Rotterdam Port By-Laws 2020 (July 2023 version)

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The Council of the Municipality of Rotterdam,

Having read the proposal from the municipal executive dated 5 November 2019 (council proposal no. 19bb22596); council paper 19bb22596;

having regard to articles 147 and 156(3) of the Municipalities Act;

considering that:

- in the Rotterdam Port By-Laws 2020 it is necessary to revise rules relating to good port management in connection with new nautical, environmental, technical and planning developments;
- the 2020 Rotterdam Port By-Laws serve to promote good port management, including planning (efficient use of the port), the safety and environment of the port and its surroundings and the quality of services in the port;

Decides to adopt:

Rotterdam Port By-Laws 2020

1 Section 1 General Provisions

Article 1.1 Terms

- ADN: European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways;
- a notification having the same meaning as a traffic sign: a written notice to shipping traffic indicating to that traffic:
  a. information on the condition of a particular location in or a certain section of a shipping route, or;
  b. information, recommendation, order or prohibition or lifting of an order or prohibition for traffic behaviour at a particular location in or a certain section of a shipping route;
- ancillary substances: substances required on board a vessel to operate propulsion or auxiliary equipment;
- authorisation: a permit, dispensation, approval or exemption;
- auxiliary equipment: machinery, equipment or installations on a vessel that support propulsion or provide power;
- boatman: the person whose job it is to moor or unmoor a seagoing vessel;
- boatmen's organisation: an organisation of boatmen that carries out activities to ensure the competence of boatmen and provides the required equipment, or a company employing boatmen;
- bunker vessel: vessel used for bunkering;
- bunkering permit: permit for the supply or debunkering of solid, liquid or gaseous fuels or any other source of energy used for vessel propulsion or for the general or specific energy supply on board vessels;
- bunkering, debunkering or transferring ancillary substances on board;
- bunkering: the supply of solid, liquid or gaseous fuels or any other source of energy used for propulsion of ships or for the general or specific energy supply on board ships;
- buoy span: berth with the feature that the vessel can moor from the bow or stern on or between one or more designated buoys or dolphins, in which the vessel moors without any contact with other port mooring facilities;
- captain: the person in actual command of the sea-going vessel;
- cargo residues: the remnants of any cargo which remain on deck or in the holds after cargo operations. This does not include dust remaining on deck after sweeping or dust on the external surfaces of the ship;
- checklist: list used to check the transhipment of dangerous or harmful liquids;
- closed tank cleaning: any operation aimed at or related to ensuring that a tanker's cargo tanks or slop tanks are clean, gas-free or vapour-free with no emissions occurring to the atmosphere during the operation, which includes the use of a vapour recovery facility;
- combination carrier: sea-going vessel equipped to carry alternately bulk liquid cargo or dry cargo;
- combustible liquid: liquid of which flammability is the only hazardous property;
- dangerous goods: substances that present or may present a risk of explosion, fire, corrosion, poisoning, intoxication or radiation, as stated in:
  a. the IBC Code;
  b. the IGC Code;
  c. the IMDG Code;
  d. the IMSBC Code, or;
  e. the ADN;

- debunkering: returning solid, liquid or gaseous fuels or any other source of energy used for the propulsion of vessels and for the general and specific energy supply on board vessels;
- dolphin berth: berth against which a vessel can moor without any contact with other port mooring facilities;
- efficient use of the port: planning;
- Fumigation: to treat with gases or substances that dissipate gases;
- gas expert: expert holding a certificate of professional competence 'Gas expert' as referred to in Article 3.5h(4) of the Working Conditions Decree;
- harbour master: the harbour master, as referred to in article 2.1;
- harmful substances: substances designated or named as such under or pursuant to the Prevention of Pollution from Ships Act;
- IBC Code: International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk from the IMO;
- IGC Code: International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk from the IMO;
- IMDG Code: International Maritime Dangerous Goods Code;
- IMO: International Maritime Organization;
- IMSBC Code: International Maritime Solid Bulk Cargoes Code;
- inert atmosphere: an atmosphere in a cargo tank or slop tank where the oxygen level has been reduced to no more than 8 percent by volume by adding an inert gas under positive pressure;
- infrastructure: the set of static, sustainable investment assets for the traffic or transport of:
  a. persons and freight, including waterways, bridges, tunnels, quays, locks and sea ports;
  b. above-ground masts and cables for electricity and telecommunications, or;
  c. underground (or subsea) pipelines for water, gas and oil, wastewater, cables for telecommunications etc;
- inland tanker: inland vessel built for or adapted to carry bulk liquid cargo or gas in cargo tanks, as referred to in the ADN;
- inland vessel: vessel other than a sea-going vessel;
- ISGINTT: International Safety Guide for Inland Navigation Tank-barges and Terminals;
- ISGOTT: International Safety Guide for Oil Tankers and Terminals;
- lasher: the person who secures and lashes containers on board sea-going vessels;
- lashing company: company that is professionally engaged in securing and lashing and is registered with the Chamber of Commerce;
- lashing: seaworthy lashing and unlashing of containers on board sea-going vessels;
- leisure craft: a vessel intended or used for sports or leisure purposes;
- MARPOL: International Convention for the Prevention of Pollution from Ships, 1973, as amended;
- municipal executive: the mayor and aldermen;
- of the Provincial Executive of South Holland and the Municipal Executive of Rotterdam dated 4 February 2014, 11 October 2016 and 15 May 2018;
- open flame: flame, spark formation and any surface within 25 metres of a hazardous substance that has a temperature equal to or higher than the minimum ignition temperature of that substance;
- open tank cleaning: any operation aimed at or related to ensuring that a tanker's cargo tanks or slop tanks are clean, gas-free or vapour-free where emissions may be released into the atmosphere during the operation;

- operational area: area limited in length, width, depth or height within which vessels can berth to carry out their activities;
- operator of a buoy or dolphin berth: owner, manager or any other person having control over the use of a buoy or dolphin berth;
- operator: owner, manager, bareboat charterer or any other person having control over the use of the vessel;
- passenger ship: an inland vessel intended or used for the commercial transport of more than twelve persons excluding crew;
- passenger transport: the transportation of persons for a fee;
- petroleumhaven: area equipped to handle a tanker carrying dangerous substances;
- planning: efficient use of the port;
- port: the following waters, harbours or waterways as well as all structures associated with these waters including slipways, docks, ship repair yards and loading and unloading areas that are open to shipping within the municipal boundaries:
  a. the Rijksvaarwegen (national waterways);
  b. all tidal waters, harbours or waterways located on the Rijksvaarwegen west of Erasmus Bridge and west of kilometre mark 998 in the Oude Maas up to the Hoek van Holland breakwaters, excluding the Veerhaven;
  c. the Alblashaven;
  d. the Bolneshaven;
  e. the Bornissehaven;
  f. the Coolhaven;
  g. the Delfshavense Schie;
  h. the Gantelhaven;
  i. the Houtzagerijhaven;
  j. the Lingehaven;
  k. the Nassauhaven;
  l. the Peltserthaven;
  m. the Persoonshaven;
  n. the Watertorenhaven;
  o. the Zout Ziederhaven;
- reception facility: facility for the reception of ship-generated waste;
- reception of ship-generated waste: the reception of ship-generated waste using a fixed, floating or mobile facility equipped to receive ship-generated waste as defined in Directive 2019/883/EC of the European Parliament and of the Council, or as subsequently amended or revised;
- Rijksvaarwegen (Dutch national waterways):
  a. Oude Maas;
  b. Nieuwe Maas;
  c. Zuiddiepje;
  d. Koningshaven;
  e. Nieuwe Waterweg;
  f. Breeddiep;
  g. Scheur;
- safety contour: safety contour as specified in the:
  a. Decision to adopt the Botlek-Vondelingenplaat Safety Contour;
  b. Decision to adopt the Maasvlakte 1 and Maasvlakte 2 Safety Contour;
  c. Decision to adopt the Europoort and Landtong Safety Contour;
  d. Decision to adopt the Eemhaven and Albrandswaard distribution park Safety Contour, or;

    e. Decision to adopt the Waalhaven Safety Contour;
- service vessel: any vessel involved in the following forms of service provision to vessels:
    a. repair or cleaning;
    b. open or closed cleaning or otherwise;
    c. delivering or collecting supplies or vessel parts;
    d. collecting ship-generated waste, or;
    e. inspecting the vessel hull;
- ship-generated waste: all ship-generated waste including cargo residues generated during the operation of a sea-going vessel or during loading, unloading and cleaning operations and falling within the scope of Annexes I, II, IV, V and VI of the MARPOL Convention, as well as passively retrieved waste;
- shuttle services: transporting persons to and from sea-going vessels for a fee;
- site-specific risk: risk at a site outside a location, expressed as the probability per year that an unprotected person at that site for an extended period would die as a direct result of an unusual incident within that facility involving a hazardous substance or hazardous waste;
- skipper: the person in actual command of an inland vessel;
- slop tank: tank on board a vessel intended for holding cargo residues (sometimes mixed with water) or harmful, combustible or other dangerous liquids (slops);
- StSTGP: Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases;
- tanker: inland tanker or sea-going tanker;
- transhipment: loading or unloading of cargo to or from a vessel;
- vapour recovery facility a fixed or mobile facility, other than a vapour return line to capture vapours from cargo during degassing or purging of empty or unloaded tanks and the loading and unloading lines connected to them, or during the transhipment of hazardous or harmful substances;
- vapour return line: vapour pressure equalisation system between the cargo tanks involved in the direct transhipment to ensure emission-free transhipment;
- vapour: the atmosphere above a liquid substance as a result of a certain pressure of that liquid substance;
- vegetable or animal oils: oils or fats extracted from seeds or fruits of plants or trees, or oils and fats of animal origin;
- venting: the exposure of a tanker's opened cargo tanks or slop tanks to the atmosphere for drying after cleaning where the concentration of dangerous gases and vapours in the vented mixture at the point of venting:
    a. is not higher than 10% of the lower explosive limit, or;
    b. is below the limit value referred to in Article 4.3 of the Working Conditions Decree for substances referred to in the ADN where column 18 of Table C requires a toxicity meter;
- vessel: any vessel including a seaplane, hydrofoil, hovercraft, drilling rig, work platform or similar object, dredger, floating crane, elevator, pontoon, barge, floating implement, floating object or floating device;
- vulnerable objects: extremely vulnerable buildings, vulnerable buildings or locations as referred to in appendix VI of the Environmental Quality Decree of the Netherlands;

Article 1.2 Where do these regulations apply?

1. These By-Laws apply in the port.
2. The provisions of or pursuant to section 11, with the exception of subsections 3 and 4, do not apply to vessels navigating on Rijksvaarwegen.
3. With respect to passenger transport of 12 persons or less, apart from the crew, article 11.1.3 also applies to all tidal waters within the municipality, with the exception of vessels navigating on Rijksvaarwegen.

Article 1.3 To whom do these By-Laws apply?

1. The captain or skipper is responsible for compliance with the provisions of or pursuant to these By-Laws unless otherwise provided for in these By-Laws.
2. If a captain or skipper is not on board the vessel, the operator is responsible for compliance with the provisions of or pursuant to these By-Laws.

Article 1.4 Decision period for authorisation

1. The municipal executive decides on a request for authorisation within eight weeks of the date of receiving the request.
2. The municipal executive can extend this 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, designation or measure. These requirements and restrictions are intended to protect the interest or interests of the relevant authorisation, designation or measure.
2. The person receiving the authorisation, designation or measure or on whom a measure is imposed must comply with the requirements and restrictions associated with this.

Article 1.6 Refusal, change to or withdrawal of authorisation

The municipal executive can refuse, change or withdraw the authorisation if:

a. incorrect or incomplete details were provided during the request;
b. this is necessary to protect safety, the efficient use of the port, the environment in the port or its surroundings, as well as service quality;
c. the requirements and restrictions attached to the authorisation have not been or are not being complied with;
d. the authorisation is not used within the specified period or, in the absence of a specified period, within a reasonable period, or;
e. the holder of the authorisation requests this.

Article 1.7 Validity period

1. The authorisation is valid for up to five years.
2. Contrary to the provisions of the first subclause, the municipal executive may:
   a. grant authorisation for an indefinite period;
   b. grant the permit referred to in article 8.1 or article 8.5 for a different maximum period of validity.

Article 1.8 Obligation to retain authorisations on board

1. The authorisation relating to a vessel, or a digital or hard copy of this, must be retained on board the vessel.
2. This article does not apply to barges.

Article 1.9 Waivers and exemptions from orders and prohibitions

1. On request, the municipal executive may also grant dispensation or exemption from the prohibitions and orders contained in or pursuant to these By-Laws.
2. The municipal executive only uses this authority if:
   a. this does not affect the efficient use of the port, safety, or the environment in the port or its surroundings, and;
   b. the person making the request demonstrates that all the purposes referred to in point (a) are equally well served.

Article 1.10 Notification to the harbour master

Notifications required under the provisions of or pursuant to these By-Laws must be forwarded in a way or at a time indicated by the harbour master, whereby the harbour master may also determine the data to be forwarded.

2 Section 2 Harbour Master

Article 2.1 Appointment of harbour master

The municipal executive appoints the harbour master.

3 Section 3 By-Laws and use of the port

Article 3.1 Traffic signs and notices that have the same meaning as a traffic sign

1. The municipal executive can erect traffic signs that are stated in the Inland Waterways Police Regulations (BPR) and can add more detailed particulars to these traffic signs.
2. A traffic sign and any more detailed particulars must be complied with.
3. That stated in the first and second subclauses applies mutatis mutandis to a notice that has the same scope as a traffic sign.

Article 3.2 Designate berthing areas and berthing periods

1. The municipal executive can designate areas where:
   a. certain categories of vessel may or may not be located, including using a berth, or;
   b. certain activities are permitted or not.
2. The municipal executive can indicate in the notice within which periods the designation applies.

Article 3.3 Using a berth

A vessel may only take a berth if it is:

a. in compliance with local traffic signs and further designations that have been introduced;
b. in compliance with notices that have the same meaning as a traffic sign, or;
c. berthing at a berthing facility with the consent of a lessee, leaseholder or owner, except if the municipal executive does not permit the taking of a berth from the viewpoint of efficient use of the port, safety or environment.

Article 3.4 Proper mooring

1. A vessel is moored properly and safely.
2. If a sea-going vessel is moored longitudinally to another moored vessel, the sea-going vessel of the lengths specified below must maintain the following distances:
   a. up to and including 120 metres; 0.1 x the length of the sea-going vessel with a minimum of 10 metres, or;
   b. longer than 120 metres in length; 0.1 x the length of the sea-going vessel with a minimum of 15 metres and a maximum of 35 metres.

Article 3.5 Raising vessels

A vessel may only be raised using equipment if the vessel 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 vessel may not use propellers, bow thrusters or stern thrusters if:
   a. it is grounded;
   b. it is moored, anchored or on spud poles;
   c. the propellers, bow thrusters or stern thrusters are used to force the vessel against the quay or shore, other than immediately for mooring or demooring purposes, or;
   d. this could result in damage to infrastructure.
2. That stated in the first subclause under b does not apply if the vessel is moored alongside another vessel and needs to heave to or turn away to prevent damage.
3. If a vessel's propulsion, bow thrusters or stern thrusters are operational, a person authorised to steer the vessel must be present on the bridge.
4. That stated in the third subclause does not apply if the vessel:
   a. moors or unmoors;
   b. is no more than 35 metres long;
   c. pursuant to the 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, this being the skipper, who is the only person on board.

Article 3.7 Use of anchors and spud poles

1. An anchor or spud pole may only be used:
   a. in areas designated by the municipal executive;
   b. in accordance with local traffic signs and further designations or with a decision that has the same meaning as a traffic sign, or;
   c. if the use thereof does not cause any damage to infrastructure, underground infrastructure installed in the underwater bed or shore protection works.
2. If an anchor or spud pole is used in a situation as referred to in the first subclause, under c, the harbour master must be notified in advance.
3. The provision stated in the first subclause does not apply to an anchor if this is used by a sea-going vessel on the advice of a pilot:
   a. when mooring, or;
   b. to prevent a collision.

Article 3.8 Entitled parties

Only entitled parties may stop, board or unmoor a vessel.

Article 3.9 Reporting operational failures, defects, damage or collision

Operational failures, defects or damage to or on board a vessel that may cause danger, damage or hindrance to the vessel or its surroundings, or a collision must be reported immediately to the harbour master.

Article 3.10 Reporting obligation of sea-going vessels

1. Reserved.
2. The captain, operator or agent of a sea-going vessel belonging to a category of sea-going vessels to be determined by the municipal executive and that is en route to or from a berth located within the municipal boundaries must notify the harbour master of information determined by the municipal executive concerning:
   a. arrival;
   b. departure;
   c. shifting;

d. the vessel position;
e. information on the nautical services to be used and the shipping agent;
f. information with respect to the vessel;
g. the transported cargo, and;
h. the journey being undertaken.

3. This article does not apply insofar as the subject matter regulated therein is provided by or pursuant to the Notification of Reporting Formalities and Data Processing Operations and the Inland Waterways Police Regulations (BPR).

Article 3.11 Operational area berths

1. The municipal executive can designate a berth as an operational area.
2. The municipal executive can set additional rules with respect to nautical use of the operational area.
3. The lessee, leaseholder or owner of the berth's mooring facility may only allow vessels to berth within the operational area.
4. After notifying the harbour master, bunker or service vessels may berth entirely or partly outside the operational area to carry out their activities, unless the municipal executive determines otherwise in the decision referred to in the first subclause.

Article 3.12 Measures relating to withdrawal from economic use

The municipal executive can impose measures on a vessel to protect safety or environmental interests or in the interests of efficient port management, if:

a. the vessel does not have the required certification;
b. the vessel, cargo or bunkers have been seized;
c. the vessel is laid up, or;
d. the vessel has been withdrawn from nautical or economic use.

Article 3.13 Facilities in the port

All persons are prohibited from placing or installing facilities or objects in, on, under or above water unless:

a. no hazard, damage or nuisance can occur as a result, or;
b. this involves placing or installing and using vessel accessories and services needed to load and unload a vessel.

4 Section 4 Safety and environment in the port

Article 4.1 Pollution and nuisance caused by vessels

It is prohibited:

a. to allow substances to escape from a vessel that cause or are likely to cause hazard, damage or hindrance; or
b. to use a waste incinerator on board a vessel in the port.

Article 4.2 Prohibition on the use of generators, and main and auxiliary engines

1. The municipal executive may designate areas in which it is prohibited to use a generator or a main or auxiliary engine on board a vessel.
2. It is permitted to operate a generator or a main or auxiliary engine on board a vessel immediately prior to departure and immediately after arrival of a vessel in a designated area.

Article 4.3 Hazard, damage or hindrance from vessels

If, in the municipal executive's opinion, a vessel causes or may cause potential hazard, damage or hindrance, or disruption to efficient use of the port in or in the vicinity of the port, or endangers or may endanger safety, the municipal executive can:

a. prohibit that vessel from entering the port, remaining in the port or taking a berth, or;
b. may issue verbal or written instructions to the captain, skipper or operator of a vessel calling at or berthed in the port.

Article 4.4 Safe access

1. A moored vessel must provide safe access to that vessel.
2. An inland waterway vessel does not need to provide safe access if:
    a. this is impossible due to the physical situation of loading or unloading operations, or;
    b. the vessel will only be moored for a short period.

Article 4.5 Carrying out activities

1. Anyone may carry out activities or have work carried out on board a vessel or on an object on a vessel if this is connected with the operational readiness, modification, repair, or improvement of the vessel or the object, if:
    a. the vessel is moored at a location at which these activities are permitted; or
    b activities:
        1°. take place within a period of 7 x 24 hours after the start of the initial activities;
        2°. do not or cannot cause hazard, damage or hindrance;
        3°. take place at least 25 metres from dangerous substances or combustible material;
        4°. are carried out and, during the activities, effective firefighting equipment and persons familiar with the use of such equipment are readily available, and;
        5°. do not or cannot cause spark discharge to the outside air when the vessel is in a petroleumhaven.
2. Activities on a tanker or to or in a vessel's fuel tank that could cause or be capable of causing hazard, damage or hindrance may only take place if a gas expert:
    a. has issued a health and safety certificate, or;
    b. has determined that no health and safety certificate is required.

3. The municipal executive may designate fuels, energy sources or ancillary substances for systems on board a vessel on which no work may be carried out by any person, unless the work is carried out at a location at which such activities are permitted.
4. Demolition work on a vessel may only be carried out if the vessel is moored at a location at which such activities may be carried out.
5. For activities on a sea-going vessel as referred to in the first subclause under b and the second subclause, a notification must be submitted to the harbour master prior to starting the activities.

Article 4.6 Fumigation

The municipal executive can designate berths at which it is permitted for a vessel to berth for vessel or cargo Fumigation.

Article 4.7 Cargo that has been fumigated abroad

1. If a vessel is loaded with solid bulk cargo and the cargo has been fumigated, the vessel may moor at a berth if:
   a. no operational actions take place during and after berthing;
   b. the holds and hold vents remain closed, and;
   c. nautical and operational handling of the vessel takes place in accordance with the action plan.
2. The action plan is approved by the municipal executive. All persons are obliged to adhere to the adopted action plan.

Article 4.8 Permit for reception of waste from sea-going vessel

The reception of ship-generated waste from sea-going vessels is only permitted if the reception facility has a permit from the municipal executive.

Article 4.9 Minimum requirements for a permit for the reception of sea-going vessel waste

1. The municipal executive can set minimum requirements on the permit holder and on the permit for the reception of ship-generated waste.
2. These minimum requirements can relate to:
   a. the permit holder’s professional qualifications, the permit holder’s staff or the natural persons who effectively and continuously manage the permit holder’s activities;
   b. the permit holder’s financial standing;
   c. the equipment needed for the reception of ship-generated waste under normal and safe conditions and the ability to maintain this equipment at the required level;
   d. the availability to receive ship-generated waste for all users, at all berths and without interruption, day and night, throughout the year;
   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 employees and other persons;
   f. compliance with local, national, European and international environmental requirements, or;
   g. the good repute of the permit holder, as determined in accordance with applicable national law on good repute, taking into consideration any compelling grounds to doubt the reliability of the provider of port services.

Article 4.10 Permit for a mobile vapour recovery facility

1. A mobile vapour recovery facility may only remove vapour and cargo residues from a tanker if it has a permit from the municipality.
2. The harbour master must be notified immediately before and immediately after the closed cleaning of cargo tanks using a mobile vapour recovery facility unless the cleaning takes place at a location where this activity is permitted.

Article 4.11 Cleaning and venting tanker cargo tanks or slop tanks

1. A tanker may only use closed tank cleaning to empty its cargo or slop tanks of the following substances:
   a. a dangerous or harmful substance that, pursuant to the IBC Code, must be transported in a tank with a connection facility for a vapour return line;
   b. a dangerous or harmful substance that, pursuant to the ADN, must be transported in a closed tank;
   c. a liquid as referred to in appendix 1, or;
   d. a volatile organic compound.
2. Tanker cargo tanks and slop tanks that are empty of other substances as referred to in the first subclause may be opened for cleaning at locations designated by the harbour master.
3. Tanker cargo tanks that carry liquid gases as referred to in the ADN or IGC code may only be cleaned if the vessel is berthed:
   a. at a location at which such cleaning activities are permitted, and;
   b. the residues of liquid gases are collected at this location.
4. Venting of tanker cargo tanks and slop tanks is only permitted at locations designated by the harbour master.
5. The provisions of the second and fourth subclauses does not apply to the substances mentioned in appendix 1.
6. The municipal executive may set rules on the restriction or prohibition of cleaning or venting outside companies if the atmospheric or local conditions are such that the release of such substances may cause hazard, damage, odour nuisance or hindrance.
7. The harbour master must be notified prior to any cleaning or venting.

Article 4.12 Berthed alongside during open cleaning and venting of cargo tanks or slop tanks of sea-going tankers

The following vessels may berth alongside both sides of a sea-going tanker that has cargo tanks that contain or have been emptied of dangerous liquids and the tanks are open for cleaning or venting:

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

Article 4.13 Transhipment between vessels and mobile shore-based facilities

1. With respect to dangerous or harmful liquids between a vessel and a mobile shore-based facility, the following actions are prohibited:
   a. transhipment;
   b. bunkering or debunkering of fuels, energy sources or ancillary substances in an area or at a berth that is not designated under article 8.1(2) or article 8.5(2), or;
   c. reception of ship-generated waste;

   unless this activity takes place at a location at which such activities are permitted.

2. In derogation of that stated in the first subclause under c, the municipal executive can designate berths at which reception via a mobile facility is permitted.

5 Section 5 Petroleumhavens

Article 5.1 Petroleumhavens

The municipal executive can designate areas as petroleumhavens.

Article 5.2 Vessels permitted in a petroleumhaven

1. A vessel may only be present in a petroleumhaven if:
    a. it is a tanker;
    b. the vessel is using, has used or will use the petroleumhaven infrastructure during, shortly before or shortly after unloading, loading, cargo tank or slop tank cleaning, or bunkering;
    c. it is a rowing or motor boat that is not powered by a petrol engine and is part of a vessel's equipment as referred to in subsection a or b, and:
        1°. is used to transport passengers and crew to and from a vessel, or;
        2°. tests are being carried out on the operation of the engine, davit or free-fall system;
    d. that vessel's presence in the port is necessary in connection with the arrival, port call or departure of a vessel as referred to in subsection a or b;
    e. the vessel is working for a public body or the vessel is from the port management;
    f. the vessel is sailing directly and without interruption to or from infrastructure outside the petroleumhaven;
    g. it is a service vessel;
    h. it is a vessel that is carrying out dredging work;
    i. it is a support ship;
    j. it is a bunker vessel, or;
    k. it is a vessel involved in providing shuttle services.
2. It is prohibited for leisure craft or a passenger ship to enter a petroleumhaven.

Article 5.3 Prohibition of open flame, smoking and spark discharge

1. All persons in a petroleumhaven or on board a vessel located there are prohibited from:
    a. using open flame;
    b. smoking outdoors;
    c. smoking in the vessel unless this takes place in an area (an accommodation or service area) that cannot be accessed directly from outside, is enclosed, or the space complies with national or international legislation, or;
    d. undertaking activities that can result in spark formation to the outside air.
2. It is prohibited for a vessel to enter a petroleumhaven with a sparking exhaust pipe from an internal combustion engine.

Article 5.4 Tankers carrying dangerous substances

1. Tankers with cargo or slop tanks containing dangerous substances or residues thereof may only berth at a petroleumhaven.
2. Tankers may also moor at berths outside a petroleumhaven if the cargo or slop tanks:
   a. contain only dangerous liquids with exclusively combustible properties or residues thereof:
      1°. with a flash point of 55 degrees Celsius or higher;
      2°. the atmosphere in the tank has been inerted;
      3°. contain a maximum of 20% of the lowest explosive limit of combustible vapours and remain closed, or;
   b. contain only substances mentioned in appendix 3 or residues thereof or are emptied of these.

Article 5.5 Inland tankers carrying dangerous substances

In derogation of article 5.4(1) an inland tanker may berth outside a petroleumhaven:

a. if the berth is only used briefly:
   1°. at a designated car offloading point for the immediate loading or unloading of a car;
   2°. at a location at which fuel is loaded and this is permitted;
   3°. at a designated drinking water filling station for the immediate filling of drinking water tanks, or;
b. if the vessel is a reception facility that is used at the location exclusively for collecting ship-generated waste.

Article 5.6 Sea-going tankers carrying dangerous substances

1. If a sea-going tanker as referred to in article 5.4(2) (a), subsections 2° and 3° is at a berth outside a petroleumhaven:
   a. the ‘gas expert certificate’ form adopted by the harbour master will be issued;
   b. cargo tanks or slop tanks must remain closed, and;
   c. no handling of dangerous substances may take place;
2. The harbour master must be notified in advance of the sea-going vessel taking a berth outside the petroleumhaven.

Article 5.7 Combination carriers carrying dangerous substances

1. In derogation of article 5.4(1) a combination carrier may take a berth outside a petroleumhaven if:
   a. the ‘gas expert certificate’ form adopted by the harbour master has been issued;
   b. it is or will be loaded with solid bulk cargo;
   c. with the exception of bunker tanks, all other tanks and spaces are free of combustible liquids or residues thereof that have a flash point below or equal to 55 degrees Celsius;
   d. no handling of dangerous substances takes place, and;
   e. the tanks that are not directly adjacent to cargo holds containing combustible cargo residues have an inert atmosphere or an atmosphere not exceeding 20% of the lowest explosive limit for combustible vapours.
2. The harbour master must be notified in advance of a combination carrier taking a berth outside the petroleumhaven.

Article 5.8 Construction and equipment requirements for service or support vessels

A service or support vessel entering a petroleumhaven must have:

a. a hull made entirely from non-combustible material;
b. an operating VHF radio system on which the relevant VHF port channel is monitored continuously while in the petroleumhaven;
c. an electrical installation that meets at least the requirements according to Atex zone 2 of Directive 1999/92/EC of the European Parliament and of the Council dated 16 December 1999, or as subsequently amended;
d. if present, an accommodation area, bridge, engine room or control room that provides adequate protection against the ingress of dangerous gases and vapours;
e. if present, a heating, cooking or cooling appliance that runs on electricity or a combustible liquid with a flash point of 55 degrees Celsius or higher, or these appliances have been switched off, and;
f. a shielded engine that cannot act as an ignition source.

6 Section 6 Transhipment of dangerous or harmful liquids in bulk

Article 6.1 Transhipment of dangerous substances at buoy or dolphin berths

In derogation of that stated by the operator of a buoy or dolphin berth pursuant to article 11.5.1(c), the transhipment, internal pumping, movement or mixing of dangerous substances at a buoy or dolphin berth is prohibited.

Article 6.2 Checklist for the transhipment of dangerous or harmful liquids in bulk

1. Direct transhipment of dangerous or harmful liquids between tankers or transhipment between a sea-going tanker and a location at which the activity is permitted may only take place if the checklist as referred to in ISGOTT, StSTGP or ISGINTT has been completed and signed by the parties involved for that activity in line with the provisions of the aforementioned checklist.
2. The transhipment must take place in line with the checklist.

Article 6.3 Other rules for the transhipment of dangerous or harmful liquids in bulk

1. During the transhipment of the following dangerous liquids between tankers:
   a. a dangerous or harmful liquid that, pursuant to the IBC Code, must be transported in a tank with a connection facility for a vapour return line;
   b. a dangerous or harmful liquid that, pursuant to the ADN, must be transported in a closed tank;
   c. a liquid as referred to in appendix 1, or;
   d. a volatile organic compound;

   the following must be used:
      1°. a vapour return line connection between the relevant cargo tanks, or;
      2°. a vapour recovery facility and in such a way that the operation causes the least possible emissions to the atmosphere, outside the frameworks as indicated in the vapour recovery facility permit.
2. During the transhipment, no more than the necessary cargo lines should be used. Fixed connection points for cargo lines must be located at the shortest possible distance from each other.
3. During transhipment of dangerous liquids, the vessel’s permanent cargo line should be used.
4. During transhipment of dangerous liquids, with the exception of harmful substances, the vessel’s permanent pump should be used.
5. A vessel involved in transhipment of dangerous liquids, other than harmful substances, may have one vessel berthed on both sides. More vessels may berth on one side if this concerns:
   a. a service ship if this is berthed outside the tanker’s cargo zones, or;
   b. one bunker vessel.

Article 6.4 Transhipment of gas

Transhipment of a gas as referred to in the IGC code or the ADN between two tankers is prohibited.

Article 6.5 Berthing alongside during transhipment of gas

It is prohibited to berth alongside a vessel that is involved in the transhipment of a gas as referred to in the IGC code or the ADN.

7 Section 7 Zoning scheme for vessels with dangerous substances in packaged form or in bulk

Article 7.1 Prohibition of berthing a vessel carrying dangerous substances

1. A vessel loaded with a dangerous substance in packaged form as listed in Appendix 2 may berth within a distance from the stowage position of the dangerous substance to vulnerable objects as specified in Appendix 2, only if action is taken in accordance with the provisions set out in Appendix 2.
2. If a dangerous substance is on board as cargo or cargo residue, a sea-going tanker may only berth outside the specified distances from vulnerable objects as detailed in Appendix 2, zone a or b.

8 Section 8 Bunkering, debunkering and transferring ancillary substances to or from board

Article 8.1 Bunkering

1. The municipal executive may designate fuels or energy sources that may be bunkered or debunkered by anyone who has a permit from the municipal executive.
2. The municipal executive can designate areas or berths where:
   a. bunkering or debunkering is prohibited;
   b. bunkering or debunkering is permitted, or;
   c. bunkering or debunkering according to that stated in the first subclause is only permitted for certain fuels or energy sources.
3. The municipal executive can designate fuels that may not be bunkered.
4. A permit is not required if the bunkering or debunkering takes place at a company at which these activities are permitted.
5. The municipal executive may designate fuels or energy sources containing one or more properties of a dangerous substance whereby simultaneous activities are permitted while the bunkering or debunkering of these fuels or energy sources is ongoing.

Article 8.2 Minimum requirements of a bunker permit

1. The municipal executive can set minimum requirements on the permit and the permit holder of the bunkering permit.
2. These minimum requirements can relate to:
   a. the permit holder's professional qualifications, the permit holder's staff or the natural persons who effectively and continuously manage the permit holder's activities;
   b. the permit holder's financial standing;
   c. the equipment needed for bunkering under normal and safe conditions and the ability to maintain this equipment at the required level;
   d. the availability of the permit holder to bunker or debunker at all berths and without interruption, day and night, throughout the year;
   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 employees and other persons;
   f. compliance with local, national, European and international environmental requirements, and;
   g. the good repute of the permit holder, as determined in accordance with applicable national law on good repute, taking into consideration any compelling grounds to doubt the reliability of the provider of port services.

Article 8.3 Fulfilling minimum requirements for a bunker permit

1. The permit application should include the information set out in an application form as adopted by the harbour master.
2. The municipal executive can determine that, for certain fuels or energy sources, additional details must be provided during the permit application. This additional information relates to the regulations and restrictions referred to in the third subclause and could relate to an audit that the municipal executive may conduct for bunkering or debunkering activities carried out by the company.
3. Conditions and restrictions may be attached to the permit, including:
   a. the location where bunkering or debunkering may take place and the safety distances that must be taken into consideration during bunkering or debunkering;

b. operational safety and the procedures governing the performance of bunkering or debunkering, as well as whether or not to permit other activities to take place simultaneously with bunkering or debunkering;
c. nautical safety;
d. external safety;
e. making operational reports related to bunkering or debunkering, and;
f. the subjects referred to in article 8.2(2).

Article 8.4 Regulations for vessels alongside during bunkering

The municipal executive can designate fuels and energy sources whereby restrictions apply to the number, location and type of vessels that may berth alongside a vessel on which bunkering or debunkering of these fuels or energy sources is taking place.

Article 8.5 Ancillary substances

1. The municipal executive may designate ancillary substances that may be transferred from or on board a vessel by anyone who has a permit from the municipal executive.
2. The municipal executive can designate areas or berths at which:
   a. ancillary substances cannot be transferred from or on board a vessel;
   b. ancillary substances can be transferred from or on board a vessel, or;
   c. only certain ancillary substances can be transferred from and on board vessels.
3. A permit is not required if the transfer of ancillary substances from or on board vessels takes place at a location at which these activities are permitted.

Article 8.6 Ancillary substance permit requirements

1. The permit application should include the information set out in an application form as adopted by the harbour master.
2. The municipal executive can determine that, for certain ancillary substances, additional details must be provided during the permit application. This additional information relates to the regulations and restrictions referred to in the third subclause and could relate to an audit that the municipal executive may conduct for the activities carried out by the company to transfer ancillary substances on and from board.
3. Conditions and restrictions may be attached to the permit, including:
   a. the safety distances that must be taken into consideration when transferring ancillary substances from or on board vessels;
   b. the operational safety and procedures governing the transfer of ancillary substances from or on board vessels, as well as whether or not to allow other activities to take place simultaneously to the transfer of ancillary substances from or on board vessels;
   c. nautical safety;
   d. external safety, and;
   e. making operational reports related to transferring ancillary substances from or on board vessels.

Article 8.7 Checklist for bunkering and debunkering and transferring ancillary substances on board

1. The municipal executive may establish checklists for bunkering or debunkering or for transferring ancillary substances from or on board.

2. The municipal executive can designate fuels, energy sources and ancillary substances as well as categories of vessels in which a checklist applies to the bunkering or debunkering of these.
3. The parties involved must complete a bunkering or debunkering checklist and must comply with this checklist and keep it on board the vessels concerned for at least 24 hours after the end of bunkering or debunkering.

Article 8.8 Signs

1. The municipal executive may designate fuels or energy sources for which a sign must be used during bunkering or debunkering, as determined by the municipal executive.
2. The municipal executive may set a minimum passing distance for vessels in relation to bunkering activities for each of the designated fuels referred to in the first subclause.

Article 8.9 Notifications

The municipal executive may designate fuels, energy sources or ancillary substances for which notifications must be made to the harbour master prior to and on completion of bunkering, debunkering or transferring ancillary substances from or on board:

a. by or on behalf of the bunker permit holder, or;
b. if the vessel being bunkered has no bunker permit holder.

9 Section 9 Reserved

10 Section 10 Reserved

11 Section 11 Services

Subsection 1 General

Article 11.1.1 Definitions

In this section, length means the length as referred to in section 1(o) of the Tonnage Certificate Act 1981.

Article 11.1.2 Vessel inspections

1. If a vessel complies with the provisions of article 11.2.4(1)(a)(2) or Section 12, a certificate of soundness will be issued by an inspector qualified to carry out inspections for an institute or person that is authorised by the Minister of Infrastructure and Water Management to conduct inspections on inland vessels. A copy of the certificate should be provided to the harbour master.
2. A certificate of soundness loses its validity:
   a. five years after the date of issue;
   b. if the design of the vessel is changed, or;
   c. if the condition of the vessel no longer justifies its use.

Article 11.1.3 Requirements for vessels and crew

1. The skipper of a vessel that is equipped and used for shuttle services or passenger transport of 12 persons or less, apart from the crew:
   a. must use a vessel that complies with the requirements pursuant to article 11.1.2(1) for the relevant category and is equipped with:
      1°. a certificate of soundness as referred to in article 11.1.2(1), or;
      2°. an inspection certificate as referred to in article 6 of the Inland Shipping decree, and;
   b. must be in possession of a commercial vessels master's certificate as referred to in article 14 of the Inland Shipping Decree and a basic certificate for maritime communication.
2. The skipper of a vessel that sails in a petroleumhaven and is equipped and used for shuttle services or passenger transport of 12 persons or less, apart from the crew, must use a vessel that also complies with that stated in article 5.8.
3. The certificate of soundness relating to a vessel, or a hard or digital copy of this, must be retained on board the vessel.
4. Insofar as this concerns passenger transport of 12 persons or less, apart from the crew, the municipal executive may grant exemption from the provisions in the first subclause, under a and b, if this concerns the possession of a commercial vessels master's certificate as referred to in article 14 of the Inland Shipping Decree.

Subsection 2 Mooring and unmooring of vessels

Article 11.2.1 Prohibition on mooring and unmooring sea-going vessels

1. It is prohibited for anyone to moor or unmoor a sea-going vessel.
2. That stated in the first subclause does not apply if:
   a. the sea-going vessel is moored or unmoored by a boatman affiliated with or employed by a recognised boatmen's organisation as referred to in article 11.2.3;
   b. it concerns a sea-going vessel of a length of 75 metres or less;
   c. it concerns a sea-going vessel of a length of more than 75 metres but less than or equal to 160 metres and which is safely unmoored by its own crew, who are physically on board the sea-going vessel at the time the last mooring line is removed;
   d. it concerns a sea-going vessel whose captain or first officer holds a PEC Small Sea-Going Vessels as referred to in Article 36(1) of the Compulsory Pilotage Regulations 2021 and which is moored or unmoored by the sea-going vessel's own crew;
   e. it concerns a sea-going vessel whose captain or first officer holds a temporary PEC Small Sea-Going Vessels as referred to in Article 21 of the Compulsory Pilotage Regulations 2021 for the Rotterdam-Rijnmond - Zuid-Holland hinterland sea port area and which is moored or unmoored by the sea-going vessel's own crew, or;
   f. it concerns a sea-going vessel of a length of less than or equal to 160 metres and which is unmoored and moored by its own crew to shift the sea-going vessel along one and the same quay and during the shifting no other moored vessel is passed.
3. That stated in the second subclause under b to f does not apply if this concerns a sea-going vessel carrying a dangerous cargo, as referred to in article 1 of the Compulsory Pilotage Decree 2021.
4. The municipal executive may designate one or more berths where categories of sea-going vessels to be determined by the municipal executive may only be moored or unmoored by a boatman as referred to in the second subclause, under a.
5. The municipal executive may grant exemption from the prohibition in the first subclause to the operator operating a ferry service if:
   a. a roll-on-roll-off vessel calls at the port at least once every 48 hours pursuant to a timetable established by the operator;
   b. roll-on-roll-off vessels are moored at the operator's fixed berths within a fixed mooring configuration, and;
   c. operations are performed according to a ferry mooring safety procedure adopted by the municipal executive.
6. In addition to the boatman as referred to in the second subclause under a, the mooring or unmooring of a sea-going vessel referred to in the first subclause may also be performed by a person who, within the framework of the training referred to in article 11.2.2(1) works under the responsibility of a boatman.

Article 11.2.2 Profession and obligations of a boatman

1. The profession of boatman may only be performed by a person who:
   a. has successfully completed the Boatman training, as incorporated in the dossier established by the Minister of Education, Culture and Science, under the award of the relevant CREBO registration code, or;
   b. in the last seven consecutive calendar years has gained at least four years' experience as an independent authorised boatman in one or more ports within the European Union, and the person:

1°. has experience of mooring and unmooring on buoys in a port comparable to the situation at the port of Rotterdam, on open water with high wave action and on strong flowing tidal waters;
2 °. has a satisfactory command of the Dutch language;
3°. holds a commercial vessels master's certificate or an equivalent foreign certificate of competency as referred to in Appendix 7.1(1.1) of the Inland Shipping Regulation and a basic certificate for maritime communication or an equivalent foreign certificate, and;
4°. in the opinion of the recognised boatmen's organisation at which he is employed or works, has secured an equivalent level of knowledge and skills, and;

is affiliated or employed by a recognised boatmen's organisation as referred to in article 11.2.3.

2. While working, the boatman must carry a valid identification document as referred to in article 11.2.3(e).
3. The boatman should present the identification document as referred to in article 11.2.3(e) at the request of persons or companies that use his services.

Article 11.2.3 Accreditation of boatmen's organisation

The municipal executive issues accreditation of a boatmen's organisation if this:

a. has a valid ISO 9001 or comparable certificate;
b. has at least one continuously available service point from which boatmen can be ordered;
c. demonstrates that regular consultation takes place with nautical service providers in the port regarding working methods and procedures for mooring and unmooring;
d. demonstrates that, in order to ensure the continuity of effective services, it can meet the requirement of operating in full continuous service and being able to moor or unmoor at least 3 individual sea-going vessels per hour, in different situations in terms of size, vessel type and location, using qualified personnel;
e. offers its services to all sea-going vessels and at all berths for sea-going vessels, and;
f. boatmen are issued with a certificate of identity bearing a passport photograph of a good likeness and stating at least:
    1°. the boatman's name, place of birth and date of birth;
    2°. that the Boatman training has been successfully completed as referred to in article 11.2.2(1)(a), stating the date on which the diploma was awarded, and;
    3°. the name of the boatmen's organisation with which the boatman is affiliated or employed.

Article 11.2.4 Requirements for crew and vessels used for mooring and unmooring sea-going vessels

1. The skipper of a vessel equipped and used for mooring or unmooring sea-going vessels:
    a. uses:
        1°. if it concerns a vessel built before 1 January 2018, a vessel that complies with the requirements for the relevant category, pursuant to article 11.1.2(1);
        2°. if it concerns a vessel built before 1 January 2018 and this vessel is certified for the first time for the use of mooring and unmooring of sea-going

vessels, a vessel that complies with the requirements set out in NEN 8431-cat. B;

3°. if it concerns a vessel built before 1 January 2018 and this vessel is undergoing major conversion or refit, a vessel that complies with the requirements set out in NEN 8431-cat. B, or;

4°. if it concerns a vessel built on or after 1 January 2018, a vessel that complies with the requirements set out in NEN 8431-cat. B, and;

b. is in possession of a commercial vessels master's certificate as referred to in article 14 of the Inland Shipping Decree and a basic certificate for maritime communication.

2. A vessel as referred to in the first subclause, under a, is provided with a certificate of soundness as referred to in article 11.1.2(1), and the certificate of soundness relating to the vessel, or a digital or hard copy of this, is kept on board the vessel.
3. A skipper of a vessel that is equipped and used for mooring or unmooring sea-going vessels, and is navigating a petroleumhaven, must use a vessel that also complies with that stated in Article 5.8.

Subsection 3 Passenger Transport over Water

Article 11.3.1 Expired

Article 11.3.2 Shuttle services

It is prohibited to provide shuttle services without a licence issued by the municipal executive unless the transport is provided by a tugboat assisting in the arrival or departure of the sea-going vessel.

Article 11.3.3 Embarkation and disembarkation of passengers

1. Embarkation and disembarkation of passengers takes place in areas that:
   a. are in good condition;
   b. are suitable for the embarkation and disembarkation of passengers, and;
   c. are well lit.
2. It is prohibited to allow passengers to disembark if no permission has been granted by the operator of the site or vessel concerned.
3. A berth that has a public purpose must be vacated as soon as possible if the skipper of another vessel expresses the wish to use it.

Article 11.3.4 Announcement

The operator of passenger transport over water, apart from a shuttle service operator, should announce at landing stages and on board the vessel:

a. the rates or the way in which these are calculated;
b. the timetable and availability of transport, and;
c. the transport conditions.

Subsection 4 Lashing containers on board sea-going vessels

Article 11.4.1 Prohibition on lashing

It is prohibited to lash containers on board a moored sea-going vessel unless this is done:

a. by the crew of the sea-going vessel concerned, if this concerns a sea-going vessel up to a maximum length of 170 metres, or;
b. by a lasher who is employed by a lashing company that holds a permit.

Article 11.4.1a Prohibition on lashing during navigation

It is prohibited to lash containers on board a navigating sea-going vessel.

Article 11.4.2 Permit conditions for lashing companies

The municipal executive issues a permit to a lashing company if the lashing company:

a. offers its services 24 hours a day, 7 days a week and is able to handle at least one sea-going vessel in the time made available by the shipping company or stevedore;
b. has an ISO 9002 certificate or demonstrates that it will have one in the foreseeable future;
c. in accordance with that stated in article 11.4.3, ensures that lashers working under its responsibility are sufficiently competent, reliable and recognisable, and;
d. lashers are issued with a certificate of identity bearing a passport photograph of a good likeness and stating at least:
    1°. the lasher's name, place of birth and date of birth, and;
    2°. the name of the lashing company where the lasher is employed.

Article 11.4.3 Lashers' obligations

1. Lashers must have a Certificate of Good Conduct upon starting work at a recognised lashing company.
2. The profession of lasher may only be exercised by those who have successfully completed one of the following courses:
    a. Port Operations Officer, included in the CREBO under number 93070 or number 95727, or;
    b. Assistant Logistics Employee, included in the CREBO under number 93730 or 93732.
3. While engaged in lashing activities, the lasher must carry a valid identification document as referred to in article 11.4.2(d).
4. The lasher should present the identification document as referred to in article 11.4.2(d) at the request of persons or companies that use his services.

Subsection 5 Operation of a buoy span or dolphin berth

Article 11.5.1 Operation of a buoy span or dolphin berth

The operator of a buoy span or a dolphin berth is prohibited from transhipping, handling or allowing dangerous substances to be handled at this buoy or dolphin berth, unless:

a. as a consequence of this transhipment or handling, the local risk at the safety perimeter is no higher than 10^{-6};

b. the operator has determined that, as a consequence of this transhipment or handling, the local risk at the safety perimeter is no higher than 10^{-6};
c. the operator has indicated to the skipper or captain of the vessel involved in the transhipment or handling of the dangerous substance:
    1°. the substance that may be transhipped or handled;
    2°. the maximum amount of that substance that may be transhipped or handled.

12 Section 12 Safety requirements of vessels for boatmen and passenger transport

Article 12.1 Definitions

For the purposes of this section, the terms below are defined as follows:

- on deck: on an open deck not closed off from the open air by superstructures or otherwise, including the floor of a vessel with an open cockpit;
- beam: the maximum width, measured on the outside of the hull plating;
- BWL: beam at waterline, the maximum width of the hull, measured on the outside of the ribs, on or beneath the plane of maximum draught;
- length of a vessel: maximum length of the hull, not including the rudder and bowsprit;
- LWL: length at the waterline on the plane of maximum draught;
- safety clearance: distance between the plane of maximum draught and the parallel plane passing through the lowest point, where the vessel is no longer considered watertight;
- plane of maximum draught: plane through the waterline, corresponding to the maximum draught at which the vessel is authorised to navigate;
- freeboard: distance between the plane of maximum draught and the parallel plane passing through the lowest point of the gunwale, or in the absence of a gunwale, the lowest point of the fixed deck;
- zone 2: waters within the municipal boundaries as stated in appendix I of Directive 2006/87/EG;
- zone 3: waters within the municipal boundaries as stated in appendix I of Directive 2006/87/EG.

Article 12.2 Scope

1. This section applies to:
   a. a mooring boat or vessel that is used for shuttle services, or;
   b. a vessel for which no survey certificate is required under article 6 of the Inland Waterways Decree and which carries 12 persons or less, other than the crew.
2. Articles 12.20, 12.21, 12.22 and 12.23 apply only to vessels for passenger transport with the understanding that the term ‘passengers’ does not include crew.
3. In derogation of the first and second subclauses, it has been determined that on:
   a. vessels that have an Inspection Certificate as referred to in article 6 of the Inland Shipping decree, only articles 12.9(2) and 12.22(4), apply;
   b. mooring boats or open boats to transport persons over short distances between the shore and vessel, articles 12.9(1)(e), and 12.20(2) do not apply.

Article 12.3 Vessel hull

1. The hull can withstand all pressures applied to the hull under normal conditions.
2. Seacocks and through-hull fittings, as well as pipes connected to them, must be designed to prevent any unwanted ingress of water into the vessel.

3. X The length of a vessel intended for transporting passengers should be at least seven metres and the beam at least two metres.

Article 12.4 Bulkheads

The engine:

a. must be located in a separate area, isolated from the accommodation by a fire-resistant bulkhead, or;
b. must be completely enclosed by a fire-retardant casing, the fire-retardant effect of which must be at least 1 hour.

Article 12.5 Bilge system

1. The vessel must have a bilge pump that is available for immediate use.
2. For a vessel length of less than 12 metres, the diameter of the connection must be at least 38 mm.
3. For a vessel length of more than 12 metres, the diameter of the connection must be at least 50 mm, or two bilge pumps must be used, each with a connection of at least 38 mm.
4. It must be possible to pump out separately any watertight compartment that is not usually sealed airtight during navigation.
5. A bilge alarm should provide a timely warning if liquid is located in the bilges or on the bottom of the holds where this impacts vessel stability.

Article 12.6 Anchoring equipment

1. The vessel must have an anchor that is available for immediate use.
2. The anchor:
   a. must have satisfactory holding force;
   b. on vessels shorter than 12 metres, must be at least 20 kg in weight and on vessels longer than 12 metres at least 25 kg in weight, and;
   c. should be fitted with an anchor chain of a length of at least three times the depth of the waterway concerned and be of sufficient braking strength for the vessel concerned.
3. An anchor may be replaced by two anchors that together are at least the weight specified in the second subclause, under b .

Article 12.7 Life-saving equipment

1. The vessel must have at least one lifebuoy with a line of at least 20 m that is available for immediate use.
2. Individual or collective life-saving equipment must be available for all persons on board.
3. Floating seat cushions are considered to be life-saving equipment if these:
   a. have a buoyancy in freshwater of at least 7.5 kg;
   b. can withstand oil, oil products and temperatures of up to 50 degrees Celsius;
   c. are equipped with a grab line, and;
   d. are not attached to the vessel.

Article 12.8 Fire-fighting resources

One portable extinguisher of at least 4 kg in weight or two portable extinguishers of at least 2 kg in weight, each with an extinguishing agent suitable for liquid fires, must be present in the vicinity of the engine room.

Article 12.9 Other equipment

1. At least the following equipment must be available on board and in a usable state:
   a. a boat hook;
   b. a first-aid kit, with sufficient bandages to administer first aid in an emergency;
   c. sufficient mooring lines for berthing and towing, as well as a system to which a tow line can be attached for towing;
   d. a properly functioning ship's horn ready for immediate use, suitable for issuing the prescribed sound signals;
   e. a properly functioning VHF that is equipped with local VHF block channels, channels 10 and 11 and bridge channels.
2. Contrary to the provisions of the first subclause, on board of:
   a. mooring boats, a VHF must be available with channels 41 to 45;
   b. mooring boats towing a vessel via a mooring line to a mooring post or buoy, a device must be available that allows the skipper to release the towing line under all circumstances if the boat is in danger of listing or being pulled underwater.
3. While navigating on a mooring boat, a properly functioning radar reflector must be carried, unless, at the discretion of the boatman, this is deemed to hinder the boatman in mooring or unmooring a vessel.

Article 12.10 Stability and buoyancy

1. The vessel is sufficiently stable if it passes the following stability test:
   a. the weight of half the permitted number of persons is shifted to the side of the vessel in such a way as to obtain a density of 3.75 persons or 285 kg/m2 on that side;
   b. in this test, the angle of heel after displacement must not exceed 7°, the angle of heel being determined using an inclinometer;
   c. after the test referred to in point b, the residual freeboard and residual safety clearance must not be less than 0.05 BWL + 20 cm and 0.05 BWL + 10 cm respectively, and;
   d. this test must be held at the least favourable filling level of the fuel and drinking water tanks.
2. The vessel must have sufficient reserve buoyancy after being filled.
3. If, in the opinion of the harbour master, sufficient reserve buoyancy cannot reasonably be provided, effective measures must be taken to prevent the ingress of water on board. In such cases, there should be no free movement of liquid in the vessel during navigation.

Article 12.11 Safety perimeter and waterlines

1. The safety perimeter is at least 50 cm in zone 3.
2. The safety perimeter is at least 80 cm in zone 2.
3. Smaller distances are permitted when required by operations and where the nature of the vessel allows this, as long as safety levels are maintained.
4. For vessels authorised to carry freight, the plane of greatest draught should be indicated by a single pair of clearly visible and indelible draught marks, approximately amidships.

Article 12.12 Fuel provisions

1. It is prohibited to use fuel or have fuel on board that has a flash point below 55 degrees Celsius.
2. The fuel tank must be located outside the passenger area and fitted with a quick shut-off fuel supply valve that can be closed from the deck.
3. Fuel tank level gauges should be connected to the top of the tank to allow fuel to flow back into it.
4. The fuel tank filler and vent should be located on deck.
5. The air supply needed for combustion must be safeguarded.

Article 12.13 Installations

1. Installations for heating, cooking or cooling must be protected from overheating and overturning.
2. The installations must be equipped with a thermally protected fuel shut-off valve.

Article 12.14 Steering system and controls

1. The vessel must be equipped with a reliably functioning steering system that ensures good steerability, taking into account the vessel's intended use.
2. The control functions must be clearly indicated.
3. If steering gear is present, it must be strong enough to cope with the forces on the rudder.
4. For the propulsion system, there must be a reliable way to start or stop this, and switch from forward to reverse and vice versa.
5. An alarm system must be installed for cooling water temperature, lubricant pressure and charging current.
6. The position of the rudder must be clearly visible from the steering position; if not, a rudder position indicator should be fitted at the steering position.

Article 12.15 Sufficient visibility

The vessel's steering position must provide ample visibility in all directions for safe navigation.

Article 12.16 Engines

1. The propulsion system must be arranged in such a way that it is accessible for operation and maintenance.
2. Moving parts and hot surfaces of engines or steam boilers and their accessories must be provided with protective devices.

Article 12.17 Exhaust pipe

1. Exhaust pipes passing through the accommodation or bridge must be provided with sufficiently gas-tight casing in those areas.
2. Exhaust fumes must be vented away from the vessel.
3. Effective measures must be used to prevent ingress of exhaust fumes into the vessel holds.
4. Exhaust pipes must be adequately cooled or heat-insulated.

Article 12.18 Electrical systems

1. Accumulators must be covered and positioned so that they are accessible and cannot shift as a result of vessel movements.
2. Accumulators must not be installed in the bridge or accommodation or in places where they are exposed to excessive heat, extreme cold, rainwater or spray.
3. Confined spaces, cabinets and boxes in which accumulators are installed must have effective ventilation.

Article 12.19 Liquefied gas installation

Liquefied gas installations on board the vessel must have been installed by an approved installation company. The expiry date of couplings, evaporators and connection hoses must not be exceeded.

Additional provisions for passenger transport

Article 12.20 Number of persons

1. The maximum permissible number of persons on board the vessel is determined in order to comply with the provisions of this section relating to stability and freeboard.
2. A seat must be available for each passenger and crew member that is at least 40 cm in width.
3. The maximum number of persons allowed must be clearly legible on the vessel in a prominent place.
4. If the vessel is intended or used to carry or transport goods other than hand luggage, the vessel must be specially equipped for that purpose.

Article 12.21 Escape route

1. There must be a clear central aisle along the entire length of the vessel's area that is intended for persons.
2. The width of the central aisle should be at least 45 cm.
3. If the vessel has a superstructure, an exit with a clear width of at least 70 cm must be provided both at the front and rear or on both sides of the area intended for persons.
4. One of the exits may be replaced by two emergency exits, each with a clear passage of at least 60 cm wide and at least 80 cm high.

Article 12.22 Bulwark and embarkation and disembarkation facilities

1. A bulwark of at least 90 cm height is provided where persons can enter the vessel.
2. Openings for embarkation and disembarkation must be secured in line with the first subclause.
3. Gangways must be at least 60 cm wide and fitted with railings of at least 90 cm in height.
4. Vessels intended for the transport of persons with a view to dropping them off while navigating or lying alongside another vessel may, instead of the bulwarks referred to in the first subclause, be equipped with other protection of an equivalent safety level that is suitable for this purpose.
5. The vessels referred to in the fourth subclause must be designed and equipped in such a way that persons can transfer safely to or from another vessel in all circumstances.

Article 12.23 Doors

1. Doors, other than cabin doors, in areas intended for persons must open outwards or be constructed as sliding doors.
2. The doors referred to in the first subclause may not be closed or locked by unauthorised persons during navigation.

13 Section 13 Clean engines in inland vessels

Article 13.1 Definitions

For the purposes of this section, the terms below are defined as follows:

a. commercial transport;
   1°. transportation of freight in the course of a trade or profession; or
   2°. transportation of freight exclusively intended for or originating from a company's own business;
b. inland vessel: vessel other than a sea-going vessel that is intended for commercial transport.

Article 13.2 Prohibition on inland vessels in the port

1. From 1 January 2025, it will be prohibited for an inland vessel fitted with an operational diesel engine to enter the port for the purpose of propulsion if this engine 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 of Directive 97/68/EC or the provisions of any subsequent directives.
2. The municipal executive may grant exemption from the prohibition in the first subclause for inland vessels of a special nature or with a special cargo, function of destination.

Article13.3 Regard as inapplicable

The municipal executive may decide to render this section inoperative/inapplicable if the evaluation of inland vessel pollution shows that the need for the prohibition in article 13.2 no longer exists.

14 Section 14 Enforcement

Article 14.1 Obligation to comply with regulations

The rules of or pursuant to these By-Laws and the regulations and restrictions stated therein must be complied with. Violation of these rules and regulations is a punishable offence.

Article 14.2 Penalties

Violation of the provisions of or pursuant to these By-Laws will be punishable by imprisonment of up to three months or a fine of the second category.

Article 14.3 Supervising Officials

1. The following are responsible for ensuring compliance with the provisions of or pursuant to these By-Laws:
   a. employees employed by the Rotterdam Harbour Master's Division of the Port of Rotterdam Authority N.V., with the exception of those who perform administrative work;
   b. the persons designated by decision of the municipal executive.
2. Without prejudice to the provisions of the first subclause, the enforcement of the provisions of 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 is the responsibility of the investigating officers referred to in article 141 of the Code of Criminal Procedure of the Rotterdam Regional Police Department, Seaport District.

Article 14.4 Entering homes

Those entrusted with supervision of compliance or detection of a violation of the regulations of or pursuant to these By-Laws, which aim to maintain public order or security or protect the life or health of persons, are authorised to enter a dwelling without the consent of the occupant.

15 Section 15 Transitional and concluding provisions

Article 15.1 Amendments in other regulations

Article 5.23a of the Rotterdam General Local By-Laws 2012 reads:

Article 5:23a Scope

This subsection, with the exception of articles 5:29 (Life-saving equipment), 5:30 (Safety on the water) and 5:30a (Swimming and bathing elsewhere than in the sea), does not apply in the port as referred to in article 1.2, in conjunction with article 1.1 of the Rotterdam Port By-Laws 2020.

Article 15.2 Repeal of former By-Laws

The Rotterdam Port Management By-Laws 2010 have been repealed.

Article 15.3 Transitional law

1. Authorisations, decisions or accreditations issued of or pursuant to the repealed By-Laws as stated in article 15.2 and in force at the time of entry into force of the 2020 By-Laws shall be deemed to be authorisations, decisions or accreditations of or pursuant to these 2020 By-Laws.
2. If an application for an authorisation, decision or accreditation under the repealed By-Laws as stated in article 15.2 was submitted before the entry into force of the 2020 By-Laws and has not yet been decided on, the application will be subject to the 2020 By-Laws.
3. Appeals against a decision on an application for an authorisation, decision or accreditation under the repealed By-Laws repealed as stated in Article 15.2 will be decided on using the 2020 By-Laws.

Article 15.4 Entry into force

These By-Laws will be published in the Municipal Gazette and enter into force from 6 January 2020.

Article 15.5 Citation title

These By-Laws should be cited as: Rotterdam Port By-Laws 2020.

Adopted at the public meeting held on 28 November 2019.

Registrar,
M.J.E.M. van Dam

Chair,
A. Aboutaleb

APPENDIX 1 as referred to in the Rotterdam Port By-Laws 2020

The substances referred to in article 4.11 and article 6.3 of the Rotterdam Port By-Laws 2020 are:

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

APPENDIX 2 as referred to in Article 7.1 of the Rotterdam Port By-Laws 2020

IMDG Class	Zone A: Sea-going vessels and inland vessels 0-100 m from vulnerable structures	Zone B: Sea-going vessels 100-300 m from vulnerable structures	Zone C: Sea-going vessels 300-500 m from vulnerable structures	Zone D: Sea-going vessels 500-800 m from vulnerable structures	Zone E: Sea-going vessels 800-1500 m from vulnerable structures	Outer zone Sea-going Vessels at least 1,500 m from vulnerable structures
1.1>1.6	**Prohibited for:** Total quantity: Classes 1.1, 1.2, 1.5: >25 kg Class 1.3: >5,000 kg Remaining unrestricted	**Prohibited for:** Total quantity: Classes 1.1, 1.5: >1,500 kg Class 1.2: >5,000 kg Class 1.3: >12,000 kg Remaining unrestricted	**Prohibited for:** Total quantity: Classes 1.1, 1.5: >12,000 kg Class 1.2: >12,000 kg Remaining unrestricted	**Prohibited for:** Total quantity: Classes 1.1, 1.5: >50,000 kg Remaining unrestricted	Unrestricted	Unrestricted
2.1	**Prohibited for:** total quantity >10,000 kg	**Prohibited in packaged form with a cargo >13,000 kg for UN numbers:**, 1032, 1036, 1041, 1061, 1083 Remaining unrestricted	Unrestricted	unrestricted	Unrestricted	Unrestricted
2.2	**prohibited in packaged form with a cargo >13,000 kg for UN number** 2451 Remaining unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted
2.3	**Prohibited**	**Prohibited for UN numbers:** 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083 **Unrestricted for UN numbers:** 1008, 1016, 1023, 1045, 1071, 1612, 1660, 1859, 1911, 1953, 1955, 2190, 2198, 2417, 2451, 2600, 3303, 3304, 3305, 3306 Remaining unrestricted	**Prohibited in packaged form with a cargo >13,000 kg for UN numbers** 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083 Remaining unrestricted	**Prohibited in packaged form with a cargo >13,000 kg for UN numbers** 1017, 1026, 1048, 1050, 1053, 1067, 1069, 1076, 1082, 2188, 2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083 Remaining unrestricted	**Prohibited with more than 10 tank containers (each >13,000 kg) on board with UN numbers** 1017, 1026, 1048, 1050, 1053,1067,1069, 1076, 1082**,** 2188, 2192, 2199, 2202, 2204, 2418, 2420, 2676, 3083 Remaining unrestricted	Unrestricted
3	**Prohibited for:** total quantity >10,000 kg	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted
4.1>4.3	**Prohibited for UN number:** 1295 **prohibited for:** total quantity >10,000 kg for UN number: 1242 Remaining unrestricted	**Prohibited for UN number:** 1295 Remaining unrestricted	**prohibited in packaged form with a cargo >13,000 kg for UN number:** 1295 Remaining unrestricted	Unrestricted	Unrestricted	Unrestricted
5.1	**Prohibited for UN number:** 1745 **prohibited for:** total quantity >10,000 kg for UN numbers: 1745 and 2495 Remaining unrestricted	**Prohibited for UN number:** 1745 Remaining unrestricted	**prohibited in packaged form with a cargo >13,000 kg for UN number:** 1745 Remaining unrestricted	Unrestricted	Unrestricted	Unrestricted
5.2	**Prohibited for:** total quantity >10,000 kg	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted
6.1	**Prohibited for UN numbers:** 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2480, 2486, 3249 **Other UN numbers prohibited for:** total quantity >10,000 kg	**Prohibited for UN numbers:** 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2480, 2486, 3249 Remaining unrestricted	**Prohibited in tank containers with a cargo >13,000 kg for UN numbers:** 1051, 1092, 1185, 1239, 1259, 1613, 1614, 2480, 2486, 3249 Remaining unrestricted	Unrestricted	Unrestricted	Unrestricted
6.2	Subject to the Decree on GMO and Food and Commodities Act					
7	Subject to the Nuclear Energy Act					
8	**Prohibited for UN numbers:** 1052, 1744, 1786, 1790, 1818 **Other substances prohibited for:** total quantity >10,000 kg	**Prohibited for UN numbers:** 1052, 1744, 1786, 1790, 1818 Remaining unrestricted	**Prohibited in packaged form with a cargo >13,000 kg for UN numbers:** 1052, 1744, 1786, 1790, 1818 Remaining unrestricted	Unrestricted	Unrestricted	Unrestricted
9	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Unrestricted

Weights in this appendix apply to substances including packaging. Container weights are disregarded. The total quantities of Class 1 shall not exceed the quantities specified in the Regulation on the Carriage of Dangerous Goods by Sea-Going Vessels and are in expressed Net Explosive Mass (NEM)

APPENDIX 3 of the Rotterdam Port By-Laws 2020

The substances referred to in article 5.4 of the Rotterdam Port By-Laws 2020 are:

Substance name	**UN number**
- potassium hydroxide	1814
- sodium hydroxide	1824
- phosphoric acid	1805

Substances listed in the IBC code with indication S/P and notation Toxic Vapour detection:

- Acid oil mixture from soya bean, corn, (maize) and sunflower oil refining
- Camelina Oil
- Cashew Nut shell oil (untreated)
- Castor Oil
- Cocoa butter
- Coconut oil
- Coconut oil fatty acid
- Corn oil
- Cotton Seed Oil
- Fatty Acids (C12+)
- Fish oil
- Grapeseed oil
- Lard
- Non-edible industrial grade palm oil
- Olive oil
- Palm acid oil
- Palm fatty acid distillate
- Palm kernel acid oil
- Palm kernel fatty acid distillate
- Palm kernel oil
- Rice bran oil
- Safflower oil
- Shea butter
- Soya bean oil
- Sunflower seed oil
- Tung oil
- Used cooking oil (Triglycerides, C16-18 and C18 unsaturated)
- Vegetable acid oils (m)

Appendix: Notes to the Rotterdam Port By-Laws 2020 (July 2023 version)

By-Laws preamble

One of the objectives of the Port By-Laws is the planning of and in the port. That term is not immediately obvious at first glance. This does not refer to spatial planning as this is covered by the council (zoning plans) and the municipal executive (permits, development and amendment plans). The previous Port By-Laws referred to the term 'order'. That term is no longer being used as this could be confused with public order and the mayor has jurisdiction in that area.

Relationship with other regulations

The term 'planning' means the efficient use of the port. The preamble of the By-Laws has not been amended. The terms planning and efficient use of the port have been defined in the definitions. The By-Laws also use the term efficient use of the port.

The provisions in the Port By-Laws supplement higher national and international regulations. As far as national regulations are concerned, these include the Inland Waterways Police Regulations, the Notification and Communication Shipping Regulations, the Transport of Dangerous Goods by Sea-going Vessels Regulations, the Prevention of Pollution from Ships Act, the Environmental Law (General Provisions) Act (after the introduction of the Environment Act in the Living Environment Activities Decree). International regulations include Marpol, SOLAS and ADN.

Relationship between the articles

The articles in the Port By-Laws are not self-contained and may be related to or dependent on other sections and articles in the By-Laws. The Port By-Laws should also be considered and read in their entirety to determine whether a certain action or conduct is permitted.

Notes on the articles

Notes on the articles are given below. Not all the articles have additional notes. Only articles that require additional explanation have notes.

Section 1 General Provisions

Article 1.1 Terms

The terms used in the Port By-Laws that require further explanation are included in article 1.1. A decision was taken to align the terms to definitions in national and international regulations.
The following is an explanation of some of the terms.

Dangerous goods

The definition of dangerous goods is based on the classification from international transport legislation, using the criterion of safety during transport and handling. Dangerous goods are all substances as stated in the listed transport legislation in this definition.

The distinction between dangerous and harmful substances (see below) is important for the application of various articles in the By-Laws. A substance carried as cargo may be exclusively dangerous or exclusively harmful, in the sense of polluting the marine environment, or both dangerous and harmful. Transported edible oil in bulk in a tanker, for example, is a harmful but not a dangerous substance. Petrol transported in bulk in a tanker is both a dangerous and harmful substance, while petrol transported in a tank container is only a dangerous substance.

Port
What is included in the term ‘port’ is defined here. The term must be read in conjunction with Article 1.2 of the Port By-Laws.

Harbour Master
The term ‘harbour master’ is understood to mean the harbour master appointed by the municipal executive under public law, i.e. the authority in the port that supervises order, the environment and safety, insofar as these tasks are mandated or authorised based on the Port By-Laws.

Inert atmosphere
An atmosphere such that no explosive mixture can occur when mixed with air, where the volume percentage of oxygen and hydrocarbon gas meets relevant IMO obligations.

Infrastructure
The term infrastructure appears in the By-Laws, for example in article 3.7. Including a definition avoids ambiguity regarding the scope of the article in which the term appears.

Captain and skipper
The captain or the skipper is the person in actual command of a vessel. In principle this is the actual captain or skipper but can also be a replacement, or another crew member who is in actual charge at that point. The terms ‘captain’ and ‘skipper’ are important for article 1.3, which states that the provisions from these By-Laws apply in principle to the skipper or captain, unless another person is designated to whom the provisions of these By-Laws apply.

Vulnerable structures
This term is in line with the concepts in the current and upcoming Environment Act for establishing safety perimeters around vulnerable buildings and locations.

Vapour recovery facility
At supralocal level, rules are set to limit the degassing of cargo tanks containing dangerous vapours to the atmosphere. Vessels should then dispose of dangerous vapours in their cargo tanks by other means. A vapour recovery facility will be needed for this.
This vapour recovery facility can be placed both at a fixed location and at a mobile location (for example on a vessel or truck). A vapour recovery facility can also be used to capture vapours during transhipment of harmful or dangerous goods, for which a connection is required on a vapour return line. The harbour master may issue a permit for vapour recovery facilities that are not covered by an establishment’s own environment permit and, after the introduction of the Environment Act, may issue a permit for vapour recovery facilities at a location on the basis of the Living Environment Activities Decree.

Cleaning tanks when open or closed
The By-Laws make a distinction between cleaning tanks when open or closed. In the articles on cleaning cargo tanks it was decided that clarification was needed regarding when vapours from certain hazardous or harmful substances may be vented to the atmosphere.

Harmful Substances
This term only refers to the Prevention of Pollution from Ships Act. All harmful substances are designated in this act. For this reason, as was previously the case, the municipal executive need not further designate these substances.

Ship-generated waste
The definition was changed in 2022 as a result of an amendment to the Prevention of Pollution from Sea-Going Vessels Act. The previous Act referred to 'ship's waste', whereas the new Act uses the term 'ship-generated waste'. The definition is the same as that used in the Act.
'Ship-generated waste' is defined as waste generated by a vessel, including cargo residues, during the operation of a vessel or during loading, unloading and cleaning operations. Specifically listed are oil-containing waste from the engine room, domestic wastewater, household waste, small dangerous waste and ozone-depleting substances, which are found in, for example, old fire extinguishers. In addition, the term 'ship-generated waste' includes cargo-related waste, such as dunnage and packaging material. Cargo residues, both dry and wet, are substances remaining behind after unloading the cargo and also fall under this definition.

Venting
The term venting is in line with the CDNI provisions (yet to be adopted). The CDNI sets a limit below which vapours may be vented to the outside air, known as the Accepted Vent Free Level. This corresponds to 10% of the lower explosive limit of a (combustible) substance.

Volatile organic compounds
Here, an organic compound is understood to be a compound that contains at least the element carbon as well as one or more of the following elements: hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, excluding carbon oxides, inorganic carbonates and bicarbonates.

Sea-going vessel
With regard to the term 'sea-going vessel', it is noted that vessels that have the required documents to operate on inland waterways and at sea (so-called inland/sea-going vessels) are classified as sea-going vessels under this definition.

Article 1.2 Where do these regulations apply?
The scope is not limited to the waters defined as the port but also extends to all structures and quay walls belonging to the port. It is clear that efficient use of the port and safety in the port can also be adversely affected from the shore.

By bringing section 4 under the scope of the second subclause, the lashing of containers while navigating is also prohibited on Rijksvaarwegen.
The third subclause provides specifications on the first subclause. The requirements set in article 11.1.3 on vessels and crew with respect to passenger transport of 12 persons or less apply to all tidal waters within the municipality, with the exception of vessels navigating on Rijksvaarwegen.

Article 1.3 To whom do these By-Laws apply?
The provisions of these By-Laws apply (in principle) to the skipper or captain. Some articles in the By-Laws explicitly require 'everyone' to comply with that regulation (e.g. the article prohibiting non-entitled parties from stopping a vessel (article 3.8), the possibility for everyone to carry out work on a vessel (article 4.5) or to comply with the action plan (article 4.7)).

Article 1.5 Requirements and restrictions
Violations of or pursuant to this regulation may be subject to penalties. The same applies to violation of any rules or restrictions attached to an authorisation.

Article 1.7 Validity period

An authorisation granted for a one-off behaviour or action is granted for the duration of that behaviour or action. The validity period is stated in the exemption and is related to the application. An authorisation may be granted for the maximum duration of five years. The second subclause allows for derogations therefrom in certain situations.

The municipal executive may grant a verbal exemption in urgent cases for a one-off behaviour or action. The exemption will then be put in writing as soon as possible.

Article 1.9 Waivers and exemptions from orders and prohibitions

The By-Laws do not include any waiver or exemption options in the articles themselves. This general possibility of waiving or exempting prohibitions and orders in the By-Laws is sufficient. This possibility is not limited. A condition is, however, that the applicant and not the municipal executive clarifies that the conditions as stated in this article are safeguarded.

This possibility is included in general terms because when the By-Laws were drafted, not all shipping developments were (or could be) foreseen.

Article 1.10 Notification to the harbour master

The acts that are subject to a reporting obligation are regulated in several articles in the By-Laws. The way in which, what and when these notifications must take place are stipulated in a separate harbour master's decree. In general, it is the harbour master's authority to set conditions to which an application or authorisation must comply.

Section 3 Efficient use of the port

As one of the objectives alongside the environment and safety, the By-Laws mention the efficient use of the port. There has been frequent confusion regarding this term, partly in connection with mayoral powers (public order) and the concept 'spatial planning'. For the reason that 'planning' means something else in the Port By-Laws, it was chosen to replace the term 'planning' with 'efficient use' as that term better reflects what is meant.

Article 3.1 Traffic signs and notices that have the same meaning as a traffic sign

The Inland Waterways Police Regulations (Bpr) stipulates a system of traffic signs that is uniform for the Netherlands. To avoid interfering with this system, this article stipulates that the municipal executive will use these same signs for the purpose of efficient use of the port. The Bpr regulates traffic handling, while these By-Laws regulate the use of the port based on certain interests (environment, efficient use of the port and safety). As this article now makes the signs from the Bpr mandatory, this creates uniformity in traffic signs, although the basis for the signs may be different.

Article 3.2 Designate berthing areas and berthing periods

This article generally regulates that the municipal executive is authorised to designate areas where certain types of vessel may or may not be located or, for berths, to indicate which activities are or are not permitted. This can also be for a certain period. The municipal executive can, for example, decide to expel leisure craft from the port basins.

Article 3.4 Proper mooring

The article deliberately does not further define what is meant by proper and safe mooriing. Good seamanship and existing guidelines, such as Oil Companies International Marine Forum's Guidelines on Mooring, provide direction as to how a particular type of vessel should moor and leave the responsibility for mooring primarily with the captain or skipper.

In practice, vessels do sometimes moor using only a spring line before starting to load or unload. This creates the risk of cargo spilling into surface water or causing material damage to vessels or infrastructure. The inclusion of an obligation to dock securely enables action to be taken against this. To prevent damage other than due to human action, the vessel should be moored so that no forward or backward movement can occur, although some movement due to wave action or wind pressure is unavoidable.

The second subclause includes minimum length distances for sea-going vessels to minimise the likelihood of vessels colliding - for example due to the effects of the tide or suction from passing vessels.

Article 3.5 Raising vessels

Under this article, it is possible to raise a vessel if certain conditions are met. The previous Port By-Laws included a prohibition on jacking up. Due to ambiguity over the term ‘jacking up’, it was chosen to include the term ‘raising’, which actually has the same meaning as jacking up. It has also been decided that the By-Laws no longer apply only to drilling rigs, work platforms or similar objects, but to vessels in general (this includes a drilling platform, etc). The definition clauses include the specific objects under the term ‘vessel’.

The municipal executive can designate areas where raising is possible. Areas can be designated if, for example, there are no cables in the ground there or there are other circumstances that enable such activities (safety, underwater infrastructure, etc).
If a vessel is situated in a location where these activities are permitted, the prohibition does not apply insofar as the activities fall within the scope of the permit issued under the Environmental Law (General Provisions) Act (Wabo)/the activities are permitted under the Living Environment Activities Decree.

Article 3.6 Use of propellers, bow thrusters or stern thrusters

This article aims to protect the underwater infrastructure in the port. Structures, cables, tunnels, pipelines, quays and culverts are located in, beneath and along the port. The use of propellers, bow thrusters or stern thrusters may cause damage to this infrastructure if used other than for reaching or leaving a berth.

For this reason, it is stipulated that the use of these aids is not permitted if this causes or may cause damage to the infrastructure. It is up to the skipper or captain to determine whether the use of propellers, bow thrusters or stern thrusters can take place safely.
The reason for the prohibition is that it has been found that port users can create dangerous situations. Similarly, the trial running of propellers, bow or stern thrusters, as well as trying to break free if a vessel has run aground, can also cause major damage.

Given the often difficult mooring situation, heaving to or turning away by a vessel moored against another vessel poses a negligible risk to the port infrastructure and is therefore acceptable to prevent direct damage.

Article 3.7 Use of anchors and spud poles

The port’s underwater bed contains a large number of infrastructure facilities, such as seabed protection, pipes and cables. Using anchors or spud poles without prior knowledge of the locations of these infrastructural services may result in damage to these services.
It is only permitted to use anchors or spud poles after checking that these cannot cause damage. This is in areas designated by the municipal executive or at berths that have relevant traffic signs or decrees that have the same scope as a traffic sign. In other cases, the information must be requested from the harbour master.

Article 3.8 Entitled parties

The title of this provision better reflects the content than in the previous version of the By-Laws. An entitled party is someone who can assert rights over the vessel, whether as a legitimate user (owner/lessee) or authorised party (e.g. an administrative body exercising its authority to apply administrative sanctions).

Article 3.11 Operational area berths

The municipal executive can assign an operational area to a berth, an area of water delineated in three dimensions (length, width and depth) within which vessels can berth to carry out their activities. The boundaries of this area will be established in such a way that the owner of the berth can handle all regular shipping deliveries under practically all circumstances, while also leaving sufficient manoeuvring space for the departure and arrival of vessels at neighbouring berths.

The second subclause concerns nautical use, which means, for example, how a vessel should be moored or the keel clearance. Nautical use does not include operational actions such as cargo transfer, bunkering a vessel or allowing a vessel to berth based on cargo characteristics.

Compliance is the responsibility of the lessee, leaseholder or owner (= manager) of the mooring facility at which the mooring is located. This is because they have the current schedule of expected shipping at the mooring and have the power to intervene, as they are the rightful owner of the relevant stretch of water.

The fourth subclause makes an exception to enable bunkering or service vessels to conduct their activities outside the operational area. Considering the relatively short-term nature of these activities it was decided that these bunker and service vessels should submit an operational notification to the harbour master. The harbour master can oversee whether the operational area is exceeded and, if so, whether this is likely to cause a bottleneck in shipping operations. No permission is needed for these activities. The notification to the harbour master can, however, result in the harbour master issuing instructions to, for instance, postpone the activities.

In some berths it can be undesirable that bunker or service vessels moor outside the operational area. The fourth subclause therefore adds that the municipal executive may determine otherwise in the decision referred to in the first subclause.

Article 3.12 Measures relating to withdrawal from economic use

This article is included in the By-Laws to prevent vessels from being withdrawn from economic use by the owner (being ‘laid up’), or involuntarily withdrawn from economic use due to vessels being impounded or vessels being prohibited from navigation.

If a vessel is laid up, a minimum crew often remains on board. This is both to ensure cost reduction as well as to ensure that the required minimum maintenance takes place on board. In the case of a vessel that has been seized or prohibited from navigation, some of the crew may also be removed from the vessel because of the duration of the measure.

In the event of a hazardous situation in the port, in principle, any moored vessel should at all times be able to change berth immediately under its own power or with the help of tugs. It is also necessary to ensure that the mooring situation remains sound.

This article enables effective measures to be imposed on the vessel captain, skipper or operator to ensure continued efficient use of the port, and safety or the environment with respect to the vessel and its surroundings. This could include prescribing a minimum crew.

Article 3.13 Port services

In connection with the safe use of the port, the port management should be informed of all facilities that are installed below or above water and that are of a more or less permanent nature. Exceptions are vessel accessories and

facilities needed to load and unload a vessel. This includes the requirement that these facilities are actually used for this purpose. This is to prevent the permanent installation of facilities that cause hindrance or danger to others (e.g. mooring lines and fenders).

Section 4 Safety and environment in the port

Article 4.1 Pollution and disruption by vessels

This article is included in the context of contributing to improving local noise and air quality in the port. The prohibition in the first subclause is limited to actions that take place on board a vessel. Actions carried out from the shore fall outside these provisions. These actions are stipulated in the environment act and regulations.

To prevent hazard, damage and nuisance from waste incinerators in the surrounding area, the use of waste incinerators on board vessels is prohibited. Any waste on board can be delivered to the designated collectors.

Article 4.2 Prohibition on the use of generators, and main and auxiliary engines

This article is included in the context of contributing to improving local noise and air quality in the port. In areas designated by the municipal executive, it is prohibited to use a generator or main and auxiliary engines immediately after mooring. These will usually be areas located in or near areas where functions sensitive to such hindrance (such as housing) are located.

In these areas, most of the berths have shore power available for inland shipping to use for electricity consumption. There is no obligation to use shore power. A moored vessel can also opt to use an on-board, clean power supply, such as batteries.

Article 4.3 Hazard, damage or hindrance from vessels

The Shipping Traffic Act regulates the admission policy for navigating traffic. Article 4.3 regulates proper port management and also allows for intervention if vessels cause or are likely to cause serious danger, damage or hindrance or serious consequences for the efficient use of the port.

The measures taken may be of a (more or less) drastic nature and they may involve a wide variety of measures, depending on what is needed. This could include vessels on fire, in danger of sinking or vessels from which dangerous goods are leaking. Measures may range from making emergency arrangements on board the vessel to - in extreme cases - prohibiting the vessel’s entry or port call.

Article 4.4 Safe access

Safe access is described in such things as SOLAS, Working Conditions Regulations and the Regulation on the Carriage of Dangerous Goods by Sea-Going Vessels. These describe what is meant by safe access.

The access should be arranged in such a way that this cannot cause hazard or damage.

The second subclause makes an exception for inland vessels. Providing access during loading or unloading can actually make the situation less safe. When an inland vessel moors for a short duration, for example during bunkering or to offload the car, it is not necessary to create safe access.

Article 4.5 Carrying out activities

Major work on vessels usually takes place in a location where these activities are permitted, for example in a shipyard or dock. All other work can be carried out by the vessel’s own crew, a repair company or stevedore employees. It is for this reason that the article addresses everyone. Carrying out activities can result in hazards.

Regulations have been included in the first subclause under b, that state that the duration of the work must not exceed seven days in total. This is to prevent that other activities are carried out in other locations than where these activities are permitted and to prevent that activities develop into large-scale work with inherent safety risks and a long timescale.
The first subclause also applies to the vessel's operational readiness. Work on, for instance, the propulsion system may not lead to the obstruction of operational readiness for a period of more than seven days. Furthermore, the prohibition on open flames and spark discharge in the petroleumhaven area, which is regulated elsewhere, is in full force when carrying out activities.

The tanker referred to in the second subclause also includes a combination carrier that has been converted to a bulk carrier and is still only suitable for the carriage of dry cargo. In practice, it has been shown that vessels that have changed vessel type may leave behind residues of previously transported liquid cargo that can lead to undesirable hazardous situations involving activities with open flame.

The third subclause states that it is not simply permitted to carry out work on vessel systems that are powered by specific fuels, energy sources or ancillary substances. The municipal executive can set conditions on the efficient use of the port and to safeguard safety and environmental safety. The reason is that such work may involve so much danger that mere notification is not enough.

Demolition works are detailed in the fourth subclause. Demolition refers to the dismantling of the vessel structure. Demolition work is specific work that is not aimed at repairing the vessel, but rather at taking the vessel out of service.

Article 4.6 Fumigation

The authority included in this article concerns the designation of berths for vessels treated with a decontaminant in the Netherlands. Fumigation of vessels in the Netherlands is regulated by the Plant Protection Products and Biocides Act.

Article 4.7 Cargo that has been decontaminated abroad

This article applies to vessels calling at the port and loaded abroad with cargo that was decontaminated there or during the voyage.
Vessels with bulk cargoes that have been treated with decontaminant should, on arrival in port, act in accordance with the action plan adopted by the municipal executive. To ensure the vessel's safety and environment and the safety of the surrounding area, this action plan describes the measures to be taken during the period in which the cargo is insufficiently free of decontaminants.

The action plan places great responsibility on the fumigation expert. As the responsibility for compliance with the action plan is placed on 'everyone' in the second subclause, it is possible to hold the person who actually carries out or commissions the activities based on the action plan accountable.

Article 4.8 Permit for reception of sea-going vessel waste

The use of a reception facility for vessels is stipulated in the Prevention of Pollution from Ships Act (Wvvs). Under this act, the harbour master can designate reception facilities. This provision provides for this. Three groups of companies may qualify for a permit: transhipment terminals and ship repair yards, companies with a permanent shore-based facility to collect and possibly treat, process or destroy dangerous goods and, finally, transport and other companies that only collect the waste using mobile facilities (barges, vehicles).

The Explanatory Memorandum to the Prevention of Pollution from Ships Act shows that an overlap with the permit requirement for a reception permit under the Environmental Law (General Provisions) Act (Wabo)/Environment Act is considered undesirable by the legislator. In amending the Prevention of Pollution from Ships Act, the legislator explicitly opted to leave answering the question of which persons are allowed to collect ship-generated waste to the regulation laid down in the Environmental Law (General Provisions) Act/the Environment Act. Only companies that have a permit based on this law or sites where such activities are permitted are entitled to collect waste from sea-going vessels. However, the port management may use the permit instrument to add further regulations on companies collecting ship-generated waste in the port. This concerns operations and administrative regulations to ensure good logistics infrastructure in the port.

A transhipment terminal or ship repair yard, which has been designated (licensed) to receive waste, may only collect waste from sea-going vessels that are loaded, unloaded or repaired at the facility. It goes without saying that companies, where the main business is the reception, treatment, processing and destruction of waste, are also required by the designation to collect all designated dangerous waste. Transport companies without a permanent shore-based installation to store, treat or process waste are eligible for the designation, provided they are entitled to collect or store dangerous waste under environmental legislation. The designation obliges these companies to deliver the collected ship-generated waste to a company authorised under environmental legislation to treat, process or destroy the waste.
Thus, the permit set out in the Port By-Laws has a different purpose and complementary character to the reception permit in the Environmental Law (General Provisions) Act/general rules of the Living Environmental Activities Decree.

Article 4.9 Minimum requirements for a permit for the reception of sea-going vessel waste
European Regulation (EU) 2017/352 sets out the requirements for the licencing of companies with waste reception facilities. The requirements that the port sets for the permit are incorporated in these By-Laws.

Article 4.10 Permit for a mobile vapour recovery facility
Mobile vapour recovery facilities that provide their services to vessels on the water and do not fall under an environmental permit/general rules of the Living Environment Activities Decree may only do so with a permit from the municipal executive or if they comply with the rules of the Living Environment Activities Decree. The municipal executive's requirements for vapour recovery facilities used by such companies are in line, as far as possible, with those used for a shore-based installation.
Mobile vapour recovery facilities located on shore are subject to the environmental permit of the shore-based company concerned/general rules of the Living Environment Activities Decree.

The second subclause includes a reporting requirement for degassing to a mobile vapour recovery facility. This reporting requirement applies to a vessel that is going to degas to a mobile vapour recovery facility located on another vessel. If the vapour recovery facility is required to have a permit, the permit will also include a reporting requirement for the unit.

Article 4.11 Cleaning and venting tanker cargo tanks or slop tanks
This article generally regulates the safe and environmentally responsible cleaning of tanks, including the use of a vapour recovery facility. Reducing emissions is an important part of this article. Only the unavoidable escape of a small amount of residual gas on opening the cargo tanks or slop tanks is permitted.

The first subclause, under c, states it is prohibited to clean tanks that are open if they contain the so-called odorous substances from appendix 1 and that do not fall under a, b and d.

It follows from the first subclause that for substances where closed cleaning is not prescribed, open cleaning is allowed.

The fourth subclause stipulates that venting is only permitted at a location designated by the harbour master. The term venting is included the Port By-Laws. This is the situation in which the concentration of dangerous gases and vapours from the cargo tank is below set values in the vented mix. This considers both flammability and toxicity limits. Whether dangerous gases and vapours must meet those limits again depends on the classification code assigned to them, which is based on international transport legislation such as the ADN. For the gases and vapours of dangerous goods that only have the classification code combustible (F), no toxicity needs to be measured. This is the case when the substance is assigned classification code T and in Table C column 18 of the ADN a toxicity meter is required for the substance in question. This is in line with international regulations.

The sixth subclause states in general terms that the cleaning of substances (as referred to in Article 4.11(1)), which includes opening or venting these areas after cleaning, may be restricted or prohibited by the municipal executive if deemed necessary due to atmospheric conditions. Agreements have been made about this between the harbour master and the environmental authorities, based on the issued weather codes.

Section 5 Petroleumhavens

Article 5.2 Vessels permitted in the petroleumhaven

In connection with the risks associated with dangerous goods, only certain vessels or activities are permitted in the petroleumhaven areas.
Part f states that vessels (in general, not specific vessels) may navigate the petroleumhaven area if this is necessary to reach their destination. Considering the nature of the vessels it is logical that they should keep a good distance from other vessels berthed in the petroleumhaven and should select the shortest route, without stopping unnecessarily.

Article 5.3 Prohibition of open flame, smoking and spark discharge

These prohibitions concern activities that are not appropriate for the designated petroleumhavens.
Open flame and smoking, including e-cigarettes, are prohibited on board a vessel in a petroleumhaven. Smoking is only permitted in enclosed areas, for example in an accommodation or service room, or in areas that meet the requirements set in international legislation for areas in which smoking is permitted.

Articles 5.5, 5.6 and 5.7 Tankers carrying dangerous goods

Articles 5.5, 5.6 and 5.7 cover the same topic but relate to different types of vessels. Given the different nature of vessels (construction and amount and type of cargo), different conditions are applied for each type of vessel. It is important to note that that stated in article 5.4 applies in full to these provisions. The requirements from article 5.4 apply in all situations described in articles 5.5 to 5.7.

In addition to the situations referred to in Articles 5.4 and 5.5, it is also permitted for an inland tanker carrying dangerous goods to take a berth outside a petroleumhaven if this is in accordance with traffic signs and further local indications as referred to in Article 3.1.

Article 5.6 Sea-going tankers carrying dangerous goods

Sea-going tankers may only take a berth outside a petroleumhaven if they comply with all conditions stated in the first subclause. The declaration from a gas expert is needed when the condition of the cargo or slop tanks cannot be

ascertained in advance by the harbour master prior to entering the port. The captain should ensure that a gas expert issues the ‘gas expert declaration’.

Activities involving dangerous goods that change the condition of cargo tanks or slop tanks are not permitted if a gas expert declaration is required. If the vessel’s circumstances deviate from the ‘gas expert declaration’, for example because the tanks have been loaded, discharged or cleaned, it is no longer permitted to take a berth outside a petroleumhaven as the declaration is not or no longer valid. The content of the ‘gas expert declaration’ therefore determines what the vessel is permitted to do, in this case take a berth outside a petroleumhaven.

Article 5.7 Combination carriers carrying dangerous goods

Combination carriers may only take a berth outside a petroleumhaven if they comply with the conditions stated in the first subclause. This means that a declaration from a gas expert is always needed. The captain should ensure that a gas expert issues the ‘gas expert declaration’.

That stated in article 5.6 also applies to combination carriers.

Section 6 Transhipment of dangerous or harmful liquid substances in bulk

Article 6.2 Checklist for the transhipment of dangerous or harmful liquid substances in bulk

Before carrying out transhipment of liquid dangerous or harmful substances by sea-going tanker or between tankers, the persons responsible for the transhipment (on a sea-going or inland tanker the captain/skipper and for an establishment the operator) must review and complete a checklist. The checklist referred to here is incorporated in the International Safety Guide for Oil Tankers and Terminals, (ISGOTT) issued by the International Chamber of Shipping (International Association of Ports and Harbors (IAPH), the International Safety Guide for Inland Navigation Tank-barges and Terminals (ISGINTT) or the Ship to Ship Transfer Guide for Petroleum (StSTGP). No reference is made to a specific edition of these guidelines and the latest version should always be used.

These internationally known checklists are used across the world for transhipment to and from a vessel. The advantage of using these internationally known checklists is that the responsible parties in sea-going and inland tanker shipping and the establishments are familiar with their use, and the latest version is always known and should be used.
The parties are obliged to work according to the checklists once the list has been signed.

Article 6.3 Other rules for the transhipment of dangerous or harmful liquid substances in bulk

This article generally regulates the safe and environmentally responsible handling of said substances. Reducing emissions is an important part of this article.

This entire article is based on the premise that the vessel is central, to which the provisions of this article apply. It makes no difference whether the vessel is moored at, for example, a public berth or at a mooring facility belonging to an establishment to which an environmental permit applies.

The safety regulations for transhipment between an inland tanker and an establishment are laid down in the ADN. Additional regulation for this in these By-Laws is not necessary for that type of transhipment.

If transhipment of dangerous or harmful substances takes place between vessels, a vapour return line must be used. The International Bulk Chemical Code requires sea-going tankers to have a tank with a vapour return connection on the vessel for the transport of certain substances. The ADN stipulates for inland tankers that certain

substances must be transported closed. However, these international regulations do not explicitly require the use of a vapour return line during transhipment. The use of appropriate lines during transhipment of these dangerous or harmful substances is to the benefit of environmental safety in the port, which is why their use is stipulated as mandatory in the first subclause.
The lines must then be used to prevent, in particular, odour nuisance or risk to the environment due to the harmful nature of the stated substances. The final category for which the use of vapour return lines is now mandatory is that of volatile organic compounds. Handling of these substances in closed conditions is also stipulated as mandatory by the permit authority in the individual permits issued to shore-based establishments based on the Environmental Law (General Provisions) Act.

Other provisions in this article also focus on managing the risks present.

Section 7 Zoning scheme for vessels with dangerous goods in packaged form or in bulk

Article 7.1 Prohibition of berthing a vessel carrying dangerous goods

It is stipulated that it is prohibited to berth a vessel loaded with certain amounts of a dangerous substance listed in Appendix 2. The appendix shows the distance from vulnerable objects that must be observed when assigning a berth if a certain amount of dangerous goods are on board the vessel. The distance is determined from the stowage position of the dangerous goods on board the vessel. The purpose of this berth zoning is to ensure that, should an unexpected incident occur with a vessel carrying a dangerous substance, there is a sufficiently safe distance between the vessel and vulnerable objects.

This regulation anticipates the Environment Act coming into force at a later date.

In addition to the safety perimeters as determined in the Decree Determining the Safety Perimeters, in the berth zoning a safety perimeter is drawn around vulnerable objects within which vessels carrying certain quantities of dangerous goods are not permitted to berth. This risk measure is in addition to the safety distances that municipalities and provinces must observe when granting environmental or other permits to companies working with dangerous goods. The first subclause covers all vessels, while the second subclause covers only sea-going tankers.

The safety distances listed in Appendix 2 were recalibrated in 2022. The distances are based on the safety standards prescribed in the Decree on External Safety of Establishments (Bevi), which municipalities and provinces are obliged to comply with when granting environmental and other permits to companies working with dangerous goods.

Berth zoning looks at the impact of an incident involving the dangerous goods on board vessels and does not weigh the probability that the incident may occur. This makes this measurement method more stringent than the regular measurement method and, as a result, the berth zoning contains larger safety distances than if the Bevi were applied. This more stringent measurement method contributes to safety in and around the port.

To calculate the safety distances of Class 1 substances (explosives), the 2020 Calculation Regulations for Environmental Safety, Module VI for Storage of Explosive Substances prepared by the NNIPHE was used.

Berth zoning under this section applies only outside petroleumhavens.

Section 8 Bunkering, debunkering and transferring ancillary substances to or from board

General explanation

Chapter 8 incorporates rules for the energy supply on board vessels. The development of the use of sustainable energy in shipping is progressing rapidly. This chapter takes this into account by no longer specifically mentioning the fuels. This ensures that the articles are future proof.

The port aims to contribute to a clean environment. It does this by imposing requirements on suppliers of new clean fuels, for example through a bunker licence or an additive licence. This ensures that the permits are in line with the minimum requirements of the European Seaport Regulation.

Article 8.1 Bunkering

Article 8.1 relates to the bunkering. It contains regulations for designating fuels and ancillary substances that require a bunkering (or debunkering) permit.

The fifth subclause conditionally allows simultaneous operational actions during bunkering.

Activities carried out at the same time as bunkering, such as cargo operations, bunkering of other fuels or lubricating oil, cleaning and repair, may pose risks. Several best practice guidelines state that simultaneous operations are only justified if a risk assessment has been carried out showing whether, and under what conditions, simultaneous other activities can responsibly take place. The result of the risk assessment is incorporated in the operational documentation approved by the flag state, such as the bunker management plan for the vessel being bunkered. The parties involved in bunkering must comply with stipulations and restrictions stated in this operational documentation. Only those operations listed in the operational documentation may take place during bunkering.

Article 8.4 Regulations for vessels alongside during bunkering

In Article 8.4, the municipal executive may impose restrictions on vessels berthing alongside a vessel that is bunkering. This article mitigates the risks posed to berthed vessels by current and future energy carriers and fuels during bunkering.

Article 8.8 Signs

Article 8.8 authorises the municipal executive to prescribe signs for designated fuels and energy sources as well as passing distances that ships must observe in relation to bunkering activities. The motive for this authority is safety: bunkering is an activity that impacts the safety of the surrounding area. Prescribing signs and passing distances ensures that safety is served for users of the area. The municipal executive determines which signs are mandatory and the minimum passing distance that passing vessels must maintain during bunkering operations.

Section 11

Subsection 1 General explanation

Subsection 1 incorporates the general provisions relating to mooring and unmooring of vessels and passenger transport in the port.

Article 11.1.1 Definitions

In this section, length is understood to be:
96 percent of the length of the load line at 85 percent of the least moulded depth of the hull, measured up from the top of the keel plate, or the length from the foreside of the bow to the centreline of the rudder stock measured on this load line, whichever length is greater. In vessels designed with trim, the load line at which this length is measured should be taken parallel to the construction waterline.

Article 11.1.2 Vessel inspections

Section 11 of these By-Laws sets out technical requirements for mooring boats, small craft carrying persons and shuttle services.

The first subclause states that inspectors associated with the inspection institutes recognised by the Minister of Infrastructure and Water Management for the inspection of vessels may also inspect service vessels as referred to in Article 11.2.4, first subclause, under a, part 2, or section 12, for navigation in the port, and issue a certificate of soundness for this purpose. In this way, it is no longer necessary for the municipal executive to adopt an approval decision of inspection bodies. It may be assumed that these persons employed or working for a body recognised by the minister are also sufficiently qualified for the inspection of a few small vessels operating in the port.

Article 11.1.3 Requirements for vessels and crew

This article includes the obligations on skippers of vessels equipped and used for shuttle services or for the transport of 12 persons or less, apart from the crew. Vessels must have been surveyed in accordance with Article 11.1.2 or be provided with a certificate of survey as referred to in the Inland Navigation 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 maritime communication.

The skipper must keep a certificate of soundness, or a copy of this, on board the vessel at all times, unless it is a vessel without crew quarters.

The fourth subclause states that the municipal executive may waive the certificate of soundness requirement for commercial transport of 12 persons or less. The reason for this inclusion is the trend of fast boats taking people (as part of e.g. company outings) across the river. To allow such vessels to moor, the municipal executive may in such cases grant exemption from the provisions of article 11.1.3.
It should also be noted that, in principle, these vessels will not be allowed to enter the ports with an exemption.

Subsection 2 General explanation

Subsection 2 contains provisions relating to mooring and unmooring of vessels.

Article 11.2.1 Prohibition on mooring and unmooring sea-going vessels

This article contains regulations on the mooring and unmooring of sea-going vessels. Sea-going vessels of a length exceeding 75 metres must be moored and unmoored by a boatman. Sea-going vessels of a length of 75 metres or less carrying dangerous goods must also be moored and unmoored by a boatman. This 75-metre limit is linked to regulations for vessels subject to compulsory pilotage included in the Compulsory Pilotage Decree 2021.

Indeed, the obligation to use boatmen is aligned with the obligation to use a pilot: on historical grounds, the 'mooring obligation' coincides with the pilotage obligation. In the port, vessels of a length of 75 metres or more are subject to compulsory pilotage, regardless of their location in the port.

The second subclause contains a number of exceptions to the ban on performing boatman services. The possibility for crew members themselves to unmoor the vessel has been included for cases in which no third-party assistance is required, for instance if, due to the size of the vessel, prescribing professional assistance would not be reasonable (upon arrival, however, it is compulsory to use boatmen). Upon departure, however, this obligation does not apply: the situation upon departure is clearer than upon arrival. Among other things, the height difference to be bridged between the vessel and the quay is immediately known; it can be assumed that the mooring lines are well laid on the shore bollards, as this was done by boatmen upon arrival, which will minimise the chance of unexpected surprises during unmooring and; a so-called double bend can be used for the last mooring lines, which means crew members do not have to disembark. However, it does set a length limit of 160 metres in line with the PEC length limit (PEC C). The vast majority of container feeders are within this length limit.
Vessels whose captain or first officer holds a PEC Small Sea-Going Vessels or a temporary PEC Small Sea-Going Vessels as referred to in Article 36(1) of the Compulsory Pilotage Regulations 2021 are exempt from the obligation to use boatmen when mooring and unmooring. This is in line with the aforementioned Compulsory Pilotage Regulations: these captains or first officers are also exempt from compulsory pilotage.

The third subclause establishes that the exceptions do not apply if it concerns a sea-going vessel with a dangerous cargo, as referred to in Article 1 of the Compulsory Pilotage Decree 2021. This, too, is in line with the Compulsory Pilotage Decree 2021: these vessels are therefore not exempt from the compulsory pilotage.

The fourth subclause establishes that the municipal executive may designate one or more berths where categories of sea-going vessels to be determined by the municipal executive may only be moored or unmoored by a boatman as referred to in the second subclause under a. This includes buoy and dolphin configurations where it is not possible for the own crew to safely moor and unmoor themselves.

The fifth subclause includes the authority of the municipal executive to grant an exemption from the prohibition stipulated in the first subclause of article 11.2.1 to perform boatman services. The exception made relates to operators of ferry services that call at the port on a high-frequency basis. These ferry services make use of roll-on-roll-off vessels. These vessels are easy to manoeuvre and moor at fixed and safe berths. 'High-frequency basis' means a frequency in the
timetable set by the operator of at least once every 48 hours. As a result of the high frequency of calls, the captain and crew of these roll-on-roll-off vessels have developed sufficient routine to be able to safely unmoor and moor these vessels, under varying conditions. The shore-based personnel in charge of this task also have sufficient routine due to the high frequency. It has also been stipulated that it must concern roll-on-roll-off vessels that moor within a fixed mooring configuration. Due to the requirement for a loading and unloading ramp where these vessels berth, which has been especially installed for this purpose, they always moor at the exact same berth. Because of the ramp, there is always enough space for the roll-on-roll-off vessel to moor. The mooring lines have a fixed order and positioning. This mooring configuration greatly simplifies the mooring process and
reduces the safety risks. Finally, point c of the third subclause of article 11.2.1 stipulates that the ferry operator must adhere to a 'ferry-mooring safety procedure'. This procedure
must be submitted to the Municipal Executive for adoption before an exemption is granted.

Article 11.2.2 Profession and obligations of a boatman

This article regulates the conditions for practising the profession of boatman. The boatman permit has been cancelled and replaced with the provisions mentioned in this article. All requirements for practising as a boatman are included in this article. The boatman must either have successfully completed the Boatman training, as established

by the Minister of Education, Culture and Science, under the award of the relevant CREBO registration code, or have relevant experience. In addition, the boatman must be affiliated or employed by a recognised boatmen's organisation.

The second and third subclauses state that the boatman should present the identification document at the request of persons or companies that use his services. Companies or persons can use this provision to check a boatman. For supervisory bodies, this power of control is already regulated by Article 5:20 of the General Administrative Law Act.

Article 11.2.3 Accreditation of boatmen's organisation

This article sets out the conditions for accreditation of a boatman's organisation. The company must hold an ISO certificate and have at least one continuously available service point from which boatmen can be ordered. The company also ensures regular consultation with other nautical service providers in the port, such as pilots and port towage services. The company ensures the staff and equipment are of good quality and in sufficient quantity to provide effective services. This implies that in full continuous service, per hour, at least three separate sea-going vessels can be moored or unmoored in different situations in terms of size, type and location. Point d includes a requirement for a boatmen's organisation to offer their services to all sea-going vessels. From a safety point of view, this is of great importance. It is undesirable that a boatmen's organisation would, for example, exclude certain types of sea-going vessels or locations from their services. This could result in sea-going vessels no longer being able to (safely) berth at certain locations (e.g. at the buoys in the Waalhaven). Finally, the company must provide its boatmen with identity cards.

Article 11.2.4 Requirements for crew and vessels used for mooring sea-going vessels

This article sets out the requirements for a skipper of a mooring boat and on vessels used for mooring sea-going vessels. These requirements were previously included in article 11.1.3.

The skipper of a mooring boat must have a commercial vessels master's certificate and a basic certificate for maritime communication. There is no change in the existing situation in this regard.

There is a change concerning the requirements on mooring boats. The requirements for vessels that are used for mooring and unmooring sea-going vessels have been updated nationally and included in the standard NEN 8431-cat. B. NEN 8431-cat B incorporates as many international requirements as possible: the most important international sources are the EU leisure craft directive, the EU inland shipping directive and the requirements set by ISO that apply to 'small craft' (leisure craft). These standards are up to date and internationally accepted, which is why it is important that mooring boats comply with them to ensure safe sailing and operations with mooring boats. For existing mooring boats it applies that as soon as the vessel is substantially rebuilt or converted, it must comply with the new standard. Also new is that a digital copy of the statement of soundness may be presented instead of the paper version of this.

Subsection 3 General explanation

The provisions relating to passenger transport in the port, boat trips and ferry and taxi services are included in subsection 3. The various categories of vessels are no longer mentioned as, in practice, this resulted in confusion.

Article 11.3.1 Area of Operation

The article has been removed.

Article 11.3.2 Shuttle services

A permit is needed to operate a shuttle service. Offering shuttle services to transport persons to and from vessels is permitted without a permit if a tug is used that assists the sea-going vessel with arrival or departure.

Article 11.3.3 Embarkation and disembarkation of passengers

This article includes provisions relating to embarkation and disembarkation of passengers. The article aims to increase the safety of those passengers. It also imposes an obligation on the skipper to ensure that no unwanted persons are taken to port sites. In the context of port security, this has started to play a more prominent role.

Article 11.3.4 Announcement

In the context of knowing what passenger transport by water costs, Article 11.3.4 requires the operator to make known the rates or the way in which these are calculated on board the vessel and at berths. This also applies to the timetable, availability of transport, and the transport conditions.

Subsection 4 General explanation

Subsection 4 contains provisions relating to securing containers on board sea-going vessels (lashing). The reason for including these rules is primarily to ensure that lashing companies in the port provide a good service. It is in the port's interest that sufficient lashers are available at all times of the day. Large container ships in particular sail within very tight schedules. It is not desirable that a vessel would have to deviate from its schedule due to a lack of lashers. The quality of lashers is also important in offering a good service.

Secondly, these requirements are set in connection with the safety of lashers, the vessel and the surroundings of the vessel when securing containers. The lashing activities take place under all conditions, day and night and often under extreme time pressure. The fact that containers are stacked seven high on vessels also poses a hazard.

Finally, a factor in this context is that containerised transport continues to grow globally. A lashing company is a company professionally engaged in securing by lashing containers on board sea-going vessels. These rules therefore only cover the securing of containers. Securing other cargo or securing trailers (on ro-ro vessels) fall out of the scope of these regulations. As it is the lashing of stacked containers that poses a danger to the vessel, its surroundings and the lashers, the emphasis is on working with containers. Another factor already discussed above is that, especially for container transport, the sailing and time schedule is very strict. A good and safe service is therefore especially important in container transport. Incidentally, it is irrelevant whether the company carries out other activities besides lashing operations.

Article 11.4.1 Prohibition on lashing

This article states that it is prohibited to engage in lashing containers on board a berthed sea-going vessel unless this is handled by a lasher who is employed by a lashing company that holds a permit. A lasher carrying out lashing work independently, without being affiliated to a licenced company, is therefore in violation. This article also states that qualified crew, the so-called core crew of a vessel up to 170 metres in length, can lash the containers placed on board themselves.

Sea-going vessels above 170 metres in length (deepsea container ships) should always use lashers that are affiliated with a lashing company that holds a permit. Due to the fact that containers are sometimes stacked seven or eight containers high above deck on the latter vessels, from the point of view of safety in the port and its surroundings it is important that lashing is done responsibly.

The core crew present on the seagoing vessel, these being the crew required to be present on board by international regulations for safe sailing, navigating and manoeuvring of a sea-going vessel, is in this instance considered at least sufficiently qualified to lash containers on sea-going vessels of up to 170 metres in length. If crew members other than the aforementioned core crew are used on a sea-going vessel, it must be demonstrated to the harbour master that these crew members have the required level of experience and training to carry out lashing in a safe and responsible way.

Explanation of Article 11.4.1a Prohibition on lashing during navigation
Investigations have shown that the crew of sea-going vessels containers lash containers while navigating in the port area. This is undesirable as lashing containers while navigating is a high-risk activity. To prevent accidents during this activity as far as possible, there is a general prohibition on sea-going vessels lashing containers while navigating in port basins and on Rijksvaarwegen.

Article 11.4.2 Permit conditions for lashing companies
This article includes the requirements to which a lashing company must comply in order to be eligible for a permit. Parts a and b concern service quality. The aim of including part a is to prevent shipping from experiencing unnecessary delay should there be no lashers available to lash or unlash containers. Part b, which includes the requirement for ISO certification, ensures that companies with high-quality operations operate in the port. Under part c, the lashing company is obliged to ensure that only lashers who meet certain quality requirements are used. These requirements are further detailed in article 11.4.3. The permit may be revoked if the said conditions are no longer met. Part d stipulates that lashers are issued with an identity certificate by the lashing company, bearing a passport photograph and stating their name and place and date of birth. The name of the lashing company must also be stated on the proof of identity.

Article 11.4.3 Lashers' obligations
Based on this article, the lasher must first and foremost be sufficiently skilled. The lasher must be skilled enough to ensure the safety of the lasher himself, the vessel and the surroundings of the vessel. To ensure this, the profession of lasher may only be exercised by those who have successfully completed the course Port Operations Officer, or the course Logistics Assistant as included in the dossier adopted by the Minister of Education, Culture and Science, under award of registration code CREBO-93070, CREBO-95727, CREBO-93730 or CREBO-93732.

Secondly, the lashing company should ensure that its personnel are sufficiently reliable. For this reason, lashers must have a certificate of good conduct. The lashing company is responsible for checking this.

Finally, a lasher must be sufficiently recognisable and is therefore provided with proof of identity that clearly shows the lashing company he works for as well as some personal details. Including this provision makes it possible to check whether the lasher is employed by a lashing company that holds a permit.

Subsection 5 General explanation
Subsection 5 contains regulations relating to the transhipment of dangerous goods on buoy and dolphin berths.

Article 11.5.1 Operation of a buoy span or dolphin berth
Transhipment of dangerous goods takes place in various places in the port area including buoy and dolphin berths. These buoy and dolphin berths fall outside the scope of the term establishment in the Environmental Management Act. The transhipment of dangerous goods at those sites is therefore also not covered by the Decree on External Safety Establishments. As a result, no specific external safety requirements have been imposed on these buoy and dolphin berths to date.

However, safety relating to shipping activities at these berths is ensured in other ways, for example by national and international nautical and transport safety regulations, supplemented by rules in the Port By-Laws. In an effort to align the rules for all berths within the port and with effect from 1 January 2015, a new standard was introduced in this article for buoy and dolphin moorings outside establishments, so that this matches the standardisation within establishments.

This article prescribes that the operator of a buoy or a dolphin berth must establish that during the transhipment and handling of dangerous goods at the buoy or dolphin berth, the risk perimeter does not exceed the safety perimeters

established for the port. The same safety perimeters are also used when licensing establishments in the port to create a level playing field.

Investigations have been conducted on the risk perimeters resulting from the transhipment of dangerous goods at buoy and dolphin berths. The investigations showed that the aforementioned safety perimeters will not be exceeded with the current and foreseeable medium-term use of buoy and dolphin moorings.

Part c also requires the operator to indicate to the skipper or captain of the vessel involved in the transhipment or handling of dangerous goods which substance may be transhipped (or handled) and the maximum quantity of the substance that may be transhipped (or handled). Article 6.1 stipulates that the skipper or captain must comply with that declared by the operator of the buoy or dolphin berth pursuant to part c.

Section 12

Section 12 General explanation

Section 12 is the former Boatmen and Passenger Transport Vessel Safety Requirements Decree and is used here as a result of the incorporation of separate municipal decrees that were based on previous Port By-Laws.

The original decision used the following considerations:

- that work is carried out in the port area using vessels for which there are no regulations with respect to the safety of the navigating equipment used in relation to that work;
- that passengers are transported in this port area using vessels for which no survey certificate is required under Article 6 of the Inland Waterways Decree, and;
- that, in the interests of order and safety in the port, it is necessary to set requirements on these vessels.

The safety requirements for the category of vessels referred to here have been used in practice for many years and are not opposed. The set requirements are formulated clearly and speak for themselves.

The only change compared with the former decision concerns article 12.9, third subclause. If, while working as a boatman for the purpose of mooring or unmooring vessels, the prescribed radar reflector is found to be a hindrance, the boatman (skipper) may temporarily remove the radar reflector only during such work. It is not inconceivable that the unmooring or mooring vessel's mooring lines could get stuck behind the radar reflector during operations and cause damage or hazard.

Section 13

Section 13 General explanation

By including this paragraph, from 1 January 2025, inland vessels will only be granted access to the port of Rotterdam if they have diesel engines that 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 of Directive 97/68/EC or of any subsequent directives.

This is the continuation of the scheme introduced in connection with the Rotterdam Mainport Development Project and the air quality bottlenecks identified in that context at the time (2008). Whether continuation of the measure is desirable in the current circumstances will be identified in more detail in the context of the Rotterdam Air Quality Approach 2.0. At the time of writing, a decision is yet to be taken about this. For now, the regulation has been adopted in a policy-neutral way from the former Rotterdam Port Management By-Laws 2010.

Article 13.1 Definitions

In the first subclause of article 13.1, two terms were introduced that only concern section 13. The term ‘commercial transport’ was defined first. ‘Commercial transport’ is understood to mean the transport of freight during the course of a business or profession or the transport of freight exclusively intended for or originating from a company’s own business.

Second, for the purpose of section 13, a different interpretation is introduced, compared with the term ‘inland vessel’ as referred to in the rest of the Port By-Laws. The term ‘inland vessel’ usually includes not only ‘real’ inland vessels, but also passenger ships, leisure yachts, tugs, charter boats, surfboards, etc. However, the proposed prohibition should only target inland vessels carrying out commercial activities and calling at the Rotterdam port in that capacity. For this reason it was necessary in this context to formulate the term ‘inland vessel’ in a different way.

And ‘inland vessel’ is defined in section 13 as: a vessel, this not being a sea-going vessel, that is intended for commercial transport, which means the transport of freight on inland waterways during the course of a business or profession or the transport of freight exclusively intended for or originating from a company’s own business.

Article 13.2 Scope

Article 13.2 indicates the locations to which the article 13.3 prohibition applies. This does not apply to Rijksvaarwateren because the municipal executive of the Municipality of Rotterdam has no jurisdiction over this.

Article 13.3 Prohibition on inland vessels in the port

Article 13.3 includes an actual prohibition. Pursuant to Article 1.3, the standard addressee of this article is the skipper. Article 1.3 states:

Article 1.3 To whom do these By-Laws apply?

1. The captain or skipper is responsible for compliance with the provisions of or pursuant to these By-Laws unless otherwise provided for in these By-Laws.
2. If a captain or skipper is not on board the vessel, the operator is responsible for compliance with the provisions of or pursuant to these By-Laws.

Based on article 13.2, it is prohibited for an inland vessel fitted with an operational diesel engine to enter the port for the purpose of propulsion if this engine 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 of Directive 97/68/EC or the provisions of any subsequent directives.

First, the article indicates that an inland vessel with a ‘dirty’ engine should not enter the port. In article 1.1, the port is understood to mean:

port: the waters within the municipality that are open to shipping, with the exception of:

1° Nieuwe Maas;
2° Zuiddiepje;
3° Koningshaven;
4° Nieuwe Waterweg;
5° the Maas Entrance and the waters in the approach to this;
6° Calandkanaal, to the west of the point located 1,000 metres eastwards of the intersection of the axis of the Beerkanaal;
7° the Beerkanaal, to the north of the point located 1,320 metres southwards of the intersection of the axis of the Calandkanaal;
8° Breeddiep;

9° Berghaven;
10° Oude Maas;
11° Delftse Schie from the outflow of the Delfshavense Schie to the municipal boundary;
12° Rotte, from Prinses Irenebrug on Terbregseweg to the municipal boundary;
13° Het Scheur;

Secondly, it is explicitly stated that it must concern a diesel engine that is used for propulsion. Should there be another diesel engine on board, such as a generator or a bow thruster motor, for example, this would not be covered by the stated prohibition. This article makes clear that the diesel engine used for main or other propulsion must not be in use (therefore also not idling).

A diesel engine is 'dirty' 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 of Directive 97/68/EC or the provisions of any subsequent directives.

Naturally, the prohibition should also be enforced. Data regarding the emission values of an inland vessel's engine can be found in certificates that must be present on board the inland vessel. As part of standard environmental and other inspections carried out by the Harbour Master's Division, checks will be conducted to ensure that inland vessel engines do not exceed the set emission values.

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

Article 13.2 further stipulates that the ban on 'dirty' engines enters into force on 1 January 2025. The date of 1 January 2025 was chosen as, by that date, the majority of European inland shipping is expected to meet the set standards based on average replacement investments. These average replacement investments not only refer to replacing a diesel engine as a whole, but also to retrofitting (features on) an existing diesel engine. When retrofitting an inland vessel's existing diesel engine, modifications should be made such that an existing engine also complies with the specified emission values.

Although the prohibition will take effect on 1 January 2025, this was already included in the (previous) Rotterdam Port Management By-Laws 2010. The time of the prohibition's entry into force was set early in order to provide timely information to affected national and international companies, including inland shipping and the manufacturers of vessels and engines, about these regulations and their consequences. They therefore have enough time for necessary preparations and replacement investments. The inland shipping industry was actually already informed of the intended decision to impose the prohibition with the adoption and approval of the Maasvlakte 2 zoning plan in 2008.

Based on the second subclause, the Municipal Executive may grant exemption from the prohibition mentioned in the first subclause for inland vessels of a special nature or with a special cargo, function or destination, including inland waterway vessels that actually no longer transport freight commercially. These include classic/traditional inland vessels that are museum ships or that have been converted for other purposes. Although these vessels could still transport freight, they are actually no longer intended for this purpose and, based on the second subclause, the municipal executive can, in such cases, grant an exemption.

Article 13.4 Regard as inapplicable

Article 13.4 allows the municipal executive to disregard the prohibition from 13.3. The prohibition provision of article 13.3 stems from the Maasvlakte II Air Quality Agreement (OVL) signed on 22 May 2008 by the ministries of VROM

and V&W (now I&W), Port of Rotterdam Authority, the Harbour Master of Rotterdam and the Municipality of Rotterdam. In late 2018, a the new MVII zoning plan became irrevocable. The environmental impact assessment, which is part of the zoning plan, showed that European air quality standards are met and that additional air measures from the OVL are no longer necessary for the zoning plan. In view of the above, the MV2 2018 zoning plan no longer includes measures to improve air quality.

By extension, the clean engines inland vessels' measure is actually no longer necessary and is legally undesirable. Nevertheless, it is proposed to temporarily maintain this measure subject to the outcome of the evaluation referred to below, the results of which will be known later than the coordinated date of entry into force of the new 2020 (regional) Port By-Laws.

Since the measures from the OVL are no longer necessary for the zoning plan, a decision was taken with the OVL partners to evaluate the remaining 3 measures. Based on the evaluation, decisions can be made on possible continuation of the measures and the need for the continuation or dissolution of the OVL. The evaluation started recently and is expected to be completed in the first quarter of 2020. In the event of subsequent amendment, this subclause may be revised.