

## **2020 Rotterdam Port Bye-Laws**

The Council of the Municipality of Rotterdam,

Have read the proposal of the mayor and aldermen of 5<sup>th</sup> November 2019 (council proposal no. 19bb22596);

regarding to Articles 147 and 156(3) of the Municipalities Act;

### **Decides to enact:**

2020 Rotterdam Port Bye-Laws, including the appendices:

- Appendix 1 as referred to in Articles 4.11 and 6.3 of the Rotterdam Port Bye-Laws 2020
- Appendix 2 as referred to in Article 7.1 of the 2020 Rotterdam Port Bye-Laws
- Explanatory notes to the 2020 Rotterdam Port Bye-Laws

Non Authoritative Translation

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## Section 1 General provisions

### Article 1.1 Definitions

In the provisions laid down by or pursuant to these Bye-Laws, the following definitions apply:

- additives: materials that are required on board a ship for operating the drive system or auxiliary equipment;
- ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways;
- authorisation: permit, dispensation, accreditation or exemption;
- auxiliary equipment: machines, apparatus or installations on a ship that support propulsion or provide a power supply;
- boatman: a person who, for the purpose of exercising his profession, fastens or releases the moorings of a seagoing ship;
- boatmen's organisation: an organisation of boatmen that takes action to guarantee the professional competence of boatmen and arranges the required equipment;
- bunker ship: ship used for bunkering;
- bunkering permit: permit for delivering or de-bunkering solid, liquid or gaseous fuels or any other energy source that is used to power ships or for the general or specific supply of energy on board ships;
- bunkering: delivering solid, liquid or gaseous fuels or any other energy source that is used to power ships or for the general or specific supply of energy on board ships;
- captain: the person who is factually in command of a seagoing ship;
- cargo residues: the residues of cargo left behind in the holds or tanks on board a ship after loading, unloading or cleaning, including residues resulting from spillage;
- checklist: list used to check the transshipment of dangerous goods, bunkering, de-bunkering or bringing additives on board;
- closed cleaning: any operation aimed at or associated with cleaning, making cargo tanks or slop tanks on a tanker gas-free or vapour-free in a way that ensures that no emissions to the atmosphere take place during the operation, including the use of a vapour recovery facility;
- combination tanker: seagoing ship designed to transport unpackaged liquid cargo or dry cargo in alternation;
- combustible fluid: a fluid with flammability as the only dangerous property;
- dangerous goods: goods that (potentially) present a risk of explosion, fire, corrosion, poisoning, intoxication or radiation, such as those identified in:
  - a. the IBC Code;
  - b. the IGC Code;
  - c. the IMDG Code
  - d. the IMSBC Code, or;
  - e. the ADN;
- de-bunkering: removing solid, liquid or gaseous fuels or any other energy source that is used to power ships or for the general or specific supply of energy on board ships;
- establishment: establishment or facility within the meaning of the Wet algemene bepalingen omgevingsrecht [Environmental Permitting (General Provisions) Act];
- flashpoint: the lowest temperature at which vapour from a liquid forms a combustible mixture with air;
- fumigation: treatment with gases or chemicals that emit vapours;
- harbour master: harbour master within the meaning of article 2.1;

- harmful substances: substances that have been designated or named as such under the provisions of, or pursuant to, the Prevention of Pollution from Ships Act [Wet voorkoming verontreiniging door schepen];
- IBC Code; International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk issued by the IMO, or Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk issued by the IMO;
- IGC Code; International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk issued by the IMO, or Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk issued by the IMO;
- IMDG Code: International Maritime Dangerous Goods Code;
- IMO: International Maritime Organisation of the United Nations;
- IMSBC Code: International Maritime Solid Bulk Cargoes Code;
- inert atmosphere: an atmosphere in a cargo tank or slop tank where the oxygen content has been reduced to no more than 8% by volume by adding an inert gas under positive pressure;
- inland tanker: inland shipping vessel , built for or modified for the purpose of transporting unpackaged liquid cargo in cargo tanks;
- buoy span: 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;
- inland vessel: a ship that is not a seagoing ship;
- ISGINTT: International Safety Guide for Inland Navigation Tank-barges and Terminals;
- ISGOTT: International Safety Guide for Oil Tankers and Terminals;
- 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;
- LNG fuel: LNG that is used as a fuel for ship propulsion or auxiliary equipment on a ship;
- LNG: Liquefied Natural Gas;
- LNG-powered ship: ship that uses LNG fuel for propulsion, possibly in combination with other fuels;
- marine chemist: safety specialist who is in possession of a 'Gasdeskundige' (marine chemist safety specialist) certificate of proficiency within the meaning of Section 3.5(h), fourth paragraph, of the Working Conditions Decree [Arbeidsomstandighedenbesluit];
- MARPOL: International Convention for the Prevention of Pollution from Ships, 1973, as amended;
- municipal executive: the mayor and aldermen;
- notice with the same effect as a traffic sign: a written communication to shipping traffic that indicates to that traffic:
  - a. information regarding the status of a particular place in or a particular part of a shipping lane, or;
  - b. information, a recommendation, a command or prohibition, alternatively discontinuation of a command or prohibition relating to behaviour of the traffic in a particular place or in a particular part of a shipping lane;
- open cleaning: any operation aimed at or associated with cleaning, making cargo tanks or slop tanks on a tanker gas-free or vapour-free in a way that may allow the release of emissions into the atmosphere;

- open flame: flame, sparks and any surface within a distance of 25 metres from a dangerous substance, which is at a temperature equal to or higher than the minimum ignition temperature of that substance;
- operational space: an area limited in length, width or height, where ships can berth in order to carry out their activities;
- operator: owner, manager, bareboat charterer or any other person who controls use of the ship;
- 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;
- passenger ship: any ship designed to transport more than 12 passengers and that has adequate and valid certification;
- 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;
- passenger transport: the transport of persons in return for payment;
- petroleum harbour: area designed for handling a tanker carrying a dangerous liquid cargo, with the exception of a number of harmful substances;
- location-specific risk: a risk in a location outside an establishment stated as an annual probability of death for a person present in that location uninterruptedly and without protection as a direct result of an exceptional incident inside that establishment involving a dangerous substance or dangerous waste;
- port: the following waters, harbours or waterways, as well as all civil engineering structures, slipways, docks, ship repair yards and loading and unloading locations associated with those waters that are open to shipping within the city boundaries:
  - a. the Dutch national waterways;
  - b. all tidal waters, harbours or waterways located on the Dutch national waterways to the west of the Erasmus Bridge and to the west of kilometre sign 998 in de Oude Maas as far as the breakwaters of Hoek van Holland, with the exception of the Veerhaven;
  - c. the Watertorenhaven;
  - d. the Nassauhaven;
  - e. the Persoonshaven;
  - f. the RWS haven;
  - g. the Zout Zieperhaven;
  - h. the Coolhaven;
  - i. the Thelfshavense Schie;
  - j. the Alblashaven;
  - k. the Bornissehaven;
  - l. the Gantelhaven;
  - m. the Lingehaven;
  - n. the Peltserhaven;
- reception facility: facility for the reception of ship-generated waste, other harmful substances or residues of harmful substances;
- reception of ship-generated waste and cargo residues: reception of ship-generated waste and cargo residues by a fixed, floating or mobile unit that is designed to receive ship-generated waste or cargo residues as described in Directive 2000/59/EC of the European Parliament and the Council, or as subsequently amended or revised;
- recreational craft: ship designed or used for sports or leisure purposes;
- Dutch national waterways:

- a. the Nieuwe Maas;
- b. the Zuiddiepje;
- c. the Koningshaven;
- d. the Nieuwe Waterweg;
- e. the Breddiep;
- f. the Scheur;
- g. the Oude Maas;
- seagoing ship: a ship which, by nature of its design, is intended solely or principally for navigation at sea;
- seagoing tanker ship: seagoing ship, built or modified for the purpose of transporting unpackaged liquid cargo in its cargo tanks;
- service ship: any ship used to provide the following services:
  - a. services relating to repair or cleaning, either open, closed or otherwise;
  - b. delivering or collecting ship's stores or ship's parts, or;
  - c. a reception facility;
- ship: any vessel including a seaplane, hydrofoil, hovercraft, drilling platform, production platform or similar object, a dredger, floating crane, elevator, pontoon, barge, floating equipment, floating object or floating installation;
- ship's waste: waste, including sanitary waste, and residues, other than cargo residues, arising during the operation of a seagoing ship and falling within the scope of Annexes I, IV, V and VI of MARPOL 73/78, and cargo-associated waste as defined in the Guidelines for the implementation of Annex V of MARPOL 73/78;
- shipyard: shipyard or repair shop for the repair or maintenance of ships;
- shuttle services: the transport of persons to and from seagoing vessels in return for payment;
- skipper: the person who is factually in command of an inland shipping vessel;
- slop tank: tank on board a ship intended to hold cargo residues of harmful, combustible or other dangerous liquids (slops), mixed with water or otherwise;
- StSTGP: Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases;
- Tanker: inland shipping tanker or seagoing tanker;
- transshipment: loading or unloading cargo into or out of a ship;
- vapour recovery facility: fixed or mobile system, not fitted in a vapour return line, for capturing cargo vapours when making empty or unloaded tanks and the incoming and outgoing hoses attached to them gas-free or vapour-free;
- vapour return line: a vapour pressure equalisation system between the cargo tanks involved in direct transshipment, designed to ensure that transshipment takes place without releasing emissions or during the transshipment of hazardous or noxious substances;
- vapour: the atmosphere above a liquid substance resulting from a certain pressure exerted by that liquid substance;
- vegetable or animal oils: oils and fats extracted from seeds or the fruit of plants or trees, or oils and fats of animal origin;
- safety contour: safety contour as specified in the:
  - a. Decree establishing the Safety Contour Botlek-Vondelingenplaat;
  - b. Decree establishing the Safety Contour Maasvlakte 1 and Maasvlakte 2,
  - c. Decree establishing the Safety Contour Europoort and Landtong,
  - d. Decree establishing the Safety Contour Eemhaven en distripark, Albrandswaard, or;
  - e. Decree establishing the Safety Contour Waalhaven;
 of the Provincial Executive of South Holland and the Municipal Executive of Rotterdam of 4 February 2014, 11 Octobre 2016 and 15 May 2018;

- venting: the process of allowing open cargo tanks or slop tanks to dry by venting them to the atmosphere after they have been washed with water or otherwise cleaned;
- volatile organic compounds: an organic compound of an anthropogenic nature other than methane, having a vapour pressure of 1 kPa or more at 293.15 Kelvin, or having a corresponding volatility under the specific conditions of use;
- vulnerable object: object within the meaning of Section 1, part I, of the Besluit externe veiligheid inrichtingen [Public Safety (Establishments) Decree];
- work boat: any vessel that carries out maintenance work on the port infrastructure, with the exception of a vessel carrying out dredging work;
- residential concentration: at least two homes on one hectare of land;

#### **Article 1.2 Where do these rules apply?**

1. These bye-laws shall apply in the port.
2. The provisions in or pursuant to Section 11, with the exception of part 3 and 4, do not apply to ships sailing on Dutch national waterways.
3. As far as passenger transport of 12 persons or fewer excluding the crew is concerned, Article 11.1.3 also applies to all waters within the municipality insofar as they are subject to tidal conditions, with the exception of ships sailing on Dutch national waterways.

#### **Article 1.3 To whom do these Bye-Laws apply?**

1. The captain or skipper is responsible for compliance with the provisions of or pursuant to these Bye-Laws, unless otherwise stipulated in these Bye-Laws.
2. If a captain or skipper is not present on the ship, the operator is responsible for compliance with the provisions of or pursuant to these Bye-Laws.

#### **Article 1.4 Decision period for authorisations**

1. The municipal executive shall come to a ruling on a request for an authorisation within eight weeks of receiving the request.
2. The municipal executive may extend the period by a maximum of eight weeks.

#### **Article 1.5 Requirements and restrictions**

1. The municipal executive may attach requirements and restrictions to an authorisation or designation. These requirements and restrictions are intended to protect the interest or interests associated with the authorisation or designation in question.
2. The person/party to whom an authorisation or designation is granted shall comply with the regulations and limitations attaching to it.

#### **Article 1.6 Refusal, amendment or revocation of an authorisation**

The municipal executive can refuse, amend or revoke the authorisation if:

- a. incorrect or incomplete information was supplied with the application;
- b. if this is necessary to protect safety, security, order, the environment in the port or around the port, as well as the quality of the service provision;
- c. the regulations and limitations attaching to the authorisation have not been or are not complied with;
- d. the authorisation is not used within a period specified therein, or, in the absence of a specified period, within a reasonable period of time, or;
- e. the holder of this authorisation requests this.

**Article 1.7 Period of validity**

1. The authorisation is valid for a maximum of 5 years.
2. Contrary to the provisions of the first subclause, an accreditation may be granted for an indefinite period of time.

**Article 1.8 Obligation to keep authorisations on board**

1. The authorisation or a (digital) copy thereof that relates to a ship must be kept on board the ship.
2. This provision does not apply to a barge.

**Article 1.9 Dispensation and exemption from commands and prohibitions**

1. If requested to do so, the municipal executive may grant dispensation or exemption from the prohibitions and commands provided for in or pursuant to these Bye-Laws.
2. The municipal executive shall only use this power if:
  - a. it does not adversely affect order, safety, security, the environment in the port or in the area surrounding the port, and;
  - b. the applicant demonstrates that all purposes referred to under (a) continue to be served to at least the same extent.

**Article 1.10 Notifications to the harbour master**

Submission of a notification, which is mandatory on the grounds of the provisions of or pursuant to these Bye-Laws, takes place in the way and at the time indicated by the harbour master, and the harbour master may also determine what information is to be submitted.

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**Section 2 Harbour master**

**Article 2.1 Appointment of the harbour master**

The municipal executive appoints the harbour master.

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### **Section 3 Order in and use of the port**

#### **Article 3.1 Traffic signs and notices having the same effect as a traffic sign**

1. The municipal executive may place the traffic signs that are identified in the Binnenvaartpolitiereglement [Inland Waterways Police Regulations] and add further information to those traffic signs.
2. A traffic sign and the associated additional information must be observed.
3. The provisions of the first and second subclauses apply mutatis mutandis to a notice having the same effect as a traffic sign.

#### **Article 3.2 Designation of berthing areas and berthing periods**

The municipal executive may designate areas where specific categories of ships may or may not be present, including berthing. The municipal executive may indicate periods during which the designation applies in the instruction.

#### **Article 3.3 Berthing**

A ship may only berth if this occurs:

- a. in accordance with the traffic signs erected at that location and additional information communicated on those traffic signs;
- b. in accordance with a notice having the same effect as a traffic sign;
- c. in berths located at a mooring facility with the consent of a renting party, leaseholder or owner, unless the municipal executive does not allow use of a berth for reasons of order, safety or the environment.

#### **Article 3.4 Proper mooring**

1. A ship is moored properly and safely.
2. A seagoing vessel which is moored shall be berthed lengthways in relation to another moored vessel with due regard to the following spacing:
  - a. 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;
  - b. 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.

#### **Article 3.5 Raising ships**

A ship may only be raised using appropriate equipment if that ship is located in an area designated for this purpose by the municipal executive.

#### **Article 3.6 Use of propellers, bow thrusters or stern thrusters**

1. A ship may not use propellers, bow thrusters or stern thrusters when:
  - a. it is grounded;
  - b. it is moored, anchored or on spud poles;
  - c. it is kept at a short distance from the quay or shore, or;
  - d. the propellers, bow thrusters or stern thrusters are used to press the vessel against the quay or shore, other than immediately before unmooring or mooring.
2. The provisions in subclause 1(b) do not apply if the ship is moored to another ship and must turn one way or the other to prevent damage.
3. If the propellers, bow thrusters or stern thrusters of a ship are in operation, a person who is qualified to sail the ship must be present in the wheelhouse.
4. The provisions of the third subclause do not apply when the ship:

- a. is in the process of mooring or unmooring;
- b. has a length of no more than 35 metres;
- c. may navigate with a single crew member pursuant to the required valid certificate, within the meaning of the Binnenvaartwet [Inland Navigation Act], and;
- d. has a single crew member, being the skipper, who is the only person on board.

### **Article 3.7 Use of anchors and spud poles**

1. An anchor or a spud pole may only be used:
  - a. in the areas designated by the municipal executive;
  - b. in accordance with the traffic signs erected at that location and additional information communicated on those traffic signs, or in accordance with a notice that has the same effect as a traffic sign, or;
  - c. if the use thereof shall not cause any damage or may cause any damage to infrastructure, underground infrastructure installed in the seabed or shore or quay defences.
2. If an anchor or spud pole is used in a situation as referred to in subclause 1(c), this must be reported in advance to the harbour master.
3. The provision stated in the first subclause does not apply to an anchor when used by a seagoing ship based on a pilot's advice:
  - a. when mooring, or;
  - b. to avoid a collision.

### **Article 3.8 Nuisance to ships**

Only authorised parties may secure a ship, be present on a ship or release a ship.

### **Article 3.9 Notifying an operational malfunction, a defect, damage or a collision**

Operational malfunctions, defects or damage to or on board a ship that may lead to a dangerous situation, or cause damage or nuisance for the ship or the surroundings, or a collision, must be notified immediately to the harbour master.

### **Article 3.10 Reporting obligation for seagoing ships**

1. Reserved
2. A seagoing ship belonging to a category of seagoing ships to be determined by the municipal executive and that is under way from or to a berth located within the municipal boundaries, must report information to be determined by the municipal executive to the harbour master with regard to:
  - a. its arrival;
  - b. its departure;
  - c. shifting of the ship;
  - d. the position of the ship;
  - e. information relating to the nautical service providers to be used and the ship's agent;
  - f. information relating to the ship;
  - g. the cargo it carries, and;
  - h. details of the voyage to be undertaken.
2. This article does not apply if its provisions are already regulated for by or pursuant to the Besluit meldingsformaliteiten en gegevensverwerkingen scheepvaart [Shipping (Reporting Formalities and Data Processing) Decree] and the Binnenvaartpolitierglement [Inland Waterways Police Regulations].

### **Article 3.11 Operational space for berths**

1. The municipal executive can designate the operational space for a berth.
2. The municipal executive may lay down additional rules relating to the nautical use of the operational space.
3. The renting party, leaseholder or owner of the mooring facility for the berth may only allow ships to moor within the operational space.
4. After notifying the harbour master, bunker ships or service ships may moor at a berth partially or fully outside the operational space in order to perform their activities.

### **Article 3.12 Measures following withdrawal from commercial service**

1. The municipal executive may impose measures to protect the safety, security, organisational or environmental interests of a ship, if:
  - a. that ship does not possess the necessary certificates;
  - b. that ship, the cargo or the bunkers have been seized;
  - c. that ship has been laid up, or;
  - d. that ship has been withdrawn from nautical or commercial service.
2. The person/entity on which the measures have been imposed is obliged to comply with them.

### **Article 3.13 Facilities in the port**

Facilities or objects may be positioned or installed in, on, below or above the water on condition that:

- a. this does not result in possible danger, damage or nuisance; or
- b. they are related to the presence, positioning or installation of auxiliary ship equipment and facilities, and are in use as such, for loading or unloading a ship.

## **Section 4 Safety and the environment in the port**

### **Article 4.1 Pollution and nuisance caused by ships**

It is prohibited:

- a. to release substances from a ship which (may) result in danger, damage or nuisance, or;
- b. to use a waste incinerator on board a ship in the port.

### **Article 4.2 Prohibition on the use of a generator, main engine and auxiliary engine**

1. The municipal executive may designate areas where the use of a generator or a main engine or auxiliary engine on board an inland shipping vessel is prohibited.
2. Operation of a generator or a main engine or auxiliary engine on board a ship is permitted directly before the departure and directly after the arrival of a ship in a designated area.

### **Article 4.3 Ships causing danger, damage or nuisance**

If, in the opinion of the municipal executive, a ship causes or may cause danger, damage or nuisance, or disrupt order in the port or in the environment of the port, or endangers, or may endanger safety, the municipal executive is empowered to:

- a. impose a prohibition to prevent the crew from entering the port with that ship, staying in the port or being present with that ship at a berth;
- b. give verbal or written instructions to the captain, the skipper or the operator of the ship that is staying in the port or is moored at a berth.

### **Article 4.4 Safe access**

1. A moored ship has a point of access that cannot cause any danger or damage.
2. An inland shipping vessel does not have to have a point of access if:
  - a. the factual situation makes this impossible as a result of loading or unloading operations, or;
  - b. it is only moored for a short period.

### **Article 4.5 Performance of activities**

1. Any person may carry out activities or have others carry out activities on a ship or an object on board a ship that is related to the ship or object's operability, or to a modification of, repair of or improvement to the ship or the object, if:
  - a. the ship is berthed in or at a shipyard, or;
  - b. the activities:
    - 1°. require no more than 7 x 24 consecutive hours;
    - 2°. does not cause or is not likely to cause danger, damage or nuisance;
    - 3°. takes place at least 25 metres away from dangerous goods or combustible material;
    - 4°. is carried out and during the work efficient fire extinguishing equipment and persons who are familiar with the use of this equipment are immediately available, and;
    - 5°. does not cause or is not likely to cause sparks in the outside air if the ship is berthed in an petroleum harbour.
2. Activities on a tanker, or on or in a fuel tank of a ship that causes or may cause danger, damage or nuisance may only take place if a marine chemist has:
  - a. issued a safety and health declaration, or;

- b. it has been established that a safety and health declaration is not required.
- 3. Nobody may carry out activities on the LNG installations of a ship, unless the work is carried out in or at a shipyard.
- 4. Scrapping activities on a ship may only be carried out if the ship is berthed in or at a facility which is authorised to carry out these scrapping activities.
- 5. Prior to the commencement of activities on a seagoing ship as referred to in subclause 1(b), and subclause 2, a notification shall be submitted to the harbour master.

#### **Article 4.6 Fumigation**

The municipal executive may designate berths where a ship may be berthed for the purpose of fumigating the ship or its cargo.

#### **Article 4.7 Cargo that has been fumigated of disinfected abroad**

- 1. A ship carrying a solid bulk cargo, that has been fumigated, may only berth or be moored at a berth, if:
  - a. no operational actions are carried out during and after berthing;
  - b. the holds and ventilation openings in the holds are closed, and;
  - c. nautical and operational handling of the ship takes place in accordance with a plan of action.
- 2. The plan of action is adopted by the municipal executive. Everyone is obliged to adhere to the adopted plan of action.

#### **Article 4.8 Permit for the reception of waste from seagoing ships**

The reception of ship-generated waste and cargo residues from seagoing ships is only permitted if a permit for the use of the reception facility has been issued by the municipal executive.

#### **Article 4.9 Minimum requirements for the reception of waste from seagoing ships**

- 1. The municipal executive may set minimum requirements for the permit holder and the permit for the reception of ship-generated waste and cargo residues.
- 2. These minimum requirements may relate to:
  - a. the professional qualifications of the permit holder, the permit holder's staff or the natural persons who effectively and permanently manage the permit holder's activities;
  - b. the permit holder's financial means;
  - c. the equipment necessary for the reception of ship-generated waste and cargo residues under normal and safe conditions and the ability to maintain this equipment to the required standard;
  - d. the availability to receive ship-generated waste and cargo residues for all users, at all berths and without interruptions, day and night, all year round;
  - e. compliance with requirements relating to maritime safety or the safety and security of the port or access to the port, its installations, equipment and workers and other persons;
  - f. compliance with local, national, European and international environmental requirements, or;
  - g. the integrity of the permit holder, as determined in accordance with any applicable national law on integrity, taking into account compelling reasons to doubt the integrity of the provider of port services.

#### **Article 4.10 Permit for mobile vapour recovery facility**

A mobile vapour recovery facility may only receive vapours from cargo residues from a tanker if a permit for its use has been issued by the municipal executive.

#### **Article 4.11 Cleaning and ventilating tanker cargo tanks or slop tanks**

1. A tanker may only clean its cargo tanks or slop tanks when closed if they contain the following substances:
  - a. a dangerous or harmful substance which, pursuant to the IBC Code or the ADN, must be transported in a tank with a connection for a vapour return pipe, or in a closed container, or;
  - b. a substance as referred to in annex 2, or;
  - c. a volatile organic compound.
2. A tanker may clean its cargo tanks or slop tanks when open in cases where the tanks do not have to be closed pursuant to the first subclause.
3. Cargo tanks of a tanker carrying liquefied gases as defined in the ADN or IGC Code may only be cleaned when the ship is moored at a berth:
  - a. at a facility that is allowed to carry out these cleaning activities, and;
  - b. this facility recovers the residues of the liquefied gases.
4. Cargo tanks or slop tanks of tankers may only be ventilated if, after cleaning, they still contain residues of dangerous goods that:
  - a. are combustible and the atmosphere in the cargo tanks is below ten per cent of the lower explosion limit, or;
  - b. are toxic and the atmosphere in the cargo tanks is below the limit value referred to in Section 4.3, first paragraph, of the Arbeidsomstandighedenbesluit [Dutch Working Conditions Decree].
5. Contrary to the first subclause, cargo tanks or slop tanks of an inland shipping tanker, empty of goods as referred to in ADN number 7.2.3.7.1.3 (not T substances) may, at the locations designated for that purpose by the harbour master, be cleaned or ventilated when open in accordance with the provisions of paragraph 7.2.3.7 of the ADN.
6. The provisions of subclauses 4 and 5 do not apply to substances listed in Annex 2.
7. The municipal executive may lay down rules regarding the limitation or prohibition of cleaning or ventilation outside facilities if the atmospheric or local conditions are such that release of the substances in question causes or may cause danger, damage, odour nuisance or nuisance.
8. A notification shall be submitted to the harbour master prior to cleaning or ventilation.

#### **Article 4.12 Berthed alongside during open cleaning and ventilation of cargo tanks or slop tanks of seagoing tankers**

Berthing alongside a seagoing tanker whose cargo tanks contain, or last contained, dangerous liquid substances and are being cleaned or ventilated in the open condition, is permitted as follows, on each side:

- a. one seagoing tanker, or;
- b. a maximum of two inland shipping tankers, certified in accordance with the ADN.

#### **Article 4.13 Transshipment between ships and mobile shore-based facilities**

1. The following prohibitions apply regarding the movement of dangerous or harmful liquids between a ship and a mobile shore-based facility:
  - a. they may not be transshipped;
  - b. they may not be bunkered or de-bunkered as fuel, energy sources or additives in an area or berth that is not designated pursuant to article 8.1, second subclause or article 8.5, second subclause, or;
  - c. be collected as ship-generated waste or cargo residues;  
unless this activity is performed by/under the supervision of a facility where these activities may be carried out.
2. Contrary to the provisions of subclause 1(c), the municipal executive may designate areas or berths where collection by means of a mobile facility is permitted.

Non Authoritative Translation

## **Section 5 Petroleum harbours**

### **Article 5.1 Petroleum harbours**

The municipal executive may designate petroleum harbours.

### **Article 5.2 Authorised ships in the petroleum harbour**

1. A ship may only be present in a petroleum harbours if:
  - a. it is a tanker;
  - b. the ship is using, has used or shall use the port infrastructure during, shortly before or shortly after, unloading, loading, bunkering or cleaning cargo tanks or slop tanks;
  - c. it is a rowing boat or motorboat not propelled by a gasoline engine and belonging to the equipment of a ship referred to in (a) or (b); and:
    1. used to transport persons to and from a ship, or;
    2. a trial is being performed to test operation of the engine, davit or freefall system;
  - d. the presence of that ship in the port is necessary in connection with the arrival, stay or departure of a ship referred to in (a) or (b);
  - e. this ship is carrying out duties for a body governed by public law or the ship is owned by the port management authority;
  - f. the ship is navigating directly and without stopping from or to port infrastructure outside the petroleum harbour;
  - g. it is a service ship;
  - h. it is a ship carrying out dredging work;
  - i. it is a working boat, or;
  - j. it is an LNG bunker ship or
  - k. it is concerns a ship involved in shuttle services
2. A recreational craft or passenger ship is not permitted to be present in a petroleum harbour.

### **Article 5.3 Prohibition on open flame, smoking, sparks**

1. All persons in a petroleum harbour or on board a ship present in a petroleum harbour are forbidden to:
  - a. use an open flame;
  - b. smoke outdoors, or;
  - c. engage in activities that cause or are likely to cause sparks in the open air.
2. The presence of a ship that emits sparks from the exhaust pipe of a combustion engine is prohibited.

### **Article 5.4 Tankers carrying dangerous goods**

1. Tankers whose cargo or slop tanks contain dangerous goods or residues thereof may only berth in a petroleum harbour.
2. Tankers may also moor at berths outside a petroleum harbour if the cargo or slop tanks:
  - a. only contain dangerous goods, or residues thereof, with an exclusively combustible characteristic:
    - 1°. with a flashpoint of 55 degrees Celsius or higher;
    - 2°. contain an inert atmosphere, or;
    - 3°. contain combustible vapours amounting to no more than 20% of the lower explosion limit and remain closed, or;

- b. contain only potassium hydroxide, sodium hydroxide, phosphoric acid, or harmful substances that are not dangerous goods or residues thereof, or are empty thereof.

#### **Article 5.5 Inland shipping tankers carrying dangerous goods**

Contrary to article 5.4, subclause 1, an inland shipping tanker may also berth outside a petroleum harbour if:

- a. it berths for a short period of time:
  - 1°. at a designated car transfer point for the purpose of dropping off a car or taking a car on board;
  - 2°. at an establishment for the purpose of taking fuel on board, or;
  - 3°. at a designated location for the purpose of taking drinking water on board, or;
- b. the ship is a reception facility and complies with the requirements of the ADN for an inland shipping vessel type C whose cargo tanks or slop tanks contain an inert atmosphere.

#### **Article 5.6 Seagoing tankers carrying dangerous goods**

If a seagoing tanker, as mentioned in article 5.4, subclause 2 part a, subparts 2° and 3°, berths outside a petroleum harbour:

- a. a marine chemist shall issue the 'verklaring gasdeskundige' (marine chemist safety declaration) form, as approved by the harbour master;
  - b. cargo tanks or slop tanks shall remain closed, and;
  - c. no cleaning activities in relation to dangerous liquid goods or residues shall take place, with the exception of vegetable or animal oils, or only harmful substances mentioned in the IMDG Code, class 9.
2. A notification must be submitted to the harbour master beforehand when a seagoing tanker, as referred to in the first subclause, berths outside a petroleum harbour.

#### **Article 5.7 Combination tankers carrying dangerous goods**

1. Contrary to article 5.4, subclause 1, a combination tanker may berth outside an petroleum harbour if:
- a. a marine chemist has issued the 'verklaring gasdeskundige' (the marine chemist declaration form), as approved by the harbour master;
  - b. it is carrying or shall be loaded with solid bulk cargo;
  - c. all other tanks, with the exception of bunker tanks, and holds are free of combustible liquids with a flashpoint lower than or equal to 55 degrees Celsius, or residues;
  - d. no cleaning activities shall take place in relation to dangerous goods, and;
  - e. the tanks that are not directly adjacent to cargo holds and contain combustible cargo residues have an inert atmosphere; or contain an atmosphere where combustible vapours amount to no more than 20% of the lower explosion limit.
2. A notification must be submitted to the Harbour Master beforehand when a combination tanker berths outside an petroleum harbour.

#### **Article 5.8 Construction and equipment regulations for service ships and workboats**

A service ship or a workboat that is present in an petroleum harbour, has:

- a. a hull made from entirely non-combustible material;

- b. during the stay in the petroleum harbour, an operational VHF radio installation, which is tuned constantly to the relevant port VHF channel designated for this purpose;
- c. an electrical installation that meets the requirements of Atex zone 2 of Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 or as subsequently amended;
- d. if present, an accommodation area, wheelhouse, engine room or control room that provides adequate protection against the entry of dangerous gases and vapours;
- e. if present, a heating, cooking or cooling appliance that works on electricity or a combustible liquid with a flashpoint of 55 degrees Celsius or higher, or these appliances are switched off, and;
- f. a covered engine that cannot act as an ignition source.

Non Authoritative Translation

## **Section 6 Transshipment of dangerous or harmful liquid goods/substances in bulk**

### **Article 6.1 Transshipment of dangerous substances at a buoy span or a pole berth**

It is prohibited to transship dangerous substances at a buoy span or a pole berth, to pump them around inside the ship, to move them or to mix them in ways other than those indicated in article 11.5.1, sub 0 by the operator of the buoy span or the pole berth.

### **Article 6.2 Checklist for the transshipment of dangerous or harmful liquid goods/substances in bulk**

1. Direct transshipment of dangerous or harmful liquid goods/substances between tankers, or transshipment between a seagoing tanker and a facility, may only take place if the checklist for the activity concerned, as referred to in the ISGOTT, StSTGP or ISGINTT, has been completed and signed by the parties involved in accordance with the provisions of the aforementioned checklist.
2. Transshipment takes place in accordance with the checklist.

### **Article 6.3 Other rules relating to transshipment of dangerous liquid goods in bulk**

1. During transshipment of the following dangerous liquid goods between tankers:
  - a. a dangerous or harmful substance which, pursuant to the IBC Code or the ADN, must be transported in a tank with a connection for a vapour return pipe, or in a closed tank, or;
  - b. a liquid as referred to in annex 1, or;
  - c. a volatile organic compound;use is made of a:
  - I. vapour return line connected between the cargo tanks concerned, or;
  - II. a vapour recovery facility in such a way that there is no or as little emission to the atmosphere as possible outside the frameworks specified in the permit for the vapour recovery facility.
2. No more than the necessary cargo transfer lines or cargo hoses shall be used for the transshipment. The fixed connection points for cargo transfer lines are as close as possible to each other.
3. The fixed ship's line is used for transshipment of dangerous liquid goods.
4. The fixed ship's pump is used to discharge dangerous liquid goods, with the exception of harmful substances.
5. A ship that transships dangerous liquid goods, with the exception of harmful substances, may have a single moored ship on both sides. More ships may be moored on one side in the case of:
  - a. a single service ship provided it is berthed outside the tanker cargo zones, or;
  - b. a single bunker ship.

### **Article 6.4 Transshipment of gas within the meaning of the IGC Code or the ADN**

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

### **Article 6.5 Mooring alongside when transshipping gas**

Mooring alongside a ship that is involved in transshipment of a gas, within the meaning of the IGC Code or the ADN, is prohibited.

**Section 7 Zoning regulations for ships carrying dangerous goods in packaged form or in bulk**

**Article 7.1 Prohibition of berthing of ships with dangerous substances**

1. A ship carrying a dangerous substance listed in annex 2 in packaged form may be berthed within a distance stated in annex 2 from the stowage position of the dangerous substance to a residential concentration only if handling complies with the provisions stated in annex 2.
2. A seagoing tanker may, if it is carrying a dangerous substance as a cargo or a remnant of a cargo, only be berthed outside the distances to a residential concentration stated in annex 2, zone a or b.

Non Authoritative Translation

## **Section 8 Bunkering and bringing additives on board**

### **Article 8.1 Bunkering**

1. The fuels or energy sources designated by the municipal executive may only be bunkered or de-bunkered with a permit issued by the municipal executive.
2. The municipal executive may designate areas or berths where:
  - a. bunkering or de-bunkering is prohibited;
  - b. bunkering or de-bunkering is permitted, or;
  - c. bunkering or de-bunkering, in accordance with the provisions of subclause 1, is only permitted for certain fuels or energy sources.
3. The municipal executive may designate fuels that may not be bunkered.
4. A permit is not required if bunkering or de-bunkering takes place at a facility where that bunkering activity may be carried out.
5. Simultaneous activities may only take place during an LNG bunkering operation on board the receiving ship if they are permitted under the provisions of a class-approved LNG bunkering management plan.

### **Article 8.2 Minimum requirements for a bunkering permit**

1. The municipal executive may set minimum requirements for the bunkering permit and the bunkering permit holder.
2. These minimum requirements may relate to:
  - a. the professional qualifications of the permit holder, the permit holder's staff or the natural persons who effectively and permanently manage the permit holder's activities;
  - b. the permit holder's financial means;
  - c. the equipment necessary for carrying out bunkering under normal and safe conditions and the ability to maintain this equipment to the required standard;
  - d. the availability of the permit holder to perform bunkering or de-bunkering operations, at all berths and without interruptions, day and night, all year round;
  - e. compliance with requirements relating to maritime safety or the safety and security of the port or access to the port, its installations, equipment and workers and other persons;
  - f. compliance with local, national, European and international environmental requirements, and;
  - g. the integrity of the permit holder, as determined in accordance with any applicable national law on integrity, taking into account compelling reasons to doubt the integrity of the provider of port services.

### **Article 8.3 Compliance with the minimum requirements for the bunkering permit**

1. The information identified in an application form drawn up by the Harbour Master shall be submitted with the permit application.
2. The municipal executive may decide that, for certain fuels or energy sources, additional information shall be submitted in support of the permit application. This additional information relates to the requirements and restrictions referred to in subclause 3 and may relate to an audit that the municipal executive may carry out for the bunkering or de-bunkering activities performed by the company.

3. The municipal executive may attach regulations and limitations to the permit, in relation to:
  - a. the location where the bunkering or de-bunkering operations may be carried out and the safety distances to be observed during the bunkering or de-bunkering operation;
  - b. the operational safety and procedures for performing bunkering or de-bunkering, including whether or not to allow other activities that are carried out at the same time as bunkering or de-bunkering;
  - c. nautical safety;
  - d. external safety, and;
  - e. issuing operational notifications relating to bunkering or de-bunkering.

#### **Article 8.4 Rules for ships alongside during bunkering**

The municipal executive may impose restrictions on the number, location and type of ships which may berth alongside a ship that is being bunkered or de-bunkered with fuels or types of energy sources designated by the municipal executive.

#### **Article 8.5 Additives**

1. Additives designated by the municipal executive may only be brought on board or removed from a ship if the municipal executive has issued a permit.
2. The municipal executive may designate areas or berths where:
  - a. additives may not be removed from or brought on board a ship;
  - b. additives may be removed from or brought on board a ship, or;
  - c. only certain additives may be removed from and brought on board a ship.
3. A permit is not required if removing additives from or bringing them on board ships takes place at a facility where the activity of bringing additives on board ships may be performed.

#### **Article 8.6 Requirements relating to a permit for additives**

1. The information identified in an application form drawn up by the harbour master shall be submitted with the permit application.
2. The municipal executive may decide that, for certain additives, additional information shall be submitted in support of the permit application. This additional information relates to the requirements and restrictions referred to in subclause 3 and may relate to an audit that the municipal executive may carry out for the activities performed by the company in order to remove additives from ships or bring them aboard.
3. The municipal executive may attach regulations and limitations to the permit, in relation to:
  - a. the safety distances to be observed when removing additives from or bringing additives on board ships;
  - b. operational security and the procedures for carrying out the activities for removing additives from or bringing additives on board ships, including whether or not to allow other activities to be carried out concurrently with the activities for removing additives from or bringing additives on board ships;
  - c. nautical safety;
  - d. external safety, and;
  - e. issuing operational notifications relating to removing additives from or bringing additives on board ships.

**Article 8.7 Checklist for bunkering/de-bunkering and bringing additives on board**

1. The municipal executive may draw up and approve a checklist for bunkering or de-bunkering certain fuels and energy sources to be designated by the municipal executive, or for removing certain additives from ships or bringing them on board ships.
2. The municipal executive may also designate categories of ships to which the checklist applies.
3. A checklist shall be completed by the parties involved in bunkering or de-bunkering, observed by them and kept on board the ships concerned for at least 24 hours after completion of the bunkering or de-bunkering operations.

**Article 8.8 Signs and signalling**

1. During bunkering operations involving LNG, an LNG-powered seagoing ship shows the international signal flag "B" as an additional warning between sunrise and sunset, and shows a steady all-round red light between sunset and sunrise.
2. The municipal executive may determine signalling requirements for bunkering operations involving other fuels or energy sources as referred to in subclause 1.

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## **Section 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 Shipping 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.

**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;  
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 a moored seagoing vessel, 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 11.4.1a Prohibition of lashing while sailing**

It is prohibited to lash containers on board of a sailing seagoing vessel.

**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.

#### Part 5 Operation of a buoy span or a pole berth

##### **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<sup>-6</sup>;
- b. the operator has determined that through this transshipment or that handling the localised risk shall not exceed 10<sup>-6</sup> 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.

## Section 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/m<sup>2</sup> 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. Gaugeglasses 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.

## **Section 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;
- c. inland vessel: a ship other than a seagoing vessel which is intended for commercial transport.

### **Article 13.3 Where this paragraph applies**

This paragraph does not apply to national waterways. The Municipal Executive of Rotterdam has no jurisdiction here, in view of the specific provisions in this paragraph.

### **Article 13.4 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.

### **Article 13.4 Abandonment**

The Municipal Executive may decide to disapply/dispense with the application of this paragraph if it emerges from the evaluation that the necessity for the prohibition in Article 13.3 has lapsed.

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## **Section 14 Enforcement**

### **Article 14.1 Obligation to comply with rules**

The rules laid down in or pursuant to these Bye-Laws, and the regulations and restrictions attaching thereto, must be observed. Violation of these rules and regulations constitutes a criminal offence.

### **Article 14.2 Penalty**

Violation of the provisions of or pursuant to these Bye-Laws shall be punishable by up to 3 months imprisonment or a fine of the second category.

### **Article 14.3 Supervisory officials**

1. The following are responsible for monitoring compliance with the provisions in or pursuant to these bye-laws:
  - a. employees of the Rotterdam Harbour Master division of Havenbedrijf Rotterdam NV, with the exception of those who, more specifically, are engaged in administrative activities.
  - b. persons to be designated by a decision of the municipal executive.
2. Notwithstanding the provisions in first paragraph, investigating officers referred to in article 141 of the Code of Criminal Procedure from the Rotterdam regional police unit, Sea Port district, responsible for monitoring compliance with the provisions in or pursuant to article 1.8 article 1.9, section 6, section 8, article 11.1.3, article 11.2.2 and article 11.4.2.

### **Article 14.4 Entering residences**

Persons responsible for monitoring compliance with, or investigating infringements of the regulations relating to, maintaining order or preserving safety or protecting people's lives or health in or pursuant to these bye-laws are authorised to enter residences without permission from persons dwelling therein.

## **Section 15 Transitional and final provisions**

### **Article 15.1 Amendments in other regulations**

Article 5.23a of the 2012 Rotterdam General Bye-Law shall be formulated as follows:

#### **Article 5:23a Scope**

This part, with the exception of articles 5:29 (life-saving equipment), 5:30 (Safety on water) and 5:30a (Swimming and bathing in locations other than the sea), shall not apply to the port as referred to in article 1.2, in conjunction with article 1.1 of the 2020 Rotterdam Port Bye-laws.

### **Article 15.2 Revocation of old regulations**

The 2010 Rotterdam Port management Bye-laws are revoked.

### **Article 15.3 Transitional law**

1. Approval, decisions or accreditation granted in or pursuant to the regulations revoked in article 15.2 and that are in force at the point in time when these bye-laws enter into force shall be considered to be approval, decisions or accreditation granted in or pursuant to these bye-laws.
2. If, before the point in time when these bye-laws enter into force, a request for approval, a decision or accreditation based on the bye-laws revoked in article 15.2 is submitted and no decision has yet been made in that respect, these bye-laws shall be amended accordingly.
3. Decisions about objections to a decision relating to an application for approval, a decision or accreditation pursuant to the bye-laws revoked in article 15.2 will be made on the basis of the application of these bye-laws.

### **Article 15.4 Entry into force**

These bye-laws will be published in the Municipal Gazette and enter into force on 6 January 2020.

### **Article 15.5 Reference title**

These Bye-Laws shall be referred to as: Havenverordening Rotterdam 2020.

Enacted in the public meeting of 28 November 2019.

The clerk of the court,  
*M.J.E.M. van Dam*

The president  
*A. Aboutaleb*

**Annex 1      pertaining to articles 4.11 and 6.3 of the 2020 Rotterdam Port Bye-Laws**

The liquid goods referred to in article 4.11 and article 6.3 are:

Substance name	UN number
- benzene	1114
- mixtures containing benzene containing more than 10% benzene	multiple UN numbers possible
- ethyl acrylate	1917
- formaldehyde solution	1198 or 2209
- isobutyl acrylate	2527
- isobutyric aldehyde	2045
- isopropylamine	1221
- methyl acrylate	1919
- n-butyl acrylate	2348
- n-butyric aldehyde	1129
- propylene oxide	1280
- styrene	2055
- turpentine	1299

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**Annex 2**      **pertaining to article 7.1, of the 2020 Rotterdam Port Bye-laws**

<b>IMDG Class</b>	<b>Zone A: Seagoing vessels and inland vessels 0-100 m to a residential concentration</b>	<b>Zone B: Seagoing vessels 100-300 m to a residential concentration</b>	<b>Zone C: Seagoing vessels 300-500 m to a residential concentration</b>	<b>Zone D: Seagoing vessels 500-1500 m to a residential concentration</b>	<b>Outer zone Seagoing vessels Min. 1500 m to a residential concentration</b>
<b>1.1&gt;1.6</b>	<b>Prohibited for:</b> Total quantity: Class 1.1, 1.2, 1.5: >125 kg Class 1.3, 1.4 (excluding 1.4S): > 500 kg Class 1.4S: > 1000 kg	<b>Prohibited for:</b> Total quantity: Class 1.1, 1.2, 1.5 >500 kg Class 1.3, 1.4 > 30,000 kg	<b>Prohibited for:</b> Total quantity: Class 1.1, 1.2, 1.5 >30,000 kg Class 1.3, 1.4 > 120,000 kg	Unrestricted	Unrestricted
<b>2.1</b>	<b>Prohibited for:</b> total quantity class 2.1 >10,000 kg	<b>Prohibited in packaged form with a cargo &gt;13,000 kg for UN numbers:</b> 1032, 1036, 1041, 1061, 1063, 1083, 1085, 1087, 1912	Unrestricted	Unrestricted	Unrestricted
<b>2.2</b>	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted
<b>2.3</b>	<b>Prohibited</b>	<b>Prohibited for UN numbers:</b> 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2676  <b>Unrestricted for UN numbers:</b> 1008, 1016, 1023, 1045, 1071, 1612, 1660, 1859, 1911, 1953, 1955, 2190, 2198, 2417, 2451, 2600, 3303, 3304, 3305, 3306  <b>Remaining UN numbers of class 2.3 are prohibited in packaged form with a cargo &gt;13,000 kg.</b>	<b>Prohibited in packaged form with a cargo &gt;1300 kg for UN numbers:</b> 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2676	<b>Prohibited with more than 10 tank containers (each &gt;13,000 kg) on board with UN number 1017, 1067 of 1082</b>  <b>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.</b>	Unrestricted
<b>3</b>	<b>Prohibited for UN numbers:</b> 2478, 2481, 2486  <b>Prohibited for:</b> total quantity class 3 >10,000 kg	<b>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers:</b> 2478, 2481, 2486	<b>Prohibited in tank containers with a cargo &gt;13,000 kg for UN numbers:</b> 2478, 2481, 2486	Unrestricted	Unrestricted
<b>4.1&gt;4.3</b>	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted
<b>5.1</b>	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted
<b>5.2</b>	<b>Prohibited for:</b>	Unrestricted	Unrestricted	Unrestricted	Unrestricted

	total quantity class 5.2 > 10,000 kg				
6.1	<b>Prohibited for UN numbers:</b> 1051, 1092, 1238, 1239, 1614, 1889, 2334, 2477, 2480, 2482  <b>Prohibited for:</b> total quantity class 6.1 >10,000 kg	<b>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers:</b> 1051, 1092, 1238, 1239, 1614, 1889, 2334, 2477, 2480, 2482	<b>Prohibited in tank containers with a cargo &gt;13,000 kg for the UN numbers:</b> 1092, 1238, 1239, 1889, 2334, 2477, 2482	Unrestricted	Unrestricted
6.2	Falls under the GMO Decision and food and consumer product legislation				
7	<b>Prohibited for UN numbers:</b> 2977, 2978. Falls under the Nuclear Energy Act	<b>Prohibited for UN numbers:</b> 2977, 2978. Falls under the Nuclear Energy Act	Falls under the Nuclear Energy Act		
8	<b>Prohibited for UN numbers:</b> 1052, 1744, 1786, 1790  <b>Prohibited for:</b> total quantity class 8 > 10,000 kg	<b>Prohibited in packaged form with a cargo &gt;585 kg for UN numbers:</b> 1052, 1744, 1786, 1790	<b>Prohibited in packaged form with a cargo &gt;13,000 kg for UN numbers:</b> 1052, 1744, 1786, 1790	Unrestricted	Unrestricted
9	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted

**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.**

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