



The Netherlands

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(NOTE: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of the **Government of the Netherlands**
by
the Minister of Infrastructure and Environment

With respect to the provisions of the Maritime Labour Convention, 2006 ("MLC, 2006" or also referred to below as "the Convention"), the following referenced ship:

Name of Ship	IMO Number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the MLC, 2006 are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions where they differ from the MLC, 2006 are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below;
- (e) any ship-type specific requirements under national legislation are referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)

The Working Hours Act, art. 1:2, 2:8, 3:1 and 3.2 (1 and 2), further specified in the Further Regulation Child Labour, Art. 1: 1 (2 h), decrees that no person younger than 16 years may work as a seafarer, in accordance with the MLC, 2006.

The Working Hours Decree Transport, art. 6.1.2 and 6.5.3, decrees that no person younger than 18 years shall work during night-time, in accordance with the MLC, 2006.

"Night" has been specified as the period between 00.00 and 05.00 hours.

The Working Hours Decree Transport, art. 6.5.3 (3b), decrees that a person younger than 18 years may work during night-time in an effective training programme, in accordance with the MLC, 2006.

The Occupational Safety and Health Decree, art. 1.1 (5), 1.36, 1.37 and 6.27 prohibits persons under 18 from dangerous work, in accordance with the MLC, 2006.

2. Medical certification (Regulation 1.2)

The Seafarers Act, art. 19 (1a 3), 40, 40a, 41, 45, 46 and 47, and the Decree Seafarers Merchant Shipping and Sailing Ships, art. 104, 105, 107 and 113, require that all seafarers shall be medically certified and carry a medical certificate in accordance with their function, in accordance with the MLC, 2006.

3. Qualification of seafarers (Regulation 1.3)

The Seafarers Act, art. 18, 19, 25 and 25b, specifies the qualification requirements in accordance with STCW 95, as amended, and with the MLC, 2006.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 119, requires a qualified medical doctor in accordance with the MLC, 2006.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 120 and 120a, requires a ship's cook or a person trained or instructed in areas including food, personal hygiene and handling and storage of food in accordance with the MLC, 2006.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 116 (3 and 4), requires all seafarers to be trained in accordance with the STCW 95, as amended, Section A-VI/1, Familiarization training.

4. Seafarers' employment agreements (Regulation 2.1)

The Civil Code Book 7, art. 675, 677, 694-695, 697-699, 717-720, 722-725, 734, 734a-734l, 735 and 738 and the Seafarers Act, art. 38 and 69c (1 and 2) en 69d, set the requirements of the seafarer's employment agreement in accordance with the MLC, 2006.

In case that, in accordance with the Maritime Labour Convention, 2006, Article VI (3), regarding substantially equivalent provisions, the substantial equivalency under Dutch Law for employers other than the shipowner is applied, the following Acts and Articles apply:

The Civil Code, Book 7, articles 690, 693, 694, 735 and 738

The Code of Civil Procedure, art. 6(b).

In case that this substantial equivalence is applied to temporary agency work, the following Acts and articles are applicable, on top of the abovementioned requirements for employers other than the shipowner:

Act on Allocation of Workers by Intermediaries, article 1 (1c and 3), and articles 1a, 9, and 10-12.

The Decree Claims of Seafarers, Recruitment and Placement and Temporary Agency Work of Seafarers, art. 9-11.

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

The Act on Allocation of Workers by Intermediaries (Wet allocatie arbeidskrachten door intermediairs - Waadi), art. 1 Paragraphs 1 (1 and 2), 1a, 3 and 4 and the Decree Claims of Seafarers, Recruitment and Placement and Temporary Agency Work of Seafarers, art. 9-11, regulate the operation of private recruitment and placement services, active in the Netherlands in accordance with the MLC, 2006.

6. Hours of work or rest (Regulation 2.3)

The Working hours Act, article 1:1, paragraphs 1 and 2, and the Working Hours Decree Transport, art. 6.4:1-6.4:2 and 6.5:2-6.5:7, regulate the hours of rest on board in accordance with the MLC, 2006.

The MLC, 2006, requires Member states to regulate either hours of work or hours of rest. In the Netherlands hours of rest have been stipulated.

7. Manning levels for the ship (Regulation 2.7)

The Seafarers Act, art. 4 and 5, sets the requirements for manning, taking into account concerns about fatigue, and requires a Minimum Safe Manning Document, in accordance with SOLAS and the MLC, 2006.

8. Accommodation (Regulation 3.1)

The Seafarers Act, art. 48, and the Regulation Seafarers, § 3, art. 3.1-3.11 and 3.15-3.17, 3.19-3.20, regulate the accommodation requirements for ships of which the keel is laid on or after August 20th 2013.

9. On-board recreational facilities (Regulation 3.1)

The Seafarers Act, art 48, and the Regulation Seafarers, § 3, art. 3.13-3.14 and 3.21, regulate the requirements for on-board recreational facilities on ships of which the keel is laid on or after August 20th 2013.

10. Food and catering (Regulation 3.2)

The Seafarers Act, art. 48a (1, 3 and 4), and the Regulation Seafarers § 3, art. 3.18 and §4, art. 4.1- 4.4, regulate the quantity and quality of food, drinking water and catering standards for meals in accordance with the MLC, 2006.

The Regulation Seafarers, §4, art. 4.6 requires a monthly inspection of the stores for food and drinking water.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 92, 120 and 120a, requires a ship's cook or a person certified or instructed in the fields of food, personal hygiene and treatment and storage of provisions in accordance with the MLC, 2006.

11. Health and safety and accident prevention (Regulation 4.3)

The Occupational Safety and Health Act, art. 1 (1, 2 and 3i), 2 (c), 3, 5, 6, 8, 9, 11, 12, 13, 14, 15, 15(a) and 16,

The Occupational Safety and Health Decree, art. 1.1 (4a), 1.36, 1.37, 1.38, 2.1, 3.2, 3.5 (g and h), 3.8, 3.16, 3.20, 4.1b-4.10d, 4.11-4.23, 4.37-4.54d, 4.84-4.105, 5.2, 5.3, 5.4, 5.5, 5.6, 6.1, 6.3, 6.7, 6.8, 6.11, 6.11b-e,, 6.27 (3 and 4), 7.3, 7.4a, 7.5, 7.6, 7.7, 7.9, 7.17a-b, 7.24-7.29, 8.1-8.3, 9.3, and

The Occupational Safety and Health Regulation, art. 1.11 regulate health, safety and accident prevention on board, in accordance with the MLC, 2006.

12. On-board medical care (Regulation 4.1)

The Regulation Safety Seagoing Vessels, art. 25 and 49 and Annex 5, regulate the medical supplies in accordance with the MLC, 2006.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 91, 118 and 119 and 121, sets the requirements for carrying a medical doctor and the training and certification in medical first aid and medical care in accordance with the STCW Convention and Code, as amended.

The Regulation Seafarers, § 3, art. 3.12 and 3.20, regulate the requirements for hospital accommodation on ships of which the keel is laid on or after August 20th 2013.

13. On-board complaint procedures (Regulation 5.1.5)

The Seafarers Act, art. 69a, and the Regulation Seafarers, art. 7.1-7.2 require an onboard complaint procedure in accordance with the MLC, 2006.

14. Payment of wages (Regulation 2.2)

The Civil Code, Book 7, art. 616, 625, 626, 628, 631, and 706-709 and 715, the Act on Allocation of Workers by Intermediaries (Waadi), Art. 8 and the applicable Collective Bargaining Agreement regulate the payment of wages to seafarers in accordance with the MLC, 2006.

Name: _____

Title: _____

Signature: _____

Place: Rotterdam, the Netherlands

Date: _____

(Seal or stamp of the authority, as appropriate)

Substantial Equivalencies
[TO BE INDICATED AS APPLICABLE]

The following substantial equivalencies, as provided for under Article VI, paragraphs 3 and 4, of the Convention are noted:

1. In derogation of Standard A2.1, paragraph 1 (a), of the Convention, The Netherlands allows seafarers' employment agreements to be signed not only by the shipowner or a representative of the shipowner, but also by an employer, including a temporary employment agency, other than the shipowner or his representative. This has been arranged in the following provisions to obtain substantial equivalency:

Civil Code, Book 7, articles 690, 693, 694, 735, and 738;

Civil Code, Book 8, articles 211 and 216;

Act on Allocation of Workers by Intermediaries, article 1(1c and 3) and articles 1a, 8, 9 and 10-12;

Code of Civil Procedure, article 6, paragraph b;

Decree Claims of Seafarers, Recruitment and Placement of Seafarers, articles 9-11.

The seafarer concerned enjoys the full protection in accordance with the MLC, 2006.

2. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows minimum floor areas on board commercial cruising vessels as presented in the Regulation Seafarers, art. 3.4.
3. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on ships of less than 500 GT as presented in the Regulation Seafarers, art. 3.5.
4. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on passenger ships and special purpose ships as presented in the Regulation Seafarers, art. 3.6.

Name: _____

Title: _____

Signature: _____

Rotterdam. the Netherlands

Date: _____

(Seal or stamp of the authority, as appropriate)

Exemptions

[TO BE INDICATED AS APPLICABLE]

The following exemptions, granted by the competent authority as provided in Title 3 of the Convention, are noted:

1. In accordance with Standard A 3.1, paragraph 6(a) of the Convention, as implemented in the Regulation Seafarers, Article 3.2, paragraph 1, a reduced height of the accommodation has been granted. The height in the accommodation shall be at least [1930] mm.
2. In accordance with Standard A 3.1, paragraphs 20 and 7(b) of the Convention, as implemented in the Regulation Seafarers, Article 3.2, paragraph 3, an exemption has been granted to equip the vessel with air conditioning for the seafarer accommodation, the radio room and the centralized machinery control room.
3. In accordance with Standard A 3.1, paragraph 6(c) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 1, an exemption has been granted with respect to the location of sleeping rooms forward of amidships, aft of the collision bulkhead.
4. In accordance with Standard A 3.1, paragraph 8 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 2, an exemption has been granted with respect to the availability of natural light in sleeping rooms if the requirements of the Regulation Seafarers, art. 3.7 (2) have been met.
5. In accordance with Standard A 3.1, paragraph 9(a) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 3, an exemption has been granted with respect to the availability of an individual sleeping room for each seafarer.
6. In accordance with Standard A 3.1, paragraph 9(g) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 4, an exemption has been granted with respect to the floor area of individual sleeping rooms to [3,75] m².
7. In accordance with Standard A 3.1, paragraph 9(m) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 5, an exemption has been granted with respect to the availability of an adjoining sitting room for the master, the chief engineer and the chief navigating officer.
8. In accordance with Standard A 3.1, paragraphs 20 and 9(f) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 6, an exemption has been granted with respect to the minimum floor area of individual sleeping rooms to [3] m².
9. In accordance with Standard A 3.1, paragraphs 20 and 9(h) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 6, an exemption has been granted with respect to the minimum floor area of sleeping rooms for more than one seafarer to [2] m² per seafarer.
10. In accordance with Standard A 3.1, paragraphs 20 and 9(k and l) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 6, an exemption has been granted with respect to the minimum floor area of individual sleeping rooms for an officer to [4] m².
11. In derogation of Guideline B 3.1.5, paragraph 2 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 7(a), an exemption has been granted with respect to the availability of private sanitary facilities to sleeping rooms.
12. In derogation of Guideline B 3.1.5, paragraph 3 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 7(b), an exemption has been granted with respect to the separation of sleeping rooms between the watches and with respect to seafarers working during the day not sharing a room with watchkeepers.

13. In accordance with Standard A 3.1, paragraph 8 of the Convention, as implemented in the Regulation Seafarers, Article 3.9, paragraph 1, an exemption has been granted with respect to the availability of natural light in mess rooms on passenger ships if the requirements of the Regulation Seafarers, art. 3.9 (1) have been met.
14. In derogation of Guideline B 3.1.6, paragraph 1 of the Convention, as implemented in the Regulation Seafarers, Article 3.9, paragraph 2, an exemption has been granted with respect to the presence of separate mess rooms if the requirements of the Regulation Seafarers, art. 3.8 (3,4 and 5) have been met.
15. In accordance with Standard A 3.1, paragraphs 10 (a) of the Convention, as implemented in the Regulation Seafarers, Article 3.9, paragraph 3, an exemption has been granted with respect to the location of mess rooms apart from sleeping rooms.
16. In accordance with Standard A 3.1, paragraphs 20 and 13 of the Convention, as implemented in the Regulation Seafarers, Article 3.16, paragraph 2, an exemption has been granted with respect to the availability of laundry facilities if seafarers have sufficient access to laundry facilities onshore.
17. In accordance with Standard A 3.1, paragraphs 11 (b) of the Convention, as implemented in the Regulation Seafarers, Article 3.11, paragraph 1, an exemption has been granted with respect to the accessibility of sanitary facilities from the navigating bridge, the engine room or the engine room control centre.
18. In accordance with Standard A 3.1, paragraph 15 of the Convention, as implemented in the Regulation Seafarers, Article 3.16, paragraph 1, an exemption has been granted with respect to the availability of separate offices or a common ship's office for use by deck and engine room departments.
19. In derogation of Guideline B 3.1.11, paragraph 4 (e) of the Convention, as implemented in the Regulation Seafarers, Article 3.14, an exemption has been granted with respect to the presence of a swimming pool.
20. In accordance with Standard A 3.1, paragraph 19 of the Convention, as implemented in the Regulation Seafarers, Article 3.17, the following variations have been granted.

Name: _____

Title: _____

Signature: _____

Place: Rotterdam, the Netherlands

Date: _____

(Seal or stamp of the authority, as appropriate)