



Port Regulation Oostende



POLICE REGULATIONS

COMMERCIAL PORT OF OSTEND

Approved by the Board of Directors of the A.G. Port of Ostend, in the assembly of 5 March 2001

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CHAPTER 1: GENERAL PROVISIONS

Section 1: TERMINOLOGY

1. The following is defined for the implementation of these regulations:

1.1. Commercial Port: the locks, the waters and associated terrains, the infrastructure and superstructures situated in the port area, of which the operation falls under the jurisdiction of the A.G. Port of Ostend, and more specifically the area within the limits specified hereafter:

To the East: the harbour channel limited by the Eastern pier, the Staketselstraat, the Luisborgstraat, transferring into the part of the Buskruitstraat up to the Geulkaai. Before the Fishery lock along the quays of the Schutsluisplein to the Wandelaarskaai, including the old railway bedding with covering.

From the end of the Wandelaarskaai along the West side of the Vismijnlaan to the Dokter E. Moreauxlaan, turning to a southern direction up to the Vicognedijk with the terrains between the Vicognedijk and the Bredense Steenweg. Further alongside the pedestrian bridge over the Noord Ede along the Prinses Elisabethlaan, following the border between the City of Ostend and Bredene along the Brugse Steenweg and along the Plassendaalse Steenweg up to the Plassendale bridge.

Furthermore, following the border between the City of Ostend and Oudenburg up to where this municipal border crosses the railway from Bruges to Ostend.

To the West: from the intersection of the municipal border with the railway along the main railway bundle of the Ostend-Bruges line to the railway station of Ostend, always keeping to the East side of the railway.

Along the Natiënkaai, alongside the limits of the NMBS properties to the Sir Winston Churchillkaai at the head of the quay. Then following the imaginary line over the entrance of the Montgomery dock and continuing alongside the West Pier.

1.2. A.G. Port of Ostend - in short: A.G.H.O: the autonomous municipal authority with legal personality Port of Ostend, based in Ostend, Slijkensesteenweg 2, responsible for the operation of the commercial port.

1.3. Harbour master's office: the harbour master's office, which falls under the A.G. Port of Ostend as operating port authority and which has jurisdiction over the port area of the commercial port, with the temporary exception of the Demey lock, the access channel to the Fishery Dock, the Wandelaarskaai with regard to the moored fishing vessels.

1.4. The representatives of the harbour master: all employees of the A.G. Port of Ostend who assist the harbour master and the deputy harbour masters in executing their duties, set forth in the law of 5 May 1936 establishing the official status of harbour masters.

1.5. Outer port: the waters in the commercial port subject to the tides.

1.6. Inner port: the waters in the commercial port not subject to the tides.

1.7. The vessels: all types of navigating and floating devices or objects, used or able to be used as a means of transportation on water, including objects without water displacement and seaplanes.

1.8. Laid-up vessels: vessels which are temporarily taken out of service.

1.9. Sea-going vessel: vessels used or intended for carrying goods and/or persons by sea, which were registered as such and for which an international tonnage certificate was issued.

1.10. Inland vessel: vessels used or intended for inland shipping and/or the transportation of goods by inland waterways, which were registered as such, and for which a tonnage certificate for inland vessels was issued. The inland vessels that approach the commercial port from the sea, will be regarded as sea-going vessels for the determination of the port charges.

1.11. Tug: a vessel which is built and equipped for towing and pushing operations.

1.12. Fishing vessel: a vessel destined for sea, high-sea or coastal fishing, for commercial purposes.

1.13. Line fishing vessel: a vessel that is not intended for commercial fishing, but for line fishing as leisure activity.

1.14. Recreational vessel: a vessel with an overall length of up to 24 meters which, whether or not used for profitable operations in whatever form, participates in or is intended for pleasure, with the exception of vessels used or intended for transporting more than 12 passengers.

1.15. Other vessels: ships, vessels and floating objects which do not meet the descriptions given for sea-going ships and inland vessels.

1.16. Hazardous substances are substances that can lead to danger of explosion, fire, corrosion, poisoning, intoxication or radiation, as stated in the International Maritime Dangerous Goods Code (IMDG Code), the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk "of the

International Maritime Organisation (IMO) or in the Regulations for the transport of hazardous substances on the Rhine (ADNR) and any other substance that is identified and declared as a dangerous substance by the A.G. Port of Ostend.

1.17. Pollutants are substances which, if they end up in the water in the port, may be hazardous to human health, may cause damage to the environment, may harm recreation or may disturb any other legitimate use of the port and which are designated as such by the law or by the A.G. Port of Ostend.

1.18. The person in charge of a vessel: the captain, the barge master, the commander: the person who has command over the vessel or the entity, or the person who is assuming command, and in the absence of the aforementioned, the shipowner.

1.19. E.N.S.O.R. port information system: Electronic Network System Ostend Region is the electronic port information system through which all communication is done with regard to the information on shipping and goods.

1.20. Port traffic control: the guidance of sea-going and inland shipping in the outer port.

1.21. I.M.O.: International Maritime Organization.

1.22. I.M.D.G. Code: the requirements of the International Maritime Dangerous Goods Code drafted by the I.M.O. and of Article 108 of the Royal Decree of 20 July 1973 with regard to maritime inspection regulations.

1.23. I.M.O. Gas Carrier Codes: the requirements for the construction and equipment of sea-going vessels which transport liquefied gases in bulk, published by the I.M.O., and of the Ministerial Decree of 17 July 1981, with regard to the additional requirements for the construction and equipment of ships carrying liquefied gases in bulk.

1.24. I.M.O. Bulk Chemical Code: the requirements for the construction and equipment of sea-going vessels which transport dangerous chemicals in bulk, published by the I.M.O. and of the Ministerial Decree of 24 June 1975, with regard to the additional requirements for ships which transport dangerous goods in bulk.

1.25. MARPOL: International Convention of 1973 for the prevention of pollution by ships, drafted in London on 2 November 1973 and amended by the Protocol of 1978, drafted in London on 17 February 1978.

Section 2: SCOPE AND APPLICABLE PROVISIONS

2. These regulations apply to the area of the commercial port.

3. In the commercial port the following provisions also apply, int. al.:

° the law of 5 May 1936, establishing the official status of harbour masters;

° the law of 11 April 1989, regarding the approval and implementation of various International Maritime Acts for shipping (Wrecks Act);

° the Royal Decree of 4 August 1981, regarding Police and Shipping Regulations for the territorial sea, the ports and beaches of the Belgian coast, supplemented, improved or modified by the Royal Decree of 4 June 1987, the law of 6 October 1997, the Royal Decree of 9 February 1996, the Royal Decree of 9 December 1998, the Royal Decree of 4 May 1999 and the Royal Decree of 4 June 1999;

° the Royal Decree of 15 October 1935, regarding the General Rules for the Waterways of the Kingdom, last supplemented, modified or amended by the Royal Decree 5 of March 1999;

° the Decree of 19 April 1995, regarding the organization and operation of the pilotage service of the Flemish Region and regarding the certification of pilots;

° the general regulations of 1 December 1975 on the road traffic police, with the law regarding the road traffic police, coordinated by the Royal Decree of 16 March 1968, and other laws, Royal Decrees and ministerial decisions concerning the road traffic police;

° the Decree of the Flemish Parliament of 2 March 1999, regarding the policy and management of the seaports (Port Decree);

° Notices to Mariners issued by the Ministry of the Flemish Community, Department of Environment and Infrastructure, Administration of Waterways and Maritime Affairs, Section of the Coastal Waterways, hydrography.

Section 3

4. The port police is exercised by the harbour master of the harbour master's office and under his authority, by his representatives.

5. The harbour master's office is responsible for taking all measures to safeguard public order, peace and safety of the port activity and they are responsible for the care for shipping safety in the commercial port and the enforcement of the provisions of this regulation, including:

1. regulating the handling, loading and unloading and the storage of goods and passenger embarkation and disembarkation;

2. regulating the accessibility of the port area and the traffic flow in the port area;

3. safeguarding the environment, integrity and safety of the port area.

6. They are responsible for implementing the laws, decrees, regulations and the enforcement of the provisions of this regulation.

Without prejudice to the other officers and members of the judicial police, the harbour master and his representatives are responsible for tracking down and registering violations of laws, decrees, regulations and ordinances applicable in the commercial port and any other crimes committed within the boundaries of the commercial port.

In exercising his police powers, the harbour master is responsible for drafting the necessary charges if applicable. They will be transferred to the qualified officer of the prosecution.

When the harbour master, and his representative under his authority, detects crimes as referred to in Articles 10 and 11 of the law of 5 May 1936 establishing the official status of harbour masters, they are entitled to claim the immediate collection of the penalty provided and to deliver a receipt for this.

They have jurisdiction to board vessels, more specifically the compartments that are not equipped as living areas.

7. The commercial port is only accessible to people who have to be there for occupational purposes, unless the harbour master, or his representative under his authority, allows otherwise.

8. Should the need arise, the harbour master, or his representative under his authority, is allowed to commandeer anyone, in the commercial port and on the docks, for the services and the policing duties of the commercial port. The persons commandeered may not refuse the duties they are suited for.

9. In case of unruliness and/or when they are insulted, threatened or assaulted during duty, the harbour master or his representatives may commandeer the city police or the federal police. Charges can be drafted for unruliness or libel and violence against a representative of the authorities, in particular the harbour master, or his representatives under his authority.

10. The captain or barge master of a vessel is required to meticulously meet all the provisions of the international rules of the World Health Organization and the instructions set forth by the competent persons in this context . Cases of diseases of suspicious nature, which would occur among the crew during travel and/or stay in the commercial port, must immediately be brought to the attention of the harbour master or of his representatives and of the qualified Health inspector of the state.

Section 4: LIABILITIES AND INDEMNIFICATION PROVISIONS

11. The A.G. Port of Ostend acts solely in exercising its police mission and no other measures set forth by and administered under the present regulation or directions issued or given on this basis, can compromise civil liability.

The proprietor, shipowner, charterer, captain, barge master or the person who acts as an agent of one of the aforementioned persons, of vessels for which directions are given or against which measures are taken, are solely liable for all damages potentially resulting from these measures or directions and which are inflicted to the A.G. Port of Ostend, to the vessels or to third parties.

The proprietor, shipowner, charterer, captain, barge master or the person who acts as an agent of one of the aforementioned persons, of vessels for which directions are given or against which measures are taken, engage themselves to safeguard the A.G. Port of Ostend from all adverse effects that these measures and instructions might cause for themselves or others. They explicitly renounce all redress against the A.G. Port of Ostend.

12. The A.G. Port of Ostend cannot be held liable for breakdowns or damages inflicted on third-party vessel by ships which are given pilotage, towing or boatmen assistance, nor to the latter vessels themselves. The mere fact that the A.G. Port of Ostend grants licenses to third parties for the performance of shipping services is no prejudice to potential claims of the A.G. Port of Ostend in case of damage caused to third parties, port equipment, vessels, devices, goods or staff of the A.G. Port of Ostend by the port pilotage service, towing services or boatmen.

13. The A.G. Port of Ostend is not liable for the damage incurred by a ship or an object while sailing in, out or through or using the port equipment and/or facilities in the commercial port, nor for the acts, orders, negligence or ignorance of the appointees.

14. No compensation may be claimed from the A.G. Port of Ostend for shipping damage or shipping obstruction caused by an accident, the state and capacity of the dock water or any other circumstance.

No compensation may be claimed from the A.G. Port of Ostend for shipping obstruction caused by a strike and /or blockades.

15. If an order or prohibition is given to someone, who acts under the authority of someone else, while implementing one or more regulations set forth in this document, then his mandators are also liable for complying with this requirement or prohibition.

Section 5

16. The oral or written permits or authorizations in application of these regulations are issued by the harbour master or his representatives. They may be revoked at any time.

17. Conditions can be attached to all granted permits or authorizations.

18. Any person who acts contrary to one or more of the conditions stated or who does not comply with them, is considered to have acted without authorization or permission.

19. The holder of a permit or written authorization is required to show it to the harbour master or his representatives upon simple request.

CHAPTER 2: ORDER AND SAFETY IN THE PORT

Section 1

20. In the commercial port everybody is obliged to respect and strictly follow any order given by the harbour master or his representatives for maintaining public order and safety, for regulating shipping traffic, for preventing fire, collision or other perils, or for implementing these present regulations or other applicable laws, decrees and regulations.

Port traffic control has jurisdiction over the traffic within the port, shifting between berths and traffic to and from the locks.

All instructions, regulations and orders issued by the port traffic control in connection to shipping traffic are to be strictly followed.

Only the vessels that can safely enter and leave the port jetties and sail through the port's engineering structures taking into account the vessel's size or draught, are allowed in the waters of the port.

Section 2

21. The captains or barge masters of vessels:

- a) on which a fire started while sailing or staying in the commercial port, whether or not completely extinguished,
- b) which suffered (in-)visible or (un-)noticeable damage through collision, stranding or other dangers at sea,
- c) which damaged any part of the port facilities, devices, vehicles, and/or other vessels,
- d) which lists abnormally,

e) which have lost or risk losing cargo, fuel or objects,

f) which have found an obstruction in the waterways,

g) which were soiled by a polluting substance, regardless of the nature or origin,

h) which are in danger of sinking,

are obliged to report this to the harbour master or his representatives, if possible prior to their arrival at the commercial port, and at the latest immediately upon arrival.

Reporting this does not relieve the captain or barge master of the vessel involved from taking all necessary measures on board to address the situation.

22. Whenever there is a potential danger, damage or shipping traffic disruption, the captains or barge masters must alert approaching traffic and take the necessary measures to keep the fairways open.

23. Entering the commercial port, sailing in the commercial port or locks, mooring or unmooring from a berth, is forbidden without permission of the harbour master or his representatives, who can provide this permission after the rendering of a statement issued by a shipping expert accredited by the Antwerp Nautical Commission, testifying that the vessel involved can moor and can sail in and out the commercial port without further danger or additional pollution.

24. The captains or barge masters of vessels that carry explosive materials on board should notify the harbour master, or his representatives under his authority thereof upon arrival and departure.

Section 3

25. In the waters managed by the A.G. Port of Ostend, vessels should maintain an accustomed slow speed. The captain or barge master of mechanically power-driven vessels are required to regulate the speed of their vessel in such a way to ensure that no damage can be inflicted to other vessels, to their mooring equipment, their cargo or to engineering structures by suction, waves or any other reason.

26. The captains or barge masters of a mechanically power-driven vessel, moored at quays, landing stages, mooring dolphins or mooring buoys should make sure that during trial running of the engines, no obstruction and/or damage is inflicted to other moored vessels or port infrastructure.

27. Each vessel which enters or leaves the commercial port, should have its anchors and all sprung rigging or obstacles secured.

28. Vessels equipped with bow thrusters should mitigate the use thereof in places where it presents a real danger to banks, landing stages, moorings dolphins and/or other vessels.

Section 4

29. The captain or barge master of a vessel is obligated to take the necessary precautions to ensure that no damage or accident can be caused and to ensure that the safety of persons and/or vessels is not jeopardized during mooring, being moored, unmooring, or with his vessel in general.

Section 5

30. Using the assistance of tugs in the commercial port is not obligated unless otherwise provided in these regulations. Where appropriate, the harbour master, or his representatives under his authority, can impose the obligation to use tugboats, at the expense and the risk of the towed vessel.

31. For any towing assistance whatsoever, only the tugboats belonging to the concession holder of the towing service can be used.

Section 6

32. The captain or barge master is obligated to immediately report to the harbour master, or to his representatives under his authority, about all the damage caused by his vessel to the engineering structures, facilities and equipment owned by the A.G. Port of Ostend.

Pilots, boatmen and towing services are required to report to the harbour master, or to his representatives under his authority, about all the damage found to engineering structures, equipment and devices belonging to the A.G. Port of Ostend.

Section 7

33. Damaging the port's infrastructure, quays, bridges, hoisting equipment, devices, goods hangars or any other object of the A.G. Port of Ostend is prohibited. The damage caused, including the repair and administration costs, will have to be paid by the person who caused it. Those damages will always remain recoverable from the offender's civilly liable person.

34. The port users are fully and directly liable towards the A.G. Port of Ostend for any damage to the services, equipment or any other object in the commercial port of which the use has been entrusted to them. The repairs will be performed under the supervision of the technical services of the A.G. Port of Ostend.

35. The A.G. Port of Ostend determines the amount of the compensation which must be paid to the A.G. Port of Ostend immediately after the accident as a deposit for carrying out the work.

The payment of the repair costs will be effected after the drafting of an invoice. This

amount will be settled against the deposit, after full implementation of the repairs.

Section 8

36. It is forbidden to throw objects in the waters of the commercial port.

37. It is forbidden to leak steam, water or other liquids from any place if this implies a potential danger and/or injury to people who are either on vessels or alongside moored vessels, or at the quay, and/or if damage can be caused to vessels, to the quay, its paving, to the buildings, structures, appliances, pipes, merchandise or the environment.

38. It is forbidden to throw, to drop, to pump, or to let flow overboard or from the quay into the water any solid or liquid objects or substances that may or may not be mixed or diluted with water, without the prior consent of the harbour master, or of his representatives under his authority.

The cost for cleaning the dock water, quays and infrastructure and the soil are at the expense of those who have violated this prohibition.

39. It is prohibited in the commercial port to perform any work, to remove any materials or to store materials unless there is permission of the harbour master or of his representatives.

It is forbidden to dry-dock vessels for repairs or for any other reason. Repairs may only be done at the places and under the conditions specified by the harbour master or his representatives.

The person who moves or removes merchandise lying on the quays, covered or not, must upon simple request prove to the harbour master or his representative in which capacity he does that.

40. It is forbidden to lay rafts to the sides of moored vessels at the quay or to do any caulking, painting or similar work to the hull.

For carrying out repairs or other work on board of vessels or on shore, which imply the possibility of sparks or glowing objects potentially coming into contact with the water level, a prior permit in writing or a fax is required from the harbour master, or from his representatives under his authority.

Parties who perform the work themselves or have it done by others, will always ensure that, prior to the work, no flammable substances or liquids float on the water nearby; if this is the case, the repairs or work cannot be performed. On-going work will have to be stopped as soon as the presence of inflammable substances or liquids is suspected, detected or observed.

41. The remains of sweepings from the holds gathered on deck must be moistened or covered in such a way that no dust can be spread. These sweepings, as well as kitchen waste or other waste must be disposed of in the appropriate spaces on land. If it is kept on board, it must be separately stored in accordance with the applicable law.

42. When handling goods , all parties involved with the implementation thereof, should carry out all necessary protective and safety measures at their own risk and expense in order to avoid environmental nuisance and/or damage to the port equipment and facilities.

43. Sandblasting or other maintenance activities that are a nuisance to people, equipment and the environment are prohibited.

44. Underwater work is prohibited without the prior permission of the harbour master, his representatives under his authority and/or port traffic control. Starting and finishing times of the work are reported to the port traffic control.

45. It is forbidden to let animals roam freely, both on board of vessels and in the commercial port.

46. It is prohibited to dump or to leak environmentally harmful substances, industrial or household waste or debris on the terrains or in the waters of the commercial port.

47. It is prohibited to leave waste, cargo residues, packaging waste and similar materials on the quays. The involved shipowner, cargo handler or agent, each at his turn, is obliged to clean it up in time.

Section 9

48. It is forbidden to light fires on board of vessels unless special and prior authorization is granted by the harbour master, or his representatives under his authority.

49. In the holds and tanks and in the vicinity thereof, there is a general ban on smoking.

50. Pest control on board of vessels may only be carried out by companies licensed to do so.

Section 10

51. If a fire breaks out on board of a vessel, port traffic control and/or the harbour master or his representatives under his authority, must immediately be notified by the captain or barge master or by any other member of the crew. This notification cannot relieve the captain or barge master of the vessel involved

from the obligation to take the necessary measures on board to deal with the calamity and to remove the vessel as soon as possible from all the other vessels, and if necessary also from the quays.

52. The captain or barge master, or the crew whose vessel is at risk of sinking, or which is inadequately moored and positioned in such a way that it endangers the port's engineering structures, is obliged to immediately notify port traffic control and/or the harbour master, or his representatives under his authority and take all measures necessary to deal with the calamity.

53. When a vessel has to change berths, and as a general rule whenever it is necessary to ensure the safety and interests of shipping traffic and the port's infrastructure and to safeguard and/or to ensure normal port operations, the harbour master, or his representatives, can impose the measures they deem necessary upon captains or barge masters, even those not incorporated at present in the police regulations.

The owner, captain or barge master must immediately comply with the orders given. If they fail to do so or if they are absent, the imposed measures will be automatically executed at their own expense and risk. If that is the case, a deposit needs to be paid immediately to the A.G. Port of Ostend, the amount of which is to be determined by the A.G. Port of Ostend.

54. If the master of the vessel in danger or his navigating officer does not comply with these regulations, the harbour master or his representatives, will automatically, and without further delay, take the necessary measures to ensure shipping and to safeguard the activities of the commercial port.

The harbour master, or his representative, has the right to untie or cut more ropes whenever he deems it necessary. These measures will be taken at the expense and at the risk of the captain or barge master, the shipowner, the proprietor or possessor of the vessels.

Section 11

55. The captain or barge master, or in the absence of both, the shipowner, proprietor or possessor of a sunken vessel or of an object which obstructs navigation, is required to immediately notify port traffic control and/or the harbour master, or his representatives under his authority. He should state the conditions of the incident and give an accurate fix on the location.

56. The persons involved should, both by day and by night, place beacons or safety signals above the sunken vessel or above the object that obstructs shipping and monitor it, as determined by the harbour master, or by his representatives under his authority, taking into account the situation.

57. When failing to properly install safety signals and/or monitor the vessel, the A.G. Port of Ostend will automatically have the necessary safety signals and beacons for a sunken vessel or for an obstructing object installed at the cost and risk of the captain or the barge master, of the shipowner, the proprietor or of the possessor.

58. The captain, shipowner, proprietor or possessor must ensure that the sunken vessel or the object which is obstructing shipping, is retrieved within the time frame set forth by the harbour master, or by his representatives, and is removed from the commercial port if necessary. When failing to comply, the A.G. Port of Ostend will automatically take the necessary steps to ensure the safety and/or free navigation at their cost and risk.

59. The harbour master, or his representative under his authority, is qualified to immediately and without any formalities detain and/or safekeep, or move vessels, rafts, beams, posts, poles, strands, wrecks or other floating and abandoned, and also sunken objects, at the cost and risk of the captain, barge master, shipowner or proprietor.

60. The harbour master, or his representative under his authority, is to be informed immediately about all objects that have fallen into the water. They will be collected, within the time frame set forth by the harbour master, or his representatives under his authority and with his prior special consent.

61. Dredging for and/or retrieving of any sunken object or good, is only allowed with a specific prior authorization of the harbour master, or his representatives under his authority.

62. The A.G. Port of Ostend in no way assumes any responsibility for obstacles and objects in the dock water, of which the origin is unknown to them, or which were not retrieved by the owners or possessors involved after they were granted permission to retrieve them.

Section 12

63. The captain or barge master, shipowner, proprietor or possessor, must refund all amounts that were advanced by the A.G. Port of Ostend for the implementation of the measures taken in official capacity. The amount of the payments shall be determined by the A.G. Port of Ostend.

64. For the implementation of the measures taken in official capacity, the A.G. Port of Ostend may demand that the captain or barge master, shipowner, proprietor or possessor, deposits the estimated amount needed to cover the costs involved. The deposit of this sum may, without cost to the A.G. Port of Ostend, be replaced by providing a sufficiently high security.

65. If the amount deposited or if the security is insufficient, then the salvaged vessel, the remains of it or the retrieved objects will serve as security for the

total of the costs advanced by A.G. Port of Ostend. The A.G. Port of Ostend can sell the salvaged vessel, the remains of it or the retrieved objects for a sum as high as the amount of the advances or for a sum up to the amount that was not covered by the deposited amount or security. The remains and objects that are unsold remain available to the party involved.

66. If the vessel, the remains of it or the objects retrieved by the owner, the captain or the barge master are not recovered or if the owner, the captain or the barge master are unknown, then the A.G. Port of Ostend will sell the objects, after having given the following publicity to the sale.

The proceeds of the sale will be put aside by the A.G. Port of Ostend for the owner involved, if he is known, or for the person who assumes those rights, this after having deducted the amount of the aforementioned advances. The A.G. Port of Ostend will not interfere with the distribution of the consigned amounts among the persons involved. If no single buyer is found, then the A.G. Port of Ostend has the vessel, the retrieved remains or objects at its disposal, or they can destroy them at the expense of the owners.

When the owner, captain or barge master are unknown, the A.G. Port of Ostend will have two notices published in two local newspapers, with an interval of fifteen days, giving characteristics of those objects and appealing to all persons who can make a claim to it, to file the claim within thirty days, starting from the appearance date of the last notification. When that period has expired, the A.G. Port of Ostend has the vessel, the remains or the retrieved objects at its disposal, as stipulated in the preceding paragraph.

The removal or taking into possession of the salvaged vessel, the remains of it and the retrieved and salvaged objects by the person involved comes into effect, provided that all potential formalities of declaration, examination and payment of fees and charges are met in advance.

Section 13

67. To avoid injury or accident, the captain or barge master has to comply with the following instructions:

- a) a vessel, which is sailing behind a vessel that is moving in the same direction, and which is not willing or able to overtake the other vessel, should not approach it in such a way, so that it could be obstructed in its manoeuvres and/or cause damage to engineering structures and/or other vessels. It should maintain sufficient distance between the two vessels;
- b) the mutual passing of vessels is prohibited in the lock channels, in fairways that are too narrow, and when the overtaken vessel is situated so near to a lock or bridge or entrance

to a dock that it can be obstructed in its movements and/or damage engineering structures and/or other vessels, or can be damaged itself;

c) it is prohibited to use throwing lines of which the ends are made heavier in such a way that throwing these lines could endanger and/or damage or injure.

68. When approaching the berth and for entering the locks, sufficient throwing lines and hawsers should be ready on the vessels, both at the bow and at the stern, and staff should be present for safe mooring.

Section 14

69. Any form of itinerant trade in the commercial port is prohibited without special, prior permission of the harbour master or his representatives under his authority.

It is prohibited, except when there is a written authorization, potentially with certain conditions, from the harbour master or from his representatives, to sail or to moor in the commercial port with floating loading and unloading equipment, with vessels serving as a workplace, vessels for trade or itinerant trade, or vessels serving as a floating warehouse.

70. Recreational craft such as rowing boats and pleasure craft which, for the purpose of organised boat trips, move passengers against payment, are only allowed in the commercial port with the prior approval, potentially under certain conditions, from the harbour master, or his representatives under his authority.

71. It is forbidden to swim, windsurf, water ski, jet ski and scuba dive in the commercial port.

It is forbidden to use the rescue equipment for a purpose other than the one it is intended for.

72. It is forbidden to hunt, fish or catch birds in the commercial port, unless there is a special prior authorization, potentially under certain conditions, from the harbour master or his representatives.

Section 15: Bunkering

73. When sea-going ships, barges and fishing vessels are bunkering, the captain or barge master of the vessels involved ensure that bunkering is implemented only if:

a) notification of the intention to bunker is given at the latest 30 minutes and not earlier than 6 hours before the beginning of the bunkering, to the harbour master, or his representatives under his authority and/or port traffic control, by phone or via VHF, indicating the name of the vessel, the berth, the amount and the type of

bunker oil and the time of the beginning of the bunkering, the name and the location of the bunker ship or tank truck;

b) the bunker checklist, of which the model can be obtained from the A.G. Port of Ostend, is fully and truthfully completed and signed by the persons responsible on the bunkering vessel.

74. The captain or barge master of the vessel involved in the bunkering process makes sure that the bunker checklist, completed and signed, stays on board of the vessel for inspection during bunkering and 24 hours after completion of the bunkering.

75. The captain of the sea-going ship, barge or fishing vessel only starts bunkering if the scuppers are closed off as good as possible and if the bunker pipes that are not in use, are sealed off.

The captain of the bunker ship, barge or tank ship, will only start bunkering when the bunker vessel is properly moored and the bunker hoses are in good condition. Both shall also ensure that:

a) the bunker hoses are hung well and that there is enough slack, and that the bunkering terminal is provided with a proper gasket;

b) all the bolt holes of the connection flanges of the bunker pipe are secured with good cited bolts or, if the installation of the bunker pipe is only possible by using properly constructed clamps or quick-couplers for this purpose, that they are arranged in such a way that leakage is prevented;

c) there is sufficient equipment straight under the connection of the bunker pipe to collect possible leakages;

d) stops are placed on the drip trays;

e) the bunker quantities are properly agreed upon;

f) the maximum pump flow and pressure are agreed upon;

g) measures relating to an emergency stop are known and that the communication between the sea-going vessel and the bunker vessel during bunkering are continuously guaranteed;

h) no welding or other repair work is done, involving open fire or work during which sparks can originate;

i) there is no smoking on deck.

76. The captain of the sea-going ship, barge or fishing vessel is responsible for the presence on deck of a person responsible, who constantly monitors the bunkering process. The master of the bunker vessel will also ensure the presence on board of a person responsible, who continuously stays near the operator's station of the pumps and monitors the bunkering.

77. During bunkering, the captain of the sea-going ship, barge or fishing vessel is responsible for regularly gauging the tanks which have to be filled and for making sure it is done with sufficient frequency.

78. If it is established that one of the provisions in this article is not respected, bunkering should be stopped immediately.

79. If the bunkering process is done by means of a tank truck, the declaration must be drafted by the vessel that is bunkering, and the safety precautions as previously listed (Article 75 a through i), also have to be observed; whereby 'bunker ship' should be read as 'tank truck'.

80. It is prohibited for recreational vessels to bunker in the outer port via a tank truck from the quay.

Section 16

81. During the stay in the commercial port, it is prohibited to execute welding activities or other reparations on board of tank vessels, during which open fire is used or sparks can originate, unless a "gas free certificate" can be presented, issued by an approved inspection agency.

82. Degassing is only permitted on the sites designated by the harbour master, or his representatives under his authority, and in compliance with the conditions imposed by him.

Section 17

83. Before leaving port, the captain or barge master of a vessel is required to settle all maritime and port rights and the payments of all port dues and all fines and claims by the A.G. Port of Ostend, at his expense and/or at the expense of his vessel or the shipowner.

CHAPTER 3: LOCK DEMEY

84. The captains and barge masters are required to comply with the commands of the harbour master or his representatives when approaching, entering, staying in and leaving both the access channel and the lock chamber of the lock itself.

85. Vessels are considered to be located within the operating territory of the lock from the moment they are between the piers - which form the access channel to the lock.

86. Unless the stipulations of the present chapter state otherwise, no vessel is allowed to moor or to be moored to one of the lock heads or in the access channels, except when there is explicit - and always revocable - permission of the harbour master or of his representatives and provided that the conditions imposed are rigorously observed.

87. No vessel may stay positioned in the vicinity of the lock.

88. The harbour master or his representative determines the timing, order and manner of locking.

89. At the locks, absolute priority is given to vessels for which safety reasons require that they immediately are allowed to the locks and pass through them.

90. The draught marks of the vessel must be clearly legible, both upfront and at the back. If there is doubt about the correctness of the specified draught, access to the lock can be denied by the harbour master or his representatives.

When during entering or leaving the lock, incorrect information is provided by the captain or barge master of the vessel regarding the draught of the ship, the resulting damages to the A.G. Port Of Ostend and/or third parties will consequently have to be reimbursed by him.

91. Vessels with insufficient crew to perform the manoeuvre with appropriate speed and safety, will not be allowed to the lock.

92. It is forbidden to use the lock gates as leverage points.

93. It is forbidden to throw the anchor or let it scrape on the bottom of the access channel to the lock and in the lock itself.

94. When the vessel approaches the lock and sails through, all anchors should be drawn up in the anchor locker.

95. When approaching and sailing through the lock, all protruding objects should be hauled in.

96. Vessels should moor by using the appropriate bollards. It is forbidden to attach the vessel to the ladders in the lock.

97. All vessels in the lock should be moored with the necessary hawsers to avoid forward and backward movements of the vessel.

98. It is prohibited to run the propellers once the vessel is moored in the lock, and this until the gates open again. At the other moments it is forbidden to run the propellers excessively.

99. When the vessel sunk or is in danger of sinking, when it is insufficiently moored and is located in such a way that it endangers the engineering structures, the harbour master, or his representative is authorized to impose the measures he deems necessary upon the master or barge captain, even those not set forth in this regulation.

If the captain or barge master cannot immediately implement the imposed measures, the harbour master or his representative can have them implemented at the cost and the risk of the vessel.

100. It is prohibited, except for authorized persons, to walk over the lock gates.

CHAPTER 4: BERTHS

101. The captain of a sea-going vessel, or his agent, who wishes to enter the commercial port, should notify the harbour master's office 15 hours before arrival. This notification should be implemented by means of the E.N.S.O.R. - port information system. If the E.N.S.O.R. - port information system is not operational, the notification should be implemented by fax message, on the forms that can be obtained from the harbour master's office.

102. The notification of a barge should be implemented by the receiver or the shipper of the goods by means of a fax message, on the forms that can be obtained from the harbour master's office.

On a monthly base, the receiver/shipper should send the harbour master's office a monthly inland shipping state on the forms that can be obtained from the harbour master's office for that purpose.

The other vessels can only occupy a berth after having received permission of the harbour master, or his representatives under his authority.

103. The harbour master or his representative under his authority, designate a berth for the vessel. The designation of a berth does not relieve the captain or barge master

from the obligation to ascertain that the berth is suitable and safe for his vessel.

104. Immediately after the arrival of his vessel, the captain or barge master gives notice thereof to the harbour master, or his representatives under his authority, and communicates the name of the vessel, the quantity and nature of the cargo and the gross tonnage in accordance with UMS 69.

105. It is prohibited to occupy or have occupied a berth with a vessel, or to change berths without seeking prior permission from the harbour master, or his representatives under his authority.

No vessel may be left unattended in the commercial port, even briefly, unless there is permission of the harbour master or his representatives under his authority. Watchkeeping should be entrusted to qualified persons.

106. The captain or barge master is obligated to shift his vessel to another berth, when the harbour master, or his representative, gives a verbal or written order to do so, and this within the time frame imposed by him and without having to give any explanation.

The captains or barge masters of all vessels shall at all times be required to have the necessary crew on board, in order to be able to shift the vessel immediately.

On board of laid-up vessels the presence of a watchkeeper will suffice, provided that he can take the appropriate measures to continuously ensure the safety of this vessel.

However, the captain, shipowner or proprietor of a laid-up vessel is required to ensure that it is ready to be shifted, with appropriate crew, or can leave the commercial port, if necessary within six hours after the instruction to do so has been given, either orally or in writing, by the harbour master, or his representatives under his authority.

107. It is prohibited to unmoor, relocate or shift any vessel, or to cut loose or cast off the vessel, without permission of the captain or barge master, except under orders or at the command of the harbour master, or his representatives under his authority.

108. The harbour master or his representative under his authority, is competent to have vessels without crew, guarded or not or laying up, shifted, detained without formality or taken into custody or to take appropriate safety measures at the risk and cost of the party concerned.

109. The A.G. Port of Ostend is not responsible for any consequences and additional costs, regardless of who created them, due to the fact that there is no available berth.

110. The harbour master, or his representative under his authority, is authorized to have vessels removed from the commercial port or to deny access to the commercial port, in function of order, cleanliness and safety.

111. The owners of vessels which have been taken out of service and who would like to occupy a berth in the port area should have liability insurance, including a salvage clause.

112. It is forbidden to moor or leave vessels, floating objects in the same position or put up any obstacles or to secure cables, chains or mooring hawser in such a way that free passage is obstructed.

The harbour master or his representative under his authority, can take all measures at the cost and risk of the proprietor, shipowner, charterer, captain, barge master or the authorized representative of the obstructing vessel or object to have it removed.

113. The captain and the barge master are required to ensure that their vessel is expertly moored, as long as it occupies a berth.

The mooring equipment must be strong enough and be applied in such a way that it can also hold the vessels lying alongside in second line.

114. It is forbidden to moor vessels alongside other structures than the ones designated for mooring, or alongside any other vessel which is not properly moored. It is forbidden to moor a vessel in such a way that the engineering structures of the commercial port could be damaged by the vessel's mooring equipment (mooring lines, hawser, wire ropes, anchors and chains), or in such a way that traffic on land or the use of the port facilities could be obstructed by it.

115. Every ship must moor with at least six adequate mooring lines, suited for keeping the ship against the quay in all circumstances, also taking into account its water displacement, more specifically a bow line, a side bow line, a bow spring, a stern line, a side stern line and a stern spring. All these hawsers and/or wire ropes should be tightened in such a way that the ship cannot move forward or backward, or sideways.

The mooring lines should be distributed over several mooring posts and must be under similar pressure in order to equally distribute the forces.

116. The captains and barge masters of vessels are obliged to maintain sufficient space in order to facilitate the movements of the vessels.

117. The captain or barge master is required to properly secure his ship against the quay and has to maintain it floating at all times. He shall, where appropriate, apply effective fenders and manipulate the mooring lines of his vessel, taking into account the increase or decrease in draught during unloading or loading and/or in function of

the tide and taking into account that the water level in the inner port can drop or rise with potential water discharge or water intake, without being informed beforehand.

118. It is forbidden for all persons, not authorized to do so, to manipulate, move or even touch any device of the commercial port and its equipment. It is particularly forbidden to manipulate the commercial port's engineering structures with gear that can inflict damage to it.

119. The ships that moor in second line should take the necessary precautions to safeguard the ship next to them from damage.

The captain or barge master of the outer row of vessels is required to put up lights as defined in the Police and Shipping Regulations for the territorial sea, the ports and beaches of the Belgian coast.

120. The captain or barge master of a vessel that is moored alongside the quay or alongside another moored ship is required to provide a pedestrian bridge to land and/or between the vessels for the convenience of his crew and for the persons who carry out work on board.

This pedestrian bridge will offer complete safety and will, amongst others, comply with the relevant provisions set forth in the "General Regulations on Industrial Safety "(A.R.A.B.). A life buoy with line and a safety net should be present at the footbridge.

121. The captain or barge master of a vessel is not allowed to put or have put cables, anchors, chains or other objects on the quays to obstruct or impede the road.

122. Deck holes should be lighted and/or sealed from sunset to sunrise.

123. The captains and masters of vessels of which the deck cargo or hoisting equipment protrudes outside the ship, are obliged to give prior notification thereof to the harbour master, or his representatives. The protruding parts have to be signalled on the water side with white light from sunset to sunrise .

124. It is forbidden to leave behind any residual waste or loading waste after loading or unloading operations on the forequay.

Cargo handlers should leave both the forequay and the terrain which was temporarily given into concession to them, in broom clean condition when leaving.

125. It is prohibited to take electricity or water in the commercial port without the prior consent of the harbour master or his representatives under his authority.

It is prohibited to use couplings for the supply of drinking water, other than the ones provided by the A.G. Port of Ostend.

CHAPTER 5: LIGHTS, DAYMARKS AND SIGNALS

126. In the port area that comprises the outer port, Vlotdok, Houtdok and Zwaaidok, the lights, daymarks and signals apply as stated in the Royal Decree of 4 August 1981 regarding the Police and Shipping Regulations for the territorial sea, the ports and beaches of the Belgian coast - Section 3 Art.13 to Art. 18 (included).

These lights, daymarks and signals mentioned in Section 3 - A Vessels, apply to sea-going ships in the section of the Ghent - Ostend Canal from the Plassendale bridge up to the Doksluis.

127. For inland navigation vessels in the section of the Ghent - Ostend Canal from the Plassendale bridge up to the Doksluis, the General Regulations of the Waterways of the Kingdom apply. Royal Decree of 15 October 1935, supplemented, improved or modified by the Royal and Regent Decrees up to the Royal Decree of 5 March 1999 (included).

CHAPTER 6: PORT PILOTAGE

128. Vessels with a length of 60 meters and more, and all vessels carrying dangerous goods are obligated to follow the advice of the pilots in the inner port, under the responsibility and at the expense of the vessel to which it applies.

Piloting sea-going vessels is the exclusive assignment of the concession holder of the A.G. Port of Ostend in order to maintain public order and safety.

Accredited pilots always have to unconditionally and promptly obey all orders regulations and directions of the harbour master or his representatives under his authority.

The port users must always comply with the instructions with regard to the use of pilotage services which are issued by the harbour master, or his representatives under his authority.

Without prejudice to the exclusive jurisdiction of the pilotage service of the Flemish Region in the outer port, it is explicitly prohibited for the captains and barge masters in the commercial port to use or rely on pilotage services provided, organized or offered by a natural or legal person other than the concession holder for these services appointed by the A.G. Port of Ostend.

It is strictly forbidden for all natural and legal persons who are not part of the A.G. Port of Ostend or who have not been appointed by the A.G. Port of Ostend as concession holder, to organize, offer, keep available or provide pilotage services in the commercial port.

The pilots only act as advisors to the captain, who at all times remains in command and keeps full responsibility of the ship. The A.G. Port of Ostend cannot be held liable, civilly or criminally, for possible damages, with or without bodily injury.

CHAPTER 7: BOATSWAINS

129. Vessels with a length of up to 70 meters are obligated to use one boatswain for mooring, unmooring and shifting berths, and this under the responsibility and at the cost of the vessel for which it is done.

Vessels with a length of more than 70 meters, and all sea-going ships carrying dangerous goods, are obligated to use two boatswains for mooring, unmooring and shifting berths, and this under the responsibility and at the cost of the vessel for which it is done.

A sea-going vessel can shift berths alongside the quay without using the services of boatswains if it is not in the fairway.

The harbour master or his representatives may, if appropriate and by setting conditions, exempt certain shipping lines from the obligatory use of boatswains.

Exempted vessels can always rely on the service according to the established procedures and rates.

In order to safeguard public order and safety and an optimal coordination of shipping traffic in the commercial port, that service is the exclusive domain of the concession holder, who has to obtain a written authorization for each boatswain from the harbour master's office of the A.G. Port of Ostend.

Approved boatswains always promptly and unconditionally have to obey the orders, regulations and directions of the harbour master or his representatives under his authority.

The port users must always comply with the instructions issued by the harbour master, or his representatives under his authority, in relation to the use of boatswains.

In the commercial port, it is explicitly forbidden for captains and barge masters to use or rely on the services of boatswains offered by a natural or legal person other than the concession holder for these services appointed by the A.G. Port of Ostend.

It is strictly forbidden for all natural and legal persons who are not

part of the A.G. Port of Ostend or who are not appointed by the A.G. Port of Ostend as concession holder to offer or provide boatswain services in the commercial port.

The request to obtain a boatswain license should be directed to the harbour master's office of the A.G. Port of Ostend. The ability of the person involved will be evaluated by the harbour master, or his representative under his authority.

CHAPTER 8: TOWING SERVICES

130. In order to safeguard the safety and optimal coordination of the shipping traffic in the harbour, this service exclusively belongs to the service concession holder.

The use of tugs in the commercial port is in principle not compulsory.

For reasons of public safety, the harbour master, or his representatives, can automatically impose the use of one or more tugs at the responsibility, expense and risk of the vessel for which it is done.

In the commercial port, it is explicitly forbidden for captains and barge masters to use or rely on towing or ancillary services provided, organized or offered by a natural or legal person other than the concession holder, unless the provider has a special, valid and explicit authorization in writing from the A.G. Port of Ostend.

It is strictly forbidden for all natural and legal persons who are not part of the towing services of the concession holder, to organize, offer, keep available or provide towing services and complementary services in the commercial port, unless a special, valid and explicit authorization in writing is granted by the A.G. Port of Ostend.

131. The commander of the towed vessel is in command of the towing. He orders all the movements which are to be performed. The tug is solely under his command.

The commander, or the person acting in his place, independently decides - under his responsibility - on the number of tugs needed, always taking into consideration all precautions in accordance with good seamanship.

The responsible person of the vessel which is using a tug is liable for all damages inflicted during the towing process, caused to persons, to vessels taking part in the towing process, to the tug itself, to other vessels, to the A.G. Port of Ostend, to the port facilities or engineering structures, or to third parties.

CHAPTER 9: LOADING AND UNLOADING

132. The persons in the commercial port who load, unload or transport goods, should take the necessary measures to secure the terrains given in concession, and to avoid all accidents to persons in the commercial port, any damage to the infrastructure or equipment of the commercial port, as well as pollution of the environment.

132. The people in the commercial port who load, unload or transport goods, are responsible for all accidents involving persons, damage to roads, quays, facilities or equipment of the commercial port, or contamination of the environment, in which case the cargo handler is required to notify the harbour master, or his representatives under his authority without delay, and he has to guarantee compensation for all damage, including repair and cleanup costs. They will have to comply with the orders of the harbour master, or his representatives under his authority.

133. Are prohibited: the loading, unloading or remaining in the commercial port's docks or goods hangars of:

- a) potential obstructing or perishable goods;
- b) all harmful or dangerous goods, as defined in the applicable regulations.

In case of violation of this prohibition, the harbour master or his representatives, can have the merchandise removed at the cost and risk of the person it belongs to, without prejudice to the sentences set forth in this Regulation.

It is prohibited to place goods or other property at less than 1.50 m from the crane and rails, in order to ensure, amongst others, the free passage of railway and crane transport.

Such goods may be moved or removed automatically or by order of the harbour master or his representatives, at the expense and risk of the owners, cargo handlers or concession holders, without the possibility to claim damages from the A.G. Port of Ostend to compensate for the damage to these goods.

134. The harbour master or his representatives may exceptionally allow the loading, unloading or storing of such goods in a secluded location on the conditions he deems necessary, set forth in a prior written consent, at the cost and under the responsibility of the parties involved.

135. It is forbidden to exceed the maximum load capacity of the quay.

136. With the permission of the harbour master or his representatives, and provided that there is compliance with his instructions and with the provisions of the tariff regulations, goods may be stacked on the shore side or forequay for five days, starting from the day after:

- a) the unloading of the goods from the ship;
- b) the presentation of the goods on the quay for loading.

This period of five days of stacking on the shore side or forequay can be extended to a maximum of ten days by the harbour master or his representatives for exceptional reasons.

137. The space allocated for trucks and other vehicles on the pitch, on the quays or in the goods hangars can be determined by the harbour master, or by his representatives.

138. The A.G. Port of Ostend is not responsible for surveillance or storage of the merchandise on the terrains or in the hangars. The A.G. Port of Ostend is also not liable for damage, spoiling, theft, partial or complete loss of the goods, arising from the poor condition of the terrains or buildings, fire, or the means used to fight the fire or any other cause whatsoever.

139. Handlers who use the port terrains, given into concession or not given into concession, are responsible for all damage resulting from their activities on these port terrains.

CHAPTER 10: HOISTING EQUIPMENT

140. All the hoisting equipment belonging to the A.G. Port of Ostend is intended solely for trade purposes, for loading and unloading of goods. Each use of the equipment is under the terms and at the rates defined in the tariff regulations.

141. It is prohibited:

- a) to use the unit for other purposes than the ones it is intended for;
- b) to position the goods on the quay less than 1.50 meters away from the track of the cranes;
- c) to load and unload goods such as wood, coal, cement, etc. over the gutter taps of the cranes without having properly hedged the gutter;
- d) to obstruct the proper functioning of the gutter tap of the cranes, either by putting loads or goods of all kinds on the gutter, or by throwing iron wire, cables, chains, etc. in the gutter or in any other way,
- e) to put goods, vehicles or posting any material on the covers of wells in which water meters have been placed - the water meters must always be accessible.

142. The A.G. Port of Ostend provides the hoisting equipment in the state they are in. The person who uses it, is considered to have checked whether or not the devices and their accessories are suited for the use he wishes to make of it.

143. The persons responsible for operating the hoisting equipment, will follow the orders of the users, subject to the policing law of the harbour master or his representatives under his authority.

144. The hoisting devices are under the responsibility of the user up to the moment when the last loading, unloading or handling manipulation of the cranes has been terminated.

Users are fully responsible for all the damage to the hoisting equipment incurred or caused during the period specified above, whatever the cause or object of the damage.

The A.G. Port of Ostend accepts no liability for any accidents, or for damage to people, vessels, merchandise, or goods caused by cranes or the use of them.

145. If the crane operator thinks that the work with the hoisting devices cannot be continued without danger or obstacles, the users are required to immediately cease operations until the harbour master, or his representative, gives permission to resume work.

146. The harbour master, or his representatives under his authority, may at all times suspend or pause a hoist or give verbal commands, without any entitlement to compensation on that basis, with regard to the safe treatment of goods while using hoisting equipment belonging to the A.G. Port of Ostend or with hoisting equipment belonging to a port user.

147. It is compulsory to close up hoisting equipment after use, to turn the boom inward, to shut off power, to position the crane hook in such a way that the free passage of vehicles is not impeded and to put all brakes in place.

148. It is prohibited for unauthorized persons to climb on the hoisting equipment.

CHAPTER 11: TERRAINS AND HANGARS

149. The license holders or other users of port terrains are obligated to place signage at the appropriate place on their own access roads, at their own expense and with prior permission of the harbour master or his representatives under his authority.

All of this in accordance with legislation and implementing decrees with regard to the signage arrangements for public, private and tourist institutions.

150. It is prohibited to erect permanent or temporary structures in the commercial port area, except with permission, possibly under certain conditions, of the A.G. Port of Ostend.

151. It is forbidden to smoke or make open fire in warehouses and in places where this prohibition is indicated.

It is forbidden to light fires or to burn waste on docks and terrains.

152. It is forbidden to use more surface than the surface of the terrain that was given in concession.

CHAPTER 12: HAZARDOUS CARGOES AND ACTIVITIES

153. It is prohibited to enter the port with loaded firearms.

154. It is prohibited to set off fireworks in the port without prior permission of the harbour master or his representatives under his authority.

155. In the port area, the goods defined in the International Dangerous Goods Code (IMDG), in Chapter 17 of the International Bulk Chemicals Code (IBC) or Chapter 19 of the International Gas Carrier Code (IGC) of the International Maritime Organization, are considered to be dangerous goods.

156. Polluting goods are those set forth in the annexes to the MARPOL Convention.

157. Dangerous and polluting goods may only be handled in the port, provided that the relevant promulgated general rules and special provisions set forth by the harbour master, or by the representatives under his authority, are rigorously observed.

158. The handling of dangerous or polluting goods, to which legal or general statutory provisions apply, is subject to the rules set forth in these laws and regulations, in addition to the additional provisions set forth by the harbour master or his representatives.

159. Every master or operator of a vessel which transports dangerous or polluting goods in bulk or in packaged form and which enters the commercial port of Ostend, is obliged to communicate the following information to the harbour master when departing from the port of loading:

- a) the name and call sign of the vessel;
- b) the nationality of the ship;
- c) the length and draught of the ship;
- d) the port of destination;
- e) the estimated time of arrival at the port of destination or pilot station;

f) the estimated time of departure;

g) the planned route;

h) the correct technical names of the dangerous or polluting goods, the United Nations identification numbers, if applicable, the IMO hazard class in accordance with the IMDG, IBC and IGC Codes, the quantities of the goods and their location on board, and in case they are located in portable tanks or freight containers: their identification markings.

i) confirmation that there is a list or manifest or appropriate loading plan on board, giving precise details of the transported dangerous and polluting goods and their location on the ship.

160. Every master or operator of a vessel which leaves the commercial port of Ostend and which carries dangerous or polluting goods on board, is obligated to communicate the data as listed above (Article 159, a - i) to the harbour master before departure.

161. Operator also stands for: shipowners, charterers, managers or agents of the ship.

162. Sea-going vessels which were built or adapted for transporting hazardous liquids and/or gases in bulk, characterized as such and included in the I.M.D.G. Code of the I.M.O. are hereafter referred to as tankers.

163. Barges that were built or modified for the same purpose are hereafter referred to as tank barges.

164. If the cargo consists of various liquids and/or gases classified in different classes of the aforementioned IMDG Code, than the provisions of the class with the highest risk level apply.

165. Both in terms of the design and equipment and in terms of the safety measures which have to be taken associated with the transport of dangerous cargoes, tankers have to comply with the Belgian Shipping Inspection Regulations. This also applies for tank barges, when special regulations provide specific directions.

166. On board of tankers and tank barges designed to carry cargoes from which flammable or explosive gases may be released, the necessary deck openings of all cargo holds and cofferdams should be equipped with flame arrestors.

In the port, the tanks should not unnecessarily come into contact with the outside air.

167. During the stay in the port, no repair works can be done on board of tankers and tank barges, unless a certificate is presented by an expert certified by the harbour master or his representatives, which certifies that repairs can be performed safely. A similar certificate will have to be

presented when repair work has to be performed in a dry-docking installation.

168. Degassing is only permitted in the areas assigned by the harbour master or his representatives and in compliance with the conditions imposed by him.

169. Tankers and tank barges must have at least two signs on deck in clearly visible places which indicate a smoking, fire and open light prohibition on board.

The captain or barge master of a vessel must supervise compliance with this prohibition.

170. The loading and unloading of dangerous and/or polluting goods in bulk is strictly prohibited in places other than those specifically equipped or reserved for this purpose, unless there is prior permission of the harbour master or his representatives.

171. During the loading and unloading of the bulk cargoes mentioned above, all hatches on tankers and tank barges should remain tightly closed. If necessary, a "return" pipeline is to be installed.

172. All safety measures should be taken, as set forth in the current regulations and the I.M.D.G. code of the I.M.O.. Furthermore, the harbour master, or his representatives, can impose additional requirements for certain products at all times.

173. The connection between the fixed pipelines on shore and the pipelines on board should always be made by means of proper equipment, so that no leaks, cracks, tears or fractures occur.

The use of equipment than can produce sparks is strictly prohibited for inflammable cargoes.

174. Captains and barge masters should ensure that while pumping, no visitors are allowed, not on the ship, nor in the vicinity of the quay.

175. During the loading or unloading of bulk cargoes such as mentioned above, it is forbidden to load or unload other packaged products, unless they belong to the same class.

176. The direct transfer from ship to ship of the bulk loads mentioned above is only allowed with the explicit approval of, and under the conditions determined by the harbour master or his representatives.

177. Floating hoisting equipment or devices which supply power and steam are only allowed to moor alongside vessels berthed at the oil installations or at the

berths especially designed to treat hazardous substances, provided that there is a previously obtained permission of the harbour master or his representatives.

178. Tankers have to be shifted by means of tugs in the inner port, taking into account the size and equipment of the vessel and in accordance with the regulations determined by the harbour master or his representatives.

179. When submitting the berth application, for each tanker a full statement has to be given stating the nature and weight of the cargo. If a tanker arrives empty, the nature and the flash point of the last cargo have to be provided. It should also be specified whether or not the gas tanker is gas free.

180. Before sailing into the lock, for each tanker a statement will have to be made stating the nature and quantity of the cargo carried in bulk, and its characteristics according to the I.M.D.G. Code of the I.M.O.

The relevant certificate is to be presented upon request of the lock manager during the locking procedure.

181. Tank barges carrying liquefied fuel on board to supply ships, are allowed in the commercial port provided that there is prior approval of the harbour master or his representatives.

This permission can be granted for a certain period of time by the harbour master or his representative.

The provisions concerning the bunker checklist in Chapter 2, Section 15 of this present regulation should be strictly observed.

182. The captains or barge masters of tankers and tank barges have to ensure that a sufficient number of qualified persons is always on board, in order to take the appropriate safety measures.

183. It is prohibited to let gas escape in a way in which it may cause danger or nuisance for the environment.

CHAPTER 13: CRIMINAL AND FINAL PROVISIONS

184. Without prejudice to the implementation of the more stringent penalties set forth by laws, resolutions, decrees, ordinances and regulations, any violation of the provisions of this present regulation and/or orders, even given orally by the harbour master or his representatives, will be liable to the penalties set forth in the law of 5 May 1936 establishing the official status of harbour masters, without prejudice to the right of civil recourse of the A.G. Port of Ostend for potential damage.

185. Without prejudice to the provisions of the law of 5 May 1936 establishing the official status of harbour masters, the harbour master or his representative, is entitled to immediately collect the fine for any breach of these police regulations.

Payment shall cease all legal proceedings, unless the prosecutor deems it necessary to claim other penalties than the fine given and without prejudice to the right of the aggrieved party to claim indemnification before a court of law for the damage caused.

186. The offender may be obligated to make a deposit of a certain sum as guarantee for the potential recovery of the fines which he forfeited.

The causer of the damage to the commercial port, the port's infrastructure or facilities and/or the owner of the vessel may be required to guarantee or make a deposit for the recovery of the damage caused, pending the determination of the amount of that damage by the A.G. Port of Ostend.

This present regulation was approved by the Board of Directors of the A.G. Port of Ostend on 5 March 2001.

This present regulation was adopted in the City Council assembly of 21 December 2001.

The "Police Regulation with regard to the port "established by the City Council in the assembly of 25 May 1973, and last updated on 17 February 1998, is only repealed for the area of the commercial port as defined in Chapter 1 of this present regulation.