

NON AUTHORITATIVE TRANSLATION

Warning: Notwithstanding great care has been taken in translating the original Dutch legal document into English, differences between the English and Dutch text may occur. In cases of disputes or discrepancies the Dutch text shall prevail.

Decree No. 2025/12

Revoke of decrees 004/RHN/2017, 008/RHN/2017 and 009/RHN/2017

The Director of the Central Nautical Management North Sea Canal Area and the Harbour Master of Amsterdam, announce the following:

Having regard to:

- the decree introducing a prohibition for degassing certain substances by moored tankers, with number 004 /RHN /2017 by Harbour Master of Amsterdam;
- the decree, with number 009 /RHN /2017 by the Director of the Central Nautical Management North Sea Canal Area, introducing a prohibition for degassing certain substances by moored tankers in the municipality of Beverwijk;
- the decree, with number 008 /RHN /2017 by the Director of the Central Nautical Management North Sea Canal Area, introducing a prohibition for degassing certain substances by moored tankers in the municipality of Zaanstad;
- the consolidated October 2024 version of the Convention on the Collection, Deposit and Reception of Waste in Rhine and Inland Navigation (hereinafter referred to as CDNI);
- the decree of 24 August 2024 amending the Shipping Waste Decree for Rhine and Inland Navigation, published in the Bulletin of Acts and Decrees 2024 (Staatsblad No. 243, dated 9 September 2024), which amendment accelerates the phased introduction of the prohibition of degassing while sailing on inland waterways, with Phase 2 of the CDNI coming into force in the Netherlands on 1 October 2024;
- the 2022 North Holland Environment Ordinance;
- Article 1.1 of the Regional Port Bye-laws for the North Sea Canal Area 2023 (hereinafter: RHN), applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad;
- Article 4.11 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad;
- Appendix 2 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad;
- the Decree mandating nautical powers to the Director of the Central Nautical Management North Sea Canal Area 2024, issued by the Mayor and Aldermen of the municipality of Amsterdam on 9 July 2024 and published on 17 July 2024, on the basis of which the Director of Central Nautical Management North Sea Canal Area may exercise powers under mandate on behalf of the Mayor and Aldermen of the municipality of Amsterdam;
- the Beverwijk Mandate Decree regarding the Director of the Central Nautical Management North Sea Canal Area 2023, issued by the Mayor and Aldermen of the municipality of Beverwijk on 16 July 2024 and published on 4 November 2024, on the basis of which the Director of the Central Nautical Management North Sea Canal Area may exercise powers under mandate on behalf of the Mayor and Aldermen of the municipality of Beverwijk;
- the Zaanstad Mandate Decree regarding the Director of the Central Nautical Management North Sea Canal Area 2023, issued by the Mayor and Aldermen of the municipality of Zaanstad on 7 May 2024 and published on 16 May 2024, on the basis of

which the Director of the Central Nautical Management North Sea Canal Area may exercise powers under mandate on behalf of the Mayor and Aldermen of the municipality of Zaanstad.

Having considered that:

- The CDNI was amended in October 2024. Appendix IIIa of the implementing regulation stipulates that vapours from goods listed in Tables I, II, and III of this appendix must not be released into the atmosphere unless the conditions concerning AVFL values¹, as specified in the tables below, are met;
- As of 1 July 2024 and 1 October 2024, substances listed in Tables I and II of the CDNI may no longer be emitted into the atmosphere;
- Following the enforcement of the amended CDNI in October 2024, the North Holland Environment Ordinance 2022 (as updated on 2 January 2025) has repealed the prohibition degassing while sailing for substances previously covered under decisions 004/RHN/2017, 008/RHN/2017, and 009/RHN/2017. This regulatory change aligns with the implementation of the amended CDNI in October 2024;
- Article 1.1 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad included the following terms:
 - closed cleaning: any operation aimed at or related to the cleaning, degassing or the removing of vapour from cargo tanks or slop tanks of a tanker in such a way that no emission to the atmosphere takes place during the operation; closed cleaning also includes the use of a degassing facility;
 - open cleaning: any operation aimed at or related to the cleaning, degassing, or the removing of vapour from cargo tanks or slop tanks of a tanker in such a way that emission to the atmosphere can take place;
 - ventilate: the drying of a tanker's open cargo tanks or slop tanks into the atmosphere after they have been cleaned. The following applies to the concentration of dangerous gases and vapours in the emitted mixture at the point of discharge:
 - a. the concentration may not exceed 10% of the lower explosive limit, or;
 - b. the concentration lies below the limit value referred to in Article 4.3 of the Arbeidsomstandighedenbesluit (Working Conditions Decree) for substances as referred to in the ADN and which substances, in column 18 of Table C, require a toxicity meter;
- Article 4.11, paragraph 1 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad stipulates that liquids specified in Appendix 2 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad may only be cleaned in a closed system;
- Article 4.11, paragraph 5 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad stipulates that liquids specified in Appendix 2 of the RHN, applicable to the municipalities of Amsterdam, Beverwijk, and Zaanstad must not be cleaned in an open vessel, nor may they be vented at locations designated by the Harbour Master;
- As the aforementioned convention now prohibits the idle degassing of the liquids specified in decrees 004/RHN/2017, 008/RHN/2017, and 009/RHN/2017 under other applicable laws and regulations, the Director of the Central Nautical Management North Sea Canal Area / Harbour Master of Amsterdam has decided to revoke those decrees, and;

¹ AVFL: Accepted Vent Free Level. This is the permissible value for free venting into the atmosphere.

- The Director of the Central Nautical Management North Sea Canal Area, on behalf of the Mayor and Aldermen of the municipalities of Amsterdam, Beverwijk and Zaanstad, is authorised to exercise this authority.

Has decided:

I.

to revoke the decree of the Harbour Master of the Port of Amsterdam dated 27 February 2017, reference number 004/RHN/2017, as well as the decrees of the Director of the Central Nautical Management North Sea Canal Area dated 27 February 2017, reference numbers 008/RHN/2017 and 009/RHN/2017.

II.

This decree will enter into force three days after publication in an Announcement to the Shipping IJmond North Sea Canal Area Central Nautical Management (BASIJN).

III. Short title

This decree will be cited as "Revoke of decrees 004/RHN/2017, 008/RHN/2017 and 009/RHN/2017".

Thus established on behalf of the Mayors and Aldermen of Amsterdam, Beverwijk and Zaanstad on 12 February 2025

The Harbour Master of Amsterdam / Director of the Central Nautical Management North Sea Canal Area



J.H.M. Mateyo

Please Note

In accordance with the Algemene Wet Bestuursrecht (the Dutch General Administrative Law Act), any interested party can lodge a notice of objection against a decree within six weeks after its publication. The notice of objection for Amsterdam must be address to:

Mayor and Aldermen of Amsterdam, P.O. Box 202, 1000 AE Amsterdam;

For Beverwijk to:

Mayor and Alderman of Velsen, P.O. Box 465, 1970 AL IJmuiden, or;

For Zaandam to:

Mayor and Aldermen of Zaandam, P.O. Box 2000, 1500 GA Zaandam.

The notice of objection must be signed and should contain at least the name and address of the person lodging the objection, the date, a description of the decree against which the objection is being lodged as well as the grounds for objection. If you choose to be represented, we request you to submit an authorisation. The notice of objection has no suspensory effect.

If, pending the objection procedure, the situation requires a suspension or immediate relief, an application to grant suspension or provisional relief can be submitted to the judge in preliminary relief proceedings of the Administrative-Law Sector of the Court of Amsterdam, Parnassusweg 226, Postbus 75850, 1070 AW Amsterdam if it concerns this decree of Amsterdam; or to the judge in preliminary relief proceedings of the Administrative-Law Sector of the Court of Haarlem, Stationsplein 80, Postbus 1621, 2003 BR Haarlem if it concerns this decree for Beverwijk, Velsen and Zaanstad. For this procedure, court fees are due.

You may lodge your objection online through www.amsterdam.nl/bezwaar/jb. For this option you will need a DigiD.

Explanatory note on designation:

In April 2024, Switzerland became the final country to ratify the amendment to the Convention on the Collection, Deposit and Reception of Waste in Rhine and Inland Navigation (CDNI). This amendment includes prohibition of the release into the atmosphere (degassing) of residual cargo vapours from liquid substances listed in Tables I, II, and III of the CDNI. As a result, the prohibition on the atmospheric degassing of residual cargo vapours from substances listed in Table I came into effect on 1 October 2024. On the same date, the Netherlands also implemented a prohibition on degassing residual cargo vapours from substances listed in Table II. The prohibition on the atmospheric degassing of substances in Table III is scheduled to take effect in mid-2027. To align with these regulatory changes, the North Holland Environment Ordinance 2022 was amended on 2 January 2025 following the CDNI amendment. Consequently, prohibition of degassing while sailing has been removed from the ordinance. Furthermore, under Article 4.11, paragraph 5 of the RHN, substances listed in Appendices I and II of the CDNI are subject to these prohibitions and are not permitted to undergo passive or controlled atmospheric venting. As a result, regulatory decrees 004/RHN/2017, 008/RHN/2017, and 009/RHN/2017 are no longer required and have been revoked by this decision.

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