

# Police regulations for the City Port Area

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# TITLE 1 - GENERAL PROVISIONS

## CHAPTER 1 – SCOPE

### Article 1.

These regulations apply in the city port area. This area is bounded on the north by the Royers lock, the Amerika dock and the Straatsburg dock; on the east by the Noorderlaan bridge, the Noorderlaan, the Kempenstraat, Spoor Noord, the Noorderplaats and the Italiëlei; on the south by the Tunnelplaats, the Ankerrui, the Oude Leeuwenrui [...]the Brouwersvliet and on the west by the Tavernierkaai, the Scheldt and the Kattendijk lock.



## CHAPTER 2 – DEFINITIONS

### Article 2.

**ACC:** Antwerp Coordination Center: coordination centre located on the Potpolderweg in Antwerp, where all actors involved in shipping management are based;

**AIS:** Automatic Identification System: a tracking system that uses transponders on board a vessel to transmit position and navigation-related information, thereby making automated identification possible;

**APICS:** Antwerp Port Information and Control System: port information system of the port authority that manages, among other things, the monitoring of shipping traffic to, from and in the port, tug activities, and berths;

**Ex officio recovery:** the mayor may decide ex officio to recover vessels, pontoons and floating objects to a nearby mooring, at the expense and risk of the owner, whenever these jeopardize or are likely to jeopardize the good order, tranquillity or safety of the city port, or whose presence otherwise interferes or is likely to interfere with the good, smooth or normal operation of the city port or certain parts thereof, or in the public interest.

**Private event:** an event to which people are invited by name or the invitees are chosen because there is a specific link between the host and the invitees

**Dinghy:** a small open vessel that is part of the equipment of an inland or pleasure craft and is either on board that craft or towed by it, and is used exclusively for embarking and disembarking persons and goods, rescue, salvage and activities

**Inland waterway vessel (also river vessel):** a vessel that transports goods and/or passengers as a business, exclusively intended for navigation on inland waterways;

**Bunkering:** supplying a vessel with fuel [...] and/or lubricating oil;

**Bunker ship:** a fuelling vessel used for supplying ships with fuel and/or lubricating oil;

**Bunker station:** fuelling station for supplying fuel to pleasure craft in the city port area in the form of a floating installation or a fixed delivery installation placed on shore;

**Certificate of soundness for the hull:** document from an approved classification company confirming, after examination of the hull of the vessel, that the vessel complies with legal requirements;

**Commercial vessel:** a vessel, which is equipped for the purpose of commercial operation, trade activities and/or craft, excluding passenger vessels and commercial pleasure craft used for passenger transport only (example: retail or wholesale activities, joinery, hospitality, bed and breakfast, sales/rental of equipment, repair shop, office, warehouse);

**Community inland navigation certificate:** a certificate referred to in Article 4 of the Royal Decree of 19 March 2009 on technical requirements for inland waterway vessels;

**Floating structure:** a floating construction which, due to its purpose, is not normally moved and for which the higher authority itself has not provided a certification requirement

**De-bunkering:** the discharging of marine fuel and/or lubricating oil;

**Dry dock:** dock in the City Port that can be closed off from the navigable water and pumped empty

**Owner:** the person who owns the vessel;

**Fender:** designed to absorb the kinetic energy of a mooring vessel, thereby preventing damage to a vessel or the mooring structure;

**Fumigation:** all activities related to the use of toxic gas for the purpose of disinfecting goods and spaces, such as inspecting the space to be fumigated, applying a fumigant, supervision during the fumigation, ventilation and the release of the fumigated space (e.g.: extermination of pests, carrying out disinfection works);

**Captain:** any person to whom command of the vessel has been entrusted or who actually exercises such command;

**Antwerp Port Authority NV under public law:** port authority in accordance with the Flemish Parliament Act of 2 March 1999 on the policy and management of the sea ports and the Flemish Parliament Act of 17 July 2015 on the transformation of the Antwerp Municipal Port Authority into a public limited company, established by Order of the Municipal Council of 24 June 1996 and amended by Order of the Municipal Council of 26 October 2015, which has as its object the management, operation, development and promotion of the Port of Antwerp as a safe, clean, accessible and economically sustainable port with a view to ensuring the added value of the region;

**Port Police Regulations:** the Municipal Port Police Regulations for the Antwerp Sea Port Area;

**Obstruction of navigation:** navigating in such a way that it interferes with the free passage of another vessel or creates a risk of collision, or inconvenience or danger to moored vessels;

**Historic vessel:** maritime heritage as referred to in the Decree on the protection of maritime heritage<sup>3</sup> or a vessel listed in the inventory of sailing heritage;

**High dynamic docks:** the docks in the city port designated in the City Port Plan as intended for high dynamic shipping movements, given that there are multiple bridges and/or locks as access connections to other waterways.

**Immatriculation:** proof of registration of a pleasure craft (L <20m) in the Belgian register.

**Perpendicular mooring:** mooring a vessel with the longitudinal axis perpendicular to the quay;

**Marina master:** person appointed by the concessionaire of the Marina to be in charge of the daily management of the marina in the city port area and, in doing so, to ensure compliance with the internal regulations (and the provisions of the concession) on the part of users of the marina.

**Quay:** the areas located within the zone bounded by the water and the first public road situated behind the water.

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<sup>3</sup> Decree of 29 March 2002 on the protection of maritime heritage: article 2.1° maritime heritage: the nautical heritage, which can sail or float, or which can be put into service or made to float, in particular vessels, boats and floating structures, including their equipment and propulsion systems, the preservation of which is in the general interest on account of their historical, scientific, industrial-archaeological or other socio-cultural value.

**Low dynamic docks:** the docks as designated in the City Port Plan where, given the limited shipping movements, activities such as water recreation and leisure are possible on the water.

**VHF radio:** permanently installed VHF radio equipment in stationary radio stations of the maritime radio communications service and of the radiotelephone service on inland waterways;

**Marpol:** International Convention for the Prevention of Pollution from Ships;

**Mooring:** when a vessel berths in the city port in front of or behind the lock complexes against a quay, against mooring posts, or alongside another vessel, and is secured to it;

**Tonnage certificate:** certificate stating the vessel's main dimensions (length, beam, draught and displacement, etc.);

**Wet dock:** dry dock permanently open to navigation water, thereby creating a branch of the Kattendijk dock, and whose water surface becomes part of the city port managed by the city port service;

**Unmooring:** releasing a vessel from a quay, mooring posts or from another vessel for the purpose of navigating within the city port or leaving the city port;

**Laying up:** The temporary decommissioning of a vessel.

**Passenger ship:** a vessel for day trips, cruises or a hotel ship which has been designed and fitted out for transporting more than 12 passengers; on a ship for day trips there are no cabins for passengers to spend the night; on a hotel ship there are cabins for passengers to spend the night;

**Vessels passing through:** the owner or skipper of a pleasure craft that does not have a permanent berth in the Antwerp city port area, who is offered the possibility to temporarily break up their voyage and/or stay overnight in a marina.

**Pleasure craft:** a vessel intended for sports and recreational purposes, which is not a passenger ship;

**Handheld VHF radio:** portable marine radio, set to maritime frequencies (Very High Frequency, VHF);

**Public jetty:** a permanent or semi-permanent pontoon, along a waterway or port dock. The superstructure is used for the professional mooring of vessels. When connected to the public domain, it is part of this public domain with the exception of jetties operated by a permit holder or concessionaire. A public jetty is under the management of the city port service.

**River cruise ship:** a hotel ship, intended for transport, overnight accommodation and entertainment of passengers during a sailing route on large rivers;

**Cruise:** a trip from a berth located within the sea port area or the city port area to a berth within the sea port area or the city port area, where not necessarily the fastest and shortest route between both berths is taken, and day trips that are organised within, from or to the city port;

**Towing:** using one or more tugs to assist or pull a vessel forward;

**Spud poles:** vertical tubular structures that allow vessels to anchor themselves to the sea bed;

**City dry docks:** docks located on the Kattendijk dock with numbers DD1 to DD10;

**City Port:** the waters, quays and appurtenances, managed by or under the control of the Antwerp Municipal Council. It includes the area according to Article 1;

**City Port Service:** all of the city services or components thereof under the direction of the City Harbour Master;

**City port user:** any person who is in the city port or who uses the port infrastructure;

**City harbour master:** subject to compliance with higher regulations, is responsible, by order of and according to the guidelines of the mayor, for:

- the implementation, supervision and enforcement of these regulations with, in particular, the coordination of vessel traffic and berth management;
- the maintenance of public order, tranquillity and safety in the city port, including regulating shipping traffic in the event of incidents (inter alia, instructions to use the locks and dry docks and the opening and closing of bridges in the city port area).

**City port instruction:** instruction concerning the specificities and practical implementation of these regulations;

**City cruise boat:** a vessel for day trips which departs from the City Port Area and whose navigation area is located within a maximum radius of 3 km from the departure location and comprises only inland waterways belonging to zone 4<sup>4</sup>, where usually no ships for goods transport are present;

**Tanker barge:** inland vessel built or adapted for the bulk carriage of dangerous liquids and/or gases, characterised as such and listed in the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN);

**Tanker:** seagoing vessel built or adapted for the carriage in bulk of dangerous liquids and/or gases, characterised as such and listed in the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC) or The International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) of the International Maritime Organization (IMO);

**Vessel:** any floating object or floating structure that is or was used or capable of being used as a means of movement via/over water, including an object without water displacement (e.g., a pontoon) and a seaplane;

**Navigable water:** the portion of the waters located in the city port, which is navigable by vessels;

**Maritime heritage:** the maritime heritage as protected under the Decree of 29 March 2002 for the protection of maritime heritage<sup>5</sup> or according to equivalent foreign regulations.

**Person responsible for a vessel:** the shipowner or owner, the charterer, ship's agent, the captain, or the person acting as agent of one of these;

**Relocating a vessel:** moving a vessel from a berth to another berth in the city port;

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<sup>4</sup> Appendix to the Decree of the Flemish Government of 5 October 2018 establishing the technical regulations for inland vessels, B.O.G. 12 December 2018

<sup>5</sup> Currently, article 2.1° of the Decree of 29 March 2002 on the protection of maritime heritage stipulates the following (freely translated): "Maritime heritage: the nautical heritage, which can sail or float, or which can be put into service or made to float, in particular vessels, boats and floating structures, including their equipment and propulsion systems, the preservation of which is in the general interest on account of their historical, scientific, industrial- archaeological, aesthetic or other socio-cultural value".

**Certificate of registry:** proof that a yacht is registered in the Register of Pleasure Craft. This is only required for pleasure craft with an overall length of 2.50 m to 24 m, which is used for recreational sailing (sports and leisure) or intended for this purpose and which sail on the high seas, foreign waters and Belgian marine waters;

**Water sports:** both boating sports (e.g., rowing, canoeing, kayaking, gondola, sailing, surfing, skiing, tubing, pedal boats, personal watercraft) and swimming sports (e.g., swimming, diving, snorkeling, water polo);

**Houseboat:** a vessel where both the substructure and superstructure have been substantially altered from their original appearance, as well as a vessel or object on water that is specifically conceived as a residential unit, but does not have a "streamlined" hull or rudder.

**Houseboat:** a vessel designed for habitation and used as a principal residence. The ship is not altered or only slightly altered from its original construction in terms of both substructure and superstructure (external view). The most common vessels used as houseboats are former professional Kempenaar or Spits type vessels.

**Residential barge:** a vessel that has been converted to a houseboat, leaving only the substructure or hull unchanged. The superstructure of the vessel has been substantially altered from its original appearance and only the (streamlined) substructure or hull remains original.

**Residence:** having a place of residence as defined in the Civil Code (Article 102 et seq. Civil Code);

**Sea cruise ship:** a passenger ship, intended for the transport, overnight accommodation and entertainment of passengers during a cruise at sea;

**Sea port (or the Sea port Area):** the area located within the demarcation line of the GRUP (Regional Spatial Implementation Plan) that delimits the sea port area<sup>6</sup>, and the strips along the Scheldt intended for the construction of mooring facilities for seagoing and inland vessels, as stipulated in Article 5.1<sup>o</sup> of the Law of 19 June 1978 on the management of the left bank (Linkeroever) of the Scheldt near Antwerp and containing measures for the management and operation of the port of Antwerp<sup>7</sup>;

**Seagoing vessel:** a vessel which transports or can transport goods and/or passengers in the high seas as a business, and which is not an inland waterway vessel;

**Sailing vessel:** a vessel under sail, provided that the propulsion machinery, if fitted, is not in use;

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<sup>6</sup> Decision of the Flemish Government on the final adoption of the regional spatial implementation plan 'Demarcation of the sea port area Antwerp' of 30 April 2013, B.O.G., 3 June 2013, as partially suspended by the Council of State, and for the suspended parts withdrawn and again definitively established by Decision of the Flemish Government of 24 October 2014.

<sup>7</sup> B.O.G., 15 July 1978.

## CHAPTER 3 – APPLICABLE REGULATIONS.

### Article 3.

§1. These regulations apply in the city port. Every city port user shall comply with these regulations and the city port instructions.

§2. Higher regulations, including international, federal, and regional rules, must be complied with in the city port. In particular, but not exhaustively:

- Law of 21 August 1879 on maritime and inland navigation<sup>8</sup>
- Law of 5 June 1972 on the safety of vessels and its implementing decrees<sup>9</sup>
- Law of 19 June 2008, consenting to the Convention on the collection, deposit and reception of waste generated during navigation on the Rhine and other inland waterways, signed in Strasbourg on 9 September 1996<sup>10</sup>
- Decree of 23 December 2011 on the sustainable management of material cycles and waste (Materials Decree)<sup>11</sup>
- Royal Decree of 1 December 1975 containing general regulations governing the policing of road traffic and the use of the public roads (Highway Code)<sup>12</sup>
- Royal Decree of 23 September 1992 on the police regulations of the Lower Sea Scheldt<sup>13</sup>
- Royal Decree of 23 September 1992 on the navigation regulations for the Lower Sea Scheldt<sup>14</sup>
- Royal Decree of 24 September 2006 on the general police regulations for navigation on inland waterways (APSB)<sup>15</sup>
- Royal Decree of 9 March 2007 on crew regulations on the waterways of the Kingdom<sup>16</sup>
- Environmental regulations, including: the decree of 25 April 2014 on the environmental permit<sup>17</sup>
- Decree of the Flemish Government of 27 November 2015 implementing the decree of 25 April 2014 on environmental permit<sup>18</sup>, <sup>Vlarem</sup>19, <sup>Vlarema</sup>20
- The ARAB (General Regulations for the Protection of Employees);
- The AREI (General Regulations for Electrical Installations);

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<sup>8</sup> B.O.G., 21 August 1879.

<sup>9</sup> B.O.G., 17 October 1972.

<sup>10</sup> B.O.G., 22 October 2009.

<sup>11</sup> B.O.G., 28 February 2012.

<sup>12</sup> B.O.G., 9 December 1975.

<sup>13</sup> B.O.G., 17 October 1992.

<sup>14</sup> B.O.G., 17 October 1992.

<sup>15</sup> B.O.G., 3 October 2006.

<sup>16</sup> B.O.G., 16 March 2007.

<sup>17</sup> B.O.G., 23 October 2014

<sup>18</sup> B.O.G., 23 February 2016

<sup>19</sup> Decree of 1 June 1995 of the Flemish government containing general and sectoral provisions on environmental hygiene (Vlarem II), (B.O.G., 29 September 1995.)

<sup>20</sup> Decree of the Flemish government of 17 February 2012 establishing the Flemish regulation on the sustainable management of material cycles and waste materials (B.O.G., 23 May 2012)

- All other applicable laws, decrees, orders, agreements, regulations and rules and all subsequent additions or amendments to the aforementioned laws, decrees, orders, agreements, regulations and rules.

§3. Insofar as this regulation does not deviate therefrom, the provisions of the following regulations shall also apply in the city port:

- Police regulations of the city of Antwerp (including code of police regulations, operating regulations, establishment regulations for car washes, police regulations for open hospitality terraces);
- Marina regulations and/or internal regulations for concession areas.

§4. In the event of any contradictions between provisions, the following rules apply:

- higher regulations take precedence over lower ones;
- the regulations and city port instructions take precedence over:
  - marina regulations for concession areas approved by the Municipal Council;
  - other police regulations of the City;
  - concession agreements.

## TITLE 2 - PUBLIC SAFETY IN THE CITY PORT

### CHAPTER 1 – VESSELS

Article 4.

§1. Any vessel moored in the city port or intending to call at the city port [...] <sup>21</sup> must be safe and suitable for the purposes for which it is used and must be able to navigate independently.

§2 [. For each vessel, the captain or their appointee must be able to show ] <sup>22</sup> that it has the necessary documents and certificates as well as an insurance policy covering her liability and storage costs before entering the city port and for the duration of her stay. In this regard, the city harbour master may always request the necessary certificates and proof of an adequate insurance policy.

§3. Derogations from these provisions may be granted by the mayor in justified circumstances.

§4. The mayor may at any time impose additional conditions, prohibit navigation or stay in the city port, or deny a berth pursuant to these regulations.

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<sup>21</sup> Deleted by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>22</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## Article 5.

§1. Vessels can only be admitted to the water in the city port if they have registered in advance and if they have been allocated a berth in advance by the mayor, with the exception of pleasure craft and vessels that can moor within a granted concession. The latter only need to notify their arrival. The mayor may impose admission conditions, and monitor these.

§2. Houseboats are only allowed when a concession agreement for a berth has been concluded according to Article 17§1 or when a berth has been assigned.

§3. Residential barges, houseboats and floating structures are prohibited, subject to exceptional inclusion of berths in the [City Port Plan]<sup>23</sup> by the college of mayor and aldermen.

§4. Pleasure craft shall navigate directly to and moor only in the concession area of the marinas.

§5. Seagoing vessels, tankers and tanker barges are prohibited in the city port.

§6. Small recreational craft, such as sloops, canoes, kayaks, jet skis, pedal boats, [personal watercraft and hovercrafts]<sup>24</sup>, are prohibited on the water ~~unless they are used by emergency services~~, or are part of a licensed event, or when otherwise provided for in a concession agreement regarding the water surface.

§7. Dinghies are only authorised if they have a maximum length of 7 metres overall and are motorised. The owner of the vessel to which the dinghy is coupled and who has an assigned berth in the city port (cf. Article 17) or concession area must notify of their intention to use the dinghy once prior to use.

This notification is made using the dedicated request form on the City Port website

Dinghies can only navigate in the various docks of the City Port between 8 a.m. and 10 p.m. and must adhere to provisions on safe speeds.<sup>25</sup>

§8. Launching and/or cruising with rescue and patrol vessels other than those of the [City Port Service, local and federal police departments and]<sup>26</sup> local emergency services unnecessarily, is prohibited.

§ 9. Laying up vessels is prohibited in the city port.

§10. Derogations from these provisions may be granted by the mayor in justified circumstances.

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<sup>23</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>24</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>25</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>26</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

#### Article 6.

§1. The storage, transshipment and handling of goods is prohibited except for the port operations of existing concessions in the city port. These port activities may be authorised for the duration of the concessions granted. Restrictions may be imposed in this regard, among other things, due to inconvenience.

§2. The mayor may grant temporary exemptions according to the general interest (for example: mobility, city distribution).

#### Article 7.

Vessels sailing to the dry docks must have prior written authorisation from the mayor and comply with the conditions imposed by the mayor. These vessels must sail directly to and moor only at the designated dry dock or assigned berth in a wet dock.

#### Article 8.

The use of pilots and tugs shall be under the responsibility and at the expense of the captain of the vessel.

#### Article 9.

An abandoned vessel may be removed ex officio by the police or a person or department appointed by the mayor, and kept in custody in accordance with the law of 30 December 1975<sup>27</sup>.

A vessel shall be considered abandoned:

- when it obstructs the safety, environment or ease of passage, or there is structurally no sign of the presence and/or contactability of the captain, the person responsible, or the owner;
- When the captain, person responsible or owner is not known or made known.

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<sup>27</sup> Law of 30 December 1975 on goods found outside private property or placed on the public highway in execution of eviction orders.

## CHAPTER 2 – DOCUMENTS

### Article 10.

§1. Depending on berth management, sailing vessels, events and general safety, it must always be possible to present the necessary documents at the first request of the mayor, the police or the- City Port [Service]<sup>28</sup>.

These may include documents such as (non-exhaustive list):

- authorisation for the mayor to assign a berth
- the certificates of the vessel
- documents and authorisations, which the vessel, crew, captain and/or company must have under applicable regulations, including, but not limited to:
  - a Community certificate or certificate of examination
  - a certificate of soundness for the hull,
  - patents (example: radar patent), certificates, service book,
  - certificate of measurement, immatriculation, certificate of registry
  - proof of insurance cover: insurance policy and proof of payment of insurance premium (liability and storage cost coverage).

§2. If necessary, the mayor may impose additional conditions or prohibit the vessel from sailing or staying in the city port until the required documents and/or insurance policy is presented to the mayor, police or [City Port Service]<sup>29</sup>.

## CHAPTER 3 – MANDATORY NOTIFICATIONS

### Section 1 - Obligation to use VHF radio

#### Article 11

§1. Any vessel with a hull length of more than 7 metres must be equipped with a government licensed, properly functioning VHF radio system suitable for ship-to-ship traffic and for receiving and providing the nautical information.

Vessels not required to have a VHF radio system, *including dinghies*, must have a [functioning]<sup>30</sup> handheld VHF radio.

§2. Every [river cruise ship]<sup>31</sup> must report by VHF radio to the [City Port Service]<sup>32</sup> upon entering and leaving the city port, without prejudice to the obligation to request a berth in advance in accordance with the provisions of these regulations.

§3. In the city port, a vessel must listen out on the navigation and safety channel of the [City Port Service]<sup>33</sup>.

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<sup>28</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>29</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>30</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>31</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>32</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>33</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

§4. It is mandatory during navigation within the city port area to use the Dutch or English language [...] <sup>34</sup> in radio communications, both between users of the waterway among themselves, and in communications with the [City Port Service] <sup>35</sup> and/or other authorities. If it is found that the crew does not have command of the Dutch or English language, or insufficient command, the vessel in question may be assigned a mandatory mooring. The vessel will not be authorised to proceed until there is someone on board who speaks one of the working languages.

## Section 2 - Using AIS (Automatic Identification System)

### Article 12

§1. Inland and commercial vessels must be equipped with an AIS, which is in operation during navigation and/or stay in the city port area, in order to provide up-to-date and accurate information. In the event of malfunction or other unforeseen circumstances, the [City Port Service] <sup>36</sup> must be notified immediately through other communication channels.

§2. For connected inland vessels or vessels in tow, at least one of the vessels must use a properly functioning AIS transponder.

§3. An exception is made for the following vessels:

- police vessels, authorised rescue vessels and emergency services on special assignments; and
- pleasure craft less than 20 metres in length.

[§4. Dinghies do not have to have an AIS, but must have clearly visible identification on the inside of the vessel, from which it can be ascertained who the owner of the coupled vessel with an official berth in the City Port is]. <sup>37</sup>

§5. In justified circumstances, the mayor may grant an exception.

### Article 13.

The data sent out by the AIS transponder must always correspond to reality. If compliance with these requirements is not possible, the [City Port Service] <sup>38</sup> must be notified immediately

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<sup>34</sup> Deleted by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>35</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>36</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>37</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>38</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## Section 3 - Arrival, stay and departure of vessels

### Article 14

§1. Every vessel bound for the city port must fulfil a number of administrative obligations, including:

- Request for authorisation from the mayor in accordance with article 5
- According to the table below:
  - Request for a berth in the city port;
  - If applicable, pre-notification via APICS;

### **Arrival**

\*The ship's agent is responsible for the specified information that must be sent via the APICS counter. The data provided by the ship's agent must always reflect the current actual condition and, if necessary, be modified by the ship's agent.

§2. A vessel bound for the city port that has not obtained written authorisation or has not been assigned a berth in the city port will be denied access to the sea port of Antwerp, with the exception of pleasure craft.

### Article 15.

Any vessel entering the city port area must immediately proceed to its assigned berth, except when navigating to a bunkering and discharge station, in application of Article 47. This is limited to the time required to bunker and/or discharge oil, bilge and wastewater.

### Article 16.

§1 Every vessel leaving the city port must fulfil a number of administrative obligations according to the table below including:

- Notification to City Port Service;
- If necessary, pre-notification or notification of passage to the [Antwerp Port Authority]<sup>45</sup> via APICS or VHF;
- If necessary, request for a berth to the port authority.

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<sup>45</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

Type of Vessel	Pre-notification (to PA/APICS).		Request for a berth (to the City Port Service)	
	If entrance via sea port (via lock)	If entrance via sea port, but not via sea lock	If entrance via sea port (via sea lock or via Straatsburg dock/Scheldt-Rhine Canal)	If entrance via Kattendijk Lock
Barge [and river cruise ship] <sup>39</sup>	from 2 hours prior to use of the lock (= not mandatory)	Request for a berth via e-counter of the city of Antwerp 48h in advance. For river cruise ships, a berth must be requested via e-counter of the City of Antwerp one month in advance. <sup>40</sup>		
Houseboat that sails (recreational)	Same as for a barge	A houseboat that sails (recreational) must take a berth in the Willemdok marina. In the event of deviating parameters, a berth in the City Port may exceptionally be granted after requesting one via the e-counter of the City of Antwerp. <sup>41</sup>		
Pleasure craft - berth	Same as for a barge	Same as for a barge: no notification in APICS	Notification to the relevant marina concession <sup>42</sup>	
Pleasure craft passing through	Same as for a barge	Same as for a barge: no notification in APICS	Request for a berth via concessionaire Willemdok marina. <sup>43</sup>	
Seagoing vessels*	From 2 months before ETA entry point	notification of passage from 2 months in advance	Notification with indication of mooring side for admission to enter  Mayor grants authorisation via the [City Port Service] <sup>44</sup> ,	Yes, via multi port APICS counter
Other	See regulations for water-related activities			

§2. To the extent that the vessel's departure involves passage through a lock in the sea port, the vessel may depart from its berth only at a time approved by the ACC.

<sup>39</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>40</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>41</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>42</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>43</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>44</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

**Departure from city port, bound for sea port**

Type of Vessel	Notification of departure		Pre-notification (to PA/APICS).	Request for a berth (to PA/APICS)
	to the City Port Service) <sup>46</sup>	ACC		
Barge and houseboat that sails	N/A <sup>47</sup>	N/A	Notification via VHF only. [When taking berth at the sea port, authorisation from the HMO is required for a houseboat that sails]. <sup>48</sup>	
River cruise ship	Yes	N/A	Notification via VHF only. When taking berth at the sea port, authorisation from the HMO is required. <sup>49</sup>	
Pleasure craft	N/A <sup>50</sup>	N/A	Notification via VHF only. When taking berth at the sea port, authorisation from the HMO is required.	
Seagoing vessels*	Yes	Notification 4 hours before entry into sea port (via VHF of ACC)	Yes, from 2 months before ETA entry point	Yes, necessary for admission to enter (Municipal Port Police Regulations) 24 hours before ETA entry point

\*The ship's agent is responsible for the specified information that must be sent via the APICS counter. The data provided by the ship's agent must always reflect the current actual condition and, if necessary, be modified by the ship's agent.

<sup>46</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>47</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>48</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>49</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>50</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

**Departure from the city port via the sea port (passage)**

Type of vessel	Notification of departure		Notification of passage (to GPA/Apics).	
	Notification to City Port Service	To ACC	If departure via sea port (via lock)	If departure via sea port, but not via sea lock
Barge	N/A <sup>51</sup>	N/A		No, not in APICS. Notification must however be made via VHF.
River cruise ship	Yes	N/A		No, not in APICS. Notification must however be made via VHF. <sup>52</sup>
Pleasure craft	N/A <sup>53</sup>	N/A	Idem for barge	Idem for barge: no notification in APICS, notification via VHF.
Seagoing vessels*	Yes	Notification 4 hours before entry into sea port (via VHF of ACC)	Yes, from 2 months before ETA entry point	Yes, notification passage from 2 month in advance

\*The ship's agent is responsible for the specified information that must be sent via the APICS counter. The data provided by the ship's agent must always reflect the current actual condition and, if necessary, be modified by the ship's agent.

<sup>51</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>52</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

## CHAPTER 4 – BERTHS

### Section 1 - Designation of berths

#### Article 17.

§1. A berth in the city port shall be assigned by the mayor, according to the zoning of berths established in the [City Port Plan]<sup>54</sup> approved by the college of mayor and aldermen.

In the event of derogation from the zoning established in the [City Port Plan]<sup>55</sup>, the college of mayor and aldermen must approve the derogation from the zoning.

However, the mayor may grant a berth in derogation of the zoning in the [City Port Plan]<sup>56</sup> without the approval of the college of mayor and aldermen, provided that it is not granted for more than one month.

When a berth is granted for a period longer than [five]<sup>57</sup> years, the college of mayor and aldermen must agree on the length of the period.

Concession agreements for the use of the water surface, the period<sup>58</sup> of which [will be] a maximum of nine years<sup>59</sup>, shall be granted by the college of mayor and aldermen. Concession agreements of more than nine years must be approved by the Municipal Council.

***[§2. The granting of a berth for commercial activities shall be subject to obtaining authorisation from the mayor, according to the conditions and procedure stipulated in these regulations].<sup>60</sup>***

§3. A berth may be refused if the applicant has outstanding berthing fees or other outstanding debts to the city.

§4. A berth is person-, vessel- and location-specific. This means that under no circumstances can they be transferred by the applicant or taken over by a vessel, other than that to which the request pertains. The applicant and/or the vessel may not take another berth either.

#### Article 18.

§1. The designation of a berth does not relieve the captain of the obligation to ascertain that such berth is suitable and safe for their vessel.

§2. If the captain believes that the berth is not suitable or safe, they must immediately notify the City Port Service.

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<sup>53</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>54</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>55</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>56</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>57</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>58</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>59</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>60</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

## Section 2 - Mooring and Unmooring

### Article 19.

§1. Captains may not moor their vessels to any structures other than the designated mooring facilities. No vessel may moor or be unmoored at any of the bridge abutments or in the access channel of bridges without authorisation of the mayor.

§2. The mooring facilities may only be used to moor and unmoor vessels.

§3. It is prohibited to moor and unmoor in such a way as to interfere with shore traffic or the use of port equipment.

§4. Without prior authorisation from the Mayor, vessels must not be moored or unmoored in such a manner as to obstruct the passing shipping traffic. The [City Port Service]<sup>61</sup> may impose a mooring side other than that specified by the captain or their appointee.

[§5 The mooring of a dinghy at the public quays, jetties and pontoons must always be for a short period and at the individual's risk, and must not interfere with the regular use and general accessibility of the City Port.

Commercially licensed city cruise boats, patrol vessels, rescue vessels (cf. Article 5 §8) and pleasure craft waiting in front of the structures in the City Port always have priority when mooring at public jetties and pontoons.

The mayor may always decide to remove moored dinghies ex officio, to allow priority vessels to moor, or in the context of general accessibility and public order. The owner of the dinghy bears the risk and is responsible for the cost of this ex officio removal.

The dinghies in question shall be towed to a readily accessible berth and the owner of the dinghy shall be immediately notified of the removal and the new berth].<sup>62</sup>

### Article 20.

§1. Captains must diligently follow the guidelines imposed by the City Port Service regarding the maximum mooring width and the maximum number of vessels allowed to lie side by side.

§2. A vessel may not moor in perpendicular position without authorisation from the city harbour master.

### Article 21.

§1. It is prohibited, without the permission of the captain, to detach, divert or remove any vessel or to cover or cast loose the mooring equipment of the vessel, except by order or instruction of the mayor.

§2. It is prohibited to moor or unmoor a vessel to/from another vessel that is not properly moored.

### Article 22.

The use of spud poles is prohibited without prior authorisation from the mayor.

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<sup>61</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>62</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

## Section 3 - Taking a berth

### Article 23.

§1. Captains are obliged to ensure that while their vessel is at berth, it is professionally moored, taking into account such circumstances as the laden state, weather conditions and any passing vessels.

§2. Captains must take all possible measures to avoid causing damage to the port infrastructure, such as fitting their own fenders or any other devices.

### Article 24.

§1. Captains are required to have the necessary crew on board at all times to immediately remove the vessel.

§2. This obligation does not apply to vessels which have authorisation from the mayor to be moored uncrewed.

### Article 25.

Captains of vessels, which are moored at quays, jetties, dolphins or floats may only run the engines when necessary and when there is no inconvenience from propulsion equipment.

### Article 26.

Captains must ensure that they do not lay cables, anchors, walkways or other objects on quays, jetties and banks that may inconvenience passage or obstruct the way.

## Section 4 - Boarding and disembarking

### Article 27.

§1. The captains of vessels which are moored at the quay or next to each other are obliged to establish a safe connection with the shore or between the vessels, respectively. It must be possible to board and disembark safely via this connection. In making this connection, captains must act in accordance with the relevant directions and instructions of the City Port Service.

§2. If the vessel is moored at mooring buoys or dolphins, a safe stairway or ladder must be attached for boarding and disembarking.

## Section 5 - Shore power supply

### Article 28.

§1. It is prohibited to use a generator on board a vessel for generating electricity if the vessel has taken an assigned berth, where it can be physically connected to shore power cabinets.

Only vessels powered by liquefied natural gas (LNG) are exempt from this prohibition on generators.

In the event of malfunction of the shore power cabinet, the person responsible for the vessel must contact the [City Port Service as soon as possible with a view to possibly assigning an

alternative berth]<sup>63</sup>.

§2. Shore power electricity must be used in accordance with the instructions described on the installations and in accordance with guidelines provided on the webpage of [the shore power user platform or]<sup>64</sup> on the website of the City of Antwerp.

## CHAPTER 5 – WATER TRAFFIC

### Section 1 - General

Article 29.

§1. The General Police Regulations for Shipping on Inland Waterways of the Kingdom (APSB)<sup>65</sup> shall apply.

[§2. Dinghies may only operate in the highly dynamic water areas if the skipper of the dinghy is at least 16 years old and has a navigation licence].<sup>66</sup>

[§3. Everyone in the dinghy must wear an approved life jacket when sailing in both the high dynamic and low dynamic docks].<sup>67</sup>

### Section 2 – Safe speed

Article 30.

§1. Captains must always maintain a safe speed, taking into account, among other things, local conditions, weather conditions, shipping traffic, their passengers, crew and, where appropriate, cargo.

§2. They are obliged to control the speed of their vessel so that due to wave surges, suction or any other reason, no damage or undue inconvenience can be caused to other vessels, their mooring equipment, cargo or to the vessel structures.

§3. Captains must strictly follow any speed restrictions imposed by the mayor, police and/or by the [city harbour master]<sup>68</sup>.

### Section 3 - Forward thrust and transverse thrust

Article 31.

§1. Forward thrust: Captains of vessels which are moored at quays, jetties, dolphins, floats, or in locks may only run the engines, if they do not have authorisation from the **City Port Service**, *if there is no propulsion*.

§2. Transverse thrust: captains must mitigate the use of transverse thrust equipment, and adapt the force and thrust of transverse thrust equipment in places where it poses a danger to quay walls, jetties, dolphins and floats, and/or other vessels.

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<sup>63</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>64</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>65</sup> The General Police Regulations for Shipping on Inland Waterways of the Kingdom of 24 September 2006, B.O.G., 3 October 2006.

<sup>66</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>67</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>68</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

## Section 4 – Anchors

### Article 32.

§1 Anchors must be used or stowed in such a way that they do not damage other vessels or structures.

§2 The use of a dragging anchor is permitted only for manoeuvring.

§3. It is prohibited to drop anchors in bridge and lock channels, in the lock chambers of locks or in the vicinity of divers and/or cables and/or pipes under the water, the location of which is indicated by signs or other.

§4. It is prohibited to signal anchors on the ground unless authorised by the mayor.

## Section 5 - Cargo or lines over board/Loads outside the hull

### Article 33.

§1. Cargo and/or vessel rigging must not protrude outside the ship unless authorised by the mayor.

§2. It is prohibited to hang mooring lines or other objects except fenders overboard or in the water.

§3. Vessels that are listing, or have loads or a structure protruding outside the hull may not pass through bridge channels or moor or unmoor at quays unless with written authorisation from the mayor.

## Section 6 - Rescue equipment

### Article 34.

Rescue equipment and resources must only be used for their intended purpose. Touching, damaging, moving or misusing rescue equipment and resources without the intent to rescue, is prohibited.

## Section 7 - Bridge channels (bridge signals)

### Article 35.

§1. If the signal board of a bridge displays a red light or no light, whether by day or by night, the captain is required to maintain a safe distance from the bridge. He must keep the channel leading to the bridge clear.

§2. Free passage at a bridge channel is authorised, both by day and by night, when a green light is displayed on the signal board of a bridge. When passing through, the captain must keep his starboard to the shore as much as possible.

§3. Underpassage at a bridge channel is only authorised for the emergency services and the City Port Service [as well as licensed commercial city cruise boats and registered dinghies]<sup>69</sup>, on condition that adequate safety precautions are taken.

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<sup>69</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

The mayor may grant derogations and impose conditions. The captain shall [in the event underpassage]<sup>70</sup> take all measures on board to maintain proper and safe communication with all city port users via maritime channel VHF 23 City Port and with the bridge agent via maritime channel VHF 62. [The instructions and orders of the city harbour master and their deputies for the underpassage must always be diligently and closely complied with].<sup>71</sup>

§4. A green light or authorisation for underpassage only means that the captain may proceed, but does not mean that the waterway beyond the bridge channel is clear. The captain must keep a good lookout in order to ensure that there is no danger of collision.

## CHAPTER 6 – WATER-RELATED ACTIVITIES

### Section 1 - Cruises around the city port.

#### Article 36.

[City cruises for commercial purposes, including the use of the public infrastructure for the boarding and disembarkation of passengers in accordance with the mayor's instructions, are only permitted with prior authorisation from the mayor, as specified in Title 6 of these regulations].<sup>72</sup>

Events on these vessels are subject to the provisions under Section 3 of Chapter 6, Title 2;

### Section 2 - [River cruise ships]<sup>73</sup>

#### Article 37.

§1. Only river cruise [ships] are allowed in the city port. [Sea cruise ships] are prohibited.

§2. The request for allocation of a berth for river cruise [ships] must be sent to the city port at least one month before the scheduled arrival at the city port, unless exceptional circumstances justify a shorter deadline.

Without prejudice to the obligations arising from Chapters 2 and 3 of this Title, the request must include the following information:

- The shipping companies and a contact person on board (24/7), with name, first name, address (for legal entities: registered office), email address, phone number, and
- other relevant contact information;
- The name, ENI number and dimensions (length, beam and draught) of the vessel;
- The date and time of arrival and departure of the vessel;
- Indication of the number of passengers and crew;
- Financial data;
- ...

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<sup>70</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>71</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>72</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>73</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

The City Port Service]<sup>74</sup> may request additional information and documents (including evacuation plans, etc.) at any time.

§3. During their stay, river cruise [ships] must comply with the instructions of the city port service, and fulfil the following conditions, among others:

- Disruptive work or activities in the public domain (for example: provisioning and deliveries the vessel) are prohibited between 10 p.m. and 6 a.m. unless authorised by the mayor;
- To disembark from the vessel, a footbridge must be used, placed parallel to the quay, if possible, so that emergency services are not obstructed;
- Events on a river cruise ship are subject to the provisions of Section 3 of Chapter 6, Title 2;

### Section 3 – Water-related events

#### Article 38.

§1. Article 103 et seq. of the Code of Police Regulations on Events (Chapter 3, Title III) shall apply.

This applies both to vessels on which events are organised when moored or during a cruise in the city port, such as parties, or gatherings of any kind, both public and private, resulting in more persons on board than the vessel's crew.

§2. For any event in the city port, at least 10 metres of space on the quay surface must be kept clear at the water's edge, from the blue stone. A maximum of two mobile elements may be installed in this zone. Installing structures is prohibited in this free space. This may only be derogated from with the written permission of the mayor.

#### Article 39.

Events aboard vessels other than passenger ships and commercial pleasure craft are prohibited, except exceptionally subject to written permission from the mayor.

#### Article 40.

§1. Any private event on passenger vessels and commercial pleasure craft, such as weddings, birthday parties, and corporate events must be reported digitally by the organiser according to the provisions of the code of police regulations.

§2. A public event on and around a passenger vessel and commercial pleasure craft in the city port is considered a medium or large event and requires prior authorisation from the mayor as provided in the code of police regulations.

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<sup>74</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

#### Article 41.

Notwithstanding the conditions in the proof of notification or authorisation, or additional conditions imposed by the mayor as a result of the event the following conditions apply to all events, including those requiring only notification, on and around a vessel:

- Concurrent events:
  - An event may be refused if another event was notified or authorised at the same time;
- Berth:
  - The vessel is required to moor and unmoor at an assigned berth. It is prohibited to take another berth;
- Boarding and disembarkation:
  - For events with more than 200 people, the event organiser shall regulate the inflow and outflow of people through stewards, so there is no inconvenience for local residents;
- Admitted persons:
  - The vessel on which an event is organised while sailing must always comply with the crew and passenger regulations attached to the classification or to the vessel's certificates (for example: mandatory number of crew members, maximum number of authorised persons);
  - It is prohibited to allow more than the authorised number of visitors on the moored vessel than what is stipulated in the certificate of examination, CE inspection commercial pleasure craft or than what is stipulated in the conditions imposed by the mayor.
  - When access checks are made, possession of weapons and drugs shall be checked, within the boundaries of the law. If weapons and/or drugs are found, the police must be notified immediately.
- Safety:
  - If the event organiser expects more than 100 people, they must be able to present a safety plan that includes instructions for the crew and staff if the vessel is in danger of sinking, a fire breaks out on board, the passengers need to be evacuated, there is a man-over-board situation or other incidents occur;
  - There must be one person with demonstrable first aid training on board for every 100 visitors; this person must be recognisable as such to the public;
- Fire safety:
  - The vessel must comply with all fire safety regulations imposed according to the classification of the vessel, or as stipulated in the conditions imposed by the mayor;
  - The provisions under the Section 3 Open fire and fire work of Chapter 9 of Title 2, shall apply (for example: a barbecue on deck)

- Sound
  - Without prejudice to the noise standards imposed by Vlarem<sup>75</sup> on vessels with a berth, events, including noises arising from, for example, music, aggregates, shouting, loading and unloading activities, must not be audible on the quay, except for noise arising from the propulsion when mooring and leaving the port, and from normal power supply;
- Loading and unloading areas:
  - To disembark from the vessel, a footbridge must be used, placed parallel to the quay, if possible, so that emergency services are not obstructed;
  - Disruptive work or activities in the public domain (for example: provisioning and deliveries the vessel) are prohibited between 10 p.m. and 6 a.m.
- At first request, all measures imposed by the mayor, police, [City Port Service]<sup>76</sup> and emergency services must be implemented. The mayor may deviate from the above-mentioned conditions.

## Section 4 – Watersports

### Article 42.

Water sports and sailing are prohibited in the city port unless authorised by the mayor in the context of an event or concession.

## Section 5 – Fishing

### Article 43.

Fishing is prohibited except under the conditions stipulated in Articles 471 to 478 of the Code of Police Regulations.

## Section 6 – Residence

### Article 44.

§1. Residing in vessels in the city port is prohibited unless this is in houseboats.

§2. The mayor may impose measures or conditions for reasons of public order.

§3. The number of residential units per houseboat is limited to one unless expressly derogated from in the concession agreement [...] <sup>77</sup>. The user of the houseboat/concessionaire of the houseboat must be registered in the Belgian population register.

### Article 45.

It must always be possible for a houseboat to navigate independently with functioning steering and propulsion equipment, and the houseboat must meet the necessary technical conditions to this end. It must have at least the necessary valid certificates and/or documents, such as a tonnage certificate, class certificate, certificate of soundness (hull) and the necessary insurance, as a houseboat.

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<sup>75</sup> Decree of 1 June 1995 of the Flemish government containing general and sectoral provisions on environmental hygiene (Vlarem II)

<sup>76</sup> Deleted by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>77</sup> Deleted by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## Section 7 - Commercial activities.

### Article 46.

§1. Berths for vessels, [or water-related infrastructure]<sup>78</sup> on which a commercial activity is carried out shall be allocated in accordance with Article 17.

§2. Without prejudice to the application of other city police regulations (e.g., [police regulations on operations]<sup>79</sup>, and others, etc.), they must comply with all legal operating conditions for the implementation of their activities.

[§3. Events on these vessels are subject to the provisions under Section 3 of Chapter 6, Title 2,<sup>80</sup>

§ 4. The mayor may impose measures or conditions for reasons of public order.

## Section 8 - Bunkering and de-bunkering

### Article 47.

Bunkering of pleasure craft is only permitted at the dedicated bunkering stations in the city port, insofar as these bunkering stations have the authorisations provided for in Article 17, without prejudice to any other legal permits (e.g. an environmental permit).

### Article 48.

§1. (De)bunkering of all other vessels is only authorised at the assigned berth, subject to the following conditions:

- (de)bunkering while sailing is prohibited;
- (de)bunkering of LNG is prohibited;
- bunkering may only be performed by bunkering companies recognised by the [Antwerp Port Authority]<sup>81</sup>, as published on the website of the City of Antwerp;
- The connection of the bunker line to the receiving vessel must always be made by a permanently attached coupling. The receiving vessel is responsible for securing the (de)bunker line to its vessel;
- Both the (de)bunkering vessel and the receiving vessel must be equipped with a properly functioning and coordinated (de)bunkering overfill device;
- Before starting, the City Port Service must always be notified so that they can inspect if necessary;

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<sup>78</sup> Added by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>79</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>80</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>81</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

§2. Bunkering vessels and bunkering companies must observe the following measures before and during (de)bunkering:

- During weekdays, an overview of the planned activities must be delivered to the City Port Service every day, and 24 hours in advance.

Activities planned during weekends or holidays must be transmitted to the City Port Service on the preceding business day, no later than 3 p.m.

At a minimum, this overview must contain the following information:

- identification of the company;
  - approval number as a bunkering company
  - name of bunker ship
  - date and time of (de)bunkering
  - name and location of receiving vessel product
  - customs code
  - sulphur content
- Prior to any (de)bunkering, the bunker checklist must be completed.
  - A Bunker Delivery Note (BDN) must be completed for each (de)bunkering operation.

This Bunker Delivery Note must contain at least the following information:

- name and legally required registration number of the receiving vessel
  - port
  - date at start of delivery
  - name, address and telephone number of bunkering company
  - indication of product (incl. customs code)
  - quantity in tons
  - density at 15 °C (in kg/m<sup>3</sup>, tested in accordance with ISO 3675:1998 or ISO 12185:1996)
  - sulphur content (in % m/m, tested in accordance with ISO 8217:2010)
  - number of MARPOL sample
  - declaration certified and signed by the fuel supplier that the supplied fuel conforms to the applicable provisions of Reg. 14.1 or 14.4 and Reg. 18.3 of MARPOL Annex VI
- In the event of disaster (overflow, oil spill, etc.), all measures must immediately be taken to limit damage to vessels and dock water.
  - All disasters must be reported immediately to the city port service.
  - All documents, certificates and checklists relating to the bunkering and de-bunkering operations carried out in the city port and the bunkering vessels used must be made available to the City Port Service and/or the police upon simple request.

## Article 49

(De)bunkering of vessels via a tanker vehicle is only allowed at the assigned berth, subject to the following conditions:

- The tanker vehicle must comply with ADR regulations;
- At least 1 working day before bunkering a vessel, the captain of the vessel which will be bunkered must report the place and time of the start of bunkering, as well as the type and quantity of bunker oil to the [City Port Service]<sup>82</sup> via mail address stadshaven@antwerpen.be;
- Bunkering may only take place when the vessel which will be bunkered is correctly moored and the bunker hoses are correctly connected and leak-free;
- The bunkering must be performed under supervision;
- The captain of the vessel which will be bunkered and the driver of the tanker vehicle must ensure that a bunker checklist is completed and signed completely and truthfully. This must be available for inspection aboard the bunkered vessel during bunkering and 24 hours after completion. The checklist must be kept for a minimum of 1 year and must be delivered to the [City Port Service; and]<sup>83</sup>
- The tanker vehicle must observe traffic regulations and park or set up correctly and safely without inconveniencing other road users or passers-by.

## Article 50.

§1. The city harbour master and the police may interrupt, prohibit or order the suspension of bunkering activities at any time, and no compensation can be claimed in this regard:

- depending on weather conditions or other safety risks; or
- when the general interest so requires; or
- when public order may be compromised.

Additional conditions may always be imposed with a view to safety.

§2. All costs and/or damage that occurs as a result of bunkering activities shall be at the expense and for the account of the supplying company and the user, who are bound in solidum.

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<sup>82</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>83</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## CHAPTER 7 – INCIDENTS.

### Section 1 – Mandatory notification

#### Article 51.

§1. The captain of a vessel must, whenever danger, damage or obstruction to other vessels may occur, warn approaching vessels and take measures to keep the waterway clear.

#### Article 52.

§1. Captains are required to immediately report the following incidents that occur in the city port to the City Port Service or the police

- a) fires that break out on the vessel;
- b) damage to the vessel, whether visible or not, due to collision, grounding or other hazard;
- c) damage caused by the vessel to any part of the city port facility, equipment, vehicles, and/or to other vessels,
- d) abnormal listing of the vessel;
- e) loss or threat of loss of cargo, fuel or other goods in the vessel;
- f) an obstacle in the fairway;
- g) fouling of the vessel by a pollutant of any kind or origin;
- h) risk of sinking;
- i) damage to the hull, propeller or rudder;

This notification does not relieve the captain of the vessel concerned from the obligation to take the necessary measures on board himself to deal with the incident.

§2. After reporting damage to the hull, propeller or rudder (§1,i)), the City Port Service or the police shall assign the vessels concerned a mandatory berth in the city port in the immediate vicinity of the place where the alleged damage occurred, which the vessels may not leave until the City Port Service or the police have taken a statement from the captain on board

§3. Passage of bridge channels, mooring at or leaving a mooring place at the quays, jetties and floats, in the docks, is prohibited after the incidents stated in § 1, letters a; b; c; d; e; g; h and i, without permission of the mayor.

This prohibition may be lifted by the mayor, without prejudice to the mayor's right to request a declaration delivered by a shipping expert approved by the [commercial court]<sup>84</sup>. This declaration must show that the vessel in question can enter and leave the city port and/or sea port or enter or leave a berth without further danger or additional pollution.

The cost of this declaration shall be borne by the vessel, owner or captain, who shall be jointly and severally liable. Permission to sail after inspection may be withheld until the costs are paid or security for payment is provided.

§4. The captain shall fully cooperate with the City Port Service in the investigation of the possible cause and circumstances, on board and in the immediate vicinity of the vessel, of the incidents mentioned in §1.

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<sup>84</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## Section 2 - Pollution of quays - land - buildings - water

### Article 53.

Any captain [or concessionaire]<sup>85</sup> who due to any activity fouls quays, land, buildings or water is required to report this immediately to the City Port Service. They must also take the necessary measures to contain and clean up the fouling according to the instructions of the City Port Service.

### Article 54.

The use of detergents or dispersants not approved by the mayor is prohibited in the city port.

### Article 55.

By order of the mayor or the police, work on the vessel [or on the front quays]<sup>86</sup> may be stopped.

### Article 56.

In the case of ex officio removal of the soiling by order of the mayor, the risk and cost shall be borne by the perpetrator.

## Section 3 - Other port users

### Article 57.

Any city port user who witnesses or causes an incident that results in or is likely to result in inconvenience, damage or danger must immediately report it to the City Port Service [and cooperate fully with the Service in investigating the possible cause(s) and circumstances of the incident]<sup>87</sup>.

## CHAPTER 8 - RULES OF CONDUCT FOR EVERY PORT USER

### Section 1 - General

#### Article 58.

Port users must always comply with the conditions imposed by the mayor.

### Section 2 - Prohibited areas

#### Article 59.

The work area of the Kattendijk Lock, [bridges]<sup>88</sup>, dry docks and other closed-off areas, including their appurtenances, are only accessible to authorised persons or with the permission of the competent manager.

#### Article 60.

Captains must ensure that no unauthorised persons can board their vessels.

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<sup>85</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>86</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>87</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>88</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## Section 3 - Open fire and fire work

### Article 61.

The use of open fire and flame, grinding, soldering, burning, welding or any other work that involves heat or generates sparks, is prohibited in the vessel or on the water unless by written permission of the mayor.

### Article 62.

§1. On the water, or from a vessel, it is prohibited to leave lanterns on, fire firearms, set off fireworks, set off firecrackers or make a fire without permission from the mayor.

Moreover, during the period from 1 November to 31 January, visibly possessing, showing, displaying and any preparatory act for igniting or setting off fireworks of any kind is prohibited. The mayor may give permission to derogate from this.

It is also prohibited to have exploding fireworks or more than the legally permitted amount of festive fireworks and flares<sup>89</sup>, on one's person or in a vessel without authorisation from the mayor.

Minors under 16 must never be in possession of fireworks except as permitted by law.

§2. Where appropriate, firearms, fireworks or firecrackers shall be administratively confiscated and destroyed.

§3. It is prohibited, through carelessness or lack of precaution, to inadvertently cause damage by using or handling (loading, moving, stowing, storing , cleaning, etc.) weapons.

## Section 4 – Animals

### Article 63.

Without prejudice to the provisions of in the code of municipal police regulations on this subject, it is prohibited to allow animals that are a nuisance or dangerous to roam freely on board vessels.

## Section 5 – Intoxication

### Article 64.

The mayor or the police may impose any measures they deem necessary on vessels whose captain appears to be in a state of intoxication or in a similar state caused by the use of narcotics, stimulants or mind-altering substances.

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<sup>89</sup> As provided for in the Law of 28 May 1956 on explosive and deflagrating substances and mixtures and rigs loaded with them, and its implementing decrees.

## Section 6 - Sunken and/or obstructing vessels or objects

### Article 65.

§1. The person responsible for a sunken vessel, the user, the owner of an object that is obstructing navigation is obliged to report it immediately to the City Port Service. A declaration of the circumstances and an accurate location of the vessel or object must be given in this regard.

§2. The persons concerned shall, both by day and by night, lay beacons around and guard the sunken vessel or object obstructing navigation, in the manner stipulated by the mayor.

§3. If the obligation imposed in §2. is not complied with, the mayor, police and services authorised to do so may ex officio take the necessary measures to place emergency wreck buoys and have the sunken or obstructing object guarded at the expense, and risk of the individuals in default.

§4. The persons involved in §1. must ensure that the sunken vessel or the object obstructing navigation is collected within the time stipulated by the mayor and according to the method specified by the mayor or other instructions issued by the latter and, if necessary, removed from the port.

## Section 7 – Damage

### Article 66.

Any damage caused to the city port infrastructure, infrastructure of the dry docks, installations or appurtenances may be repaired ex officio immediately at the risk and expense of the person responsible.

### Article 67.

The owner of a vessel is responsible for the damage caused to the city port infrastructure, infrastructure of the dry docks, port facilities or appurtenances. The costs of these damages will be calculated by the city.

## Section 8 – Emergency services

### Article 68.

A ten-metre strip from the water's edge must always be left clear on and along the quay to ensure smooth passage for [supply to]<sup>90</sup> vessels and for emergency services.

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<sup>90</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## Section 9 - Digital information

### Article 69.

Digital information recorded by the installations, such as radar, VHF radio installations and/or surveillance cameras managed by the City Port Service, in the context of its competence, can be transmitted to an interested party, if the request is made according to the instructions of the mayor.

## CHAPTER 9 – DRY DOCKS

[...] <sup>91</sup>

### Article 69bis

§1. Navigating from the city port area to and from the dry docks is subject to authorisation by the mayor. The mayor may impose admission conditions, and monitor these.

§2. The designation of moorings in the wet docks shall be according to Article 17 (designation of moorings) of these regulations.

### Article 69ter.

§1. The dock user is solely responsible for any risk associated with staying in the dry dock and/or taking a berth in a wet dock. Any damage resulting from the use shall be borne by the latter.

§2. The city of Antwerp is not responsible for any damage caused by, during or as a result of the use of the dry docks to a user, their appointees or to the vessel by any fault, - even a serious fault- , of the city of Antwerp and/or by any fault, even a serious or deliberate fault of appointees or executive agents of the city of Antwerp, and among other things not for:

- breaking mooring ropes or cables while entering or leaving a vessel and any consequences thereof;
- damage to hull, rudder or propeller by any object;
- delay in refloating a vessel, whatever the cause;
- accidents or explosions caused by the vessel;
- failure to make a dry dock available in good time, whatever the cause.

[...] <sup>92</sup>

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<sup>91</sup> Deleted by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>92</sup> Deleted by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## TITLE 3 - PUBLIC CLEANLINESS AND HEALTH

### CHAPTER 1 – COLLECTING WASTE

Article 70.

§1. The following is applicable to discharges of ship waste from inland navigation:

- Law of 19 June 2008, consenting to the Convention on the collection, deposit and reception of waste generated during navigation on the Rhine and other inland waterways, signed in Strasbourg on 9 September 1996<sup>93</sup>;
- Decree of 23 December 2011 on the sustainable management of material cycles and waste (Materials Decree)<sup>94</sup>
- Vlarema<sup>95</sup>;
- The Flemish waste management plan for inland navigation.

§2. Waste from vessels which is not subject to higher regulations, is subject to the provisions of the code of municipal police regulations.

Article 71.

Without prejudice to the relevant Flemish regulations, the collection of ship waste from inland vessels in the city port is only permitted [by recognised waste collectors approved by the Antwerp Port Authority]<sup>96</sup> subject to written authorisation from the mayor. This authorisation may be revoked at any time.

### CHAPTER 2 – DRINKING WATER

Article 72.

Drinking water shall be distributed by a service provider appointed by the City of Antwerp or through fixed water points of the City of Antwerp.

### CHAPTER 3 – OVERFLOW OR DISCHARGE

Article 73.

Without prejudice to the applicable higher regulations, it is prohibited to throw, drop, pump or cause to flow any solid or liquid objects and/or substances, other than sewage whose discharge is permitted by an environmental permit, whether or not mixed together or diluted with water (for example: detergents, faecal matter, oils), overboard or from the shore into the water or onto the quay, without authorisation from the City Port Service.

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<sup>93</sup> B.O.G., 22 October 2009.

<sup>94</sup> B.O.G., 28 February 2012.

<sup>95</sup> Decree of the Flemish government of 17 February 2012 establishing the Flemish regulation on the sustainable management of material cycles and waste materials (B.O.G., 23 May 2012)

<sup>96</sup> Introduced by Municipal Council 23 November 2020, date of entry into force 29 November 2020

The owner or operator of the vessel is obliged to take the necessary infrastructure measures (collection, IBA purification system, sewerage connection) to dispose of waste in a correct and environmentally friendly manner, taking into account, among other things, the water quality of the city port.

Article 74.

There is a general prohibition on degassing and fumigation in the city port.

#### **CHAPTER 4 – SNOWFALL OR ICE FORMATION**

Article 75.

§1. After snowfall or ice formation, concessionaires and/or owners of sites shall, at their expense, immediately and competently make every effort to make access available again to the quays and/or lands granted in concession.

Among other things, they are obliged to clear snow and take all measures in the event of black ice to ensure traffic safety without damaging the concession area and harming public health.

§2. [Captains of moored vessels are]<sup>97</sup> required to keep the mooring facility, the berth and the connection between shore and ship free of snow and ice.

#### **CHAPTER 5 – MAINTENANCE AND REPAIR WORKS.**

Article 76.

Prior written permission from the mayor is required for the following maintenance and repair works:

to vessels and floating structures under or above water and their appurtenances (e.g., gangway);

- to underwater port infrastructure (for example: quay walls);
- to port infrastructure above water, which could create a fire hazard; blasting and painting work;
- diving operations.

The operational implementation of these works requires compliance with the city port instructions.

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<sup>97</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

## CHAPTER 6 – MAINTENANCE OF ADJACENT STRIPS/ROADS

### Article 77.

Concessionaires and/or owners of sites are obliged to keep the strips between the quays and/or land in the concession or property and the adjacent roads clean and regularly remove weeds there, in accordance with the Flemish regulations on the use of pesticides.

## TITLE 4 - MARINA CONCESSIONS

### Article 78.

§1. Insofar as marina concessions have been or will be granted within the city port, the concessionaire is responsible for compliance with their concession agreement, supervision of the marina regulations/internal regulations issued by them and approved by the Municipal Council and other duties assigned to them.

§2. Without prejudice to the provisions of Title 1, Chapter 3, marina users are obliged to comply with the marina regulations/internal regulations.

§3. The provisions of Title 4 shall in no way affect the powers of the police, the mayor, the [City Port Service ]<sup>98</sup> and the oversight committee for city marinas.

§4. The mayor may assign berths ex officio in the Marina concession areas to pleasure craft.

§5. The marina concession areas are accessible only to pleasure boats:

§6. The mayor may always impose additional and different conditions without prejudice to the provisions of the marina regulations/internal regulations in the context of public order.

## TITLE 5 - IMPLEMENTATION, MONITORING AND ENFORCEMENT.

### Article 79.

§1. The implementation, monitoring and enforcement of these regulations, except as otherwise provided in higher regulations, shall be by order and as instructed by the mayor.

§2. All oral or written [...] <sup>99</sup> authorisations granted in application of these regulations shall be issued by order of the mayor by the City Port Service. They may be subject to additional conditions.

[Requesting and granting authorisations to operate commercial city cruises or for commercial berths is governed by Title 2, Chapter 10 of these regulations]. <sup>100</sup>

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<sup>98</sup> Amended by Municipal Council 23 November 2020, date of entry into force 29 November 2020

<sup>99</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>100</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

Inspections may be carried out on behalf of the city at any time to check whether the permit is being effectively operated in accordance with the content and form for which it was issued by the mayor, whether the applicable regulations are being complied with and/or whether the operator continues to meet the conditions for admission and use as stipulated in these regulations or concession agreement with the city of Antwerp.

Anyone violating or failing to comply with one or more of the specified conditions shall be considered to be acting without authorisation].<sup>101</sup>

§4. City port instructions may be issued in implementation of these regulations. They are published on the City of Antwerp website.

§5. The mayor, through the city harbour master, may issue regulations for special (temporary) situations that will be issued as nautical notices to interested parties.

#### Article 80.

§1. The holder of a written ~~permit or~~ authorisation is required to submit it to the City Port Service and the police upon simple request.

§2. Within the powers of the police and within the legal regulation on searches, the police and the City Port Service are authorised to board vessels and enter all places, buildings, warehouses and vehicles located in the City Port.

#### Article 81.

§1. The police shall exercise the powers provided by the law<sup>102</sup>

§2. The mayor may prohibit vessels or other means of transport, the destination or use of which endangers or is likely to endanger public order, tranquillity or the safety of the city port, or the presence of which otherwise interferes or is likely to interfere with the proper, smooth or normal operation of the city port or certain portions thereof, from remaining in the city port or certain portions thereof, or from entering or leaving the city port or certain parts thereof respectively; they may also impose special restrictions or conditions in this regard

§3. The mayor may assign, suspend, revoke or refuse berths ex officio. Conditions may be attached to the assignment of a berth. The mayor can always suspend, revoke and order the authorisation to leave an assigned or occupied berth, among other things when public order is at risk.

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<sup>101</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>102</sup> Inter alia: Law of 3 May 1999 regulating the division of powers following the integration of maritime, aviation and railway police into the federal police (B.O.G., 29 May 1999); Law of 5 August 1992 on the police service (B.O.G., 22 December 1992).

§4. All orders and measures imposed by the mayor, police and City Port Service, even verbal instructions, must be diligently carried out and complied with. If these instructions and measures are not carried out, the mayor may have them carried out ex officio at the expense and risk of the defaulting party.

§5. Failure to comply with these regulations, with the instructions and measures of the mayor, [and with the conditions for obtaining or maintaining an authorisation, as well as the conditions of the authorisation itself]<sup>103</sup>, shall be punished by the administrative sanctions provided for in Article 712 et seq. of in the Code of Municipal Police Regulations, unless the higher regulations provide for penal provisions.

#### Article 82.

The city uses cameras, VHF radio, radar and other detection systems in the exercise of its administrative and other powers. It receives, records, processes and manages this data. By entering the city port, the city port user accepts that the city port may use this information for this purpose.

## TITLE 6 - AUTHORISATIONS FOR COMMERCIAL ACTIVITIES AND COMMERCIAL BERTHS IN THE CITY PORT<sup>104</sup>

### Section 1 - objectives

#### Article 83

The operation of certain commercial activities in the city port area is subject to written prior authorisation from the mayor.

The aim of these regulations is, through a system of authorisations:

- 1) To allow operators of commercial activities controlled use of the limited water area;
- 2) To monitor the level of quality and safety of the vessels and infrastructure used, in the interests of public order;
- 3) To respond to new and innovative developments.

#### Article 84

In light of these objectives, the number of operators organising city cruises in the City Port has specifically been limited to a maximum of five.

Each operator can operate up to four city cruise boats simultaneously in the City Port.

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<sup>103</sup> Amended by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

<sup>104</sup> Introduced by Municipal Council 26 April 2021, date of entry into force 2 May 2021.

In light of ensuring public order and safety, the mayor may decide to cap the number of permits or vessels to be granted, even below the maximum stipulated by these regulations.

## SECTION 2 - PROCEDURE

### SUBSECTION 2.1 - ELIGIBILITY AND ADMISSIBILITY OF A REQUEST

#### Article 85

The prospective operator must meet the following eligibility requirements:

- 1) The prospective operator is a (legal) person registered with the CBE or with an equivalent register in an EU Member State or third country;
- 2) The prospective operator must provide proof of insurance for civil and other liability to the city, users and third parties in connection with the proposed operation, both for itself and for each skipper and other personnel it relies upon;
- 3) The prospective operator must demonstrate compliance with its obligations regarding social, accounting and administrative regulations;
- 4) The prospective operator shall demonstrate that it has fulfilled its obligations relating to the payment of taxes, social security contributions and all other public service obligations.
- 5) The prospective operator has no criminal convictions and has not been involved in previously established violations of legal obligations related to an operation that make it unfit to carry out the proposed operation. This decision is at the mayor's discretion;
- 6) The prospective operator must demonstrate that its vessel(s) complies with the legal and regulatory requirements for navigation and insurance, fire safety conditions and the generally applicable requirements for freshness, cleanliness and hygiene as well as hygiene conditions as further defined in the code of police regulations of the city of Antwerp.

#### Article 86

The request for admission, as well as the request for renewal or modification of a previously granted admission, is admissible only if the following conditions are met:

§1. The operator must submit a digital request using the dedicated request form at [www.ondernemeninantwerpen.be](http://www.ondernemeninantwerpen.be), adding the following documents:

- For all requests
  - 1) the Articles of Association for the legal person, or the entry in the register of natural persons or the CBE, or in an equivalent register in an EU Member State or in a third country;
  - 2) proof of affiliation/declaration to Social Security of all persons involved in the operation if required by law;
  - 3) extract from the criminal record according to article 596, second paragraph of the Code of Criminal Procedure of the natural person, or the manager(s), director(s) and/or partners of the legal entity;

- 4) a copy of the current UBO register;
- 5) an attestation from the FPS Finance showing whether or not any amounts are or could be owed in respect of taxes and duties, fines and interest by (i) the operator, and in case the operator is a legal person, from (ii) its organs and/or representatives. This certificate must not be older than one month on the day of the request;
- 6) proof that the prospective operator can lawfully use the vessel(s) for the operation (such as a copy of the purchase deed for the vessel or a copy of the lease agreement);
- 7) A plan of action demonstrating how the prospective operator will structure the proposed operation financially and commercially. The plan of action must include at least the following elements:
  - a detailed business plan of the commercial activity to be carried out;
  - a financial plan, including the planned investments and sources of financing as well as the pricing for the commercial activities;
  - the expected impact of these activities on the public domain and public waters and the measures envisioned in this context.

- For commercial city cruises

To request admission for commercial city cruises, the plan of action must also explain:

- the rollout of the fleet within the first year of operation, with consideration for sustainable developments, in order to aim for an electric-powered fleet;
- measures related to the navigation rules to be observed by the skippers of cruise boats;
- measures relating to internal rules of procedure for the participants in the city cruises to prevent disturbance of public order and/or public nuisance

§2 Within 30 working days, the city will check the request for completeness and the prospective operator will receive a confirmation of completeness.

In the event of an incomplete request file, the applicant will be asked to supplement the missing documents within a period of 30 calendar days.

At the same time, the city may propose additions and adjustments to the candidacy. Where appropriate, the prospective operator will be asked to submit an amended request within 30 calendar days of receipt of the request to supplement or update.

Within 30 calendar days of receipt of the supplementary documents, the city shall check the request for completeness and the applicant will receive a confirmation of completeness.

If the request file is not supplemented within the stipulated period, the request will be refused.

§3 When the Police Regulations on Operating Permits apply to the proposed operation, the operating permit must be granted before the mayor makes a decision.

## SUBSECTION 2.2 - PROCESSING THE REQUEST FOR AUTHORISATION FOR A COMMERCIAL ACTIVITY

### Article 87- Deadlines and order of processing the request

§1 The mayor shall make a decision on the request within a period of three months. This period commences from the issuance of the confirmation of completeness. When justified by the complexity of the case or when the Police Regulations on Operating Permits apply, this period may be extended once for no more than the same length of time.

§2 Applications received shall be processed in chronological order.

This may be derogated from exceptionally and with justification as regards authorisation to operate commercial city cruises. These exceptions must always be justified on sustainability grounds.

§3 Where requests are submitted when the set number of authorisations has been reached or when the city decides not to issue new authorisations for reasons of public interest, the requests will be put on a waiting list in chronological order of receipt. To be put on the waiting list, the prospective operator must meet the eligibility requirements.

A place on the waiting list is guaranteed for one year. Each prospective operator can submit an admission and be put on the waiting list only once per calendar year.

To maintain its place on the waiting list, it must confirm its registration each year on its own initiative before the expiration date of its registration on the waiting list. The prospective operator who has not confirmed its registration in time will be removed from the waiting list.

At the time a prospective operator on the waiting list becomes eligible for admission, its file will be reviewed against the eligibility requirements in accordance with these regulations.

## SUBSECTION 2.3 - DECISION TO GRANT OR DENY A REQUEST FOR ADMISSION

### Article 88 - Refusal of admission

The mayor may refuse admission if, among other things:

- there is failure to comply with the legal or regulatory provisions and/or the provisions prescribed in these regulations;
- an operating permit is not applied for or is refused;
- there are outstanding debts with the city
- an inspection by the competent service is prevented;
- the request contains incorrect information or;
- public order is at risk, including any disruption caused.

## Article 89 - Granting of admission

§1 Admission is granted for a maximum period of 5 years, renewable each time.

To renew it, the operator must submit a complete request file in accordance with these regulations on its own initiative and no later than three months before the expiration date of its authorisation.

The request for renewal will be processed by the mayor in accordance with these regulations.

If there is no request for renewal in good time, the current admission will terminate by operation of law upon expiration of the current term.

§2. The mayor may decide to attach certain conditions to admission.

§3 Admission is personal and non-transferable.

## Section 3 - The operation

### Article 90- Operation of licensed commercial activities.

§1. The operator must at all times comply with the aforementioned operating conditions.

By obtaining admission, the plan of action and its own internal regulations are deemed an integral part of the operating conditions stipulated in the admission.

§2 The operator is obliged to immediately report any change to the admission conditions and to data specified in the request to the mayor via digital notification form at [www.ondernemeninantwerpen.be](http://www.ondernemeninantwerpen.be). If there is a change in the organs and/or representatives of the operator (including the business manager), a new extract from the criminal register according to Article 596, second paragraph of the Code of Criminal Procedure (formerly: model 2) must be submitted.

§3 Control of compliance with operating conditions and enforcement of eventual violations shall be in accordance with Article 79.

### Article 91 – Liability and indemnification

The operator bears full responsibility for the operation of its commercial activity.

The operator shall indemnify the City of Antwerp in full against any potential claim by a user or any third party relating to the operation of the operator's city cruises.

## Section 4 - cessation of commercial activity and lapse by operation of law

### Article 92 – Cessation

§1. If the operator ceases its activities, it shall immediately notify the city and, within eight calendar days, shall return the admission.

The admission shall be deemed to have expired as soon as the city becomes aware of the cessation of activities.

In the event of bankruptcy, the administrator is obliged to do this.

§2. After the cessation of its activities, the operator shall immediately remove its vessels from the city port area.

## Article 93 - Lapse by operation of law

§1 The admission shall lapse by operation of law:

- at the time when the operation of commercial city cruises or of commercial activity at the assigned berth for a period of more than three months is actually interrupted;
- in the event of opening of bankruptcy, liquidation, composition or any other form of collective debt settlement;
- in the event of a court closure order;
- in the event of a court-imposed professional ban on the operator or any of its organs;
- in the event of dissolution of the legal entity;
- in the event of scrapping or cessation of the operator or of the establishment concerned according to the data from the Crossroads Bank for Enterprises.

§2. After the lapse by operation of law, the operator shall immediately remove its vessels from the city port area.

## Section 5 - Transitional provisions

### Article 94 – Transitional provision

Operators who are already operational on the waterfront of the city port area of the city of Antwerp and have obtained an admission based on a previous version of the regulations must comply with the amended provisions of the current regulations within a period of six months.

If this is not the case, Article 86 §2 in fine shall apply.

## TITLE 7 - ANNEXES

### 1. History of police regulations for the City Port

Date	Year	Organ	Description	Date of entry into force
26/10/2015	598	Municipal council	Introduction	1 January 2016
25/06/2018	494	Municipal council	Introduction	2 July 2018
23/11/2020	656	Municipal council	Amendment	29 November 2020
26/04/2021	214	Municipal council	Amendment	2 May 2021