



**The Netherlands**

## **Maritime Labour Convention, 2006**

Declaration of Maritime Labour Compliance – Part I for  
ships of which the keel was laid or similar stage of construction was completed, before 20<sup>th</sup> August  
2013

*(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 Water Management**

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

<b>Name of Ship</b>	<b>IMO Number</b>	<b>Gross tonnage</b>
<b>Scheepsnaam</b>	<b>IMO nummer</b>	<b>STON_BRUTO_TONNAGE_69</b>

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, as amended 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, as amended 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 Decree crew seagoing vessels art. 2.4.4, states that a ships' cook is at least 18 years old.

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, as amended.

A young seafarer has a rest period of at least 12 hours in each 24 hour period, of which at least 9 hours are uninterrupted and in which the period between 00:00 and 05:00 hours has been included.

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 program, in accordance with the MLC 2006, as amended.

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, as amended.

**2. Medical certification (Regulation 1.2)**

The Seagoing vessels crew Act, art. 23 (4), 31 and 34, and the Decree crew seagoing vessels, art. 3.6.1, 3.6.2, 3.6.4, and 3.6.9, require that all seafarers shall be medically certified and carry a medical certificate in accordance with their function, in accordance with the MLC 2006, as amended.

**3. Qualification of seafarers (Regulation 1.3)**

The Seagoing vessels crew Act, art. 23 (1-3 and 5) and 25, specifies the qualification requirements in accordance with STCW 78, as amended, and with the MLC 2006, as amended.

The Decree crew seagoing vessels, art. 2.4.3, requires a qualified medical doctor in accordance with the MLC 2006, as amended.

The Decree crew seagoing vessels, art. 2.4.4, requires a ship's cook or a person trained or instructed in the fields of food, personal hygiene and handling and storage of provision in accordance with the MLC 2006, as amended.

The Decree crew seagoing vessels, art. 3.5.1, requires all seafarers to meet the appropriate standards in accordance with the STCW 78, as amended, Regulation A-VI/1, safety familiarization.

The Decree crew seagoing vessels. 3.5.6 (4), requires all seafarers to meet the appropriate standards in accordance with the STCW 1978, as amended, Regulation A-VI/6 paragraphs 1-4, security related familiarization.

**4. Seafarers' employment agreements (Regulation 2.1)**

The Civil Code Book 7, art. 693-695, 697-699, 717-720, 722-725, 734, 734a-734l, 735-738 and the Seagoing vessels crew Act, art. 7 and 22, sets the requirements of the seafarer's employment agreement in accordance with the MLC 2006, as amended.

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, art. 690, 693, 694, 735, 736, 737 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, art. 1 (1c and 3), and art. 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, 4 and 9-11 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, as amended.

#### **6. Hours of work or rest (Regulation 2.3)**

The Working hours Act, art. 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, as amended.

The MLC 2006, as amended, 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 Seagoing vessels crew Act, art. 4, 8, 9, 12 and 20 (1 and 2) , 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, as amended including Regulation 3.2 and Standard A3.2 concerning food and catering.

#### **8. Accommodation (Regulation 3.1)**

The Seagoing vessels crew Act, art. 4 (3), the Code of Commerce, Seaman's Decree art. 46-56, 58-60, 62 and 65, and the Regulation crew seagoing vessels art. 4.1.25 and 4.21, regulate the accommodation requirements for existing ships (keel laid before August 20<sup>th</sup> 2013).

For the abovementioned ship, constructed before the enforcement date of the Maritime Labour Convention (MLC) 2006, as amended, where the keel was laid or similar stage of construction was completed, before 20<sup>th</sup> August 2013, verification by the Netherlands Shipping Inspectorate showed that the construction and equipment of the accommodation complies with the applicable requirements of the Seamen's Decree (Chapter VII art. 46-67) and with the ILO Conventions 92 and 133 which were implemented into the Dutch legislation. The verification is valid unless major modifications have been made.

#### **9. On-board recreational facilities (Regulation 3.1)**

The Code of Commerce, Seaman's Decree, art. 57 and the Regulation crew seagoing vessels , paragraph 4.1 art. 4.1.21 and 4.1.22, regulate the requirements for on-board recreational facilities on existing ships (keel laid before August 20<sup>th</sup> 2013).

**10. Food and catering (Regulation 3.2)**

The Seagoing vessels crew Act, art. 4 (3), and the The Regulation crew seagoing vessels, art. 4.1.19 and paragraph 4.3 , art. 4.3.2-4.3.5, regulate the quantity and quality of food, drinking water and catering standards of food preparation in accordance with the MLC 2006, as amended.

The Regulation crew seagoing vessels, paragraph 4.3, art. 4.3.7, requires a monthly inspection of food and potable water stock.

The Decree crew seagoing vessels, art. 2.4.4, requires a ship's cook or a person certified or instructed in the fields of food, personal hygiene and handling and storage of provisions in accordance with the MLC 2006, as amended.

**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, as amended.

**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, as amended.

The Code of Commerce, Seaman's Decree, art. 61 (for existing ships), regulates medical care on board in accordance with the MLC 2006, as amended.

The Decree crew seagoing vessels, art. 3.5.5, sets the requirements for the captain and, if applicable, the seafarer who is responsible for the medical care on board of the ship and the training and certification in medical first aid and medical care in accordance with the STCW Convention, as amended.

The Regulation crew seagoing vessels, art. 2.4.3, sets the certification requirements for the qualified medical doctor.

The Regulation crew seagoing vessels, paragraph 4.1, art. 4.1.13 and art. 4.1.21, regulates the requirements for hospital accommodation in accordance with the MLC 2006, as amended.

**13. On-board complaint procedures (Regulation 5.1.5)**

Seagoing vessels crew Act , art. 6 and the Regulation crew seagoing vessels, art. 4.9.1-4.9.2 require an onboard complaint procedure in accordance with the MLC 2006, as amended.

**14. Payment of wages (Regulation 2.2)**

The Civil Code, Book 7, art. 616, 625, 626, 628, 631, 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, as amended.

**15. Financial security for repatriation (Regulation 2.5)**

The Civil Code Book 7, art. 738 a-738d sets the requirements for financial security in accordance with the MLC 2006, as amended.

**16. Financial security relating to ship owners' liability concerning compensation in the event of a seafarer's death or long term disability due to an occupational injury, illness or hazard (Regulation 4.2)**

The Civil Code Book 7, art. 738e, 738f sets the requirements for financial security in accordance with the MLC 2006, as amended.

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Name:

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Title:

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Signature:

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Place:

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Date:

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(Seal or stamp of the authority, as appropriate)

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**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) and Standard A2.1, paragraph 4(b), of the Convention, The Netherlands allows seafarers' employment agreements to contain the employers' name and address and be signed not only by the ship owner or a representative of the ship owner, but also by an employer, including a temporary employment agency, other than the ship owner or his representative. This has been arranged in the following provisions to obtain substantial equivalency:



- Civil Code, Book 7, art. 690, 693, 694, 735, 736, 737 and 738;
- The Code of Civil Procedure art. 6(b);
- Act on Allocation of Workers by Intermediaries (Waadi), art. 1(1c and 3) and art. 1a, 8, 9, 9a and 11;
- Decree Claims of Seafarers, Recruitment and Placement of Seafarers, art. 9-11.

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

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Name:

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Title:

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Signature:

  
  
  
  
  
  
  
  
  
  

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Place:

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Date:

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(Seal or stamp of the authority, as appropriate)

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**Exemptions**  
[TO BE INDICATED AS APPLICABLE]

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

1. For ships constructed before the entry into force of the MLC 2006, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to that date, under the law or practice of the Member concerned. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

**X**

The requirements of the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) have been implemented in the Seamen's Decree..

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Name:

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Title:

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Signature:

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Place:

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Date:

Fout! Verwijzingsbron niet gevonden.

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