep the certificate of reliability relating to a ship or a copy thereof on board the ship unless it concerns a ship without crew quarters.
4. Insofar as it concerns passenger transport of 12 persons or fewer excluding the crew, the Municipal Executive may grant specific exemption from the provisions set forth in the first paragraph, under a and under b, insofar as it concerns possession of a commercial vessels master’s certificate as referred to in Article 14 of the Inland Navigation Decree.

Part 2 The mooring and unmooring of ships

Article 11.2.1 Prohibition of mooring and unmooring ships
1. It is prohibited for anyone to provide the services of a boatman insofar as it concerns a seagoing ship:
   a. with a length over 75 metres, or;
   b. with a length of 75 metres or less which was built or is used for the transport of liquid dangerous substances in bulk unless the ship has been emptied and cleaned of those substances.
2. The first paragraph does not apply if:
a. these services are performed immediately and in a safe manner by the crew members who, upon arrival of the ship at the berthing place concerned, are on board;
b. these services are performed by a boatman who is a member of a recognised boatmen’s organisation;
c. the seagoing vessel is shifted along a quay without being completely released from the quay, or;
d. the operations are carried out within the framework of the training course as referred to in Article 11.2.2, first paragraph, under the responsibility of a boatman as referred to under b.

3. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph to the operator who maintains a ferry service, if:
a. on the basis of a sailing schedule set by the operator, a roll on/roll off ship calls at Rotterdam at least once every 48 hours;
b. roll on/roll off ships are berthed at the permanent berths of the operator in a fixed mooring configuration, and;
c. actions are taken in accordance with a ferry mooring safety procedure laid down by the Municipal Executive.

4. In derogation from the provisions of Article 1.6, the exemption referred to in the third paragraph can be granted for a maximum duration of five years.

Article 11.2.2 Profession and obligations of a boatman
1. The profession of a boatman may only be practised by a person who:
a. has successfully completed the training course for Boatman as included in the dossier adopted by the Minister for Education, Culture and Science, with registration code CREBO-93030, or;
b. has gained at least four years of experience as an independent qualified boatman in one or more ports within the European Union during the past seven consecutive calendar years, and by a person who:
   1°. has experience in a port which is comparable to the situation in the port of Rotterdam in the mooring to and unmooring from buoys, on unsheltered waters with high waves and on fast flowing tidal waters;
   2°. is sufficiently proficient in the Dutch language;
   3°. shall possess a commercial vessels master's certificate or equivalent foreign certificate of sailing competence as referred to in Appendix 7.1, under 1.1, of the Inland Navigation Regulations and a master certificate of maritime mobile VHF radiotelephone service or equivalent foreign proof, and;
   4°. in the opinion of the recognised boatmen’s organisation where he is put to work or is working, an equivalent level of knowledge and skills has been ensured, and;
   i is a member of a recognised boatmen’s organisation as referred to in Article 11.2.3.
2. During the operations a boatman shall carry a valid proof of identity as referred to in Article 11.2.3, under e.
3. The boatman shows the proof of identity as referred to in Article 11.2.3, under e, upon the request of persons or companies who make use of his services.

Article 11.2.3 Recognition of boatmen’s organisation
The Municipal Executive will recognise a boatmen’s organisation if it:
a. has a valid ISO 9001 or comparable certificate;
b. has at least one contact point which can be reached 24 hours a day where boatmen can be commissioned;
c. demonstrates that regular consultation takes place with nautical service providers in the port with regard to the working method and procedures for mooring and unmooring;
d. demonstrates that in order to guarantee the continuity of adequate services it is able to moor or unmoor in a round-the-clock service at least three seagoing vessels per hour separately in different situations as regards dimensions, ship type and location using personnel qualified for the purpose, and;
e. issues a proof of identity to the boatmen which is provided with a passport photo which is a true likeness and which states at least:
   1°. the name, place and date of birth of the boatman;
   2°. has successfully completed the training for Boatman as referred to in Article 11.2.2, first paragraph, under a, stating the date of award of the diploma, and;
   3°. the name of the boatmen's organisation of which the boatman is a member.

Article 11.2.4 Requirements for crew and vessels used for mooring sea-going vessels
1. The skipper of a ship that is equipped and used for mooring sea-going vessels:
   a. used:
      1°. if it concerns a ship that was built before 1 January 2018, a ship that complies with the requirements set for the relevant category pursuant to Article 11.1.2, first paragraph, and that has a certificate of seaworthiness as referred to in Article 11.1.2, first paragraph, or;
      2°. if it concerns a ship that complies with the requirements set out in NEN 8431-2017 and that has a certificate of seaworthiness as referred to in Article 11.1.2, first paragraph.
   b. shall possess a commercial vessels master's certificate as referred to in Article 14 of the Inland Navigation Regulations and a basic certificate of maritime mobile VHF radiotelephone service.
2. The skipper of a ship that is equipped and used for mooring sea-going vessels, which enters a petroleum harbour, shall use a ship that also complies with the provisions of Article 5.9.
3. The holder shall keep the certificate of seaworthiness, relating to a vessel, or a copy thereof, on board the ship, unless it concerns a ship without crew's quarters.
4. The first paragraph, under a, under 1°, shall expire with effect from 1 January 2028.

Part 3 Passenger transport over water

Article 11.3.1 Area of application
Articles 11.3.2, 11.3.3 and 11.3.4 are applicable to all waters within the municipality.

Article 11.3.2 Shuttle services
It is prohibited to provide shuttle services without a permit issued by the Municipal Executive unless the transport services are provided by a tugboat which assists with the arrival or departure of a seagoing vessel.

Article 11.3.3 Embarkation and disembarkation of passengers
1. The embarkation and disembarkation of passengers shall take place:
   a. in places which are in good condition;
   b. which are suitable for the embarkation and disembarkation of persons, and;
   c. which are sufficiently lit.
2. It is prohibited to disembark passengers without the prior permission of the operator of the site or ship concerned.

3. A public landing stage shall be vacated as soon as possible if the skipper of another ship makes it known that he wishes to use this landing stage.

**Article 11.3.4 Publication**

Operators of passenger transport over water with the exception of operators of shuttle services shall post the following information at landing stages and on board the ship:

a. the tariffs or the manner in which these are calculated;

b. the timetable and the availability of transport, and;

c. the transport terms and conditions.

**Part 4 The lashing of containers on board seagoing vessels**

**Article 11.4.1 Prohibition of lashing**

It is prohibited to lash containers on board seagoing vessels, unless this is carried out:

a. by the crew of the seagoing vessel concerned insofar as it concerns a seagoing vessel with a maximum length of 170 metres, or;

b. by a lasher who is employed by a lashing company which holds a permit.

**Article 11.4.2 Licensing conditions for lashing companies**

The Municipal Executive will issue a permit to a lashing company if the lashing company:

a. offers its services 24 hours per day, 7 days per week and is able to handle at least one seagoing vessel in the time made available by the shipping company or stevedore;

b. is in possession of an ISO 9002 certificate or demonstrates that it will have one within the foreseeable future;

c. ensures that the lashers working under its responsibility are sufficiently competent, reliable and recognisable in accordance with the provisions of Article 11.4.3, and;

d. issues a proof of identity to the lashers which is provided with a passport photo which is a true likeness and which states at least:

1°. the name, place and date of birth of the lasher, and;

2°. the name of the lashing company with whom the lasher is employed.

**Article 11.4.3 Obligations of lashers**

1. Upon entering the employment of a recognised lashing company a lasher shall possess a certificate of good conduct.

2. The profession of lasher may only be practised by a person who has successfully completed one of the following training courses:

   a. Port Operations Operative, as included in the CREBO with registration number 93070 or 95727, or;

   b. Assistant logistics operative, as included in the CREBO with number 93730 or 93732.

3. During the lashing operations a lasher shall carry the proof of identity referred to in Article 11.4.2, under d.

4. Lashers shall show their proof of identity, as referred to in Article 11.4.2, under d, upon the request of persons or companies who make use of their services.
Article 11.5.1 Operation of a buoy span or a pole berth

It is forbidden for the operator of a buoy span or a pole berth to transship or allow dangerous substances to be transshipped, handle or allow dangerous substances to be handled at this buoy span or pole berth, unless:

a. as a result of this transshipment or that handling the localised risk on the safety contour does not exceed $10^{-6}$;

b. the operator has determined that through this transshipment or that handling the localised risk shall not exceed $10^{-6}$ on the safety contour, and;

c. the operator has informed the skipper or captain of the ship which transships or handles the dangerous substances of:
   1°. the substance which may be transshipped or handled;
   2°. the maximum quantity of that substance which may be transshipped or handled.
§ 12 Safety requirements for ships for boatmen and passenger transport

Article 12.1 Definitions
In this section the following terms shall have the following meanings:
- on deck: on an open deck which is not closed off from the open air by superstructures or otherwise, including the floors of ships with an open wheel house;
- breadth: the maximum breadth measured to the outer surface of the hull plating;
- Bwl: beam at the waterline, the maximum breadth of the hull measured to the outer surface of the ribs, at or below the maximum draught line;
- length of a ship: the maximum length of the hull, not including the rudder and bowsprit;
- Lwl: length at the waterline at the maximum draught line;
- safety clearance: the distance between the plane of maximum draught and the parallel plane passing through the lowest point above which the craft is no longer deemed to be watertight;
- plane of maximum draught: the water plane corresponding to the maximum draught at which the craft is authorised to navigate;
- freeboard: the distance between the plane of maximum draught and a parallel plane passing through the lowest point of the gunwale or, in the absence of a gunwale, the lowest point of the upper edge of the ship's side;
- zone 2: waters within the Municipality of Rotterdam as referred to in Appendix I to Directive 2006/87/EC;
- zone 3: waters within the Municipality of Rotterdam as referred to in Appendix I to Directive 2006/87/EC.

Article 12.2 Area of application
1. This section applies to:
   a. a mooring vessel of a communication vessel, or;
   b. for which pursuant to Article 6 of the Inland Shipping Decree no certificate of inspection is required and with which twelve persons or fewer excluding the crew are transported.
2. Articles 12.20, 12.21, 12.22 and 12.23 are only applicable to ships for passenger transport provided that the term 'passengers' shall not include crew.
3. Contrary to the provisions of the first and second paragraphs:
   a. only Articles 12.9, second paragraph, and 12.22, fourth paragraph, apply to ships which are in possession of a certificate of inspection as referred to Article 6 of the Inland Shipping Decree;
   b. Articles 12.9, first paragraph, under e, and 12.20, second paragraph, do not apply to mooring vessels or to open boats for the transport of persons over short distances between shore and ship.

Article 12.3 Ship's hull
1. The ship’s hull shall be resistant to all loading which is imposed on the hull under normal circumstances.
2. The water inlets and outlets as well as any pipelines connected thereto shall be constructed in such a way that any undesired ingress of water into the ship is impossible.
3. The length of a ship intended for passenger transport shall be at least seven metres and the breadth at least two metres.

Article 12.4 Bulkheads
The engine:
a. shall be placed in a separate area which is separated from the accommodation by means of a fire-retardant bulkhead, or;
b. shall be completely enclosed in a fire-retardant casing the fire-retardant effect of which shall be at least 1 hour.

**Article 12.5 Bilge system**

1. The ship shall have a bilge pump which is ready for immediate use.
2. In the case of a ship’s length of less than twelve metres the diameter of the connection shall be at least 38 mm.
3. In the case of a ship’s length of more than twelve metres the diameter of the connection shall be at least 50 mm or two bilge pumps shall be used each with a connection of at least 38 mm.
4. Every watertight section which is not closed off air-tight during sailing may be bilged separately.
5. A bilge alarm shall alert in time if liquid is present in the bilge or in the bottom in areas where this has a significant influence on the stability.

**Article 12.6 Anchor gear**

1. The ship shall have an anchor which is ready for immediate use.
2. The anchor:
   a. shall have sufficient holding power;
   b. shall on ships shorter than 12 metres have a weight of at least 20 kg and on ships longer than 12 metres a weight of at least 25 kg, and;
   c. shall be provided with an anchor mooring rope with a length of at least three times the depth of the water concerned and shall have sufficient breaking strength for the ship concerned.
3. An anchor may be replaced by two anchors which together shall have at least the weight referred to in the second paragraph, under b.

**Article 12.7 Life-saving equipment**

1. The ship shall have at least one life buoy with a line of at least 20 m which is ready for immediate use.
2. Individual and collective life-saving equipment shall be available on board for all persons on board.
3. Safety cushions are regarded as life-saving equipment if they:
   a. have a carrying capacity in fresh water of at least 7.5 kg;
   b. are resistant to oil, oil products and temperatures up to 50 degrees Celsius;
   c. are provided with a grab line, and;
   d. are not fixed to the ship.

**Article 12.8 Fire-extinguishing equipment**

One portable fire extinguisher with a filling weight of at least 4 kg or two portable fire extinguishers each with a filling weight of at least 2 kg with an extinguishing agent suitable for liquid fires shall be present in the proximity of the engine installation.

**Article 12.9 Other equipment**

1. At least the following equipment shall be on board in a usable condition:
   a. a boathook;
   b. a first-aid box with sufficient bandages in order to be able to provide first aid in cases of emergency;
   c. sufficient hawsers for mooring and towing as well as a facility to which the hawser can be fixed for towing purposes;
   d. a properly functioning ship’s horn ready for immediate use which is suitable for
the giving of the prescribed sound signals;
e. a properly functioning VHF radio which is provided with the local sector VHF channels, channels 10 and 11 and the bridge channels.

2. Without prejudice to the provisions of the first paragraph:
a. a VHF radio with channels 41 to 45 shall be present on board mooring vessels;
b. a device shall be present on board of mooring vessels with which a hawser of a ship can be towed to a berthing post or buoy by means of which the skipper can release the towed hawser under all circumstances if the boat threatens to list or to be pulled under water.

3. During sailing with the aid of a mooring vessel a properly functioning radar reflector shall be used unless, at the discretion of the boatman, this is regarded as bothersome during the performance of operations as boatman for the mooring or unmooring of a ship.

Article 12.10 Stability and buoyancy
1. The ship is sufficiently stable if it successfully withstands the following stability test:
a. the weight of half the permitted number of persons is moved to the side of the ship such that a density of 3.75 persons or 285 kg/m² is obtained there;
b. in this test the list may not exceed 7° following the move whereby the angle of heel is determined using a clinometer;
c. after the test as referred to in part b the residual freeboard and the residual safety clearance may not be less than 0.05 Bwl + 20 cm and 0.05 Bwl + 10 cm respectively, and;
d. this test must be carried out with the most unfavourable fill factor of the fuel and drinking water tanks.

2. The ship shall have sufficient reserve buoyancy after filling with water.
3. If sufficient reserve buoyancy cannot reasonably be provided, sufficient measures shall have been taken in the opinion of the Harbour Master to prevent water from coming on board. In that case there shall be no free liquid in the ship during sailing.

Article 12.11 Safety clearance and draught marks
1. In zone 3 the safety clearance shall be at least 50 cm.
2. In zone 3 the safety clearance shall be at least 80 cm.
3. Smaller distances are permitted if required by the operations and the nature of the vessel permits this whilst maintaining the safety level.
4. For ships which may carry goods the plane of maximum draught shall be marked by one pair of clearly visible and indelible draught marks, approximately amidships.

Article 12.12 Fuel supply
1. It is prohibited to use or have fuel on board with a flash point lower than 55 degrees Celsius.
2. The fuel tank shall be located outside the areas intended for passengers and shall be fitted with an emergency shut-off valve on the fuel supply which can be operated from on deck.
3. Gauginglasses shall be mounted with the top connected to the tank so that the fuel can flow back in there.
4. The filler opening and vent of the fuel tank shall be located on deck.
5. The air supply necessary for combustion shall be guaranteed.

Article 12.13 Installations
1. Installations for heating, cooking or cooling/refrigeration shall be protected against overheating and falling over.
2. The installations shall be fitted with a thermally protected fuel shut-off valve.

**Article 12.14 Steering system and controls**

1. The ship shall be equipped with a reliable steering system which guarantees good manoeuvrability taking into account the intended use of the ship.
2. The functions of the controls shall be clearly indicated.
3. If a steering engine is present it shall be strong enough to be able to withstand the forces on the rudder.
4. The propulsion system shall be able to be activated, stopped and changed from forward into reverse and vice versa in a reliable manner.
5. Alarms shall be installed for cooling water temperature, lubricant pressure and charging current.
6. The position of the rudder shall be clearly visible from the steering station; if this is not the case a rudder position indicator shall be installed at the steering station.

**Article 12.15 Sufficient view**

There shall be sufficient view in all directions from the steering station of the ship for safe navigation.

**Article 12.16 Engines**

1. The propulsion system is designed and set up such that it is sufficiently accessible for operation and maintenance.
2. The moving parts and hot surfaces of engines or steam boiler and their accessories shall be equipped with protective facilities.

**Article 12.17 Exhaust gas pipe**

1. Exhaust gas pipes which run through the accommodation or the wheel house shall be fitted with sufficient gastight casing in those areas.
2. Exhaust gases shall be completely discharged off board.
3. The entry of exhaust gases into the spaces of the ship shall be prevented by means of efficient measures.
4. Exhaust gas pipes shall be adequately cooled or heat insulated.

**Article 12.18 Electrical installations**

1. Accumulators shall be covered and placed such that they are accessible and cannot move as a result of the movements of the ship.
2. Accumulators shall not be placed in the wheel house or the accommodation areas or in places where they are exposed to extreme heat, extreme cold, rainwater or spray.
3. Closed spaces, cupboards and boxes which contain accumulators shall be ventilated efficiently.

**Article 12.19 Liquefied gas installation**

Liquefied gas installations shall be installed on board a ship by a recognised installation company. The use-by date of couplings, evaporators and connection hoses may not be exceeded.

Supplementary facilities for passenger transport

**Article 12.20 Number of persons**

1. The maximum permissible number of persons on board a ship shall be determined such that the stipulations of this section with regard to stability and the freeboard are complied with.
2. A seat with a width of at least 40 cm shall be available for every person on board.
3. The maximum permissible number of persons on a ship shall be clearly displayed in a conspicuous place.
4. If the ship is (also) intended or used for the carriage of goods other than hand luggage the ship shall be specially fitted out for the purpose.

**Article 12.21 Escape route**
1. A free central corridor shall be available over the whole length of the section of the ship intended for persons.
2. The width of the central corridor shall be at least 45 cm.
3. If the ship has a superstructure there shall be an exit on both the front and the back or on both sides of the section designated for persons with a free width of at least 70 cm.
4. One of the exits may have been replaced by two emergency exits each with a free passage of at least 60 cm wide and at least 80 cm high.

**Article 12.22 Bulwarks and embarkation and disembarkation facilities**
1. There shall be bulwarks installed on the ship of at least 90 cm high in areas where people are allowed to be.
2. Openings for embarkation and disembarkation shall be protected in accordance with the first paragraph.
3. Gangways shall be at least 60 cm wide and provided with a railing of at least 90 cm high.
4. Ships intended for the transport of passengers with a view to disembarking these whilst sailing or berthed alongside another ship may, instead of the bulwarks referred to in the first paragraph, be provided with other protection of an equivalent safety level which is suitable for this purpose.
5. The ships referred to in the fourth paragraph shall be fitted out and equipped such that persons can transfer safely from one vessel to another under all circumstances.

**Article 12.23 Doors**
1. Doors with the exception of cabin doors for areas which are intended for persons shall open outwards or shall be installed as sliding doors.
2. The doors referred to in the first paragraph cannot be closed off or locked by unauthorised persons during sailing.
§ 13 Clean engines on inland vessels

**Article 13.1 Definitions**

In this section the following terms shall have the following meanings:

a. commercial transport:
   1°. carriage of goods in the operating of a business or the practising of a profession; or
   2°. carriage of goods exclusively intended for or originating from one’s own company;

b. inland vessel: a ship other than a seagoing vessel which is intended for commercial transport.

**Article 13.2 Prohibition of inland vessels in the port**

1. From 1 January 2025 it will be prohibited to be in the port with an inland vessel with a diesel engine running for the purposes of propulsion which does not comply with the emission values of phase II of the Inspection Regulations for Vessels Navigating on the Rhine (Reglement Onderzoek Schepen op de Rijn) issued by the Central Commission for Navigation on the Rhine or does not comply with the provisions set forth in Directive 97/68/EC or the provisions of any subsequent directives.

2. The Municipal Executive may grant exemption from the prohibition set forth in the first paragraph for inland vessels of a special nature or with a special cargo, function or destination.
§ 14 Enforcement

Article 14.1 Instructions
1. The Municipal Executive may issue verbal or written instructions in the interests of order and safety in the port or its surroundings, in particular for the control of shipping traffic and berthing and for the prevention of danger, damage or hindrance.
2. Persons to whom an instruction is addressed, are obliged to comply with the instruction immediately.

Article 14.2 Penal provision
Violation of the provisions under or pursuant to these bye-laws will be punished with imprisonment of not more than three months or a fine of the second category.

Article 14.3 Supervisory officials
1. The persons in the employment of the Rotterdam Harbour Master’s Division of the Port of Rotterdam Authority, insofar as these persons have investigative power, are charged with the supervision of compliance with the provisions under or pursuant to these bye-laws.
2. Insofar as it concerns the waters under the management of Urban Development Rotterdam, the employees of the Property Management department of Urban Development Rotterdam are charged with the supervision of compliance with the provisions under or pursuant to these bye-laws.
3. Investigating officers, as referred to in Article 141 of the Code of Criminal Procedure, of the police, Rotterdam Regional Division, Seaport Police district, are designated for the supervision of compliance with the provisions of Articles 1.9 and 11.2.2, second paragraph.
4. The supervisory authorities of DCMR Environmental Protection Agency Rijnmond are designated for the supervision of compliance with the provisions of Article 11.5.1, under a.
5. Furthermore, the persons to be designated by order of the Municipal Executive will be charged with the supervision of compliance with the provisions under or pursuant to these bye-laws.

Article 14.4 Entry of residential premises
The persons who are charged with the supervision of compliance with the provisions or investigation under or pursuant to these bye-laws are authorised to enter a accommodation without permission of the occupant insofar as the supervision of compliance with the provisions or investigation under or pursuant to these bye-laws require this.
§ 15 Amendments to other bye-laws

**Article 15.1 Amendment to the 2008 Rotterdam General Municipal Bye-Laws**
In Article 5.3.1, fifth paragraph of the 2008 Rotterdam General Municipal Bye-Laws the text “the 2004 Rotterdam Port Bye-Laws” shall be replaced by: the 2010 Port Management Bye-Laws.

**Article 15.2 Amendment to the 2010 Rotterdam Inner Port Dues Bye-Laws**
In Article 1, under a, of the 2010 Rotterdam Inner Port Dues Bye-Laws the text “port as referred to in Article 1.1, under j, of the 2004 Rotterdam Port Bye-Laws” shall be replaced by: port as referred to in Article 1.1 of the 2010 Rotterdam Port Management Bye-Laws.
§ 16  Transitional and closing provisions

**Article 16.1  Revocation of former bye-laws**
The following regulations are revoked:
- 2004 Rotterdam Port Bye-Laws;
- 2007 Port Regulations regarding Dangerous Substances;
- Safety Requirements for Ships for Boatmen and Passenger Transport Decision;
- Service Vessels Implementation Decision;
- List of berths for commercial inland shipping in waters administered by the Port of Rotterdam Authority;
- Decision regarding Recognition of Training Courses for Boatmen, Municipal Gazette 2004, number 172;

**Article 16.2  Transitional law**
1. Permissions which have been granted under or pursuant to one of the regulations revoked in Article 16.1 and which are in force at the time of these bye-laws coming into force, shall be considered to be permissions under or pursuant to these bye-laws.
2. If prior to these bye-laws coming into force an application for permission pursuant to one of the regulations revoked in Article 16.1 has been submitted in respect of which no decision has yet been taken, these bye-laws shall be applied thereto.
3. Objections lodged against a ruling on an application for permission pursuant to the regulations revoked pursuant to Article 16.1 shall be decided upon with the application of these bye-laws.

**Article 16.3  Entry into force**
These bye-laws will be published in the Municipal Gazette and will come into force at a time yet to be determined by the Municipal Executive, which may be determined differently for the various articles or sections thereof.

**Article 16.4  Official Title**
These bye-laws shall be cited as "2010 Rotterdam Port Management Bye-Laws" or "2010 RPMBL".

Enacted in the public meeting of 28 January 2010.

Registrar, Chairman,

A.C. de Bondt, deputy A. Aboutaleb

This Municipal Gazette was published on 12 February 2010 and is available for inspection on working days between 08:30 and 16:00 hours at Kenniscentrum Bestuursdienst Rotterdam (KBR), location Stadswinkel Centrum, Coolsingel 40 (on the Doelwater side, opposite the police headquarters)
(See also: www.bds.rotterdam.nl – Municipal Gazettes)
Explanatory notes to the 2010 Rotterdam Port Management Bye-Laws

General

Reason
The reason for revising the existing 2004 Rotterdam Port Bye-Laws and the associated regulations was twofold. Firstly the port is a very dynamic environment. New developments happen in rapid succession. In addition, the Harbour Master in his capacity as Hospitable Authority wishes to be able to provide a constant quality to clients in the interests of smooth, clean, safe and secure handling of shipping. In view of this it is necessary to update the regulations which date from 2004 on certain points in order to remain up-to-date.

In addition, with the revision the Harbour Master wishes to provide a substantial contribution to the priority of the Municipal Executive that 25% of the Rotterdam licensing systems be cancelled or replaced with less cumbersome rules. This proposal brings with it that of the approximately 2,400 exemptions which are issued annually in mandate by the Harbour Master, approximately 1,600 will be replaced by an obligation to notify. This will result in considerable savings in the (administrative) burden for companies, but also for the Harbour Master’s Division. These new 2010 Rotterdam Port Management Bye-Laws will in this way also contribute to a substantial reduction (approximately 4%) in the total number of municipal licensing systems (see also the section entitled deregulation).

Amended bye-laws and structure
The first thing that is noticeable about the Port Management Bye-Laws compared to the former Port Bye-Laws is the name. After many years the name has been changed to Port Management Bye-Laws as a break in the trend and to distinguish them from the previous port-related regulations. The newly formulated task has also been anticipated where it is stated that it is necessary to set rules for the promotion of good port management. The Harbour Master manages and monitors the public interests for and on behalf of the municipal administration.

At present there are six further regulations and designation orders which form part of the current 2004 Rotterdam Port Bye-Laws. This makes the whole of the municipal regulations which apply to the port untransparent for the clients of the port. In order to improve transparency a new setup and structure have been chosen for the municipal port regulations. Almost all Rotterdam port rules can now be found in the Port Management Bye-Laws.

Deregulation
As described above the revised port regulations will contribute towards priority 18a of the Municipal Executive which envisages that 25% of the Rotterdam licensing systems be cancelled or replaced with less cumbersome rules.

In order to achieve the priority of the Municipal Executive all regulations applicable to citizens and companies have been reviewed and assessed for their benefit, necessity, feasibility and enforceability.

In the preparation of the 2010 Rotterdam Port Management Bye-Laws with appendices priority 18a of the Municipal Executive and the corresponding implementation programme ‘Meer recht door minder regels’ (More justice with fewer rules) have been emphatically taken into account. One of the preconditions in the review was that the current level of standards would be maintained and that there would be no concessions made to the current safety level.

Where possible the bye-laws have therefore been simplified and stipulations have been cancelled. But unfortunately it was also necessary to add several new articles in order to keep the port smooth, clean, safe and secure.
Furthermore, instead of inclusion in the appendices a very large appendix has been cancelled by a reference in the regulations to the internationally used and in the shipping world well-known OCIMF (Oil Companies International Marine Forum) ship/shore safety checklist. The use of this OCIMF safety checklist is however prescribed. The OCIMF safety checklist corresponds with the cancelled appendix as regards content. The State’s printing office sees to the printing and distribution of this safety checklist. In the explanation by article this is addressed in greater depth per amendment.

Other articles have been cancelled because they were no longer needed, in particular in connection with amendments to higher-level regulations. This is also addressed per amendment in the explanation by article.

Editorial improvements
Finally, these bye-laws have been amended editorially on a large number of points. The text of the articles and the explanatory notes has been simplified, condensed and any obscurities removed as far as possible.

Exercising of powers on the basis the Port Management Bye-Laws
With effect from 1 January 2004 the Port of Rotterdam Authority (hereinafter referred to as the Port Authority) has been an independent company of which 100% of the shares are held by the State.
The powers referred to in the bye-laws have been assigned by the Municipal Council to the Municipal Executive which has for the most part delegated these executive powers to the Harbour Master (for a complete and up-to-date summary see www.bds.rotterdam.nl). The Harbour Master does therefore not exercise these powers on his own authority but on behalf of the Municipal Executive (the administrative body). Also as a privatised company this mandate relationship continues to exist in a similar manner: the Municipal Executive delegates its executive powers to the Harbour Master. In section 10 of the General Administrative Law Act the relationship between the mandator and the mandatory is regulated. Firstly the mandator may issue instructions to the mandatory per case or in general with regard to the exercising of the delegated power. Furthermore, the mandatory shall provide information to the mandator at his request with regard to the exercising of the delegated power. The mandator remains authorised to exercise the power himself. The mandator may at all times also revoke the power.

Explanation by article
§ 1 General provisions

Article 1.1 Definitions
The terms used in the Port Management Bye-Laws have been included in Article 1.1. This also applies to the terms which were previously included in other sections of the 2004 Rotterdam Port Bye-Laws. Contrary to the former Port Bye-Laws the terms are now given in alphabetic order.

An explanation of a number of terms is given below.

Handling of dangerous substances
This definition does not only cover transshipment but also various other types of operation on board a ship (such as internal pumping or mixing but also cleaning), which due to the nature of the substances involve a certain risk, with the exception of the de-bunkering or bunkering
of bunker oil or LNG fuel. The de-bunkering or bunkering is excepted, as these actions come under specific regulations in these bye-laws.

**Operator**
The term operator has the following meaning: the owner, manager, bareboat charterer or any other person having control over the use of the ship. This definition is connected to Article 1.10 in which the party to which the standard applies has been included: the persons to whom the provisions of the Port Management Bye-Laws are addressed.

**Harbour master**
The term Harbour Master means the Rotterdam Harbour Master. In Article 2.1 it has been included that the Municipal Executive of the Municipality of Rotterdam appoints the Harbour Master.

**Captain and Skipper**
The captain or skipper is the person who is actually in command of a ship. This is in principle the captain (on paper) but may also be his replacement or someone else from the crew who has the actual command at that time.

The definitions are connected to Article 1.10 in which the party to which the standard applies has been included: the persons to whom the provisions of the Port Management Bye-Laws are addressed.

**LNG**
With the coming of a new kind of cargo in the Port of Rotterdam, LNG (Liquefied Natural Gas), it was necessary to specify a separate regime for these kinds of loading activities. In this framework, several concepts relating to the transfer of LNG have been defined in this article.

**Petroleum harbour**
The definition of petroleum harbour has been changed. The 2004 Rotterdam Port Bye-Laws included the standard that the Municipal Executive designated the petroleum harbours. This does not belong in a definition. With the incorporation of a new definition for petroleum harbour no change as regards content is envisaged.

**Hazardous substances**
This definition only contains a reference to the Prevention of Pollution from Ships Act. In this Act all hazardous substances are designated. For this reason the Municipal Executive no longer needs to designate these substances as was previously the case.

**Ship’s waste**
Annex VI of the Marpol Convention has been added to the definition for ship’s waste. Annex VI comprises ozone-depleting substances which may also occur in ship’s waste.

**Ship**
The terms drilling installation, production platform or similar object have been added to the definition for ship. This term is connected to Article 3.4 in which the prohibition of jacking up drilling or production platforms is regulated. By including these terms here it is prevented that a production platform or similar object would not fall under the definition of “ship”. Furthermore, it is prevented that a jacked up drilling platform (standing on its legs) should fall outside the scope of the definition.
Cleaning
With regard to this term it should be noted in order to avoid any unclarity that cleaning operations shall also include the washing of a ship with crude oil.

Spud pole
A spud pole is a device other than anchors with which a ship can anchor itself in the water bed.

Seagoing vessel
With regard to the definition of seagoing vessel it should be noted that ships which have the required documents for sailing on inland waterways and at sea (so-called sea/river vessels), are on the basis of this definition regarded as seagoing vessels.

Article 1.2 Area of application
The area of application is not limited to the waters described as port, but also includes all structures and quay walls belonging to the port. It is clear that order and safety can also be affected adversely from the shore. The bye-laws also apply to ships which are directly or indirectly berthed, at anchor or moored to spud poles outside the port but within the municipality at or near quays, jetties, berthing posts, anchorages or other facilities. The bye-laws also apply to ships which are berthed outside the port but within the municipality - for example to a jetty on the Nieuwe Maas -, irrespective of whether the municipality or a private individual is the "manager" of this jetty.

Article 1.3 Supplement to or derogation from the General Administrative Law Act

Article 1.4 Decision period
The 2010 Rotterdam Port Management Bye-Laws now explicitly provide that a decision must be made with regard to an application within 4 weeks. If it concerns a complicated application this period may be extended once by 4 weeks. The applicant must however be notified of this extension (within the first 4 weeks).
Pursuant to the provisions of the first paragraph the possibility has been created that under or pursuant to these bye-laws a different decision period may be determined. As yet no use is made of this possibility.

Article 1.5 Conditions and restrictions
In the penal provisions of these Port Management Bye-Laws breach of the provisions under or pursuant to these bye-laws is threatened with punishment. This therefore also applies to breach of the conditions or restrictions attached to a permission.

Article 1.6 Period of validity
In the first paragraph it is regulated that permits or general exemptions are issued for a maximum period of five years. Naturally the possibility does exist to determine a different period under or pursuant to the Port Management Bye-Laws.
The second paragraph regulates that recognitions may be granted for an indefinite period.
The third paragraph provides that exemptions, if these are granted for a once-only action or act, are granted for the duration of that action or act. It should however be noted that these exemptions may never be issued for longer than one year.

Pursuant to the fourth paragraph exemptions may, in cases of urgency, be granted verbally for a once-only action or act. The exemption shall however be confirmed in writing as soon as possible thereafter.

**Article 1.7  Refusal, modification or withdrawal of permission**

The provisions of part d also include changes in policy. These may lead to withdrawal or modification of a permission. The administrative body must of course observe the general principles of sound administration in this.

It depends on the circumstances whether or not a permit or exemption is withdrawn or modified. Not every case of non-observance of licensing conditions will require application of the administrative sanction of withdrawal of the permit. In particular the principles of legal certainty and legitimate expectations often restrict the authority to change or withdraw permits or exemptions.

**Article 1.8  Grounds for the granting of an exemption**

This article provides that exemptions under or pursuant to these bye-laws may only be granted if the interest which is protected by the prohibition concerned does not dictate otherwise.

**Article 1.9  Obligations of holders of permissions**

Pursuant to this article the holder must – if a permission relates to a ship – keep the permission or a copy thereof on board the ship unless there are no crew quarters on board.

**Article 1.10  Party to which the standard applies**

This article provides to whom the provisions of the bye-laws are addressed. Unless provided otherwise the captain or skipper is responsible for compliance with the provisions under or pursuant to these bye-laws. The captain or skipper is the person actually in command of a ship. This is in principle the captain or skipper (on paper) but may also be his replacement or someone else from the crew who has actual command at that time. Everywhere in the bye-laws where the phrase “it is prohibited” is used, the standard therefore addresses in the first place the captain, the skipper or his replacement.

It should be explicitly noted here that some articles are included in the bye-laws in which it is explicitly provided that “everyone” must comply with that provision. The standards in those articles are therefore not addressed to the captain or the skipper but to everyone. This system has been chosen for these bye-laws in order to achieve uniformity with regard to the party to which the standard applies. An additional advantage is that it is no longer necessary for every article to state to whom the standard is addressed.

The second paragraph provides that in the absence of a captain or a skipper, the operator is responsible for compliance with the provisions under or pursuant to these bye-laws. This provision has been included to provide for cases where a pontoon or another type of vessel is berthed and there is no (longer any) crew on board.
§ 2 Harbour master of Rotterdam

Article 2.1 Appointment of Harbour Master
Article 2.1 forms the basis for the Municipal Executive to appoint the Harbour Master. The Harbour Master referred to here is the Harbour Master of Rotterdam.
§ 3 Order in and use of the port

Article 3.1 Traffic signs
The Inland Waterways Police Regulations provide for a uniform system of traffic signs for the Netherlands. In order not to interfere with this system this article provides that the same signs may be used for the order and safety in the port.

Article 3.1a
It is not possible in all cases to place a traffic sign in the port. For example, the waterway can be too wide, so that the placement of a sign is not effective. In such cases, it is possible to take a decision with the effect of an announcement with the same meaning as a marine traffic signal. The concept “announcement with the same meaning as a marine traffic signal” is defined in Article 1.1.

Article 3.2 Prohibition of berthing
In principle it is prohibited to berth a ship or to occupy a berth with a ship unless one of the exceptional provisions referred to in the first paragraph, parts a to d, is observed. The inclusion in the third paragraph of a general exemption or an exemption scheme proved to be necessary inter alia with regard to public berths.

The inclusion of this general exemption scheme enables the Municipal Executive to anticipate the specific circumstances of a berth by means of restrictions and conditions which are attached to a general exemption or an exemption scheme. Berthing also includes anchoring or making use of spud poles at the designated anchorages. The prohibition means that in most cases the erection of traffic signs in the port is sufficient.

Article 3.2a
The reason for including this article lies in the fact that reduction of the maximum time for berthing in areas to be specified means in principle that sufficient berths remain available. If vessels remain moored for a longer period, for example in connection with a bankruptcy, the free berthing facility is compromised for vessels which participate in commercial transport.

Article 3.3 Correct mooring
The first paragraph of Article 3.3 provides that it is prohibited to carry out loading or unloading operations unless the ship is properly moored. By means of the phrase “it is prohibited for anyone” the standard addresses everyone. By means of this wording a person who loads or unloads a ship from the shore can also be bound by the obligation to moor or have the ship moored properly first.

In practice it occurs regularly that a ship is only moored on a spring line prior to commencement of loading or unloading operations. As a result there is a risk of cargo being spilled into the surface water or of material damage to the ship or port infrastructure. By including the obligation to moor properly, action can be taken against this. The ship must be moored such that it cannot undergo any forward or backward movement on the understanding that any movement as a result of wash or wind pressure is unavoidable and that damage other than caused by human intervention is prevented.

As a result of changes in the atmosphere ships are confronted more often with heavy storms and extreme weather conditions, also in the port. In the recent past this has regularly led to moored ships breaking away from the quay or buoy moorings and going adrift due to the storm in the port. This has in the meantime also led to exceptional damage. In order to prevent breaking away as much as possible, quality requirements have been included under
b and c with which a moored ship must comply. These requirements are a copy of the OCIMF (Oil Companies International Marine Forum) Guidelines on Mooring.

If a seagoing vessel moors in a buoy berth, the seagoing vessel must, local conditions permitting, moor with the bow in the prevailing wind direction and at least one anchor must be presented.

**Article 3.4 Prohibition of jacking up a drilling or production platform**

Pursuant to Article 3.4 it is prohibited to jack up a drilling installation, production platform or similar object (hereinafter referred to as: production platform). This article has been included in connection with the increasing use of the port by production platforms. When jacking up - this is the lifting of a production platform by means of the jacks placed on board - the legs of the production platform are placed on the bed. The production platform then raises itself.

Article 1.7 provides that the Municipal Executive may refuse the issue of an exemption if one or more of the interests which are protected by these bye-laws, including reasons which affect the order, safety or the environment in the port and its surroundings, require this. The information which must be provided with the application for an exemption provides the possibility to arrive at a good assessment of the nautical and other safety aspects of the port. The operator of a production platform who is primarily responsible for the operations also has an interest in an as effective as possible exchange of information with the port authority. There may, for example, be pipes, cables or culverts in the bed which could be damaged by the forces released. The increased sensitivity to wind of the production platform must also be taken into account during and after the jacking up. The information which must be submitted with the application for an exemption therefore also includes a statement regarding the results of the bed survey to be carried out or arranged by the operator. If a production platform is located in a shipyard or a ship repair yard the prohibition does not apply insofar as the activities fall within the scope of the permit which has been issued pursuant to the Environmental Permitting (General Provisions) Act.

**Article 3.5 Facilities in the port**

This article provides in a general sense that it is prohibited to have or install facilities or objects in, on, under or above the water if these could cause danger, damage or hindrance. In connection with the safe use of the port the Harbour Master must be aware of all facilities which are installed in, under or above the water and which are of a more or less permanent nature. Excluded are ships’ accessories and facilities which serve for the loading and unloading of a ship. An additional requirement for these facilities is that they are actually in use (as such) in order to prevent that facilities which are a hindrance or danger to others (e.g. mooring lines and fenders) are permanently installed.

**Article 3.6 Shifting of ships**

In the case of an emergency in the port ships must - in connection with safety or the environment - be able to be shifted quickly even if these ships are there with an exemption issued by the Municipal Executive (the Harbour Master) or a permit. In the case of fire the ships could for example be in the way of incident control vessels.

As existing statutory regulations are not always contravened, administrative enforcement as referred to in Article 125 of the Municipalities Act and Article 5:21 of the General Administrative Law Act is not possible in such cases. In order to protect the port user against unnecessary action, it is provided in the first paragraph that - in accordance with Article 5:24 of the General Administrative Law Act - the order must be given in writing. Furthermore, the power may only be used if this is necessary in connection with the order or for the protection of safety or environmental interests. An example of a non-urgent interest in connection with the order in the port, is the necessity to carry out maintenance works on a quay wall or jetty.
where a ship has been berthed for a longer period. The owner, manager or user of a ship may on the basis of this article be requested in writing to shift the ship to another berth within a reasonable period. If cooperation is refused, the ship may be shifted.

**Article 3.7 Use of propellers, bow thrusters or stern thrusters**

In, underneath and along the port there are inter alia engineering structures, cables, tunnels, pipelines, quays and underwater pipes. The use of propellers (screws), bow thrusters or stern thrusters may cause damage to these facilities if they are used in cases other than for reaching or leaving a berth.

The provisions of the second paragraph do not apply to bilge collection vessels, bunkering vessels and transhipment pump vessels, that are no longer than 35 metres and that are authorised to sail with one skipper. In the event these vessels moor, the skipper must (briefly) leave the pilothouse in order to moor the vessel. To still keep the vessel in place, in many cases it is necessary to utilise the bow or stern propeller, precisely to avoid drifting off and thus prevent dangerous situations. This exception only applies if the vessel pursuant to a required valid certificate as referred to in the Dutch Inland Navigation Act is suitable to sail with one crew member (being the skipper) and the skipper is also the only person on board.

Article 3.7 (former Article 3.1) has been amended and the prohibition has been extended to also cover the situation where a ship is moored to spud poles or if the ship is kept running or is pressed against the quay or the shore whereby the ship is not berthed with mooring lines other than is necessary for berthing or unberthing. The reason for extending the prohibition is that users of the port regularly kept ships running thus resulting in extremely dangerous situations. Furthermore, in particular the test running of machines but also the attempts to free a ship if it has run aground, may cause serious damage. The heaving to or turning away by a bunkering or supply vessel which is moored to another ship for the prevention of damage constitutes a negligible risk for the port infrastructure and is, in view of the often difficult mooring situation, acceptable for the prevention of direct damage.

Exemptions or general exemptions are only granted in limited cases. For test runs, exemption or general exemption is only granted at a limited number of locations.

Finally, an obligation has been included in the article that a person must be present in the wheel house who is familiar with the operation of the ship during the operation of propellers, bow thrusters or stern thrusters. Practice has shown that this is often not the case. This could lead to extremely dangerous and undesirable situations.

**Article 3.8 Use of anchors**

In the water bed of the port there are infrastructural facilities in a large number of places such as bed protection, pipes and cables. The use of anchors without prior knowledge of the locations of these infrastructural facilities could lead to these being damaged. In order to prevent this the basic principle in the port is that it is prohibited to use an anchor. In addition, in connection with the order in the port it is not acceptable to drop anchor arbitrarily.

The use of an anchor is, pursuant to part a of the first paragraph, permitted if a ship berths in a buoy berth or a pole berth. Obviously the anchor may not be dropped in the proximity of a buoy or post as the anchor could damage the buoy or post.

The use of an anchor is also permitted if this is done by a floating crane and it has been ascertained that the use of an anchor will not cause any damage to the pipes, cables, culverts or shore or quay defences installed in the water bed.
If a floating crane wishes to use its anchor this must be reported to the Harbour Master. The notification may be submitted by telephone, by VHF radio, by fax or by e-mail on telephone number 010 – 252 1000, fax number 010 – 252 1600, VHF channel 14 or e-mail address hcc@portofrotterdam.com.

Finally, the Municipal Executive may grant exemption or general exemption from the prohibition of the use of anchors pursuant to the fourth paragraph.

**Article 3.9 Use of spud poles**
In the water bed of the port there are infrastructural facilities in a large number of places such as bed protection, pipes and cables. The use of spud poles without prior knowledge of the locations of these infrastructural facilities could lead to these being damaged. In order to prevent this the basic principle in the port is that it is prohibited to use spud poles. In addition, in connection with the order in the port it is not acceptable that a ship uses its spud poles arbitrarily.

The prohibition does not apply if this takes place in accordance with the traffic signs and additional instructions erected in situ as referred to in Article 3.1 or an announcement with the same meaning as a marine traffic signal as specified in Article 3.1a.

Article 4.5 is declared equally applicable in the case of the use of spud poles. This means that also if a vessel is moored at spud poles, the vessel must have access which cannot cause danger or damage. The exceptions as set forth in the second paragraph of Article 4.5 are also equally applicable.

Finally, the Municipal Executive may grant exemption from the prohibition of the use of spud poles pursuant to the third paragraph.

**Article 3.10 Pleasure craft and sailing ships in the port**
Article 3.10 (former Article 3.2) regulates in the first paragraph that it is - in principle – prohibited to be in the port, insofar as it is under the influence of tidal movement, with a ship with a pleasure craft. Pleasure craft are also permitted in the Parkhaven insofar as the vessel uses or has used the Parksluizen. Sailing with pleasure crafts in harbours which are used for commercial shipping could result in extremely dangerous situations. This concerns harbours which are under the influence of tidal movement and are therefore directly connected to the open sea.

Part a of the first paragraph states that the prohibition does not apply if the ship is located in a harbour to the east of the Erasmus Bridge. In these harbours pleasure craft do not get in the way of commercial shipping. The prohibition does also not apply if "the ship is proceeding directly and without interruption to a marina, private berth or shipyard located in the port ".

The second paragraph provides that it is prohibited to sail in the port with a sailing vessel unless an exemption has been granted. The recreational navigation referred to in the first paragraph does not pertain to the sailing described in the second paragraph. Sailing with a sailing vessel may take place commercially - i.e. against payment – and non-commercially, i.e. recreationally. Both are provided for in the second paragraph. An exemption from the prohibition may for example be granted in the case of yachting competitions or events, or in the case of engine trouble.

The third paragraph provides that the prohibition does not apply if an exemption has been granted by the Municipal Executive.
Finally, the Municipal Executive may grant a general exemption from the prohibitions set forth in the fourth paragraph in the case of events.

**Article 3.11 Nuisance to vessels**
Unlawful activities such as the detaining and unmooring of ships as well as the boarding of ships and being on board ships regularly occur in the port. The inclusion of this article makes enforcement possible.

**Article 3.12 Notification of operational failures, defects or damage**
This article contains the obligation for ships to report to the Harbour Master all operational failures, defects or damage on board a ship which could pose a danger to the ship or the surroundings. The provision applies to all ships.
The notification shall be submitted by telephone, by VHF radio, by fax or by e-mail via telephone number 010 - 252 1000, fax number 010 - 252 1600, VHF channel 14 or e-mail hcc@portofrotterdam.com.

**Article 3.13 Duty of notification of seagoing ships**
On the basis of this article, the Municipal Executive can specify in further rules which information seagoing ships must report to the Harbour Master, the way in which this must be notified and when this notification must take place.
§ 4 Safety and the environment in the port

Article 4.1 Air pollution; stench, hindrance or risk causing substances
Article 4.1, first paragraph, provides that it is prohibited to allow soot to escape from a ship as a result of blowing through the exhaust system.
The second paragraph provides that it is prohibited to allow substances to escape from a ship if this results or could result in danger, damage or hindrance.
The prohibitions set forth in the first and second paragraphs are limited to operations which take place on board a ship. Operations performed from the shore fall outside these provisions.
The third paragraph provides that the Municipal Executive may grant exemption from the prohibitions set forth in the second paragraph.

Article 4.2 Use of waste incinerators
In Article 4.2 (Article 2.7 of the former Port Regulations regarding Dangerous Substances) a prohibition of the use of waste incinerators on board ships has been incorporated for the prevention of danger, damage and hindrance to the surroundings due for example to heavy smoke production and the use of a waste incinerator whilst the ship is berthed in a petroleum harbour. Any waste on board may be delivered to collectors designated for the purpose.

Article 4.3 Notification and removal of substances or objects which have ended up in the water
Article 4.3 (former Article 4.2) provides that, in connection with safety and the possible obstruction of the waterways, if substances or objects end up in the water, this must be reported to the Harbour Master immediately. This notification is not bound by regulations but a notification by telephone on 010 – 252 1000 or by VHF radio on VHF channel 14 is preferred. The substance or object must then – as far as possible – be removed immediately. The inclusion of a prohibition is not necessary in connection with the scope of the Water Systems Act, the Inland Waterways Police Regulations and municipal regulations.

Article 4.4 Serious danger, damage or hindrance causing ships
Within the framework of good port management it is necessary to be able to take measures of a more or less far-reaching nature with regard to ships which cause or could cause serious danger, damage or hindrance or serious consequences for the order in the port or its surroundings. For example ships which are on fire, threatening to sink or ships from which dangerous substances are leaking. The measures may vary from the taking of emergency measures on board the ship to - in extreme cases - the prohibition of the ship entering or staying in the port. The measures to be taken and the prohibition shall (if necessary afterwards) be notified in writing.

Article 4.5 Safe access
This article has been added because extremely dangerous and unacceptable situations regularly occur in the port when boarding ships. Safe access to a ship was not dealt with in any regulations unless the ship was regarded exclusively as a workplace in which case there were general regulations in health and safety legislation that safe entry into the workplace had to be possible. However, people not only carry out work on a ship, they also live on a ship in which case a ship must also be able to be boarded safely. The reason for this provision lies in people living on board with the necessary associated social life. This article sets the standard that ships must have a means of access which cannot reasonably cause any danger or damage to persons.

As regards inland vessels it is in some cases not possible or highly impractical to provide a safe means of access to the ship. On the one hand this is the case with loading or unloading
operations. Due to the loading or unloading of cargo on board an inland vessel the ship can move considerably. In this type of situation safe access cannot be guaranteed, what is more a means of access in this sort of case is unsafe.

On the other hand inland vessels sometimes berth for a short period, for example to allow passengers or cars to disembark. To require that a skipper creates a safe means of access with this type of short operation, would cause a disproportionate burden for a skipper.

**Article 4.6 Prohibition of the use of generators**

Within the framework of providing a contribution to the improvement of the (local) air quality, connections for the use of electricity (for use by inland shipping) are being created in the port at the berths for inland shipping.

The starting principle is that an inland vessel, which is berthed directly or indirectly at a berth that falls under the management of the Port of Rotterdam Authority and which berth is provided with a facility for the use of shore-based power for that inland vessel, may not make use of a generator.

In order to make known where the prohibition on the use of a generator is applicable, areas are designated as such by the Municipal Executive. In practice, the designation of these areas is done – on behalf of the Municipal Executive – by the Harbour Master.

In so far as these areas, whether or not under the management of the Port of Rotterdam Authority, have shore-based power available, if it is not designated as such there is no prohibition on the use of a generator.

**Article 4.7 Prohibition of use of main engine**

It happens very regularly that berthed ships leave their main or auxiliary engine running unnecessarily, other than immediately prior to departure of the ship. This means an unnecessary burden on the environment and may cause nuisance for people living in the area.

The areas that have been designated as areas where the main engine may not be left running are the berths located on the Noordereiland where a prohibition on the use of generators is in force as referred to in Article 4.6.

Due to the chosen phrasing, it remains possible to have the main or auxiliary engine running for the purposes of testing, for example. However, for this activity an exemption granted by the Municipal Executive is necessary.

**Article 4.8 Performance of activities**

Article 4.8 (former Article 4.3 of the 2004 Rotterdam Port Bye-Laws) sets forth rules with regard to the performance of activities on ships. These also include activities which take place on the ship off board or under water. Major repairs to ships are usually carried out in or at a shipyard or in a dock. Small repairs are however often carried out on board by the ship’s own crew or by third parties. The performance of repairs may under certain circumstances involve risks. The prohibition not only addresses the captain or skipper but also all other persons by inclusion of the phrase “anyone”. For an explanation of this see also Article 1.10 of the Port Management Bye-Laws.

In order to prevent a small repair to a ship outside a shipyard or ship repair yard from becoming a major repair with inherent safety risks and a long duration, it has been included in the first paragraph under b that the repair may take a maximum of three days. The article also includes the restrictions and conditions from the currently existing exemption on this matter, so that this (old) exemption can lapse, insofar as the three-day period is not
exceeded and the criteria set forth in the article are fulfilled. It also includes that maintenance and any repairs to cryogenic gas installations (LNG) may only be performed by recognised specialists.

The first paragraph is also applicable with regard to the operability of the ship. Works on for example the propulsion installation may not lead to obstruction of the operability of the ship for a period of more than three days.

If the activities do not fulfil the criteria of this article, pursuant to the third paragraph an exemption may be requested.

**Article 4.9 Notification of the performance of activities**

This article is new and provides for a duty to notify for a ship that intends to carry out repair works outside a shipyard or ship repair yard. Repairs on ships in a shipyard or ship repair yard fall, with the exception of berthing, outside the scope of these bye-laws.

This duty to notify replaces an exemption system insofar as the ship repair takes a maximum of three days. If it appears from the notification that the repair will take longer than three days, the Harbour Master may pursuant to the third paragraph of Article 4.8 grant exemption.

The notification of the performance of activities must be submitted by means of an Electronic Data Interchange (EDI). These notifications are submitted via Port Infolink.

For the performance of activities off board or underneath a ship the notification may be submitted by telephone, by VHF radio, by fax or by e-mail via telephone number 010 – 252 1000, fax number 010 – 252 1600, VHF channel 14 or e-mail hcc@portofrotterdam.com.

**Article 4.10 Fumigation of ships**

Article 4.10 (former Article 4.4 of the 2004 Rotterdam Port Bye-Laws) regulates the fumigation of ships. The prohibition of treating the cargo of ships with (certain) gases has been included in the Crop Protection Agents and Biocides Act and is therefore no longer regulated in the Port Management Bye-Laws.

The prohibition set forth in the first paragraph is limited to berthing. During the fumigation of cargo spaces on board a ship risks could occur for the port area. In connection with the safety of this area it is necessary that the Harbour Master agrees to the berthing of a ship and the performance of fumigation activities at that particular place in the port.

In the second paragraph the term “seagoing vessel” has been changed to “ship” as a result of which the provision also applies to inland vessels. This brings the provision in line with current practice. The wording of the second paragraph also takes account of ships which have been loaded abroad with cargo which has been fumigated there (in a silo) on the shore, which is unloaded in the port. This cargo may of course also carry certain risks. Furthermore, the second paragraph is limited to ships carrying solid bulk cargo. As a result all container ships are excluded from application. These ships have containers on board as cargo under gas and should therefore all be granted an exemption, which is not desirable. The transport of containers under gas is regulated in the IMDG Code, including labelling. The fumigation of containers must take place in an installation and falls under the licensing obligation contained in the Environmental Management Act.

The third paragraph includes a possibility for exemption.
Article 4.11  Reporting inland vessels with disinfected cargo

Sea-going vessels from abroad with bulk cargo (e.g. grain) are often brought under gas to kill vermin in the cargo. Strips or tablets that emit a toxic gas are placed in the cargo. When the cargo must be unloaded in Rotterdam, and the concentration of toxic gas is still too high, the cargo is first unloaded in inland barges or push barges. It takes some time before the cargo is gas-free. Until the toxic gas has left the cargo, the cargo is potentially dangerous.

This article stipulates that, before an inland vessel with fumigated bulk cargo takes berth in Rotterdam, this is reported to the Harbour Master. This notification obligation also applies if the inland vessel moves within Rotterdam. It must also be reported when the vessel leaves the municipality or when the vessel has been unloaded. To keep the administrative burden as low as possible, the notification can take place in different ways (telephone, VHF, fax or by email).
§ 5 Petroleum harbours

Article 5.1 Designation of petroleum harbours
The geographical description of the petroleum harbours within which a more stringent regime applies than in the other parts of the port is indicated with 'shore site numbers'. In this way the boundaries are clearly identified.

Buoy berth 81 and pole berth 80 have been added to the designation of buoy berths 78 and 79 in the Calandkanaal as petroleum area. This designation as petroleum area applies only insofar as a tanker berthed directly or indirectly to these buoys and pole berths carries a dangerous substance as cargo or cargo residue on board, with the exception of a combustible liquid with a flash point of 55 degrees Celsius or higher. In that case the strip of water of 25 metres around the berthed tanker is also considered to be a petroleum harbour.

This provision has the advantage that the use of the buoy berths and pole berth also remains available for purposes other than the use by tankers. The status of the buoy berths and pole berth is determined by the type of berthed ship. If a tanker carrying dangerous cargo berths, the berth becomes a petroleum harbour where the stringent petroleum regime applies. If a ship other than a tanker carrying dangerous cargo berths, the berth is not regarded as a petroleum harbour and no petroleum regime applies.

The original flash point of a combustible liquid of 61 degrees Celsius has been reduced to a flash point of 55 degrees Celsius in this section. This change is in proportion to the provision of Article 5.5 regarding tankers which berth outside petroleum harbours whilst carrying dangerous and combustible liquids. By reducing the flash point a whole series of tankers carrying a certain type of gas oil may berth outside a petroleum harbour without, contrary to requirements in the past, this requiring an exemption. The reduction of the flash point does not in any way prejudice safety.

Article 5.2 Prohibition of naked flame and sparking

The former Articles 2.2, prohibition of sparking and 2.3, prohibition of naked flame have been combined in this amended Article 5.2.

Newly added is that the prohibition of naked flame and sparking does not apply to buoys or berthing posts located on the northern side of Calandkanaal if repairs are carried out here on board a tanker and a Health and Safety Certificate has been issued by a recognised gas expert as referred to in the Working Conditions Provisions for the activities concerned.

Criteria have also been included for the lighting of a welding device in a petroleum harbour and it is specified that a ship may not be in a petroleum harbour if sparks are emitted from the exhaust pipe of an internal combustion engine of a ship.

Article 5.3 Prohibition of smoking

Smoking in a petroleum harbour is – in view of the risks – prohibited for everyone unless on board a ship in a smoking area designated by the skipper or captain. The provisions stated in this article are applicable to service vessels if they are in a petroleum harbour.

Article 5.4 Placing of information signs

Pursuant to this article a sign must be placed at the entrance to a ship which is berthed in a petroleum harbour which indicates that smoking, naked flame and access by unauthorised persons is prohibited.

Article 5.5 Tankers carrying dangerous substances outside petroleum harbours

Article 5.5 (former Article 6.3 of the 2004 Port Bye-Laws) regulates the conditions under which tankers carrying dangerous substances may lie outside petroleum harbours, whereby
it should be noted that the term cargo residue used in this article also means gaseous cargo residues.

Tankers (both seagoing tankers and inland tankers) can have large quantities of dangerous substances on board (including gaseous cargo residues) and may for this reason carry major risks. The basic principle is that these ships must be barred as much as possible from the eastern port area. In principle these ships may only berth in the petroleum harbours. A number of exceptions to this principle listed in this article and Articles 5.5a to 5.5d are possible.

In Article 5.5, first paragraph, tankers are excepted from the prohibition:
- which are berthing for a brief period at a designated car landing place for the loading or unloading of a car;
- which are bunkering at a bunkering vessel;
- which, at a location where drinking water can be taken on, take on drinking water immediately, or;
- which are lying in an area designated by the Municipal Executive. On the basis of this possibility, the Municipal Executive can designate certain areas where tankers may berth, for example to spend the night or to wait for loading or unloading. The Municipal Executive designates only those areas where no danger arises to the order and safety in the port and its surroundings.

Article 5.5a
In this article exemption is granted on the one side from the prohibition of Article 5.5 of an inland tanker which has on board non-dangerous substances, combustible liquids with a flash point of 55 degrees Celsius or higher, potassium hydroxide, sodium hydroxide or phosphoric acid. On the other side, an inland tanker can be exempted if the skipper has ensured that all other cargo tanks or slop tanks inside the cargo zone, are empty of combustible liquids with a flash point lower than 55 degrees Celsius and the atmosphere in these tanks inert is and has a maximum of 8% oxygen or a maximum of 20% of the lower explosive limit combustible vapours and the cargo tanks or slop tanks are closed.

The result of this article is that, although sometimes no blue cone has to be displayed on the basis of the ADN, pursuant to this article an inland tanker with, for example, residue of petrol on board (in the slop tanks) may not automatically berth outside a petroleum harbour with loaded tanks. A reception facility is however permitted to enter non-a petroleum harbour with loaded tanks, provided that the conditions of an inert atmosphere are met.
Pursuant to Article 5.6, the skipper must notify the Harbour Master.

Article 5.5b
In this article exemption is granted from the prohibition of Article 5.5 for a seagoing tanker loaded with or empty of non-dangerous substances, combustible liquids with a flash point of 55 degrees Celsius or higher, potassium hydroxide, sodium hydroxide or phosphoric acid or combustible liquids with a flash point lower than 55 degrees Celsius, whereby it is also a condition that the atmosphere in these cargo tanks of slop tanks have an inert atmosphere of a maximum of 8% oxygen or a maximum of 20% of the lower explosive limit combustible vapours and that these cargo tanks of slop tanks are not adjacent to the ship’s side, and:
- a gas expert as referred to in Article 1.1 has issued a declaration which shows that the cargo situation of the seagoing tanker is in accordance with the provisions set forth in this section;
- only the substances referred to under 1 will be transshipped;
- cargo tanks of slop tanks with dangerous substances remain closed;
- no cleaning operations will take place in cargo tanks of slop tanks containing dangerous substances, and;
- a maximum of 1 ship is lying alongside.
These last criteria were previously included in the exemptions. By including them now in this article, the number of exemptions applied for will reduce considerably.

The duty to notify as referred to in Article 5.6 also applies to these ships. The notification must be submitted prior to berthing, so that it is known that there is a tanker outside the petroleum harbour and under which circumstances, so that this can be anticipated by means of supervision. If a tanker does not comply with the criteria of this article, then berthing outside the petroleum harbour is prohibited unless exemption has been granted pursuant to the second paragraph.

**Article 5.5c**
Article 5.5c sets rules pursuant to which a combination carrier may berth outside a petroleum harbour. A combination carrier is built to carry liquid bulk or dry bulk alternately, and as a result of this alternating transport, combustible cargo residues could be present in the slop tanks. If the combination carrier is loaded or will be loaded with solid bulk cargo, the ship shall berth outside the petroleum harbour. If the combination carrier fulfills the criteria of this article, it may, following a notification as referred to in Article 5.7, automatically berth outside the petroleum harbour. If the ship does not comply with the criteria set in this article berthing outside the petroleum harbour is prohibited.

In connection with international obligations regarding a double hull for combination carriers, virtually the whole world combination carrier fleet is no longer suitable for the transport of petroleum. These ships are demolished or now only carry dry bulk cargo. During shipyard servicing, more and more oil residues are removed and the safety risks for these ships are decreasing. The complete regulation regarding combination carriers has been amended in line with this and simplified. A notification as referred to in Article 5.7 in conjunction with the provisions of this article and the enforcement of the regulation provide sufficient guarantee for safety in the port.

**Article 5.5d**
In practice, the gas expert usually contacts the Harbour Coordination Centre of the Harbour Master’s Division by telephone directly from the ship, after which he sends the declaration by email at the earliest possible opportunity.

**Article 5.6 Notification of the berthing of a tanker outside a petroleum harbour**
This article regulates the notification requirement for a tanker which intends to berth outside a petroleum harbour and which complies with the provisions of Article 5.5a, first paragraph, part a, and Article 5.5b. It concerns an electronic notification via an Electronic Data Interchange (EDI). The notifications are submitted via Port Infolink. In addition to the electronic notification an inland tanker may also submit a notification by telephone, by VHF radio, by fax or by e-mail on telephone number 010 – 252 1000, fax number 010 – 252 1600, VHF channel 14 or e-mail hcc@portofrotterdam.com.
This duty of notification replaces the existing exemption system insofar as the tanker complies with the provisions of the article referred to above.

**Article 5.7 Notification of a combination carrier**

This notification requirement applies for a combination carrier which unloads solid bulk cargo or is loaded therewith. The notification comprises any presence of combustible liquids or residues thereof from previous cargoes, the stowage and the oxygen percentage of the inerted tank atmosphere above the combustible cargo residues. On the basis of this notification it can be checked whether the combination carrier complies with the requirements of Article 5.5c. If the combination carrier complies with these, then it may berth outside the petroleum harbour for handling of the cargo.

The notification must be submitted by fax on fax number 010 – 252 1600 or by e-mail on hcc@portofrotterdam.com.

**Article 5.8 Ships allowed into petroleum harbours**

Article 5.8 (former Article 6.4 of the 2004 Port Bye-Laws) regulates the admission of ships into a petroleum harbour. In connection with the risks involved in dangerous substances only certain ships or operations are allowed in the petroleum harbours. This article largely corresponds with the former article as regards content. In the opening words and under a it is stated that use may be made of the petroleum harbours by a ship which is using, has used or will be using the port facilities for loading, unloading, cleaning its cargo tanks or slop tanks or bunkering. New is the addition under b that a tanker may also stay in the petroleum harbour to lay-by. The occupation of a berth requires the consent of the tenant, leaseholder or owner of the berth. In view of the substances on board the tanker it is often not possible to berth outside the petroleum harbour. As already noted in the explanatory notes to Article 1.1 the washing of a ship with crude oil is also regarded as a cleaning operation. This supplement has been included in connection with the existing possibility that a ship makes use of port facilities in connection with the cleaning of its cargo tanks or slop tanks, for example prior to a repair in a shipyard. Due to this supplement a ship no longer needs to apply for an exemption for these operations.

Under c it is provided that a rowing boat or motor boat which belongs to the equipment of a ship already berthed in the petroleum harbour, may not be used if it is equipped with a petrol engine. Petrol engines carry risks in connection with the possibility of sparking. These days there is a large choice of diesel engines available which are constructed as outboard motors and which are safe for use in the petroleum harbours. Part c contains a full list of the purposes for which the rowing or motor boat may be used.

In parts g, h and k new target groups have been included, namely service vessels, passenger ships and work boats. The inclusion of these new target groups which fall under this regulation is the direct result of the incorporation of the Service Vessels Implementation Decision into these bye-laws.

In parts i and j ships have been included which are involved in shuttle services or which carry out dredging operations. The inclusion of these target groups avoids the need to apply for an exemption or a permit for entry into a petroleum harbour. Part l makes it possible for an LNG bunkering vessel to stay in a petroleum harbour.
New is the inclusion in the second paragraph of the prohibition of navigation in the petroleum harbours with pleasure craft or the use by this target group of the port facilities. The former description of ships allowed in the petroleum harbours left room for inter alia pleasure craft to make use of the port facilities. It is absolutely unacceptable that pleasure craft enter the petroleum harbours. This is now prohibited and enforceable. Every ship which enters a petroleum harbour must do so for commercial reasons and must comply with the rules of conduct laid down in these bye-laws. (Prohibition of smoking, naked flame, etc.)

Under special circumstances the Municipal Executive may pursuant to the third paragraph grant exemption from the prohibitions set forth in the article.

**Article 5.9 Construction and equipment regulations for service vessels, work boats or passenger ships**

Article 5.9 is a new article which has been included in the Port Management Bye-Laws as a result of the incorporation of the Service Vessels Implementation Decision. The regulation referred to in this article is applicable to service vessels when in a petroleum harbour. Without prejudice to the provisions of this article service vessels must comply with the construction and equipment regulations referred to in Section 13.

**Article 5.10 Notification of work boats**

This notification requirement has been included so that the Harbour Master is aware of the presence of work boats and the performance of operations on ships for the purposes of safety. The notification makes enforcement of statutory provisions possible.

The notification may be submitted by telephone, by VHF radio, by fax or by e-mail on telephone number 010 – 252 1000, fax number 010– 252 1600, VHF channel 14 or e-mail hcc@portofrotterdam.com.

**Article 5.11 Berthing of seagoing tankers carrying dangerous substances**

cancelled.

**Article 5.12 Notification of berthing of seagoing tankers carrying dangerous substances**

cancelled.
§ 6 LNG harbours

General explanation
LNG is natural gas that is cooled at atmospheric pressure to around 160° C, which turns it into a liquid. LNG is not pressurized, is odourless, non-toxic and non-corrosive; it is simply very cold.

LNG takes up 600 times less volume than natural gas in gaseous form. In this form, natural gas can easily be transported in large quantities over great distances. This is particularly important for countries that do have large natural gas reserves but no infrastructure to a consumer market. Moreover, this makes it possible to use natural gas in a useful way; previously it would be flared in large amounts (‘associated gas’ that is created as a by-product of oil extraction). Even counting the extra energy required for liquefying and transporting LNG, using natural gas from LNG creates on average half as much carbon emissions as using coal. The growing demand for ‘green’ sources of energy is expected to double the need for natural gas over the coming twenty years.

The Port of Rotterdam Authority has had extensive research done into the safety aspects of the transport and landing of LNG. As a result of this research, a nautical framework for LNG tankers in the Port of Rotterdam has been drawn up.

Parts of the nautical framework must be rooted in the municipal legislation. Besides the inclusion of specific rules in the 2010 Rotterdam Port Management Bye-laws, other parts of the nautical framework will be guaranteed through private agreements (for example, between the Port of Rotterdam Authority and the terminal).

The Port of Rotterdam, as sole port in the world, already has a special regime for ships that enter the ports where dangerous substances are transferred (the petroleum harbours). All ships that enter these petroleum harbours must satisfy specific regulations in the area of safety. These regulations are stated in section 5 of these bye-laws, in which for example smoking and naked flame are forbidden and ships are required to have a non-flammable hull.

In view of the fact that the LNG harbour is a dedicated harbour (no other transfer takes place) and the transfer of LNG requires additional safety measures, in this paragraph, analogous with the petroleum harbour regime of paragraph 5, a new LNG harbour regime will be given.

The difference with the petroleum harbour is that in an LNG harbour only those ships that have a direct relationship with the transfer of LNG may enter and all other vessels are refused entry to the LNG harbour.

Article 6.1 Designation of LNG harbours
The geographical description of the LNG harbours, in which a stricter regime applies than in the other areas of the port, is denoted with ‘shore site numbers’. In this manner the borders are specified precisely.

Article 6.2 Prohibition of naked flames and sparking
For obvious reasons, the use of naked flame or causing of sparking is not permitted in an LNG harbour or on board a ship that is in an LNG harbour. The prohibition does not apply to a galley where no combustible gas can enter or with an exemption from the Municipal Executive.

Article 6.3 Prohibition of smoking
Smoking in an LNG harbour is – in view of the risks – prohibited for everyone. The prohibition does not apply on board a ship in a smoking area designated by the skipper or captain. This
smoking area must comply with certain conditions. The smoking area may not be directly accessible from outside, must be closed off when smoking is taking place and must be clearly marked as a smoking area.

The prohibition also does not apply if smoking takes place in an accommodation or wheelhouse on board an inland vessel that complies with the provisions of part 7.2.4.74 of the ADN. Part 7.2.4.74 of the ADN refers to technical requirements that are also incorporated in the ADN. This concerns, for example, conditions that the room must have overpressure and that the windows cannot be opened.

**Article 6.4 Placing of information signs**
Pursuant to this article, a sign must be placed at the entrance to a ship that is berthed in an LNG harbour that indicates that smoking, naked flame and access by unauthorised persons are prohibited.

**Article 6.5 LNG tankers outside LNG harbours or petroleum harbours**
This article regulates that it is prohibited to occupy a berth outside an LNG harbour or a petroleum harbour with an LNG tanker. LNG tankers may only load or unload in an LNG harbour or a petroleum harbour. In view of the fact that an LNG tanker always has (a residue of) an LNG load on board, it has been decided not to lay down any general conditions in the bye-laws under which an LNG tanker may lie outside an LNG harbour or a petroleum harbour.

The second section regulates that the Municipal Executive can grant exemption to an LNG tanker to take a berth outside of an LNG harbour or a petroleum harbour. The necessary conditions will be made of such an exemption in order to guarantee safety.

**Article 6.6 Ships allowed in LNG harbours**
The main rule is that it is prohibited to be in an LNG harbour with a ship. In article 6.6 a number of exceptions to this prohibition are formulated.

First of all, an LNG tanker that will be using the port facilities or loading, unloading or bunkering may be in an LNG harbour.

Secondly, the presence of ships in an LNG harbour is permitted if the presence of those ships is necessary in connection with the arrival, stay or departure of an LNG tanker for reasons of the operation of the shipping company. Tugboats, boatmen and pilot boats are examples.

The prohibition to enter an LNG harbour does not apply to ships of the police, Rotterdam Regional Division, Seaport Police district or of the Harbour Master Division of Port of Rotterdam Authority if their presence in this harbour is necessary in connection with performing their regular duties.

A service vessel may also be in an LNG harbour if this ship provides services to an LNG tanker. Finally, part e provides for an LNG bunkering vessel to have access to an LNG harbour.

The second paragraph specifies the safety distances certain vessels must adhere to with regard to the manifold of a loading or unloading LNG tanker. These distances correspond to the distances specified in the environmental permit of the terminal.

**Article 6.7 Notification of ship entering LNG harbour**
Article 6.6 regulates which ships may enter an LNG harbour. In a number of cases, the presence of these ships is not directly necessary in connection with the arrival or the departure of an LNG tanker. In those cases, it is desirable to be informed of the presence of ships in an LNG harbour, by means of notification to the Harbour Master. Ships as referred to in article 6.6, first paragraph, under d, f or g, must make a notification in all cases if they want to enter an LNG harbour.
**Article 6.8  Construction and equipment regulations for service vessels and work boats**

In this article, article 5.9 is declared to apply equally to service vessels and work boats. Service vessels and work boats must satisfy the construction and equipment regulations specified in article 5.9 if they want to enter an LNG harbour. These are the same construction and equipment regulations as apply to Petroleum harbours.

Contrary to article 5.9, the rules given here do not apply equally to passenger ships. This does not mean that this category of ship does not have to adhere to these rules. However, as these ships always require exemption or dispensation to enter an LNG harbour, the exemption or dispensation includes the regulations of article 5.9 among other things.

**Article 6.9  Berthing of LNG tankers**

cancelled.

**Article 6.9a  LNG bunkering vessels in the port**

An LNG bunkering vessel is a ship which must be covered by the protective safety regime of an LNG harbour or petroleum harbour.

Article 6.9a regulates where LNG bunkering vessels may come. On the basis of articles 5.8 and 6.6, LNG bunkering vessels may in any case be in an LNG harbour or a petroleum harbour. The second paragraph of this article provides the possibility for the Municipal Executive to grant exemption from the prohibition, or designate areas to which the prohibition does not apply.

In order to preserve the desired high level of safety, the working area of the LNG bunkering vessel outside of the LNG harbour or petroleum harbour is regulated by means of an application for exemption.

In addition, a permit imposes extra quality requirements on the LNG bunkering company and the LNG bunkering vessels it covers. This follows the guidelines of the IAPH/WPCI/LNG workgroup. (Also see the explanation for Article 6.12.)

**Article 6.10  LNG bunkering**

LNG bunkering may only take place at a facility or with an LNG bunkering vessel which has a permit.

LNG must be bunkered without release of LNG or natural gas. Only during the disconnection may an extremely small amount of natural gas escape from the space between the flange.

Activities which are performed at the same time as LNG bunkering such as cargo handling, bunkering other fuels or lubricant, cleaning and repairing, can create risks. The ISO TC67 guidelines for systems and installations for supply of LNG as fuel to ships and various best practice guidelines state that simultaneous actions are only safe if a risk assessment has been carried out which shows whether and under which conditions other activities can take place simultaneously in a responsible manner.

The result of the risk assessment is processed in the LNG-fuelled vessel’s operational documentation approved by the flag state. The parties involved in the bunkering must comply with the provisions and the limitations on the basis of this operational documentation. Only those actions which are included in the operational documentation may take place during the LNG bunkering.
During LNG bunkering no ships may be berthed alongside which are not involved in the LNG bunkering. This applies to the LNG-fuelled ships and the LNG bunkering vessels. In practice it means that if an LNG bunkering vessel is berthed alongside a ship, no other ships may berth alongside it.

**Article 6.11 Marine signals for LNG bunkering**
This article regulates the marine signals of LNG-fuelled ships which are bunkering LNG. The signals and signs ensure that passing vessels maintain a safety distance.

A distance of 10 metres applies when an LNG-fuelled inland vessel is bunkering LNG, and a distance of 50 metres applies for LNG bunkering of an LNG-fuelled seagoing ship. These distances are in line with the safety distances used in the nautical sector.

**Article 6.12 Permit for LNG bunkering vessels**
The nature of the activities of an LNG bunkering vessel means that the vessel operates outside of the protective regime of an LNG harbour or petroleum harbour. In order to preserve the desired high level of safety, extra quality requirements are imposed on the LNG bunkering company and the LNG bunkering vessels it covers, by means of a permit.

**Article 6.13 Permit for LNG-fuelled electricity supplies**
The use of an external electrical power connection means that a berthed ship does not have to use its own auxiliary operation to generate electricity. In many cases, the use of an external connection is more environment-friendly as far as emissions and noise are concerned. This so-called ‘Cold Ironing’ often takes place by means of a shore-based power connection. ‘Floating Cold Ironing’ is an alternative. In that case, electricity is generated on a pontoon which is berthed alongside the ship. The pontoon has low-noise natural gas-fuelled generators and an LNG fuel tank. In view of the use of LNG, often at locations close to residential areas, a risk assessment must prove that the use is safe. This is one of the permit conditions with which an LNG-fuelled electrical power supply must comply.
§ 7 Zoning regulations for ships carrying dangerous substances in packaged form or in bulk

Article 7.1 Prohibition of berthing a ship carrying dangerous substances in packaged form
The zoning regulations for ships carrying dangerous substances in packaged form is unchanged compared to the 2007 Port Regulations regarding Dangerous Substances. It is regulated that it is prohibited to berth a ship carrying a dangerous substance in packaged form as referred to in Appendix I within a distance specified in Appendix I of a residential concentration, unless the stipulations set forth in Appendix I are complied with. Appendix I contains a table which provides a clear overview. This overview shows clearly which distance to a residential concentration must be observed in the allocation of a berth if a certain quantity of substances from the IMDG Code, identified by means of unique UN numbers, is present in packaged form on board the ship. See also the explanatory notes to Appendix I.

Article 7.2 Prohibition of berthing a tanker carrying dangerous substances in bulk
A new article has been added for seagoing tankers carrying a dangerous substance as cargo or cargo residue which berth outside a petroleum harbour. The occupation of a berth by these tankers may involve risks for the residential environment. A prohibition has therefore been included for these seagoing tankers to berth within a distance as specified in Appendix I which applies to zone A and zone B. A possibility for exemption has been included for those cases in which the occupation of a berth is regarded as responsible.

Article 7.3 Notification of loading of dangerous or hazardous substances in packaged form
In mid-2012, Article 10.07 of the Inland Navigation Police Regulations lapsed. In view of that, this article has also been cancelled.
§ 8 Transshipment of liquid dangerous or hazardous substances in bulk

Article 8.1 Transshipment of liquid dangerous or hazardous substances in bulk

Prior to the transshipment of liquid dangerous and hazardous substances involving a tanker, the persons responsible for the transshipment (on a tanker the captain or skipper and for the installation the operator) must check and complete a prescribed safety checklist by ticking the boxes provided for the purpose. Following completion the different sections must be complied with during the transshipment operations and as long as the ship is berthed.

The safety check lists are consistent with international approved checklists from the various guidelines as much as possible. Thus OCIMF and SOLAS are referred to for seagoing vessels, and for transshipment with inland tankers the ISGINTT is referred to.

The safety regulations for transshipment between an inland tanker and an installation have been laid down in the ADN. Extra regulation in these bye-laws is not necessary for that type of transshipment.

Pursuant to Article 8, paragraph 4, it is compulsory during the transshipment between two tankers of a dangerous or hazardous substance to make use of a vapour return line. Until 1 January 2015 this obligation was limited to certain substances specified in the IBC Code, ADN or Appendix III of the Bye-Laws. From 1 January 2015, the obligation to use a vapour return line is extended to all dangerous substances. The obligation to use a vapour return line applies to transshipment between two tankers inside facilities as well as at buoy spans and pole berths.

A vapour return line is an appropriate means of reducing the emission of cargo vapours during ship to ship transfer. A transshipment can take place virtually without any emissions through this vapour return line. Some of the shore-based businesses (facilities) already have systems with which emissions of cargo handling can be cut back.

In connection with the intended tightening of legislation concerning vapour return, the market parties in the port of Rotterdam were consulted about the question whether the compulsory use of vapour return lines in the transshipment of dangerous substances would be possible for the existing practice of transfer. This consultation showed that this is possible, since scarcely any tankers still call at the port of Rotterdam which do not have connection facilities for a vapour return line.

There is an exception in two cases in which the vapour return line is not required for the transfer of dangerous substances. Firstly, it can occur that in the simultaneous execution of several cargo handling actions it is not technically possible to connect a vapour return line for all cargo handling actions (because there is only one connection point on board a tanker).

Secondly, there is the possibility that on a seagoing tanker which is protected by an inert atmosphere in accordance with the SOLAS regulations, the inert gas protection decreases if air comes into the tanks via the vapour return line from an inland tanker. This only happens if the inland tanker comes to load and does not have an inert atmosphere itself. Making a vapour return line compulsory in this situation therefore results in such transfer no longer being able to take place, because the seagoing tanker concerned can no longer satisfy the SOLAS regulations. This could be solved if the inland tankers concerned were provided with an inert atmosphere.

Currently, however, insufficient infrastructure is available to provide inland tankers with an inert atmosphere without significant expense or long waiting times. To give the market a...
chance to respond to this change, an exception has therefore been included which must be regarded as a transitional provision.

If alternative facilities are used to capture the emissions, the use of the vapour return line can be superfluous. In that case, it is possible to obtain exemption from the obligations to use a vapour return line. Naturally, when such exemption is granted, conditions are set for safety and emissions.

The fifth paragraph forbids the transfer of gases between tankers in principle.

On the basis of the eleventh paragraph the Executive can grant exemption in special cases.
§ 9 Regulations for bunkering checklist

Article 9.1 Bunkering checklist
This article relates to the bunkering of seagoing vessels and is a provision of limited scope. The bunkering checklist referred to in the article can be found in the ISGOTT.

The first paragraph contains the obligation for every vessel involved in bunkering to complete a bunkering checklist. This ensures that measures are taken on all vessels to perform bunkering in accordance with the rules.

Finally, it is noted that if several bunkering vessels are involved in the bunkering of a seagoing ship and the fuel is bunkered via the cargo tanks of the second bunkering vessel into the seagoing ship, this is not regarded as bunkering. This activity - the transshipment between the bunkering vessels - comes under article 8.1 Transshipment of liquid dangerous or hazardous substances in bulk.

Article 9.1a Debunkering checklist
This article relates to the debunkering of sea-going vessels. The debunkering checklist referred to in the article can be found in appendix VII of these bye-laws.

The first paragraph contains the obligation for every vessel involved in debunkering to complete a debunkering checklist. This ensures that measures are taken on all vessels to perform debunkering in accordance with the rules.

Article 9.2 Notification of bunkering or transfer of fuel oil
The LNG bunkering checklists made compulsory in this article were developed by the "International Association for Ports and Harbors", a collaborative venture between international ports with contributions from the business community. The LNG bunkering checklists are based on the best practice guidelines used worldwide and knowledge from the business community.

Article 9.3 Notification of bunkering, debunkering, LNG bunkering or pumping back or emptying of LNG fuel
The notification obligation of bunkering activities outside a facility makes it possible to check whether the activity is in line with the legislation and logistics planning, but the information is also used for planning supervision. Bunkering must be reported to the Harbour Coordination Center. The LNG bunkering notification has also been added in line with this.

The notification may be submitted by telephone, by VHF radio, by fax or by email, via telephone number 010 – 252 1000, fax number 010 – 252 1600, VHF channel 14 or email hcc@portofrotterdam.com.
§ 10  Cleaning of tankers and taking receipt of ship’s waste

Paragraph 10
The revised paragraph 10 is now divided into a general article which applies to all tankers, an article with rules only for seagoing tankers and an article specifically for inland tank vessels.

Article 10.1  Cleaning or drying of tanks of tankers
Article 10.1 lays down general rules for all tankers. The first paragraph contains a general prohibition of the cleaning of cargo tanks or slop tanks on tankers carrying substances which according to Appendix III of the bye-laws are identified as nuisance-causing substances. The cleaning of these cargo tanks or slop tanks may only take place if the ship is fitted out such that closed cleaning is possible and gases or vapours are prevented from escaping. Only the unavoidable escape of a residue of gas when opening the cargo tanks or slop tanks is permissible.

In addition, the second paragraph states explicitly that cleaning during navigation is not permitted, unless this takes place fully closed. The provisions of the third paragraph relate to cargo tanks of tankers which contain liquefied gases. These cargo tanks may only be cleaned by installations in the possession of a permit pursuant to the Environmental Management Act on the basis of which the installation is permitted to clean such cargo tanks. The installation must also take receipt of the waste. The cleaning of such ships carries risks which are minimised by having the cleaning carried out in the properly controlled conditions of such an installation.

Article 10.2  Cleaning and drying of cargo tanks or slop tanks of seagoing tankers
Article 10.2 provides that two ships may berth alongside the cargo area of a tanker which is involved in washing with crude oil.

Part b of the second paragraph relates to the amended Article 4.4 of the Working Conditions Provisions. Previously these provisions prohibited any form of operation on deck and in the cargo zones of a ship which is involved in cleaning operations. Many tankers which carry dangerous and hazardous substances are now constructed such that cargo tanks or slop tanks can be cleaned fully closed and that there is no danger when other operations are taking place on deck or in other cargo tanks or slop tanks. For this reason the Working Conditions Provisions have been amended in the sense that it is permitted that other operations take place on the ship during the closed cleaning of cargo tanks or slop tanks. In addition to this, these bye-laws allow for a maximum of two tankers to berth alongside a tanker which is involved in closed cleaning operations. This provides more flexibility in the allocation of berths to tankers in the port.

The fourth paragraph contains an additional prohibition to the prohibition of the cleaning of cargo tanks or slop tanks of seagoing tankers. Besides the substances specified in Appendix III, it is also forbidden to clean the cargo tanks or slop tanks of seagoing tankers in which substances are transported in accordance with the IBC Code.

The final element of the (closed) cleaning of cargo tanks or slop tanks is formed by the drying or ventilation of these cargo tanks or slop tanks by opening them. This drying and ventilation
can also take place safely if, in accordance with the third paragraph, two tankers lie alongside each other provided that the atmosphere in the cargo tanks or slop tanks of the ship involved in the cleaning operations permits this. For this reason requirements are set in the third paragraph for the drying and ventilation after closed cleaning if ships are berthed alongside. For the sake of clarity it should be noted that substances which are both dangerous and combustible must comply with both conditions (parts a and b). This concerns the so-called LEL value (‘lower explosive limit’) and the limit value referred to in Article 4.3, first paragraph of the Working Conditions Decree.

Article 10.2a Notification of the cleaning and drying of tanks of seagoing tankers
The obligation to notify the Harbour Master of the information referred to in this article is unchanged compared to the 2007 Port Regulations regarding Dangerous Substances. The Harbour Master must be informed of the following:
- name of the ship;
- nationality and port of registry of the ship;
- agent, owner or shipper of the ship;
- date and time of commencement of the washing or cleaning operations;
- berth;
- cargo tanks or slop tanks of the ship which will be washed or cleaned;
- the substances present in the cargo tanks or slop tanks;
- method of washing or cleaning.

The notification is an electronic notification via an Electronic Data Interchange (EDI). The notifications are submitted via Portbase.

Pursuant to the third paragraph the time of commencement of the compulsory prewash must be reported to the Harbour Master at least 30 minutes and a maximum of 2 hours prior to commencement of the prewash. The notification may be submitted by telephone, by VHF radio, by fax or by email, via telephone number 010 – 252 1000, fax number 010 – 252 1600, VHF channel 14 or email hcc@portofrotterdam.com.

Article 10.2b Cleaning or drying of inland tankers
The first paragraph indicates that inland vessels may only perform cleaning operations at certain locations in the port.

The second paragraph elaborates on the cleaning of the so-called T substances as specified in the ADN.

Article 10.2c Notification of the cleaning or drying of cargo tanks or slop tanks of inland tankers
Article 10.2c regulates which information an inland tanker must report when it intends cleaning or drying its cargo tanks of slop tanks. This article also determines the method by which the notification must be given.

Article 10.3 Cleaning vessels
Several statutory regimes apply to cleaning vessels. The ship must be in possession of a permit pursuant to the Environmental Management Act or have been included in the permit of the shore-based installation. Their use must comply with the Prevention of Pollution from Ships Act. As stated earlier the regime of the Port Management Bye-Laws is of a
The relationship between Article 10.3 and the Acts referred to is as follows.

The term dangerous and hazardous substances within the meaning of the Port Management Bye-Laws differs from the terms used in the Environmental Management Act. The rules in and pursuant to the Environmental Management Act with regard to the cleaning of ships relate to 'ship's waste' and 'industrial waste'. With the term 'hazardous substances' these bye-laws follow the Prevention of Pollution from Ships Act and the term 'dangerous substances' in the Port Management Bye-Laws means the substances specified in the IMDG Code, the (International) Bulk Chemical Code and the ADN. In addition the port bye-laws use the term 'ship's waste' which has a broad definition of all the waste generated by a ship (e.g. also all solid materials).

The definitions of the Port Management Bye-Laws therefore comprise more substances than the substances referred to in the Environmental Management Act. The receipt of ship's waste (including dangerous waste which is released during cleaning operations) is adequately regulated in the Collection of Waste Decree based on the Environmental Management Act by means of a permit system. The provisions of Article 10.3 are of a supplementary nature and relate to the cleaning vessels. In this article the general term 'waste' is used to mean all waste on board a ship to be cleaned. The definition of this term is included in Article 1.1.

The first paragraph of Article 10.3 contains the obligation for cleaning vessels to take on board all waste which is generated during cleaning operations. For the discarder the obligation applies pursuant to the Environmental Management Act to deliver ship's waste to an organisation which holds a permit for the purpose. It is desirable to include an obligation for the cleaner to take all types of waste with him. In this way the waste flows within the Rotterdam port can be monitored properly.

Pursuant to the second paragraph cleaning vessels may only have waste on board. This obligation has been included in order to prevent cleaning vessels from carrying cargo in addition to waste.

The provisions of the third and fourth paragraphs relate to water which is recycled by the cleaning vessel for the cleaning of cargo holds which are empty of the most recently transported dry cargo. These provisions serve to reinforce the Water Systems Act regime. If the cleaning vessels are provided with storage tanks and efficient filter installations any incentive to discharge this water into the surface water is removed.

On the so-called 'S' Form (Article 6, second paragraph of the Reporting of Industrial Waste and Dangerous Waste Regulations), on which the receipt of waste is stated, the waste generated by cleaning operations must also be stated. A copy of the signed 'S' Form showing the quantities of waste which have been collected must be submitted to the ship which has been cleaned. The operator of the cleaning vessel must periodically submit a copy of the so-called substance registration form (containing a list of the quantities of collected waste stated on the various 'S' Forms) to the Harbour Master of Rotterdam. In this way the Harbour Master keeps a good overview of all waste flows within the Rotterdam port.

**Article 10.4 Notification of cleaning operations by cleaning vessels**

Prior to commencement of the cleaning operations the following information must be provided to the Harbour Master by telephone, VHF radio on the channel designated for the purpose, fax or e-mail:
- name of the cleaning vessel;
- name of the ship to be cleaned;
- where the cleaning operations will take place;
- which substances are involved in the cargo tanks, slop tanks or cargo spaces to be cleaned;
- time of commencement of the cleaning operations and expected duration.

The notification may take place by telephone, by VHF radio, by fax or by e-mail via telephone number 010 – 252 1000, fax number 010 – 252 1600, VHF channel 14 and e-mail hcc@portofrotterdam.com.

**Article 10.5 Notification of delivery of ship’s waste**

Article 10.5 (former Article 7.5 of the 2004 Port Bye-Laws) includes a notification requirement regarding the delivery of ship’s waste. The captain of a seagoing vessel carrying a hazardous substance must ensure that his intention to deliver this substance is reported to the Harbour Master at least 24 hours in advance.

As the captain must also state the name of the company where the hazardous substances will be delivered, agreement must have been reached first with this company with regard to taking receipt of these substances. The period of 24 hours is in accordance with the notification period for dangerous substances and is also the customary period for the notification of the arrival of a seagoing vessel. The period of 24 hours is not compulsory for the delivery of substances which are not required to be handed in.

The notification must take place electronically via an Electronic Data Interchange (EDI). The notifications are submitted via Port Infolink.

**Article 10.6 Designation of companies with reception facilities**

On 2 July 1983 the Netherlands ratified the (amended) International Convention for the Prevention of Pollution from Ships. The aim of this so-called MARPOL Convention is to prevent the pollution of the sea (and the coastal areas) as a result of the discharge of hazardous waste by ships.

It concerns waste generated by the normal operations on board such as oil residue and oil containing mixtures, hazardous liquid chemicals, substances in packaged form which are dangerous and harmful to the environment, sanitary and domestic waste. The Marpol Convention has been implemented in the Prevention of Pollution from Ships Act.

On the basis of this Article 10.6 companies may be designated as companies with reception facilities in order to be able to comply with the statutory obligation referred to in the Prevention of Pollution from Ships Act to ensure sufficient facilities suitable for taking receipt of residues of hazardous substances generated by seagoing vessels without causing unnecessary delay for these ships. 3 groups of companies can be distinguished here: the cargo terminals and ship repair yards, the companies with a permanent shore-based installation to take receipt of and possibly treat, process or destroy the hazardous substances offered and finally the (transport) companies which only collect the waste using mobile facilities (lighters, vehicles).

A cargo terminal or ship repair yard which has been designated for the receipt of waste may only accept waste which originates from seagoing vessels which are loaded, unloaded or repaired at the company. In order to prevent too great a burden on the purification installations of these companies they may, on the basis of their discharge permits, only take receipt of waste created during the loading, unloading or repair of seagoing vessels. It is self-evident that companies whose main business is the receipt, treating, processing or destruction of waste are, as a result of the designation, also obliged to accept all designated
hazardous waste. Transport companies without a permanent shore-based installation for the storage, treatment or processing of waste are also eligible for designation provided that pursuant to environmental legislation they are entitled to collect or store dangerous waste. The designation obliges these companies to deliver the collected ship’s waste to a company which pursuant to environmental legislation is authorised to treat, process or destroy this waste.

Article 10.7 Application for a designation
To date the applicant for a designation of a company with reception facilities is sent a form stating which information must in any case be submitted together with the application. The information corresponds with the content of the form referred to. On the one hand it concerns the submission of information such as an environmental permit or an extract from the register of the Chamber of Commerce. On the other hand the applicant must demonstrate certain matters such as the destination of the hazardous substances received.
§ 11 Services

Section 11 is the former Section 5 from the 2004 Port Bye-Laws.

Part 1 General
In part 1 general provisions have been included with regard to the mooring and unmooring of ships and passenger transport in the port.

Article 11.1.1 Definition
In this section the term length shall be deemed to mean:

96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

Article 11.1.2 Inspection of ships
Previously the setting of rules concerning the building and equipping of certain service vessels was regulated in the Safety Requirements for Ships for Boatmen and Passenger Transport Decision. Currently this is regulated in section 11 of these bye-laws. Technical requirements are set here regarding mooring ships, small vessels which carry persons and vessels for shuttle services.

The first paragraph provides that inspection institutes recognised by the Minister of Transport, Public Works and Water Management for the inspection of ships also inspect service vessels as referred to in article 11.2.4, first paragraph, under a, part 2, or Section 12 for navigation in the port of Rotterdam and issue certificates of reliability for these. In this way it is no longer necessary for the Municipal Executive to adopt a recognition decision of inspection institutes. One may assume that companies which are recognised by the authority referred to are also adequately suitable for the inspection of certain small ships sailing in the port. To date all recognised companies have also been recognised by the Municipal Executive.

Article 11.1.3 Requirements regarding ships and crew
This article contains the obligations of skippers of ships which are designed and used for shuttle services and passenger transport of 12 persons or fewer excluding the crew. The ships must have been inspected in accordance with Article 11.1.2 or be provided with a certificate of inspection as referred to in the Inland Shipping Decree. The skipper must be in possession of a commercial vessels master’s certificate as referred to in the Inland Shipping Decree and a basic certificate for VHF radio.

The skipper must keep a certificate of reliability or a copy thereof on board the ship at all times unless it concerns a ship without crew quarters.

Newly included is that the Municipal Executive may pursuant to the fourth paragraph grant an exemption from the requirement for the certificate of reliability for the commercial transport of 12 persons or fewer. The reason for this inclusion is the trend that fast boats are used to carry persons across the river (for example in connection with company outings). In order to enable the mooring of this type of ship, the Municipal Executive may in these cases grant exemption from the provisions of Article 11.1.3.

It should also be noted that in principle it is not permitted that these ships with an exemption enter the harbours.
Part 2 The mooring and unmooring of ships
Part 2 contains provisions regarding the mooring and unmooring of ships. This section has been edited and where possible provisions have been simplified.

Article 11.2.1 Prohibition of mooring and unmooring ships
This article contains the general prohibition of the performance of the services of a boatman. Ships with a length over 75 metres must be moored and unmoored by a boatman. Ships with a length up to and including 75 metres which contain dangerous substances must also be moored and unmoored by a boatman. This limit of 75 metres is connected to the regulations for ships for which pilotage is compulsory which have been included in the 1995 Pilotage Obligation Decree. The obligation to make use of boatmen is linked up with the obligation to make use of a pilot: Historically the “mooring obligation” coincides with the pilotage obligation. In the Rotterdam port pilotage is compulsory for ships with a length over 75 metres more irrespective of the location in the port.

The second paragraph contains a number of exceptions to the prohibition to provide the services of a boatman. The possibility for crew members of the ship itself to moor the ship has been included for cases where no assistance from third parties is required, for example if, due to the ship’s dimensions, the prescription of professional assistance would not be reasonable. It must be prevented that room is offered for situations where the crew stays behind on the quay, unmoors the ship and then goes to the new berth by car to moor the ship. Allowing possibilities “for mooring and unmooring by the ship’s own crew” could lead to the creation of semi-boatmen companies without personnel trained for the purpose resulting in safety risks and the unmanageability of the logistical ships’ handling process (availability of pilots and linesmen). Furthermore, such a relaxation of the rules encourages undermanned sailing and there is a danger that crew members will not reach the mooring location in time. The availability and quality level of the boatmen could also be affected.

In the third paragraph, an authority is included for the Municipal Executive to grant exemption from the prohibition included in the first paragraph of Article 11.2.1 to perform the services of a boatman.

The exemption made concerns operators of ferry services who visit the port of Rotterdam very frequently. Roll on/roll off ships are used for these ferry services. These ships have good manoeuvrability and moor at fixed and safe berths. ‘Very frequently’ means a frequency in the sailing schedule set by the operator of at least once every 48 hours. The captain and crew of these roll on/roll off ships have - as a result of the high frequency of visitation - developed sufficient routine to be able to moor and unmoor these ships safely under various conditions. Staff on the shore charged with this task also - due to the high frequency - have sufficient routine. In addition, it is determined that this must concern roll on/roll off ships which moor at a fixed mooring configuration. Due to the loading and unloading ramp, a special facility (the ramp) is installed at the mooring place of these ships, as a result of which mooring must always occur at exactly the same place. Due to the ramp, there is always sufficient space for the roll on/roll off ship to moor. The mooring lines have a fixed order and placement. As a result of this mooring configuration, the mooring process has been simplified significantly and there are fewer safety risks.

Finally, in part c of the third paragraph of Article 11.2.1, it is determined that the operator of the ferry service must have a “ferry-mooring safety procedure”. This procedure is submitted for assessment to the Municipal Executive prior to an exemption being granted.
The fourth paragraph arranges that, in derogation from Article 1.6, the exemption from the obligation to use boatmen can be granted for a maximum period of five years.

**Article 11.2.2 Profession and obligations of boatman**
This article regulates the conditions for the practising of the profession of boatman. The boatman permit has been cancelled and replaced by the regulations referred to in this article. All requirements which are set for the practising of the profession of boatman have been included in this article. The boatman must have successfully completed a training course for Boatman approved by the Minister for Education, Culture and Science, with registration code CREBO-25512 or have relevant experience. He must also be a member of a recognised boatmen’s organisation.

The second and third paragraph provide that a boatman must carry proof of identity and show this upon the request of persons or companies who make use of his services. Companies or persons may use this provision to check a boatman. For supervisory officials, this power of inspection is already provided for in Article 5:20 of the General Administrative Law Act.

**Article 11.2.3 Recognition of boatmen’s organisation**
This article contains the conditions for the recognition of boatmen’s organisations. The company must be in possession of an ISO certificate and have at least one contact point which can be reached at all times where boatmen can be commissioned. The company also ensures regular consultations with other nautical service providers in the port such as pilots and port towing services. The company ensures good quality and sufficient quantity of personnel and equipment in order to be able to provide adequate services. This means that in a round-the-clock service at least three seagoing vessels can be moored or unmoored per hour separately in different situations as regards dimensions, type and location. Finally, the company provides proofs of identity to boatmen.

**Article 11.2.4 Requirements for crew and vessels used for mooring sea-going vessels**
This article contains the requirements that are imposed on a skipper of a mooring vessel and on vessels used for mooring sea-going vessels. Previously, these requirements were included in Article 11.1.3.

The skipper of a mooring vessel must possess a commercial vessels master’s certificate and a basic certificate of maritime mobile VHF radiotelephone service. Nothing will change with regard to the existing situation.

There is a change with regard to the mooring vessels. The requirements for the vessels used for mooring and unloading sea-going vessels have been modernised in a national context and incorporated in the NEN 8431-2017 standard. NEN 8431-2017 includes as many international requirements as possible: the most important international sources are the EU pleasure craft directive, the EU inland navigation directive and the requirements set by ISO that apply to “small craft” (pleasure boating). These standards are current and internationally accepted; therefore, it is important for the safe sailing and operating of mooring vessels that mooring vessels comply with them. A transitional period applies to the (existing) mooring vessels: as of 1 January 2028, all mooring vessels must comply with the new standard.

**Part 3 Passenger transport over water**
Part 3 sets forth the provisions regarding passenger transport in the port, boat trips and ferry and taxi services. The different categories of vessel are no longer mentioned because this led to confusion.
Article 11.3.1 Area of application
This article regulates that this part is applicable to all waters within the Municipality.

Article 11.3.2 Shuttle services
A permit is necessary for the provision of shuttle services. The provision of shuttle services, the transport of persons to and from ships for payment, is permitted without a permit if carried out by a tugboat which provides assistance with the arrival or departure of a seagoing vessel.

Article 11.3.3 Embarkation and disembarkation of passengers
This article contains regulations for the embarkation and disembarkation of passengers. The article is intended to increase the safety of these passengers. An obligation is also imposed upon the skipper to ensure that no undesirable persons are disembarked onto port sites. This has become more prominent in connection with port security.

Article 11.3.4 Publication
In connection with the foreseeability of the costs of passenger transport over water, Article 11.3.4 obliges the operator to post the tariffs or the manner in which these are calculated on board the ship and at landing stages. This also applies to the timetable and the availability of the transport as well as the transport terms and conditions.

Part 4 The lashing of containers on board seagoing vessels
Part 4 contains regulations regarding the sea-proof securing of containers on board large seagoing vessels (lashing). The reason for the inclusion of these rules is in the first place to ensure the provision of proper services by lashing companies in the Rotterdam port. It is in the interest of the port that sufficient lashers are available at all times of the day. In particular large container ships sail within very tight timetables. It is not desirable if due to a lack of sufficient lashers a ship would have to deviate from its timetable. The quality of the lasher is also important for a good service.

Secondly, these requirements are set in connection with the safety of the lashers, the ship and the surroundings of the ship during the securing of the containers. The duties of the lashers take place under all circumstances, day and night and often under great time pressure. The fact that containers are stacked seven high on ships also carries the necessary dangers with it.

Finally, another factor is that container transport is still increasing worldwide. A lashing company is a company which specialises in the securing of containers on board seagoing vessels by means of lashing in a professional capacity. These rules are therefore only applicable to the securing of containers. The securing of other cargo or the securing of trailers (in the case of ro-ro ships) falls outside the scope of these rules. As the lashing of stacked containers carries risks for the ship, the surroundings of the ship and the lashers, the emphasis has been placed on operations on containers. Another factor, as already addressed above, is that in particular with container transport the timetable is very strict. A good and safe service is therefore important especially in the case of container transport. It is of no importance whether the company also carries out other activities in addition to lashing operations.

Article 11.4.1 Prohibition of lashing
This article provides that it is prohibited to lash containers on board a seagoing vessel unless the lashing is carried out by a lasher employed by a lashing company which is in possession of a permit. A lasher who carries out lashing operations independently without being
employed by a company which holds a permit, is therefore in breach of the law. This article also provides that the qualified crew, the so-called core crew, of a ship with a length up to 170 metres, may itself secure the containers placed on board.

For seagoing vessels with a length of 170 metres or more (deepsea container ships) use must always be made of lashers who are employed by a lashing company which is in possession of a permit. Due to the fact that on these ships containers are sometimes stacked seven or eight high above deck it is important for reasons of safety in the port and the surroundings that lashing operations are carried out in a responsible manner.

The core crew present on a seagoing vessel, being the crew which in accordance with international regulations is required to be present on board in order to be able to sail, navigate and manoeuvre a seagoing vessel safely, is in this respect in any case considered to be sufficiently qualified to lash containers on seagoing vessels with a maximum length of 170 metres. If on a seagoing vessel use is made of crew members other than the abovementioned core crew it must be demonstrated to the Harbour Master with regard to this crew that they have a level of experience and training such that the lashing operations can be carried out safely and responsibly.

Article 11.4.2 Licensing conditions for lashing companies
This article contains the requirements with which lashing companies must comply in order to be eligible for a permit. Parts a and b regulate the quality of the services. The purpose of the inclusion of part a is to prevent unnecessary delay to shipping because there are no lashers available for the securing or releasing of containers. By means of part b, which includes the requirement for ISO certification, it is guaranteed that companies providing high-quality services are active in the port. On the basis of part a, lashing companies are obliged to ensure that only lashers are used who fulfil certain quality requirements. These requirements are specified in more detail in Article 11.4.3. The permit may be withdrawn if the conditions referred to are no longer fulfilled. Part d regulates that proof of identity is issued to lashers by the lashing company provided with a passport photo and name, place and date of birth. The name of the lashing company must also be stated on the proof of identity.

Article 11.4.3 Obligations of lashers
On the basis of this article lashers must in the first place be sufficiently competent. Lashers must be competent such that the safety of the lasher himself, the ship and the surroundings of the ship are safeguarded. In order to safeguard this the profession of lasher may only be practised by a person who has successfully completed the training course for Port Operations Operative or Assistant Logistics Employee as included in the dossier adopted by the Minister for Education, Culture and Science, with registration code CREBO-93070, CREBO-95727, CREBO-93730 or CREBO-93732.

Secondly, lashing companies must ensure that their personnel are sufficiently reliable. For this reason lashers must be provided with a certificate of good conduct. The lashing companies must check this themselves.

Finally, a lasher must be sufficiently recognisable and must therefore be provided with proof of identity which clearly shows for which lashing company he works and which also contains certain personal details. The inclusion of this provision makes it possible to check whether the lasher is employed by a lashing company which is in possession of a permit.

Explanatory notes to part 5
Part 5 contains regulations concerning the transfer of dangerous substances at buoy spans and pole berths.
Explanatory note to Article 11.5.1:
In the port area, dangerous substances are transshipped at buoy spans and pole berths among other places. These buoy spans and pole berths fall outside the scope of the concept of facility of the Environmental Management Act. The transfer of dangerous substances at those places is thus also not covered by the Dutch Public Safety (Establishments) Decree. Consequently, to date no specific requirements have been made of the external safety of these buoy and pole berths.

The safety connected with shipping activities at these berths is guaranteed in other ways, for example through (national and international) nautical and transport (safety) legislation, supplemented by rules in the Port Management Bye-laws. In the endeavour to synchronise the rules for all berths within the port, as of 1 January 2015 a new norm is introduced in this article for the buoy and pole berths outside facilities, so that it is in line with the norms within facilities.

This article specifies that the operator of a buoy span or a pole berth must establish that the risk contour does not exceed the safety contours which have been set for the port in the transfer and handling of dangerous substances at the buoy span or pole berth. The same safety contours are also used in the issue of permits for facilities in the port, which creates a level playing field.

A study has been made into the risk contours which are the consequence of transfer of dangerous substances at the buoy spans and the pole berths. The study shows that the current use and foreseeable medium and long term use of the buoy and pole berths does not exceed the safety contours stated.

The operator must also, pursuant to part c, indicate to the skipper or captain of the ship which transfers or handles the dangerous substances which substance may be transferred (or handled) and the maximum quantity of that substance which may be transferred (or handled). Article 8.1, paragraph 11, specifies that the skipper or captain must adhere to that which the operator of the buoy span or pole berth indicates on the basis of part c.
§ 12  Safety requirements for ships for boatmen and passenger transport

Section 12 is the former Safety Requirements for Ships for Boatmen and Passenger Transport Decision and has been inserted here as a result of the incorporation of miscellaneous municipal decisions which were based on the 2004 Rotterdam Port Bye-Laws.

The original decision was based on the following considerations:
- that in the port area of Rotterdam operations are carried out by means of ships for which no regulations exist which are connected with the safety of the sailing equipment used in relation to these operations;
- that in the port area persons are transported on ships for which no certificate of inspection is required pursuant to Article 6 of the Inland Shipping Decree, and;
- that it is necessary in the interests of order and safety in the port to stipulate requirements for these ships.

The safety requirements for the category of ships referred to here have been applicable for many years in practice and have not been subject to any objections. The requirements which have been set are clearly formulated and speak for themselves.

The only modification compared to the former decision concerns Article 12.9, third paragraph. If during the performance of duties as boatman for the mooring or unmooring of ships the prescribed radar reflector is experienced as bothersome, the boatman (skipper) may temporarily remove the radar reflector during these operations. There is a real danger that during the operations the hawsers of the mooring or unmooring ship will get stuck behind the radar reflector and cause damage or danger.
§ 13 Clean engines on inland vessels

General information
By including this new Section 13 in the 2010 Rotterdam Port Bye-Laws inland vessels will only be allowed access to the port of Rotterdam with effect from 1 January 2025 if these are fitted with diesel engines which comply with the emission values of phase II of the Inspection Regulations for Vessels Navigating on the Rhine issued by the Central Commission for Navigation on the Rhine or with the provisions set forth in Directive 97/68/EC or the provisions of any subsequent directives.

The inclusion of this Section 13 in the bye-laws is necessary in connection with the realisation of the Rotterdam Mainport Development Project and the associated subproject Land Reclamation. This subproject involves the creation of land in the North Sea for the expansion of the Rotterdam port with a maximum of a thousand hectares net of allocable port and industrial sites as well as compensatory measures for any resulting damage to the natural environment.

In the explanatory notes to the Maasvlakte 2 zoning plan the effects of Maasvlakte 2 on the air quality are described. The Maasvlakte 2 Air Quality Survey, 2008 addendum, which is based on the worst case scenario, shows that the developments made possible in this zoning plan could at a number of locations contribute to the applicable limit values for nitrogen dioxide and fine dust being exceeded.

In connection with the construction of Maasvlakte 2 a package of connected measures will therefore be taken in order to comply with the air quality requirements as included in the Environmental Management Act. One of the measures contained in this package is the limiting of emissions of hazardous substances by inland shipping by means of a prohibition for inland vessels with “polluting” engines in the port of Rotterdam. Article 13.2 establishes this prohibition with effect from 1 January 2025.

Explanation by article

Article 13.1 Definitions
In the first paragraph of Article 13.1 two terms are introduced which only relate to Section 13. First the term “commercial transport” is defined. The term “commercial transport” means the carriage of goods in the operation of a business or the practising of a profession or the carriage of goods exclusively intended for or originating from one’s own company.

Secondly a different definition is introduced for Section 13 compared to the term “inland vessel” as is used elsewhere in the Port Management Bye-Laws. The term “inland vessel” normally not only includes the “real” inland vessels but also passenger ships, pleasure craft, tugboats, the ‘brown fleet’ (charter ships), surfboards, etc. The proposed prohibition is only intended for inland vessels which carry out commercial activities and which in that capacity call in at the Rotterdam port. It is therefore necessary within this framework to formulate the term “inland vessel” in a different manner.

The term “inland vessel” is defined in Section 13 as: a ship other than a seagoing vessel which is intended for commercial transport, i.e. the transport of goods over the inland waterways in the operation of a business or the practising of a profession or the transport of goods exclusively intended for or originating from one’s own company.
Article 13.2 Prohibition of inland vessels in the port

Article 13.2 contains the actual prohibition. The party to which this article applies is, pursuant to Article 1.10 of the 2010 Rotterdam Port Management Bye-Laws, the skipper. Article 1.10 reads as follows:

Article 1.10 Party to which the standard applies
1. Unless stipulated otherwise in these bye-laws, the captain or skipper shall be responsible for compliance with the provisions stipulated under or pursuant to these bye-laws.
2. In the absence of a captain or skipper, the operator shall be responsible for compliance with the provisions stipulated under or pursuant to these bye-laws.

Pursuant to Article 13.2 it is prohibited to be in the port with an inland vessel with a diesel engine running for the purposes of propulsion which does not comply with the emission values of phase II of the Inspection Regulations for Vessels Navigating on the Rhine issued by the Central Commission for Navigation on the Rhine or does not comply with the provisions set forth in Directive 97/68/EC or the provisions of any subsequent directives.

Firstly the article provides that an inland vessel with a “polluting” engine may not be in the port. The term port is defined in Article 1.1 of the 2010 Rotterdam Port Management Bye-Laws as:

port or harbour: waters within the municipality which are open to shipping with the exception of:

1° the Nieuwe Maas;
2° the Zuiddiepje;
3° the Koningshaven;
4° the Nieuwe Waterweg;
5° the Maas estuary and its approaches;
6° the Calandkanaal, to the west of the point located 1000 metres to the east of the intersection with the axis of the Beerkanaal;
7° the Beerkanaal, to the north of the point located 1320 metres to the south of the intersection with the axis of the Calandkanaal;
8° the Breeddiep;
9° the Berghaven;
10° the Oude Maas;
11° the Delftse Schie, from the mouth of the Delfshavense Schie to the municipal boundary;
12° the Rotte, from the Prinses Irenebrug in the Terbregseweg to the municipal boundary;

Secondly it is explicitly stated that it must concern a diesel engine which is used for the purposes of propulsion. Should there be another diesel engine on board such as a ship’s generator or bow thruster engine, then these are not covered by the stated prohibition. This article clearly states that the diesel engine which is used for (the main) propulsion may not be in use (may therefore also not be left idling).

A diesel engine is a “polluting” engine if it does not comply with the emission values of phase II of the Inspection Regulations for Vessels Navigating on the Rhine issued by the Central Commission for Navigation on the Rhine or does not comply with the provisions set forth in Directive 97/68/EC or the provisions of any subsequent directives.

It is self-evident that the prohibition must also be enforced. The data regarding the emission values of the engine of an inland vessel can be found in certificates which must be present on board the inland vessel. Within the framework of the regular (environmental) inspections
which are carried out by the Harbour Master’s Division, it will be checked whether the engine of an inland vessel does not exceed the prescribed emission values.

In addition it is being investigated in which way the emission values of engines of inland vessels which call in at the port of Rotterdam from 1 January 2025 can be made centrally accessible and available to the enforcers in order to simplify enforcement.

Article 13.2 also provides that the prohibition of “polluting” engines will come into effect on 1 January 2025. The date of 1 January 2025 has been chosen as it is expected on the basis of the average replacement investments that on this date the majority of the (European) inland vessels will comply with the stipulated standards. These average replacement investments not only ensure the total replacement of a diesel engine but also the retrofitting of (accoutrements on) an existing diesel engine. In the retrofitting of an existing diesel engine of an inland vessel modifications are made such that also an existing engine complies with the stipulated emission values.

Although the prohibition will not come into effect until 1 January 2025, the prohibition is now already included in the 2010 Rotterdam Port Management Bye-Laws. The early/timely installation of the date of the coming into force of the prohibition is to timely inform the companies involved at home and abroad including the inland shipping sector, ship builders and ship engine manufacturers with regard to these regulations and their consequences. As a result they will have sufficient time for the necessary preparations and replacement investments. Furthermore, with the adoption and approval of the Maasvlakte 2 Zoning Plan in 2008 the inland shipping sector has already been informed of the intention to introduce the prohibition.

Pursuant to the second paragraph the Municipal Executive may grant exemption form the prohibition set forth in the first paragraph for inland vessels of a special nature or with a special cargo, function or destination including inland vessels which no longer actually transport goods commercially. These are for example classic/antique inland vessels which serve as museum ships or inland vessels which have been converted for other purposes. Although these ships could still carry goods they are no longer intended for this and on the basis of the second paragraph the Municipal Executive may grant exemption in such special cases.
§ 14 Enforcement

Article 14.1 Instructions
On the basis of this article the Municipal Executive may issue instructions in the interests of order and safety in or in the surroundings of the port, in particular for the control of shipping traffic and berthing and for the prevention of danger, damage or hindrance. This instruction may be issued verbally or in writing.

Article 14.2 Penal provision
Violation of the provisions under or pursuant to these bye-laws will be punished with imprisonment of not more than three months or a fine of the second category.

Article 14.3 Supervisory officials
In this article the supervisory officials are designated. The first paragraph has been brought in line editorially with the model provision from instruction 90 of the Instructions for Regulations for Local and Regional Authorities. This includes a model provision regarding the designation of persons charged with the supervision of compliance. Article 5:17 of the General Administrative Law Act regulates the powers of a supervisory official to demand the inspection of business information and documents. Article 5:18 of the General Administrative Law Act regulates the powers of a supervisory official to investigate matters, subject these to inspection and to take samples thereof.

It should be noted with regard to the designation of investigating officers that in Article 142, first paragraph, opening words and under c, of the Code of Criminal Procedure, it is provided that with the investigation of punishable offences as special investigating officers are charged the persons who have been charged with the supervision of the compliance therewith insofar as these persons have been sworn in. The supervisory officials who have been designated in this article, therefore also have investigative powers. As special investigating officers derive their designation from the Code of Criminal Procedure no further regulations are required in these bye-laws; the designation as supervisory official forms the basis for this. The special investigating officers must comply with the requirements of professional competence and reliability pursuant to the Special Investigating Officer Decree. They must also have been sworn in by the immediate supervisory official, being the Chief of Police of the Rotterdam unit.

The obligation to cooperate is in a general sense regulated in Article 5:20 of the General Administrative Law Act: "everyone is obliged to give his full cooperation to a supervisory official which the latter may reasonably demand in the exercising of his powers within the reasonable period set by him". This obligation envisages to cover all conceivable forms of cooperation including the provision of information and the handing over of demanded information and documents.

Article 14.4 Entry of residential premises
Article 5:15 of the General Administrative Law Act provides that a supervisory official is authorised to enter every place with the exception of a dwelling without the prior permission of a resident. For this reason Article 14.4 only provides in which cases supervisory officials or investigating officers are authorised to enter a dwelling without permission of the resident. The authority to enter is based on Article 149a of the Municipalities Act. In principle use can only be made of this power if a warrant has been issued pursuant to the General Act on Entry into Dwellings. It should be noted that the term “dwelling” must also be understood to mean a dwelling on board a ship.
§ 15 Amendments to other bye-laws

In Section 15 certain references to the former 2004 Rotterdam Port Bye-Laws in the 2008 Rotterdam General Municipal Bye-Laws and the 2010 Rotterdam Inner Port Dues Bye-laws have been changed into 2010 Rotterdam Port Management Bye-Laws.
§ 16 Transitional and closing provisions

Article 16.1 Revocation of former bye-laws
In Article 16.1 the following regulations are revoked:
- 2004 Rotterdam Port Bye-Laws;
- 2007 Port Regulations regarding Dangerous Substances;
- Safety Requirements for Ships for Boatmen and Passenger Transport Decision;
- Service Vessels Implementation Decision;
- List of berths for commercial inland shipping in waters administered by the Port of Rotterdam Authority;
- Decision regarding Recognition of Training Courses for Boatmen, Municipal Gazette 2004, number 172;

Article 16.2 Transitional law
In Article 16.2 the transitional law is regulated. The first paragraph provides that decisions issued pursuant to the regulations referred to in Article 16.1 will remain valid after the coming into force of these bye-laws under the conditions and restrictions applicable at the time. Furthermore, a permit issued 3 years ago with a validity period of 5 years will, also under these new Port Management Bye-Laws remain valid for a further 2 years. This is referred to as "nonretroactive effect".

The second paragraph regulates that applications for a permission which have been submitted prior to the coming into force of the Rotterdam Port Management Bye-Laws and which have not yet been decided upon will be dealt with on the basis of the new law.

The third paragraph provides that if an objection has been lodged against a decision regarding a permission which is based on the regulations referred to in Article 16.1, this objection will be dealt with pursuant to the 2010 Rotterdam Port Management Bye-Laws (the new law is thus applied).

Article 16.3 Entry into force
The regulations will come into force at a time still to be determined by the Municipal Executive and the decision will be published in the Municipal Gazette.

Article 16.4 Official Title
The official title of these bye-laws will be "2010 Rotterdam Port Management Bye-Laws" or "2010 RPMBL".
Appendices to the 2010 Rotterdam Port Management Bye-Laws

Appendix I: Zoning regulations
The extensive appendices to the previous port regulations have been condensed into one single clear Appendix I. This new appendix contains a table from which can be deduced which distance to a residential concentration must be observed when a ship carrying a certain quantity of dangerous substances wishes to berth in the port. The dangerous substances are identified with the international codes on the basis of the IMO IMDG Code. With the allocation of berths by the Harbour Master of Rotterdam these so-called zoning regulations are taken into account.

Appendix II: Lapsed

Appendix III: Substances as referred to in Articles 8.1 and 10.1

Appendix IV: LNG Bunker Checklist – Truck to Ship

Appendix V: LNG Bunker Checklist – Ship to Ship

Appendix VI: LNG Bunker Checklist – Shore to Ship

Appendix VII: Debunkering Checklist
### Appendix I as referred to in Articles 7.1 and 7.2 of the 2010 Rotterdam Port Management Bye-Laws

<table>
<thead>
<tr>
<th>IMDG Class</th>
<th>Zone A: Seagoing vessels and inland vessels 0-100 m to a residential concentration</th>
<th>Zone B: Seagoing vessels 100-300 m to a residential concentration</th>
<th>Zone C: Seagoing vessels 300-500 m to a residential concentration</th>
<th>Zone D: Seagoing vessels 500-1500 m to a residential concentration</th>
<th>Outer zone Seagoing vessels Min. 1500 m to a residential concentration</th>
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<tbody>
<tr>
<td>1.1&gt;1.6</td>
<td>Prohibited for: Total quantity: Class 1.1, 1.2, 1.5: &gt;125 kg Class 1.3, 1.4 (excluding 1.4S): &gt;500 kg Class 1.4S: &gt;1000 kg</td>
<td>Prohibited for: Total quantity: Class 1.1, 1.2, 1.5 &gt;500 kg Class 1.3, 1.4 &gt;30,000 kg</td>
<td>Prohibited for: Total quantity: Class 1.1, 1.2, 1.5 &gt;30,000 kg Class 1.3, 1.4 &gt;120,000 kg</td>
<td>Unrestricted</td>
<td>Unrestricted</td>
</tr>
<tr>
<td>2.1</td>
<td>Prohibited for: total quantity class 2.1 &gt;10,000 kg</td>
<td>Prohibited in packaged form with a cargo &gt;13,000 kg for UN numbers: 1032, 1036, 1041, 1061, 1063, 1083, 1085, 1087, 1092, 1238, 1239, 1889, 2334, 2477, 2480, 2482</td>
<td>Unrestricted</td>
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</tr>
<tr>
<td>2.2</td>
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<td>Unrestricted</td>
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</tr>
<tr>
<td>2.3</td>
<td>Prohibited for UN numbers: 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2676</td>
<td>Unrestricted for UN numbers: 1008, 1016, 1023, 1045, 1071, 1612, 1660, 1859, 1911, 1953, 1955, 2190, 2198, 2417, 2451, 2600, 3303, 3304, 3305, 3306</td>
<td>Prohibited in packaged form with a cargo &gt;13,000 kg.</td>
<td>Prohibited with more than 10 tank containers (each &gt;13,000 kg) on board with UN number 1017, 1067 of 1082</td>
<td>Prohibited with more than 5 tank containers with UN number 1017, 1067 or 1082 if loading and/or unloading operations will be carried out with these containers.</td>
</tr>
<tr>
<td>3</td>
<td>Prohibited for UN numbers: 2478, 2481, 2486</td>
<td>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers: 2478, 2481, 2486</td>
<td>Prohibited in packaged form with a cargo &gt;13,000 kg for UN numbers: 2478, 2481, 2486</td>
<td>Unrestricted</td>
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<td>4.1&gt;4.3</td>
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<td>5.1</td>
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</tr>
<tr>
<td>5.2</td>
<td>Prohibited for: total quantity class 5.2 &gt;10,000 kg</td>
<td>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers: 2478, 2481, 2486</td>
<td>Prohibited in tank containers with a cargo &gt;13,000 kg for UN numbers: 2478, 2481, 2486</td>
<td>Unrestricted</td>
<td>Unrestricted</td>
</tr>
<tr>
<td>6.1</td>
<td>Prohibited for UN numbers: 1051, 1092, 1238, 1239, 1614, 1889, 2334, 2477, 2480, 2482</td>
<td>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers: 1051, 1092, 1238, 1239, 1614, 1889, 2334, 2477, 2480, 2482</td>
<td>Prohibited in tank containers with a cargo &gt;13,000 kg for the UN numbers: 1092, 1238, 1239, 1889, 2334, 2477, 2482</td>
<td>Unrestricted</td>
<td>Unrestricted</td>
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<tr>
<td>6.2</td>
<td>Falls under the GMO Decision and food and consumer product legislation</td>
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<tr>
<td>7</td>
<td>Prohibited for UN numbers: 2977, 2978. Falls under the Nuclear Energy Act</td>
<td>Prohibited for UN numbers: 2977, 2978. Falls under the Nuclear Energy Act</td>
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<td></td>
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<td>8</td>
<td>Prohibited for UN numbers: 1052, 1744, 1786, 1790</td>
<td>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers: 1052, 1744, 1786, 1790</td>
<td>Prohibited in packaged form with a cargo &gt;13,000 kg for UN numbers: 1052, 1744, 1786, 1790</td>
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</tr>
<tr>
<td>9</td>
<td>Unrestricted</td>
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<td>Unrestricted</td>
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</tr>
</tbody>
</table>

Weights in this appendix apply to the substances and the packaging, container weight is not taken into account. The total quantities of class 1 may not exceed the quantities as specified in the Carriage of Dangerous Goods by Seagoing Ships Regulations.
Appendix II
Lapsed
Appendix III as referred to in article 10.1, first paragraph, of the Rotterdam Port Management Bye-Laws 2010

The substances referred to in article 10.1, first paragraph, of the Rotterdam Port Management Bye-Laws 2010 are:

<table>
<thead>
<tr>
<th>Generic name</th>
<th>UN number</th>
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<tbody>
<tr>
<td>- benzene</td>
<td>1114</td>
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<tr>
<td>- benzene containing mixtures</td>
<td>several UN numbers possible</td>
</tr>
<tr>
<td>- ethyl acrylate</td>
<td>1917</td>
</tr>
<tr>
<td>- formaldehyde solution</td>
<td>1198 or 2209</td>
</tr>
<tr>
<td>- isobutyl acrylate</td>
<td>2527</td>
</tr>
<tr>
<td>- isobutyaldehyde</td>
<td>2045</td>
</tr>
<tr>
<td>- isopropylamine</td>
<td>1221</td>
</tr>
<tr>
<td>- methyl acrylate</td>
<td>1919</td>
</tr>
<tr>
<td>- n-butylacrylate</td>
<td>2348</td>
</tr>
<tr>
<td>- n-butyraldehyde</td>
<td>1129</td>
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<tr>
<td>- propylene oxide</td>
<td>1280</td>
</tr>
<tr>
<td>- styrene</td>
<td>2055</td>
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<td>- turpentine</td>
<td>1299</td>
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