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# POLICE REGULATIONS PORT OF OOSTENDE

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Approved by the Board of Directors of the Port of Oostende on 12 February 2019.



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# CHAPTER 1: GENERAL PROVISIONS

## Section 1: TERMINOLOGY

1. The following is defined for the implementation of these regulations:
  - a) 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 Port of Oostende, and more specifically the area within the boundaries specified hereafter:

The description and the map of the demarcation of the seaport area is incorporated in the regional implementation program “Afbakening Zeehavengebied Oostende”, as permanently determined by the Flemish Government on 22 March 2013.

The map is attached to the present set of Police Regulations for Port of Oostende. For an accurate description, we refer to the section “Gedetailleerde beschrijving van de afbakeninglijn” in annex IIIa: explanatory statement, text, pages 58, 59, 60, 61 of the regional implementation program 2.12\_00293\_00001 “Afbakening Zeehavengebied Oostende”.
  - b) Port of Oostende – NV of public law, based in Ostend, Slijkensesteenweg 2, responsible for the operation of the port.
  - c) Harbour Masters’ office: the Harbour Masters’ office, which falls under Port of Oostende as operating port authority and which has jurisdiction over the port area as described and demarked above.
  - d) The representatives or appointees of the Harbour Master: all employees of Port of Oostende who assist the Harbour Master in executing his or her duties, set forth in the law of 5 May 1936 establishing the official status of Harbour Masters.
  - e) Outer port: the waters in the port subjected to the tides.
  - f) Inner port: the waters in the port not subjected to the tides.
  - g) 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 sea-going vessels, inland waterway vessels and objects without water displacement and seaplanes.
  - h) Laid-up vessels: vessels which are temporarily taken out of service.
  - i) Sea-going vessel: vessels used for, or intended for the carriage of goods and/or persons by sea, which were registered as such and for which an international tonnage certificate was issued.
  - j) Floating objects: all other vessels which are not mechanically driven (for example pontoons).
  - k) Inland waterway 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 port from the sea, will be regarded as sea-going vessels.
  - l) Tug: a vessel which is built and equipped for towing and pushing operations.
  - m) Fishing vessel: a vessel destined for sea, high-sea or coastal fishing, with commercial purposes.
  - n) Line fishing vessel: a vessel that is not intended for commercial fishing, but for line fishing as a leisure activity (“sport fishing”).

- o) Recreational vessel: a vessel with an overall length of up to 24 meters which, whether or not used for profitable operations in any form, which participates in or is intended for pleasure, with the exception of vessels used or intended for transporting more than 12 passengers.
- p) Other vessels: ships, vessels and floating objects which do not meet the descriptions given for sea-going ships and inland waterway vessels.
- q) 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), “IMSBC – International Maritime Solid Bulk Cargoes” the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC), the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC) of the International Maritime Organisation (IMO) or in the regulations concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) and any other substance that is identified and declared as a dangerous substance by Port of Oostende.
- r) Harmful substances are substances which, if they end up in the waters of the port, may be hazardous to human health, may cause damage to the environment, may harm recreational possibilities or may disturb any other legitimate use of the port, and which are identified as such by the law or by Port of Oostende.
- s) The person in charge of a vessel: the captain, the master, the shipper, the commander: the person who has command over the vessel or the structure, or the person who is assuming command, and in the absence of the aforementioned, the ship owner.
- t) E.N.S.O.R. port information system: Electronic Network System Ostend Region is the electronic port information system through which all communication is channelled with regard to information on shipping and goods.
- u) Port Traffic Control: the guidance of sea-going and inland waterway shipping in the out port.
- v) IMO: International Maritime Organization.
- w) IMDG Code: the requirements of the International Maritime Dangerous Goods Code drafted by the IMO and of article 108 of the Royal Decree of 20 July 1973 containing the maritime inspection regulations.
- x) IMO Gas Carrier Code (IGC Code): the regulations for the construction and equipment of sea-going vessels that transport liquefied gases in bulk, published by the IMO, and of the Ministerial Decree of 17 July 1981 regarding the additional requirements for the construction and equipment of ships carrying liquefied gases in bulk.
- y) IMO Bulk Chemical Code (IBC Code): the regulations for the construction and equipment of sea-going vessels that transport dangerous chemicals in bulk, published by the IMO and of the Ministerial Decree of 24 June 1975 regarding the additional requirements for ships carrying dangerous goods in bulk.
- z) MARPOL: International Convention of 1973 on 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.
- aa) SOLAS: International Convention on the safety of lives at sea (1914). Since 1954, SOLAS resorts under the I.M.O.
- bb) “handling”: the loading, unloading, stowage, pushing, trimming, dumping and other operations inherent in the loading or unloading operations.
- cc) “transit storage facility” a storage facility in which goods, products or substances are temporarily stored, either pending their shipment or dispatch, for a period not exceeding the

maximum period of time for storage in port areas laid down in the relevant regulations issued by the managing body of the port;

- dd) "short-term storage": storage on the front quay of goods, products or substances shipped or to be shipped through the seaport, for a maximum period of 30 consecutive calendar days for IMDG cargo and for a period, the maximum duration of which shall be determined by the Harbour Master, for the goods other than IMDG cargo;
- ee) "front quays": the operational area for short-term storage adjacent to a quay wall and granted by the managing body of the seaport under concession or long lease, or at the disposal of the operator, for the purpose of handling only transit cargo and to which the port regulations apply.

## Section 2: SCOPE AND APPLICABLE PROVISIONS

2. This set of regulations applies to the area of the port as demarked in the regional implementation program (GRUP).
3. In the port the following provisions also apply, int. al.:
  - a) the Law of 5 May 1936, establishing the official status of Harbour Masters;
  - b) the Law of 11 April 1989, regarding the approval and implementation of various International Maritime Acts for shipping (Wreckage Act);
  - c) the Royal Decree of 4 August 1981, containing the 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;
  - d) the Royal Decree of 15 October 1935, regarding the General Regulations for the Waterways of the Kingdom, last supplemented, modified or amended by the Royal Decree 5 of March 1999;
  - e) the Decree of 19 April 1995, regarding the organization and operation of the Pilotage services of the Flemish Region and regarding the license for harbour pilots;
  - f) the general regulations of 1 December 1975 on the road traffic police, coordinated with the law regarding the road traffic police by the Royal Decree of 16 March 1968, and other laws, Royal and Ministerial Decrees concerning the policing of road traffic;
  - g) the Decree of the Flemish Parliament of 2 March 1999 on the policy and management of the seaports (Port Decree);
  - h) Notices to Mariners issued by the Department of Mobility and Infrastructure, Flemish Agency for Maritime Services and Coast, Section Coast, Flemish Hydrography.

## Section 3

4. The policing of the port is exercised by the Harbour Master of the Harbour Master's office and under his authority, by his representatives or appointees.
5. The Harbour Master's office is responsible for taking all measures to safeguard public order, peace, safety and the environment of the port activity, and is responsible for the care for shipping safety in the port and for the enforcement of these regulations, including:
  - a) regulating the handling, loading and unloading and the storage of goods as well as the embarkation and disembarkation of passengers;

- b) regulating the accessibility of the port area and the flow of traffic within the port area;
  - c) safeguarding the environment, the integrity and the safety of the port area.
6. The Harbour Master's office is charged with the implementing of laws, decrees, regulations and the enforcement of the provisions of present set of regulations.

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

In exercising his police powers, and where appropriate, the Harbour Master is authorized to draw up the necessary official reports. These will be transferred to the qualified civil servant of the Public Prosecutor's office.

When the Harbour Master, and under his authority his representatives or appointees, detect 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 demand the immediate payment of the foreseen penalty, and are entitled to deliver a payment receipt.

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

7. The port is only accessible to people who have to be there for occupational purposes, unless the Harbour Master, or under his authority his representatives or appointees, allow otherwise.
8. Should the need arise, the Harbour Master, or under his authority his representatives or appointees, are allowed to commandeer anyone, in the port and on the quays, for the services and the policing duties of the port. The persons commandeered may not refuse the duties which they are suited for.
9. In case of rebellion and/or when they are insulted, threatened or assaulted during duty, the Harbour Master or his representatives or appointees may commandeer the city police or the federal police.

An official report can be drafted for unruliness or libel and violence against a representative of the authorities, in particular the Harbour Master, or under his authority his representatives or appointees.

10. The vessel captain or barge master is required to meticulously comply with all the provisions of the international rules of the World Health Organization and the instructions set forth by any competent persons in this context.

Suspicious cases of diseases, which may occur among the crew during travel and/or stay in the port, must immediately be brought to the attention of the Harbour Master or of his representatives or appointees and of the qualified Health inspector of the state.

#### **Section 4: LIABILITIES AND INDEMNITY PROVISIONS**

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

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

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

12. Port of Oostende cannot be held liable for any damages inflicted on third-party vessels by ships which are assisted by Pilots, towing services or boatmen, nor to the latter vessels themselves. The mere fact that Port of Oostende grants licenses to third parties for the performance of shipping services is without prejudice to potential claims of Port of Oostende in case of damage caused to third parties, port equipment, vessels, devices, goods or staff of Port of Oostende by the port pilotage service, towing services or boatmen.
13. Port of Oostende is not liable for the damage incurred by a ship or an object while sailing in, out or through the port, whilst using the port equipment and/or facilities or during the stay in the port, nor for the acts, orders, negligence or ignorance of the appointees.
14. No compensation may be claimed from Port of Oostende for shipping damage or shipping obstruction caused by an accident, the condition and the capacity of the dock water or by any other circumstance whatsoever.  
  
No compensation may be claimed from Port of Oostende for shipping obstruction caused by a strike and /or blockades or due to technical problems.
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 particular obligation or prohibition.

## **Section 5**

16. The oral or written permits or authorizations for implementing these regulations are issued by the Harbour Master or by his representatives or appointees. They may be revoked at any time.
17. Conditions can be imposed for 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 to his representatives or appointees upon simple request.

## CHAPTER 2: ORDER AND SAFETY IN THE PORT

### Section 1

20. Within the port everyone is obliged to respect and strictly follow any order given by the Harbour Master or by his representatives or appointees 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 Port Traffic Control in connection to shipping traffic must be followed strictly.

All damages, regardless of their nature, which are directly or indirectly caused as a result of non-compliance with the aforementioned instructions, regulations and orders, will be entirely chargeable to the defaulting parties, vehicles or vessels.

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

The use of AIS within the entire port area is obliged for all vessels, including fishing vessels and inland waterway vessels. The device must remain switched on during the entire stay of the vessel.

### Section 2

21. The captains or barge masters of vessels:

- a) on which a fire started while sailing or staying in the 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 list abnormally,
- e) which have lost or risk losing cargo, fuel or objects,
- f) which have encountered 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 to his representatives or appointees, if possible prior to their arrival at the 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 port, navigating in the port or locks, mooring or unmooring from a berth, is forbidden without permission of the Harbour Master or of his representatives or appointees, who can provide this permission after the rendering of a statement issued by a shipping expert accredited by the Nautical Commission of Antwerp, testifying that the vessel in question can moor and can sail in and out the port without further danger or additional pollution.
24. The captains or barge masters of vessels that carry explosive materials on board must notify the Harbour Master thereof, or under his authority his representatives or appointees, upon arrival and departure.

### **Section 3**

25. In the waters managed by Port of Oostende, vessels should maintain an adapted slow speed. The captains or barge masters 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 through 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 ensure that during trial runs of engines, no obstruction and/or damage is inflicted to other moored vessels or the port infrastructure.
27. Each vessel which enters or leaves the 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 obliged 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 port is not obliged unless otherwise provided in these regulations. Where appropriate, the Harbour Master, or under his authority his representatives or appointees, 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 may be used.

### **Section 6**

32. The captain or barge master is obliged to immediately report to the Harbour Master, or under his authority to his representatives or appointees, all the damage caused by his vessel to the engineering structures, facilities and equipment owned by Port of Oostende.

Pilots, boatsmen and towing services are required to report to the Harbour Master, or under his authority to his representatives or appointees, all the damage discovered by them to engineering structures, equipment and devices belonging to Port of Oostende.

## Section 7

33. Damaging the port's infrastructure, quays, bridges, hoisting equipment, devices, goods hangars or any other object of Port of Oostende is prohibited. The damage caused, including the repair and administration costs, is to be paid by the person who caused it. Those damages will always remain recoverable from person who is civilly liable for the offender.
34. The port users are fully and directly liable towards Port of Oostende for any damage to the services, equipment or to any other object in the port of which the use has been entrusted to them. The repairs will be performed under the supervision of the technical services of Port of Oostende.
35. Port of Oostende determines the amount of the compensation, which must be paid to Port of Oostende immediately after the incident as a guarantee for carrying out the work.

The payment of the repair costs will occur after the drafting of an invoice.

This amount will be settled against the deposited guarantee, after full execution of the repairs. In such case, Port of Oostende also has a right of retention and a right to sell as stipulated in article 69 (Section 12) of present regulations.

## Section 8

36. It is forbidden to throw objects in the waters of the port.
37. It is forbidden to leak steam, water or other liquids from any place if this implies potential danger and/or damage 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 under his authority his representatives or appointees.

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

39. It is prohibited in the 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 or appointees.

It is forbidden to dry-dock vessels for repairs or for any other reason. Repairs may only be carried out at the places and under the conditions specified by the Harbour Master or by his representatives or appointees.

The person who moves or removes merchandise lying on the quays, covered or not, must upon simple request prove to the Harbour Master or to his representatives or appointees in which capacity he does so.

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 the 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 under his authority from his representatives or appointees.

Parties who perform the work themselves or have it done by others, will always ensure, prior to the work, that 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 in the appropriate facilities on land. If it is kept on board, it must be 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, or under his authority of his representatives or appointees and/or Port Traffic Control. Starting and finishing times of the work are to be reported to the Port Traffic Control.
45. It is forbidden to let animals roam freely, both on board of vessels and in the 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 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.
48. It is prohibited to place vessels or parts of vessels on the quays without the prior permission of the Harbour Master's office.
49. It is prohibited at all times to leave behind gasoline, diesel (oil) or other flammable or polluting substances on the quays.

## **Section 9**

50. It is forbidden to light fires on board of vessels, unless special and prior authorization is granted by the Harbour Master, or under his authority by his representatives or appointees.
51. In the holds and tanks and in the vicinity thereof, there is a general ban on smoking.
52. Pest control on board of vessels may only be carried out by companies licensed to do so.

## **Section 10**

53. If a fire breaks out on board of a vessel, the general distress number should be called immediately and Port Traffic Control and/or the Harbour Master, or under his authority his representatives or appointees 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.

54. The captain or barge master, or the crew whose vessel is at risk of sinking, or which is inadequately moored or 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 under his authority his representatives or appointees and take all measures necessary to deal with the calamity or to make the vessel comply with the regulations in place. If they fail to do so or if they are absent, the imposed measures – including all kinds of preserving measures – will be carried out automatically by the authorities and at the expense and risk of the owner.
55. 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 or appointees, can impose the measures they deem necessary upon captains or barge masters, even those which are 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 security needs to be paid immediately to the Port of Oostende, the amount of which is to be determined by Port of Oostende.

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

The Harbour Master, or his representatives or appointees, have the right to untie or cut more ropes whenever they deem it necessary.

All measures carried out automatically by Port of Oostende, as mentioned in the current section, 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. All amounts and costs are repayable on immediate demand, and Port of Oostende may demand that the captain or barge master, the ship-owner, the proprietor, operator or possessor of the vessels deposits the amount deemed necessary for the execution of the measures taken. Port of Oostende also has a right of retention and a right to sell as stipulated in article 69 (Section 12) of present regulations.

## **Section 11**

57. The captain or barge master, or in the absence of both, the ship-owner, proprietor, operator or possessor of a sunken, stranded or abandoned vessel or of an object which obstructs navigation, is required to immediately notify Port Traffic Control and/or the Harbour Master, or under his authority his representatives or appointees. He should state the conditions of the incident and give an accurate fix on the location.
58. 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 under his authority by the representatives or appointees, taking into account the situation.
59. When failing to properly install safety signals and/or monitor the vessel, Port of Oostende will automatically have the necessary safety signals and beacons for a sunken vessel or for an

obstructing object installed at the cost and at the risk of the captain or the barge master, of the ship-owner, the proprietor, operator or of the possessor.

60. The captain, shipowner, proprietor or possessor must ensure that the sunken, stranded or abandoned vessel or the object which is obstructing shipping, is retrieved within the time frame set forth by the Harbour Master, or by his representatives or appointees, and is removed from the port if necessary. When failing to comply, Port of Oostende will automatically take the necessary steps to ensure the safety and/or free navigation at the cost and the risk of the captain or the barge master, of the ship-owner, the proprietor or of the possessor.
61. The Harbour Master, or under his authority his representatives or appointees, are qualified to immediately and without any formalities detain and/or safekeep, or move vessels, rafts, beams, posts, masts, strands, wrecks or other floating and abandoned, and also sunken objects, at the cost and risk of the captain, barge master, ship-owner, operator, possessor or proprietor. All amounts and costs are repayable on immediate demand and Port of Oostende can demand that the captain or barge master, the ship-owner, the proprietor or possessor of the vessels deposits the amount deemed necessary for the execution of the measures taken. Port of Oostende also possesses a right of retention and a right to sell as stipulated in article 69 (Section 12) of the present set of regulations.
62. The Harbour Master, or under his authority his representatives or appointees, are 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 under his authority by his representatives or appointees and with his prior special consent.
63. Dredging for and/or retrieving of any sunken object or good, is only allowed with a specific prior authorization of the Harbour Master, or under his authority of his representatives or appointees.
64. Port of Oostende in no way assumes any responsibility for obstacles, hazardous substances and objects in the dock water, caused by vessels or crew members of the users of the port or by third parties, or for damage of which the origin is unknown to them, or which were not retrieved by the captains, barge masters, ship-owners, proprietors, operators or possessors concerned after they were granted permission to retrieve them.

## **Section 12**

65. The captain or barge master, shipowner, proprietor or possessor, must refund all amounts that were advanced by Port of Oostende for the implementation of the measures taken in official capacity as stipulated in the current set of regulations. The amount of the payments shall be determined by Port of Oostende and are to be claimed immediately.
66. For the implementation of the measures taken in official capacity, Port of Oostende may also demand that the captain or barge master, ship-owner, proprietor, operator or possessor, deposits the estimated amount needed to cover the costs involved. The deposit of this sum may, without cost to Port of Oostende, be replaced by providing a sufficiently high security.
67. If the amount deposited or if the security is insufficient, or if no amount is deposited or no security is provided, then Port of Oostende has a retention right on the vessel that is the subject of the costs as a result of the measures taken in official capacity, and also on the equipment. The vessel and equipment, the remains or the retrieved objects will serve as security for the total of the amounts advanced by Port of Oostende, which is to be increased with possible legal costs and costs of sale. Port of Oostende can sell the salvaged vessel, the remains of it or the retrieved objects for a sum as high as the amount of the costs, the advances or for a sum up to the amount that was not covered by the deposited amount or security. If all unpaid costs are reimbursed, the unsold remains and objects are released to the parties involved and the beneficiaries.

Port of Oostende also has a retention right on, and a selling right of, the vessel and its equipment which is the subject of unpaid and unsettled port charges.

68. 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 Port of Oostende will sell the objects, after having given the following publicity to the sale.

The proceeds of the sale will be put aside by Port of Oostende 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, and of the unpaid costs for publicity and sale, costs of safeguarding or unsettled port charges. Port of Oostende will not interfere with the distribution of the consigned amounts amongst the parties involved. If no single buyer is found, then Port of Oostende has the vessel, the retrieved remains or objects at its disposal, or it can destroy them at the expense of the owners.

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

The removal or appropriation 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

69. To avoid damage 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 in case 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.
70. When approaching the berth and before 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

71. Any form of itinerant trade in the port is prohibited without special, prior permission of the Harbour Master or under his authority of his representatives or appointees.

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

72. Recreational crafts such as rowing boats and pleasure crafts which, for the purpose of organised boat trips, move passengers against payment, are only allowed in the port with the prior approval, potentially under certain conditions, of the Harbour Master, or under his authority of his representatives or appointees.
73. It is forbidden to swim, windsurf, water ski, jet ski and scuba dive in the port.  
It is forbidden to use the rescue equipment for a purpose other than the one it is intended for.
74. It is forbidden:
- a) It is prohibited: to fish or catch birds in port except in the following authorised areas and subject to compliance with the conditions in force: - the eastern harbour embankment, - the Western jetty, - the canal from Plassendalebrug to the Doksluis, with the exception of sites granted under concession. Also in the delimited area of the western harbour dam towards the port until 29/06/2019 only from Monday to Friday, not on public holidays nor on school holidays.
  - b) Hunting in the seaport area is strictly prohibited. The hunting prohibition applies to all game: large game, small game, water game and other game. Violators of the hunting ban may be subject to a fee. All possible damage can be recovered from the violators of the hunting ban.
  - c) To abandon the pedestrian walk way on the artificial dike and mount the boulders in all circumstances.

## Section 15: Bunkering

75. 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 start of the bunkering, to the Harbour Master, or under his authority to his representatives or appointees 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 a model example can be obtained from Port of Oostende, is fully and truthfully completed and signed by the persons responsible on the vessel involved in the bunkering process.
76. 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.
77. 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, tank 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 is continuously guaranteed;
- h) no welding or other repair work is done, involving an open fire or work during which sparks can originate;
- i) there is no smoking on deck.

78. The captain of the sea-going ship, barge or fishing vessel must ensure 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 operators' station of the pumps and monitors the bunkering.

79. 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.

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

81. 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 79 a through i), also have to be observed; whereby 'bunker ship' should be read as 'tank truck'.

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

## **Section 16**

83. During the stay in the 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.

84. Degassing is only permitted on the sites designated by the Harbour Master, or under his authority by his representatives or appointees, and in compliance with the conditions imposed by him.

## **Section 17**

85. Before leaving port, the captain or barge master of a vessel is required to settle all maritime and port charges and to pay all fines and claims by Port of Oostende, at his expense and/or at the expense of his vessel or the shipowner.

## **Section 18**

86. Slipways, both the big and the small installations, are no longer exploited. They are not accessible for any vessel whatsoever.

## **Section 19**

87. Discharging ballast water.

Ballast water from tanks designated for ballast water according to the ship plan may be discharged if:

- it can be demonstrated that the ballast water complies with the criteria described in the applicable international legislation, "International Convention for the Control and Management of Ships' Ballast and Sediments" (BMW), and
- no visual traces are left when pumping out in calm weather.

Discharging ballast water from other tanks or holds is prohibited, unless permission is granted by the Harbour Master.

These provisions do not apply to inland navigation.

### **CHAPTER 3: LOCK DEMEY**

88. The captains and barge masters are required to comply with the orders of the Harbour Master or of his representatives or appointees when approaching, entering, staying in and leaving both the access channel and the lock chamber of the lock itself.
89. 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.
90. Unless the stipulations of present chapter stipulate 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 or appointees and provided that the conditions imposed are rigorously observed.
91. No vessel may stay positioned in the vicinity of the lock.
92. The Harbour Master, or his representatives or appointees, determine the timing, order and manner of locking.
93. At the locks, absolute priority is given to vessels for which safety reasons require that they are immediately allowed into the locks and pass through them.
94. 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 by his representatives or appointees.

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 Port of Oostende and/or third parties will consequently have to be reimbursed by the ship owner or operator.

95. Vessels with insufficient crew to perform the manoeuvre with appropriate speed and safety, will not be allowed into the lock.
96. It is forbidden to use the lock gates as leverage points.
97. 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.
98. When the vessel approaches the lock and sails through, all anchors should be drawn up in the anchor locker.
99. When approaching and sailing through the lock, all protruding objects should be hauled in.
100. Vessels should moor by using the appropriate bollards. It is forbidden to attach the vessel to the ladders in the lock.

101. All vessels in the lock must be moored with the necessary hawsers to avoid forward and backward movements of the vessel.
102. It is prohibited to run the propellers once the vessel is moored in the lock, and this until the gates open again. During other moments it is forbidden to run the propellers excessively.
103. When the vessel has 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 representatives or appointees, are authorized to impose the measures they deem necessary upon the master or barge captain, even those not set forth in this set of regulations.
- If the captain or barge master cannot immediately implement the imposed measures, the Harbour Master, or his representatives or appointees, can have them implemented at the cost and the risk of the vessel.
104. It is prohibited, except for authorized persons, to walk over the lock gates.

## CHAPTER 4: BERTHS

105. The captain of a vessel, or his agent, who wishes to enter the port, should notify the Harbour Master's office 15 hours before arrival. Ships that are subject to the PSC Directive (EC/2009/16) and which are eligible for an expanded inspection have to give notification 72 hours before arrival. This notification should be given through 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 done by fax message, on the forms that can be obtained from the Harbour Master's office, or electronically by using the official system at hand.

106. Notification of a barge should be given by the receiver or the shipper of the goods by means of a fax message or electronic notification, on the forms that can be obtained from the Harbour Master's office or through the official system at hand.

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 by the Harbour Master, or under his authority by his representatives or appointees.

107. The Harbour Master, or under his authority his representatives or appointees, 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.

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

109. It is prohibited to occupy or have occupied a berth with a vessel, or to change berths without having been granted prior permission by the Harbour Master, or under his authority by his representatives or appointees.

All damage caused as a result thereof, either to the vessel or to the port infrastructure or third parties, falls under the full responsibility of the vessel that failed to obtain prior permission, or that failed to correctly meet the directions given, even in the case in which there is a defect in the non-assigned berth the vessel has occupied.

No vessel may be left unattended in the port, not even briefly, unless there is permission by the Harbour Master or under his authority by his representatives or appointees. Monitoring should be entrusted to qualified persons.

110. The captain or barge master is obligated to shift his vessel to another berth, when the Harbour Master, or his representatives or appointees, give a verbal or written order to do so, and this within the time frame imposed by them and without the need for 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 watch keeper, or if necessary watch keepers, will suffice, provided that he or they can take the appropriate measures to continuously ensure the safety of this vessel.

However, the captain, ship-owner, operator or owner of a laid-up vessel is required to ensure that it is ready to be shifted, with appropriate crew, or can leave the port, if necessary within six hours after having received the instruction to do so, either orally or in writing, by the Harbour Master, or under his authority by his representatives or appointees.

111. 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 under his authority or of his representatives or appointees.
112. The Harbour Master or under his authority his representatives or appointees, are competent to have vessels without crew - guarded or not or laying up or not - shifted, detained without formality or taken into custody or to take appropriate safety measures at the risk and cost of the party concerned. In this case, Port of Oostende can also claim a right of retention and a right to sell as stipulated in article 69 (Section 12) of present set of regulations.
113. Port of Oostende is not responsible for any consequences and additional costs, regardless of who created them or who they are payable to, due to the fact that there is no available berth.
114. The Harbour Master, or under his authority his representatives or appointees, are authorized to have vessels removed from the port or to deny them access to the port, for reasons of order, cleanliness and safety.
115. The owners of vessels which have been taken out of service and who would like to have their vessel occupy a berth in the port area should have a liability insurance, including a salvage clause.
116. It is forbidden to moor or leave vessels or 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 under his authority his representatives or appointees, can take all measures at the cost and risk of the proprietor, ship-owner, charterer, operator, captain, barge master or an authorized representative of the obstructing vessel or object to have the obstructing vessel or object removed. In this case, Port of Oostende can also claim a right of retention and a right to sell as stipulated in article 69 (Section 12) of present set of regulations.
117. The captain and the barge masters 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.
118. 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 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.
119. 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.
120. The captains and barge masters of vessels are obliged to maintain sufficient space in order to facilitate the movements of the vessels.
121. 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.

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

123. 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.

124. 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 the 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 "Algemeen Reglement voor de Arbeidsbescherming" (A.R.A.B.) (General Regulations on Industrial Safety). A life buoy with line and a safety net should be present at the pedestrian bridge.

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

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

127. 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 to his representatives or appointees. The protruding parts have to be signalled on the water side with white light from sunset to sunrise.

128. 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.

129. It is prohibited to take electricity or water in the port without the prior consent of the Harbour Master or under his authority of his representatives or appointees. It is prohibited to use couplings for the supply of drinking water, other than the ones provided by Port of Oostende.

130. Jacking up in the port is only allowed upon permission by the Harbour Masters' Office. For each request, the technical specifications must be made available, as well as the diameter of the spud poles and/or spud cans, and the maximum thrust per spud pole. Reporting the penetration in the ground after the jacking up is obligatory. The Port reserves the right to fill up the prints at the charge of the user.

## CHAPTER 5: LIGHTS, DAYMARKS AND SIGNALS

131. In the port area that comprises the outer port, Visserijdok, 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 Belgian 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 Plassendale bridge up to the Doksluis.
132. For inland navigation vessels in the section of the Ghent - Ostend Canal from Plassendale bridge up to the Doksluis, the General Regulations of the Waterways of the Kingdom apply: the 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

133. Sea-going vessels with a length of 60 meters and more, and all vessels carrying dangerous goods, are obliged to follow the advice of the pilots in the inner port, this under the responsibility and at the expense of the vessel to which it applies.

For public order and safety reasons, piloting of sea-going vessels is the exclusive assignment of the concession holder of Port of Oostende.

Accredited pilots always have to unconditionally and promptly obey all orders, regulations and directions of the Harbour Master or under his authority of his representatives and appointees.

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 under his authority by his representatives or appointees.

Without prejudice to the exclusive jurisdiction of the Pilotage Service of the Flemish Community in the outer port, it is explicitly prohibited in the port for the captains and barge masters to use or to rely on pilotage services provided, organized or offered by a natural or legal person other than the concession holder who was appointed for these services by Port of Oostende.

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

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

## CHAPTER 7: BOATSWAINS

134. Sea-going vessels and floating objects with a length of 50 meters up to 70 meters are obliged to use one boatswain for mooring, unmooring and shifting berths, this under the responsibility and at the cost of the sea-going vessel for which this is carried out.

Sea-going vessels and floating objects with a length of more than 70 meters, and all sea-going ships carrying dangerous goods, are obliged to use two boatswains for mooring, unmooring and shifting berths, and this under the responsibility and at the cost of the sea-going vessel for which this is carried out.

A sea-going vessel can shift berths alongside the quay without using the services of boatswains on condition it does not come into the fairway.

The Harbour Master or his representatives or appointees may, if appropriate and eventually under certain conditions, exempt certain shipping lines from the obligatory use of boatswains.

Exempted vessels can always rely on the service in accordance with the established procedures and rates.

In order to safeguard public order and safety and an optimal coordination of shipping traffic in the port, the Pilotage service resorts under the exclusive competence of the concession holder, who has to obtain a written authorization for each boatswain from the Harbour Masters' office of Port of Oostende.

Approved boatswains must always promptly and unconditionally obey the orders, regulations and directions of the Harbour Master, or under his authority of his representatives or appointees.

The port users must always comply with the instructions issued by the Harbour Master, or under his authority by his representatives or appointees, with regard to the use of boatswains.

In the 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 who was appointed by Port of Oostende for these services.

It is strictly forbidden for all natural and legal persons who are not part of Port of Oostende or who are not appointed by Port of Oostende as concession holder to offer or provide boatswain services in the port.

The request to obtain a boatswain license should be directed to the Harbour Master office of Port of Oostende. The ability of the person involved will be evaluated by the Harbour Master, or under his authority by his representatives or appointees.

## CHAPTER 8: TOWING SERVICES

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

In principle, the use of tugs in the port is not compulsory. For reasons of public safety, the Harbour Master, or his representatives or appointees, may officially impose the use of one or more tugs at the responsibility, expense and risk of the vessel for which the service is carried out.

In the 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 Port of Oostende.

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 port, unless a special, valid and explicit authorization in writing is granted by Port of Oostende.

136. The commander of the towed vessel is in charge of the towing. He orders all the movements that 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 required for the towing, 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 Port of Oostende, to the port facilities or to engineering structures or to third parties.

## CHAPTER 9: LOADING AND UNLOADING, TRANSIT STORAGE OF GOODS ON THE FRONT QUAYS

137. The persons in the 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 port, any damage to the infrastructure or equipment of the port, as well as pollution of the environment.

Those who load, unload or transport goods in the port, are responsible for all accidents involving persons, damage to roads, quays, facilities or equipment of the port, or contamination of the environment, in which case the cargo handler is required to notify the Harbour Master, or under his authority his representatives or appointees, without delay, and has to guarantee compensation for all damage, including repair and clean-up costs.

They will subsequently have to comply with the orders of the Harbour Master, or under his authority of his representatives or appointees.

138. Are prohibited: the loading, unloading or remaining on the ports' docks or in the ports' warehouses of:

- a) potentially obstructing or perishable goods, unless they are stored in adequate infrastructure;
- b) all harmful or dangerous goods, as defined in the applicable regulations.

In case of a violation of this prohibition, the Harbour Master or his representatives or appointees, may order the merchandise to be removed at the cost and risk of the person it belongs to, without prejudice to the penalties as set forth in present set of regulations.

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

Such goods may be moved or removed automatically by order of the Harbour Master or his representatives or appointees, at the expense and risk of the owners, cargo handlers or consignees, this without possibility to claim any compensation from Port of Oostende for damage to those goods.

139. The Harbour Master or his representatives or appointees may exceptionally allow the loading, unloading or storing of such goods in a secluded location, under the conditions they deem necessary, set forth in a prior written consent, this at the cost and under the responsibility of the parties involved.

140. It is forbidden to exceed the maximum load capacity of the quay. Users of the quays and quay terrains are obliged to obtain information in advance from Port of Oostende.

141. The transit storage of goods on the front quays takes place in accordance with the port regulations and the conditions of the Harbour Master on a designated piece on the front quays the "transit storage space"). The Harbour Master guarantees, where necessary, with his conditions a high level of protection.

"Transit storage" means: the piece designated by the Harbour Master on the quays where goods, products or substances are temporarily stored, either pending their shipment or dispatch, during a period that does not exceed the maximum duration for storage in port areas, as determined in the relevant regulations issued by the Harbour Master.

"Front quays" means: the exploitation zone intended for short-term storage which joins a quay wall and which is granted by the managing body of the seaport under concession or long lease,

or which is at the disposal of the operator, for the purpose of handling only transit goods and to which the port regulations apply.

The transit storage of goods on the front quays concerns an interim and short-term storage and must be requested in writing from the Harbour Master.

Transport documents make it clear that the transit storage of goods on the front quays takes place in anticipation of a further destination. A copy of the transport documents must be submitted to the Harbour Master.

The transit storage of goods other than IMDG goods on the front quays is only permitted for a short period of time of which the maximum duration is determined by the Harbour Master, which can be extended once. The one-time extension must be requested in writing from the Harbour Master at the latest 7 calendar days before the first period of short-term storage expires.

142. The space allocated for trucks and other vehicles at their location, on the quays or in the warehouses can be determined by the Harbour Master or by his representatives or appointees.
143. Port of Oostende is not responsible for the surveillance or the storage of the merchandise on the terrains or in the warehouses. Port of Oostende 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 from the means used to fight the fire, nor from any other cause whatsoever.
144. Goods handlers who use the port terrains, which are under concession or not under concession, are responsible for all damage resulting from their activities on these port terrains.

## CHAPTER 10: HOISTING EQUIPMENT

145. All hoisting equipment belonging to Port of Oostende is intended solely for trade purposes, for loading and unloading goods. Each use of the equipment is under the terms and at the rates defined in the tariff regulations.
146. 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 power cable trenches of the cranes without having properly hedged the trenches;
  - d) to obstruct the proper functioning of the power cable trenches of the cranes, either by putting loads or goods of any kind on the trenches, or by throwing iron wire, cables, chains, etc. in the trenches, or in any other way,
  - e) to put goods, vehicles or equipment on the covers of wells in which water meters have been placed - the water meters must always be accessible.
147. Port of Oostende provides the hoisting equipment in a condition 'as is'. 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.
148. 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 under his authority of his representatives or appointees.
149. The hoisting devices resort under the responsibility of the user up to the moment when the last loading, unloading or handling manipulation with the cranes has been completed.
- The users are fully responsible for all damage inflicted on, and caused by, the hoisting equipment during the period specified above, whatever the cause or object of the damage.
- Port of Oostende accepts no liability for any accidents, nor for damage to people, vessels, merchandise, or goods caused by cranes or through the use of them.
150. If the crane operator thinks that working 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 representatives or appointees, give permission to resume work.
151. The Harbour Master, or under his authority his representatives or appointees, 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 Port of Oostende or with hoisting equipment belonging to a port user.
152. It is compulsory to close up hoisting equipment after use, to turn the boom inwards, 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.
153. It is prohibited for unauthorized persons to climb onto the hoisting equipment.

## CHAPTER 11: TERRAINS AND HANGARS

154. The license holders or other users of port terrains are obliged to place signage at the appropriate places on their own access roads, at their own expense and with prior permission of the Harbour Master, or under his authority of his representatives or appointees. All of this in accordance with the legislation and the implementing decrees regarding the signage arrangements for public, private and tourist facilities.

155. It is prohibited to erect permanent or temporary structures in the port area, except with permission, possibly under certain conditions, of Port of Oostende.

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

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

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

## CHAPTER 12: HAZARDOUS CARGOES AND ACTIVITIES

158. It is prohibited to enter the port with loaded firearms.
159. It is prohibited to set off fireworks in the port without prior permission of the Harbour Master, or under his authority of his representatives or appointees.
160. In the port area, the goods defined in the "International Maritime 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.
161. Polluting goods are those set forth in the annexes to the MARPOL Convention.
162. The transit storage of (IMDG) goods on the front quays is subject to a prior notification obligation to the Harbour Master. The notification obligation concerns the nature of the loading and unloading activity (the "handling"), the identification and the quantity of the (IMDG) goods, and the identity of the shipping company(ies). If it turns out that the notification obligation was not correctly implemented, the permission to store (IMDG) goods on the front quays can be withdrawn with immediate effect, a fee can be imposed on the shipping company(ies), and the costs for the ex officio removal of the (IMDG) goods in question can be recovered from the shipping company(ies).
- "Handling" refers to the loading, unloading, stowage, pushing, trimming, dumping and other operations inherent in the loading and unloading operations.
- Transit storage of IMDG goods on the front quays shall only be allowed for a short period of 15 calendar days, extendable once by the same period, for a total maximum duration of 30 calendar days. The one-time extension must be requested in writing from the Harbour Master before the expiry of the tenth day of the short-term storage.
163. 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 by his representatives and appointees.
164. Every master or operator of a vessel which transports dangerous or polluting goods in bulk or in packaged form and which enters the port of Oostende, 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) the 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.

165. Every master or operator of a vessel which leaves the port of Oostende and which carries dangerous or polluting goods on board, is obliged to communicate the data as listed above (Article 164, a - i) to the Harbour Master before departure.
166. Operator also stands for: shipowners, charterers, managers or agents of the ship.
167. Vessels, no matter what type, which were built or adapted for transporting hazardous liquids and/or gases in bulk, characterized as such and included in the IMDG Code of the IMO are hereinafter referred to as tankers.
168. Barges that were built or modified for the same purpose are hereafter referred to as tank barges.
169. If the cargo consists of various liquids and/or gases classified in different classes of the aforementioned IMDG Code, then the provisions of the class with the highest risk level apply.
170. 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, if special regulations provide specific directions.
171. 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 baffles.
- Within the port, the tanks should not unnecessarily come into contact with the outside air.
172. During the stay in the port, no repair works may be carried out on board of tankers and tank barges, unless a certificate is presented by an expert certified by the Harbour Master or by his representatives or appointees, which certifies that the repairs can be carried out safely.
- A similar certificate will have to be presented when repair work has to be performed in a dry-docking installation.
173. Degassing is only permitted in the areas assigned by the Harbour Master or by his representatives or appointees, and in compliance with the conditions imposed by them.
174. 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.
175. 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 of his representatives or appointees.
176. During the loading and unloading process 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.
177. All safety measures should be taken, as set forth in the current regulations and the IMDG code of the IMO. Furthermore, the Harbour Master or his representatives or appointees, may at all times impose additional requirements for certain products.
178. The connection between the fixed pipelines on the 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.
179. Captains and barge masters should ensure that while pumping, no visitors are allowed, not on the ship, nor in the vicinity of the quay.

180. During the loading or unloading of bulk cargoes as mentioned above, it is forbidden to load or unload other packaged products, unless they belong to the same class.
181. 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 by his representatives or appointees.
182. Floating hoisting equipment or devices which supply power or steam are only allowed to moor alongside vessels berthed at the oil installations or at the berths especially designed to handle hazardous substances, provided that there is a prior permission by the Harbour Master or of his representatives or appointees.
183. Tankers must 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 by his representatives or appointees.
184. When submitting the berth application, a full statement has to be provided for each tanker, indicating 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.
185. Before sailing into the lock, a statement will have to be made for each tanker, indicating the nature and quantity of the cargo carried in bulk and its characteristics according to the IMDG Code of the IMO.
- The relevant certificate is to be presented upon request of the lock manager during the locking procedure.
186. Tank barges carrying liquefied fuel on board to supply ships, are allowed in the port provided that there is prior approval of the Harbour Master or of his representatives or appointees.
- This permission may be granted for a certain period of time by the Harbour Master or by his representatives or appointees.
- The provisions concerning the bunker checklist in Chapter 2, Section 15 of this present set of regulations should be strictly observed.
187. The captains or barge masters of tankers and tank barges must ensure that a sufficient number of qualified persons is on board at all times in order to take the appropriate safety measures.
188. It is prohibited to let gasses escape in a way in which it may cause danger or nuisance for the environment.

## Chapter 13: RPAS (Remotely Piloted Aircraft Systems - drones)

189. The use of RPAS (amongst others drones) is subject to the Royal Decree of 30<sup>th</sup> March 2016. Within the harbour area, only RPAS may be used which fulfil the conditions as stipulated in the afore mentioned Royal Decree, and subject to prior authorization by the Harbour Master.

The requesting party is obliged to submit an application form for the use of RPAS in the port area at the Harbour Master's service, and must submit the license of the Aviation Authority, both for the RPAS and for the pilot.

Each flight must be requested at least one week in advance to the Harbour Master's service.

The requesting party and the pilot are at all times obliged to respect the privacy legislation, as well as the Camera Law, this as soon the device is used for security purposes (authorization from the Ministry of Internal Affairs). The flight may only take place within the area as authorized by the Harbour Master.

After authorization by the Harbour Master, the RPAS may only be used during the day and within viewing range in non-controlled air space Class G (up to 92 metres). Within the harbour area, it is not permitted to take over the view by an observer who is in contact with the pilot.

***Within the area of the Port of Oostende, prior permission must be obtained from the Director General of the aviation authorities, as foreseen in the Royal Decree.***

An RPAS may not be used in bad weather conditions such as hard wind or other conditions which may hinder a safe flight.

Permission of the concessionary and/or the owner of the territory is always required to fly above his territory. When flying over various territories, the permission of each concessionary and/or land owner is required. The written permission(s) must be submitted with each request.

In case an intervention with air support by police and/or other intervention services is required within the harbour area, all RPAS devices must immediately be grounded.

A safe distance must always be held from cranes and other moving and/or fixed objects.

***Each request is subject to a separate authorization from the Harbour Master. The application form can be obtained from the Harbour Master's service.***

## **Chapter 14: Inspection on board of vessels**

### 190. Advice from a shipping expert

Whenever necessary, the Harbour Master may request advice and/or a declaration from a shipping expert recognized by the Court of Commerce. The costs for such declaration are for the account of the vessel, the Master, the Owner of the Charterer. Until these costs are paid, or security of payment is provided, the permission to sail after inspection may be withheld.

### 191. notification duty by the masters

#### 1. The masters or captains of vessels:

- a) On which a fire arose during the voyage or during the stay in the port, and which has or has not been yet entirely extinguished,
- b) Which have suffered visual or non-visual damage due to collision, running ashore or another maritime danger,
- c) Which have caused damage to any which part of the port infrastructures or super structures, equipment, vehicles and/or other vessels,
- d) Which suffer from abnormal heeling, leakage under the water line and/or stability problems,
- e) Which have lost or are threatening to lose their load, fuel or objects,
- f) Which have encountered a hindrance in the water,
- g) Which are contaminated by a polluting substance, irrespective of the nature or the origin, or which are contaminating the surface water,
- h) Which are in danger of sinking,
- i) Which have damaged their hull, screw or helm in the port.

are obliged to immediately inform the Harbour Master (in writing or via Ensor), his representative via VHF canal 09, and other competent authorities, this prior to arrival or during the stay in the port. Such notification does not acquit the master, captain or shipper of the vessel involved or the port user of his obligation to undertake the necessary measures in order to deal with the danger and to avoid worse.

2. As soon as damage, danger or hindrance to shipping can occur, the masters or captains must warn the approaching vessels and take the necessary measures in order to keep the shipping lanes free.
3. Entry to the port, sailing in the port, mooring and/or leaving a berth place at quays and jetties is not permitted without prior permission of the harbour captain after incidents as mentioned under paragraph 1 a, b, c, d, e, f, g, h and i.

Regarding the incidents as mentioned under par. 1 a, b, d, h and i, the Harbour Master can grant such permission after receiving a declaration delivered by a shipping expert recognized by the Court of Commerce, testifying that the vessel involved is able to sail in and out of the port, and to moor onto a berth or leave the berth without further danger or further pollution to the port. The costs of such declaration are for the account of the vessel, its Master, Owner or Charterer. The permission to sail after inspection may be retained until the costs are paid, or security of payment is delivered.

4. All works on the vessel and other loading operations can be interrupted until after the cleaning operations, this on instruction of the Harbour Master or his representative.
5. After notification of a damage to hull, screw or rudder (1,i) to the Harbour Master via VHF channel 09, the representative of the Harbour Master will designate all involved vessels in the immediate vicinity of the place where the damage has occurred to a mandatory berth, which they cannot leave until the Harbour Master or his representative on board has taken a statement of the Master or the Captain.
6. The Master or Captain will fully cooperate with the Harbour Master in his investigation to the possible cause and circumstances of the incidents as mentioned under par. 1, this not only on board, by also in the direct vicinity of the vessel.

#### 192. emergency port

Conditions to enter the port:

1. There is no need for dry-docking
2. Advice by a shipping expert recognized by the Court of Commerce, after survey on board of the vessel in need
3. The P&I club of the vessel will provide the port authority with a sufficient financial security as guarantee
4. A suitable berth must be available

## CHAPTER 15: CRIMINAL AND FINAL PROVISIONS

193. 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 set of regulations and/or orders, even given orally by the Harbour Master or by his representatives or appointees, will be subject 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 Port of Oostende for potential damage.

194. Without prejudice to the provisions of the law of 5 May 1936 establishing the official status of Harbour Masters, the Harbour Master or his representatives or appointees, are entitled to immediately collect the anticipated fine for any breach of these police regulations.

Payment shall suspend all legal proceedings, unless the public 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 for the damage caused before a court of law.

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

The causer of damage to the port, the port's infrastructure or facilities and/or the owner of the vessel may be required to pay a deposit or a sum for the recovery of the damage caused, pending the determination of the amount of the damage by Port of Oostende.

*Present regulation was approved by the Board of Directors of the Port of Oostende on 12 February 2019.*