

NON AUTHORITATIVE TRANSLATION

Warning: Notwithstanding great care has been taken in translating these bye-laws, differences between the English and Dutch text may occur. In cases of disputes or discrepancies the Dutch text shall prevail.

Regionale Havenverordening Noordzeekanaalgebied 2010” (2010 Regional Port Bye-laws)

Section 1 General definitions and procedural rules

§ 1 General definitions and scope of application

Article 1.1 Definitions

In these bye-laws and all provisions made pursuant thereto, the following terms shall have the following definitions:

- a. ADNR: Reglement voor het vervoer van gevaarlijke stoffen over de Rijn (European Agreement concerning the International Carriage of Dangerous Goods on the Rhine (appendix to the VBG));
- b. inland vessel: any vessel intended for navigation on inland waterways or equivalent foreign waterways;
- c. BPR: Binnenvaartpolitie-reglement (the Dutch Inland Waterways Police Regulations);
- d. bunkering: the transfer of bunker oil from a tanker to another vessel;
- e. bunker oil: any combustible liquid intended for the propulsion and auxiliary systems of a vessel or any liquid intended for the lubrication of vessel's engines;
- f. bunkering vessel: any tanker built and fitted out for the delivery of marine fuels and lubricants to other vessels;
- g. Municipal Executive: the mayor and aldermen of the Municipality of Amsterdam;
- h. combination carrier: any seagoing vessel used and intended for the carriage of liquid or dry bulk cargo alternately;
- i. boatman services: the safe mooring and unmooring of seagoing vessels upon arrival or departure, or when shifting;
- j. unit: any object which can be moved in its entirety whether or not under its own power;
- k. gas-free atmosphere: a mixture of air and combustible gases of which the concentration of combustible gases is lower than 20% of the lower explosive limit of that gas;
- l. dangerous substances: substances specified in the IMDG Code or one of the other codes of the International Maritime Organization, Schepenbesluit (the Dutch Vessels Decree) and dangerous substances as referred to in the Wet vervoer gevaarlijke stoffen (the Dutch Carriage of Dangerous Goods Act);
- m. port: the entire Noordzeekanaal area within the Municipality of Amsterdam consisting of the Noordzeekanaal, the river IJ, the Buiten IJ and the Amsterdam-Rijnkanaal and all waters discharging into it up to the boundary as shown on the port map (Appendix 1) forming part of these bye-laws;
- n. port area: the port and the adjacent industrial sites as well as the quays and (mooring) facilities for vesselping;
- o. Harbour Master: the person appointed as such by order of the Municipal Executive;
- p. IMO: the International Maritime Organization;
- q. IMDG Code: the International Maritime Dangerous Goods Code;
- r. inert atmosphere: an atmosphere such that if mixed with air no explosive mixture could be created; the volume percentage of oxygen and hydrocarbon gas must comply with the relevant SOLAS/IMO obligations;
- s. inert gas: a gas mixture which does not maintain combustion with an oxygen content not exceeding 5% (by volume);
- t. captain: the person actually in command of a seagoing vessel;
- u. cold work: activities other than hot work;
- v. cargo residues: the residues of cargo in holds or tanks on board which remain behind after discharging and cleaning including residues after loading or discharging and spills;
- w. storage in transit: the storage of dangerous substances other than to which the Wet milieubeheer (the Dutch Environmental Management Act) applies;
- x. oil port area: an area designated by the Municipal Executive as shown on the oil port map (Appendix 2) forming part of these bye-laws;

- y. reception facility: any fixed, floating or mobile facility which is suitable for the reception of vessel's waste and/or (residues of) hazardous substances;
- z. public waters: all waters which are navigable by or otherwise accessible to the public whether or not subject to any restrictions;
- aa. other liquid substances: liquids other than dangerous or hazardous liquids;
- bb. positive pressure: a pressure which is at least 0.01 bar higher than the outside air pressure;
- cc. RCLZ: Regeling communicatie en loodsaanvragen zeevaart (the Dutch Communication and Pilotage Requests Regulations for Seagoing Vessels);
- dd. RVGZ: Regeling vervoer gevaarlijke stoffen met zeeschepen (the Dutch Regulations for the Carriage of Dangerous Goods by Seagoing Vessels (appendix to the VBG));
- ee. hazardous substances: substances which have been designated or are referred to as such under or pursuant to the Wet Voorkoming Verontreiniging door Schepen (the Dutch Prevention of Pollution from Vessels Act));
- ff. vessel's waste: waste including residues other than cargo residues and sanitary waste which is created during the operation of a vessel and which falls under the scope of Annexes I, IV, and V of the International Convention for the Prevention of Pollution from Vessels (Marpol Convention) (Treaty Series 1975, 147 and 1978, 187 and 188), as well as cargo-related waste being all the material which is left on board as waste after the stowage and handling of the cargo including in any case dunnage, shoring, pallets, packaging material, wooden sheets, paper, cardboard, wire or steel bands;
- gg. cleaning: the removal of residues and associated vapours or gases from spaces;
- hh. slops: cargo residues of liquids mixed with water;
- ii. slop tank: a tank containing cargo residues of liquids whether or not mixed with water;
- jj. SOLAS: International Convention for the Safety of Life at Sea;
- kk. SVW: Scheepvaartverkeerswet (the Dutch Vessel Traffic Act);
- ll. vessel: any vessel including non-displacement vessels and water planes used or capable of being used for transportation on water; the term vessel also includes floating equipment such as cranes, production platforms, floating cranes, dredgers, pontoons or equipment of a similar nature;
- mm. skipper: the person actually in command of an inland vessel;
- nn. tanker: any seagoing or inland vessel used and intended for the transport of liquids or gases in bulk;
- oo. VBG: Regeling Vervoer over de Binnenwateren van Gevaarlijke stoffen (the Dutch Regulations for the Carriage of Dangerous Goods by Inland Waterways);
- pp. fire: fire, naked light, sparking or any surface with a temperature equal to or higher than the minimum ignition temperature of the gases or liquids which may be present or, in the case of cleaned tanks or spaces, have been present;
- qq. hot work: activities for which fire is used or where fire could occur;
- rr. WVVS: Wet Voorkoming Verontreiniging door Schepen (the Dutch Prevention of Pollution from Vessels Act);
- ss. seagoing vessel: any vessel which is mainly used for maritime navigation and which according to its construction is intended for maritime navigation and which is provided with a valid document – issued by the competent authority in the country where the vessel is registered – which demonstrates that it is suitable for maritime navigation.

Article 1.1.2 Scope of application

These bye-laws shall apply in the port area.

§ 2 General provisions regarding permits, exemptions and instructions

Article 1.2.1 Submission of applications

1. Applications for the granting of permits or exemptions shall be submitted in writing.
2. In cases of urgency and if it concerns a once-only action or an act of short duration the application may be submitted verbally.

Article 1.2.2 Further rules

The Municipal Executive may lay down further rules regarding the use of forms, the use of measuring methods, the provision of information and the method of determination of facts with regard to the granting of permits and exemptions.

Article 1.2.3 Non-processing of applications

Applications will in any case not be processed if the applicant has not complied with the provisions of the current Legesverordening (the Amsterdam Administrative Charges Bye-Law) within the stipulated period.

Article 1.2.4 Decision period

1. The Municipal Executive will decide upon an application within eight weeks of receipt of the application.
2. The Municipal Executive may postpone this decision for a maximum of six weeks.

Article 1.2.5 Written or verbal permits or exemptions

1. Permits or exemptions will be granted in writing.
2. Permits or exemptions may be granted verbally if they concern urgent matters, once-only actions or acts of short duration. In such a case the permit or exemption shall be put in writing and published as soon as possible unless it can be reasonably assumed that there is no need for this.

Article 1.2.6 Period of validity of permits or exemptions, conditions and restrictions

1. Permits or exemptions may be granted for a definite or indefinite period.
2. Conditions or restrictions may be attached to permits or exemptions for the protection of the interests which form the basis of the provisions involved.

Article 1.2.7 Withdrawal or modification

1. Permits or exemptions may be withdrawn or modified if:
 - a. incorrect or incomplete information has been provided in order to obtain a permit or exemption;
 - b. a permit or exemption is not used in accordance with the period stipulated therein or, in the absence of a stipulated period, within a reasonable period;
 - c. on the basis of a change in circumstances or views withdrawal or modification is necessary due to an interest or the interests for the protection of which the permit or exemption is required;
 - d. the conditions or restrictions attached to a permit or exemption have not been or are not being complied with.
2. Withdrawal or modification pursuant to the first subsection, part a, may take place retroactively.

Article 1.2.8 Instructions

1. The Municipal Executive may issue instructions to anyone who is on the water in the interests of regulation, safety, the environment and for the prevention of danger, damage or hindrance without prejudice to the powers of the mayor for the maintenance of public order.
2. Persons to whom an instruction is addressed are obliged to comply with the instruction immediately.

Section 2 Provisions regarding the use and management of the port

Article 2.1 Signs

1. The Municipal Executive may in the interest of regulation, public order, safety or the environment erect signs and provide these signs with additional instructions.
2. It is prohibited to act in contravention of the signs and corresponding additional instructions referred to in the first subsection without an exemption granted by the Municipal Executive.

Article 2.2 Nuisance

1. It is prohibited to disturb public order with or on a vessel or other object on the water or to cause nuisance or hindrance in any other way including in any case the operation of sound equipment or devices or machines in such a way that nuisance is caused to local residents or otherwise to the surroundings.

2. The Municipal Executive may issue instructions with regard to the installation and use of public utilities. Persons to whom an instruction is addressed are obliged to comply with the instruction.
3. The Municipal Executive may grant exemption from the provisions of the first subsection.

Article 2.3 Use of (traffic) objects

1. Insofar as this is not provided for by the BPR, it is prohibited to use mooring buoys and nun-buoys in public waters as well as signs, lampposts, derricks, railings or similar objects in public spaces for a purpose other than that for which they are intended.
2. It is prohibited to use mooring rings, bollards, dolphins or other objects intended for mooring for a purpose other than that for which they are intended.
3. The Municipal Executive may grant exemption from the provisions of the first and second subsections.

Article 2.4 Use of locks and bridges

1. It is prohibited to be on the moving part of a bridge or lock or the connecting road section up to the barriers when a bridge or lock is opening or closing or when they are open.
2. It is prohibited to use bridges and locks as well as the associated objects such as collision protection, fendering, dolphins, or jetties for maintenance purposes, for purposes other than those for which they are intended.
3. Persons other than bridge operators or lock-keepers on duty are prohibited from operating bridges and/or locks or opening or closing barriers used in this respect.

Article 2.5 Removal of obstacles

Anyone who passes a bridge with a vessel is obliged to remove as many protruding obstacles as possible if as a result the opening or keeping open of the bridge could be prevented.

Article 2.6 Minimum sailing speed

The Municipal Executive may lay down further rules with regard to the minimum sailing speed in the port.

Section 3 Provisions connected with the admission and mooring regimes

§ 3.1 Provisions in the interests of public order, regulation, safety and the environment

Article 3.1.1 Admission to the port

1. It is prohibited to sail in the port with a seagoing vessel or vessel carrying dangerous substances or which is empty thereof and has not been cleared of the residues of such substances, berth such a vessel in the port or shift such a vessel within the port without authorisation from the Municipal Executive.
2. The Municipal Executive determines the period to be observed for the permit, the information to be submitted and the manner in which the application must be submitted.
3. The Municipal Executive will not process an application for a berth in the case that the provisions pursuant to the second subsection or Articles 3.1.2 and 3.1.3 are not complied with.
4. The Municipal Executive may lay down further rules regarding admission to a berth with regard to the nature of the cargo carried in the interests of public order, regulation, safety and the environment.
5. The Municipal Executive may designate categories of seagoing vessel to which the prohibition referred to in the first subsection does not apply.

Article 3.1.2 Admission of combination carriers

1. In the case that an application as referred to in Article 3.1.1 concerns a combination carrier which is used for dry cargo, the applicant is obliged to provide the following information:
 - a. the chemical or technical name of the liquid cargo last carried;
 - b. the date of discharge of the liquid cargo last carried;
 - c. the (method of) stowage and quantity of cargo residues of combustible liquids whether or not mixed with water;
 - d. a description of the atmosphere present above the cargo residues referred to under c;
 - e. a description of the atmosphere in the spaces on board the vessel in which dry cargo is being or can be transported and the spaces immediately adjacent thereto;

- f. the location of the tanks containing cargo residues of combustible liquids whether or not mixed with water, and whether or not these tanks are protected or unprotected.

Article 3.1.3 Admission of radioactive material

In the case that an application as referred to in Article 3.1.1 concerns a vessel which is or is to be loaded with radioactive material falling under class 7 of the IMDG Code or a similar class in the ADNR, the applicant must provide the following information:

- a. the name of the radioactive nuclide (chemical symbol and mass number);
- b. the activity of the material in correct units;
- c. the category of the package (i.e. CAT-I white; CAT-II yellow; CAT-III yellow);
- d. the transport index (only for packages with yellow labels);
- e. the gross quantity in kilograms, the method of packaging and the number of packages;
- f. the stowage or intended stowage.

Article 3.1.4 Mooring and unmooring of seagoing vessels

1. The captain of a seagoing vessel:
 - a. with a length in excess of 70 metres;
 - b. with a length of 70 metres or less and a crew of less than five persons;
 - c. which is wholly or partly loaded with dangerous substances in bulk or which is empty thereof and has not been cleared of the residues of such substances, is obliged to have his vessel moored and unmoored by a person who pursuant to Article 3.1.6 may carry out boatman services.
2. Apart from the cases set forth in the first subsection, the captain is obliged to ensure that his seagoing vessel is only moored and unmoored by a crew member of his vessel or by a person who pursuant to Article 3.1.6 may carry out boatman services.
3. The Municipal Executive may in specific cases, if in its opinion this is necessary in the interests of regulation, public order, safety or the environment, impose the obligation that shifting of a vessel be carried out by boatmen.
4. The Municipal Executive may grant exemption from the obligation set forth in the first subsection.

Article 3.1.5 Provision of boatman services

1. It is prohibited to provide boatman services without a permit issued by the Municipal Executive. This permit is issued to a company or a person.
2. The Municipal Executive may in the interests of safety and regulation refuse a permit as referred to in subsection 1 of this article or attach further conditions to the permit.
3. The Municipal Executive may in any case refuse a permit if the applicant is unable to demonstrate that he is able to guarantee round-the-clock services.

Article 3.1.6 Mooring alongside a vessel

1. Captains and skippers are prohibited from mooring their vessels alongside a vessel which is not properly moored.
2. The Municipal Executive may grant exemption from the provisions of the first subsection.

Article 3.1.7 Having a vessel ready for operation

1. Without prejudice to the provisions under or pursuant to the Regulations for the Carriage of Dangerous Goods by Inland Waterways (VBG) and the provisions elsewhere in these bye-laws, the captain of a seagoing vessel which is lying outside the oil port area is obliged to take precautionary measures such that he can leave the port within two hours.
2. The captain or skipper of a tanker which is or is to be loaded with dangerous or hazardous substances or is empty thereof, is obliged to ensure that towing lines are readily available at the fore and stern for immediate use in case of emergency. The towing lines must be made of steel cable, belayed with sufficient length on deck and provided with an eye which is secured with a breaking end such that the eye is lowered to the water line.
3. The obligation set forth in the second subsection does not apply to tankers of which the bollards are less than two metres above the surface of the water.
4. The captain or skipper of a tanker which is or is to be loaded with dangerous or hazardous substances or is empty thereof, is obliged to ensure that the anchors have been heaved up into the hawse-holes.

5. The obligations referred to in the second and fourth subsections apply to all vessels which are moored in the oil port area.
6. The Municipal Executive may grant exemption from the provisions of subsections 1, 2 and 4.

Article 3.1.8 Shifting of vessels other than at own request

1. The captain of a seagoing vessel, the skipper of an inland vessel or the party having title to another type of vessel or object on the water is obliged to shift this to another location if in the opinion of the Municipal Executive this is necessary in the interests of regulation, public order, safety or the environment.
2. The Municipal Executive may shift the objects referred to in the first subsection if this is urgently necessary without delay on the basis of the interests referred to in that subsection or if the captain, skipper or entitled party is unknown.

Article 3.1.9 Accessibility of vessels

1. It is prohibited to obstruct the access to a vessel.
2. The captain or skipper of a moored vessel is obliged to ensure that the vessel can be boarded and left efficiently and safely at all times.

§ 3.2 Protection of public waters, safety and the environment

Article 3.2.1 Rebuilding, repair, maintenance or scrapping activities

1. It is prohibited for anyone to carry out rebuilding, repair, maintenance or scrapping activities or have them carried out on or along public waters as a result of which danger, damage or hindrance could occur. The prohibition also applies to the execution of works at locations from where the substances to be used for or released during the works could directly end up in public waters.
2. The prohibition does not apply to the execution of works at or having works executed by a company or establishment holding a permit for the execution of these works pursuant to the *Wet milieubeheer* (the Dutch Environmental Management Act) or the *Wet verontreiniging oppervlaktewateren* (the Dutch Pollution of Surface Waters Act).
3. The Municipal Executive may grant exemption from the prohibition set forth in the first subsection and may lay down further rules in this respect.

Article 3.2.2 Release of substances and the like

1. It is prohibited to allow the release of dust, smoke, soot, gases, vapours and the like such that danger, damage or hindrance could occur as a result.
2. The first subsection does not apply if environmental or safety legislation provides for this.

Article 3.2.3 Substances or objects in public waters

1. Anyone who causes substances or objects to end up in public waters as a result of which danger, damage or hindrance occurs or could occur, and anyone who has knowledge of such an incident shall report this immediately to the manager appointed by the Municipal Executive.
2. Anyone who causes substances or objects to end up in public waters is obliged to ensure the removal thereof and to take immediate (emergency) measures.
3. The provisions of the first subsection do not apply if the *Wet verontreiniging oppervlaktewateren* (the Dutch Pollution of Surface Waters Act) or other environmental or safety legislation provides for this.

Article 3.2.4 Ship to ship transfer of unpackaged other liquid substances

1. The captain or skipper of a vessel is prohibited from transferring other liquid substances in bulk directly between vessels.
2. Without prejudice to the provisions of Articles 3.2.3 and 3.2.9 the prohibition set forth in the first subsection does not apply to the transshipment of drinking water, lubricants, fuels and the delivery of slops.
3. The Municipal Executive may grant exemption from the provisions of the first subsection and may lay down further rules in this respect.
4. The provisions of this article do not apply insofar as environmental or safety legislation provides for this.

Article 3.2.5 Fumigation

1. Without prejudice to the provisions of the Wet gewasbeschermingsmiddelen en biociden (the Dutch Crop Protection Agents and Biocides Act) anyone who wishes to carry out fumigation activities in the port area using toxic gases or agents which release toxic gases is obliged to notify the Harbour Master at least 24 hours prior to commencement of these operations where, when, with which agent and under which circumstances the operations will take place.
2. The Municipal Executive may issue an instruction with regard to the location or time for the performance of the operations referred to in the first subsection.

Article 3.2.6 Cargo treated with fumigants

1. It is prohibited to berth a vessel carrying solid bulk cargo or occupy a berth with such a vessel if the cargo or part of the cargo has been treated with gases or substances which release gases in order to decontaminate the cargo unless a certificate has been issued for the vessel by an expert recognised or designated under or pursuant to the Wet gewasbeschermingsmiddelen en biociden (the Dutch Crop Protection Agents and Biocides Act) stating that the vessel and cargo are sufficiently free of gases or substances.
2. The Municipal Executive may grant exemption from the provisions of the first subsection.
3. The Municipal Executive may lay down further rules with regard to the discharging and transshipment of the cargo referred to in the first subsection.

Article 3.2.7 Cleaning of tankers

1. Without prejudice to the provisions of the RVGZ or the ADNR it is prohibited to clean the tanks of a tanker, gasfree them, ventilate them with air or inert gas or otherwise carry out operations for the cleaning, drying and gasfreeing of these tanks or have them carried out.
2. The Municipal Executive may grant exemption from the provisions of the first subsection.

Article 3.2.8 Notification of issue of certificates

1. Experts shall report the results of the inspection of spaces or vessels and the manner in which the measurements were taken immediately to the Harbour Master if requested.
2. As experts as referred to in the first subsection of this article are regarded persons who have been designated as such pursuant to the Arbeidsomstandighedenbesluit (the Dutch Working Conditions Decree) or the Wet gewasbeschermingsmiddelen en biociden (the Dutch Crop Protection Agents and Biocides Act).

Article 3.2.9 Bunkering and delivery of slops

1. The captain or skipper of a bunkering vessel or a vessel which is designed for the delivery of slops may not commence bunkering operations or the delivery of slops until the intention to do so has been reported to the Harbour Master stating the location, the nature of the substance(s) and the date and time of commencement of the bunkering operations or the delivery of slops.
2. The Municipal Executive may lay down further rules for bunkering operations and the delivery of slops.

Article 3.2.10 Loading and discharging of dry bulk cargo at mooring buoys

1. It is prohibited to load or discharge, lift or lower dry bulk cargo at or on mooring buoys.
2. The Municipal Executive may grant exemption from the provisions of the first subsection.
3. The Municipal Executive may lay down further rules with regard to this subject.

§ 3.3 Dangerous and hazardous substances

Article 3.3.1 Berthing rules for (combination) tankers

1. It is prohibited to berth tankers or combination carriers carrying dangerous substances or which are empty thereof and have not been cleared of the residues of such substances outside the oil port area.
2. The first subsection does not apply to tankers which are not seagoing vessels carrying combustible liquids with a flash point of 61° Celsius or higher or which are empty thereof and have not been cleaned of these.
3. The first subsection does not apply to combination carriers in the case that:
 - a.

1. the spaces or cargo tanks intended or used for the transport of solid substances do not contain any combustible liquids or residues thereof, and,
2. the spaces or cargo tanks which are immediately adjacent to the spaces or tanks referred to under 1 and which are empty of any combustible liquids or residues thereof contain an inert atmosphere under positive pressure or a gas-free atmosphere, and,
3. the slop tanks are at least separated from the spaces or cargo tanks referred to under 1 by a space which does not contain any combustible liquids or residues thereof, and,
4. the free space above the cargo residues in the slop tanks is filled with an inert gas under positive pressure;
- b. the vessel has never carried any combustible liquids since the delivery of the vessel;
- c. a certificate has been issued by an expert as referred to in Article 3.2.8 of these Bye-Laws who is recognised pursuant to the Arbeidsomstandighedenbesluit (the Dutch Working Conditions Decree) which shows that any combustible liquids and residues thereof have been removed from the cargo tanks and spaces immediately adjacent thereto including the slop tank and that no combustible liquids have been present in the spaces referred to since the issue of the certificate.
4. Prior to berthing the captain shall in the cases as referred in the third subsection make a statement to the Harbour Master.
5. The Municipal Executive may grant exemption from the provisions of the first subsection.

Article 3.3.2 Loading and discharging of combination carriers

1. The captain or skipper of a combination carrier which is or is to be loaded with cargo other than combustible liquids in bulk is prohibited from commencing loading or discharging operations unless the Municipal Executive has given permission for this.
2. Permission as referred to in the first subsection may be granted:
 - a. if a certificate for combination carriers has been submitted to the Harbour Master issued by an expert as referred to in Article 3.2.8 of these Bye-Laws who is recognised pursuant to the Arbeidsomstandighedenbesluit (the Dutch Working Conditions Decree) which shows that the provisions of Article 3.3.1, subsection 3, under a, of these bye-laws are being complied with, or,
 - b. if it is demonstrated in writing to the Harbour Master that the vessel has never carried any combustible liquids, or,
 - c. if a certificate has been submitted to the Harbour Master issued by an expert as referred to in Article 3.2.8 of these Bye-Laws who is recognised pursuant to the Arbeidsomstandighedenbesluit (the Dutch Working Conditions Decree) which shows that the provisions of Article 3.3.1, subsection 3, under c, of these bye-laws are being complied with.
3. Further conditions may be attached to the permission as referred to in the first subsection.

Article 3.3.3 Mooring alongside tankers

1. It is prohibited to berth alongside a tanker carrying dangerous substances or which is empty thereof and has not been cleared of the residues of such substances.
2. The Municipal Executive may grant exemption from the provisions of the first subsection and may lay down further rules in this respect.
3. The captain or skipper of a tanker carrying dangerous substances or which is empty thereof and has not been cleared of the residues of such substances is obliged to ensure that no other vessels berth alongside his vessel and that no activities are carried out during the occupation of the berth unless an exemption has been granted pursuant to the second subsection.

Article 3.3.4 Shifting of dangerous substances

1. It is prohibited to shift dangerous substances or the residues of such substances:
 - a. on board a vessel which is not properly moored on the quay;
 - b. during thunderstorms and approaching thunderstorms;
 - c. if there is insufficient light;
 - d. of which the packaging is damaged such that these substances are being or could be released;
 - e. if they are packaged but are not provided with the labelling which applies to the offering of dangerous substances for transport on the basis of the provisions under or pursuant to the Wet vervoer gevaarlijke stoffen (the Dutch Carriage of Dangerous Goods Act).
2. Any person who takes receipt of packaged dangerous substances or residues of such substances of which the labelling does not comply with the stipulations set under or pursuant to

the Wet vervoer gevaarlijke stoffen (the Dutch Carriage of Dangerous Goods Act) and who subsequently wishes to move these is obliged to apply the prescribed labelling immediately following receipt of these substances.

3. The Municipal Executive may - insofar as not provided for by environmental or safety legislation - grant exemption from the provisions of the first subsection.

Article 3.3.5 Ship to ship transfer of unpackaged liquid dangerous or hazardous substances

1. Insofar as the VBG and the Wet milieubeheer (the Dutch Environmental Management Act) do not apply the captain or skipper of a vessel is prohibited from transferring liquid dangerous or hazardous substances in bulk directly between vessels.
2. The Municipal Executive may grant exemption from the provisions of the first subsection.
3. The Municipal Executive may lay down further rules with regard to this subject.

Article 3.3.6 Transshipment between a tanker and a shore-based installation

The Municipal Executive may, insofar as not provided for by environmental or safety legislation, lay down further rules with regard to the transshipment of liquid substances and gases between a tanker and a shore-based installation.

Article 3.3.7 Creation of dangerous situations

1. It is prohibited to perform acts or to act in such a manner in the proximity of dangerous substances or residues of such substances that danger, damage or hindrance could occur.
2. The provisions of the first subsection do not apply if environmental or safety legislation provides for this.

Article 3.3.8 Storage in transit of dangerous substances

With regard to the storage in transit of dangerous substances in the port area it is, without prejudice to the provisions under or pursuant to the Wet vervoer gevaarlijke stoffen (the Dutch Carriage of Dangerous Goods Act), prohibited:

- a. to store dangerous substances or residues of such substances in transit in an enclosed space in the case that the IMDG Code requires stowage on deck for the substance concerned;
- b. to maintain a distance of less than 25 metres in the storage in transit of dangerous substances of several classes between the substances of the different classes if a substance is involved for which the IMDG Code requires one space between that substance and other substances;
- c. to maintain a distance of less than 10 metres in the storage in transit of dangerous substances of several classes or residues of such substances between the substances of the different classes if a substance is involved in respect of which the IMDG Code prohibits stowage in the same space;
- d. to store dangerous substances or residues of such substances in transit within a distance of 25 metres of the property boundary and lightning conductors on undeveloped sections of a port site;
- e. not to maintain the greatest distance in the storage of dangerous substances in transit with several hazardous properties or residues of such substances, which is stated for the individual hazardous properties on the basis of the IMDG Code.

Article 3.3.9 Placement of units

1. It is prohibited to place a unit loaded with dangerous substances or residues of such substances on a port site in such a manner that the unit cannot be reached by vehicles with which assistance is provided.
2. A unit as referred to in the first subsection of this article which is also a tankcontainer within the definition of the VBG shall be placed such that any gas escaping via the pressure relief valve can escape unhindered.

Article 3.3.10 Loading and discharging from shore tanks, as referred to in transport legislation.

1. It is prohibited to load or unload dangerous substances into or from a shore tank.
2. The first subsection does not apply if the loading or discharging installation forms part of an establishment to which rules set under or pursuant to the Wet vervoer gevaarlijke stoffen (the Dutch Carriage of Dangerous Goods Act) or the Wet milieubeheer (the Dutch Environmental Management Act) apply with regard to the execution of the activities referred to in the first subsection.
3. The Municipal Executive may grant exemption from the provisions of the first subsection.

Article 3.3.11 Accidents and danger

1. Anyone who is involved in an incident with dangerous substances or residues of such substances as a result of which danger, damage or hindrance is or could be caused to the surrounding area and anyone who has knowledge of such an incident shall, without prejudice to the provisions of the Brandbeveiligingsverordening (the Amsterdam Fire Protection Bye-Law), report this immediately to the Harbour Master. Anyone who is involved in an incident is obliged to take immediate emergency measures in order to prevent any further danger, damage or hindrance.
2. The provisions of the first subsection do not apply if environmental or safety legislation provides for this.

Article 3.3.12 Operational failures

Without prejudice to the provisions under or pursuant to the VBG the captain or skipper of a vessel carrying dangerous substances or which is empty thereof and has not been cleared of residues of such substances is obliged to report operational failures to the Harbour Master immediately.

Article 3.3.13 Non-intrinsically safe equipment

1. In the oil port area and on vessels and sites where dangerous substances are stored it is compulsory to have non-intrinsically safe equipment switched off.
2. Other equipment must comply with the electrical requirements which apply on board or on shore.

§ 3.4 Oil port area

Article 3.4.1 Oil port area

The Municipal Executive may designate a section or several sections of the port area as oil port area.

Article 3.4.2 Access to the oil port area

1. It is prohibited to be in or above the oil port area or to enter this area.
2. The first subsection does not apply to tankers or combination carriers which pursuant to Article 3.3.1, subsection 1, must berth in the oil port area.
3. The Municipal Executive may grant exemption from the provisions of the first subsection.
4. The Municipal Executive may lay down further rules in this respect. These rules concern in any case:
 - a. the suitability of a vessel, vehicle or item of equipment to be in the oil port area;
 - b. operational instructions with regard to the presence in the oil port area;
 - c. the submission of applications for exemption and, if exemption has been granted, the prior notification of entry into the oil port area;
 - d. the period of validity of the exemption.

Article 3.4.3 Having a vessel ready to sail in the oil harbour

1. The captain or skipper of a vessel in the oil port area is obliged to take precautionary measures such that he and his vessel are at all times ready for departure.
2. The Municipal Executive may grant exemption from the obligation referred to in the first subsection of this article.

Article 3.4.4 Mooring in the oil port area

1. It is prohibited to moor an ocean tanker carrying dangerous or hazardous substances such that it is not able to depart immediately sailing forwards in the direction of the Noordzeekanaal.
2. The prohibition does not apply if the vessel is berthed at a shipyard or vessel repair facility or moored to a buoy.
3. The Municipal Executive may grant exemption from the prohibition.

Article 3.4.5 Smoke and fire

1. It is prohibited in the oil port area:
 - a. to have fire or perform hot work;
 - b. to smoke.
2. The first subsection, under b, does not apply if smoking takes place in:
 - a. spaces on board seagoing vessels as referred to in Article 3.3.1, subsection 3 or in spaces which comply with the rules of the provisions under or pursuant to the ADNR;

- b. installations and spaces which are part of an establishment where a smoking ban applies on the basis of a permit issued under or pursuant to the Wet milieubeheer (the Dutch Environmental Management Act).
- 3. The Municipal Executive may grant exemption from the provisions of the first subsection and may lay down further rules.

Article 3.4.6 Oil-containing fibres

It is prohibited to have used cleaning rags, cotton waste or other fibres polluted with oil or grease other than in proper packaging in accordance with the stipulations of the applicable legislation in the oil port area including the jetties, pontoons and similar objects present there which are open to the public whether or not subject to any restrictions.

§ 3.5 Reception of vessel's waste and cargo residues

Article 3.5.1 Designation of companies with reception facilities

1. It is prohibited to take receipt of vessel's waste, other hazardous substances or residues of hazardous substances without designation from the Municipal Executive.
2. The issue of a designation as referred to in the first subsection of this article shall take place without prejudice to the conditions set under or pursuant to the Wet milieubeheer (the Dutch Environmental Management Act) or WVVS with due observance of the expected supply of the substances referred to in the first subsection of this article and the resulting need for reception capacity.
3. The Municipal Executive may, without prejudice to the provisions of Article 1.2.1 lay down further rules with regard to the manner in which designations must be applied for.
4. The Municipal Executive may attach further conditions and restrictions to a designation, in any case with regard to:
 - a. the types of waste to which the designation applies;
 - b. the technical possibilities and suitability of the reception facility;
 - c. the degree of availability of the reception facility for vessels wishing to deliver vessel's waste, hazardous substances and residues of hazardous substances;
 - d. the publication of the tariffs applied by the company.
5. A designation as referred to in the first subsection of this article counts as a permit.

Article 3.5.2 Publication of the companies designated pursuant to Article 3.5.1

The Municipal Executive shall publish:

- a. which companies have been designated for which period;
- b. which substances as referred to in Article 3.5.1, subsection 1, the designated company may take receipt of;
- c. on which days and at which hours the designated company is obliged to take receipt of the substances.

Article 3.5.3 Notification of delivery

The Municipal Executive may lay down further rules with regard to the manner in which the notification of the intention to deliver vessel's waste and/or (residues of) hazardous substances shall take place.

Section 4 Enforcement

Article 4.1 Penal provision

Violation of the provisions under or pursuant to these bye-laws will be punished with imprisonment for a maximum of three months or a fine of the second category.

Article 4.2 Supervision

The persons designated by the Municipal Executive are charged with the supervision of compliance with the provisions under or pursuant to these bye-laws.

Article 4.3 Investigation

Investigation of the acts made punishable has, in addition to the investigating officers referred to in Article 141 of the Wetboek van Strafvordering (the Dutch code for Criminal Procedures) been assigned to those persons who have been charged by the Municipal Executive with the enforcement or monitoring of compliance with these bye-laws, each insofar as it concerns the acts specified in the mandate.

Section 5 Transitional and final provisions

Article 5.1 Transitional provisions

1. Anyone who prior to these bye-laws coming into force is in possession of a permit, exemption or permission pursuant to the Verordening op de haven en het binnenwater 2006 (the Amsterdam port and inland waterways bye-law 2006) insofar as these concern the port waters will be considered to have been granted a permit, exemption or permission pursuant to the applicable provisions of these bye-laws.
2. Applications, insofar as these concern the port waters, for permits, exemptions or permissions pursuant to the Verordening op de haven en het binnenwater 2006 (the Amsterdam port and inland waterways bye-law 2006) which have not yet been decided upon at the time of these bye-laws coming into force will be decided upon subject to the provisions of these bye-laws.
3. Decisions for the implementation or enforcement of provisions of the Verordening op de haven en het binnenwater 2006 (the Amsterdam port and inland waterways bye-law 2006), insofar as in force on the port waters, will be considered to have been taken for the implementation of the corresponding provisions of these bye-laws.
4. Objections lodged against decisions pursuant to the Verordening op de haven en het binnenwater 2006 (the Amsterdam port and inland waterways bye-law 2006), which have not been decided upon at the time of these bye-laws coming into force will, insofar as these decisions concern the port waters, be decided upon subject to the provisions of these bye-laws.

Article 5.2 Entry into force

These bye-laws will come into force on the third day following publication in the Municipal Gazette of Amsterdam.

Article 5.3 Official Title

These bye-laws shall be cited as the "Regionale Havenverordening Noordzeekanaalgebied 2010".

