

Regulation of the Minister of Infrastructure and Water Management, of .....,  
no. IENW/BSK-PM, amending the Seafarers Regulation due to the adoption of  
occupational requirements for the manning of Caribbean Netherlands ships

**VERSION FOR THE INTERNETCONSULTATION, UNOFFICIAL TRANSLATION**

The Minister of Infrastructure and Water Management,

Having regard to article 2, paragraph 1, and article 21a of the Seafarers Act (*Wet  
zeevarenden*);

DECREE:

*Article 1*

The Seafarers Regulation (*Regeling zeevarenden*) shall be amended as follows:

A

Two definitions shall be added to article 1.1, with the period at the end being  
replaced with a semicolon, reading:

*SCV Code*: the Code of Safety for Small Commercial Vessels operating in the  
Caribbean drawn up under the auspices of the IMO, put forward in February 2001,  
revised in July 2017 and by circular SLS.14/Circ.396, and equivalent regulations  
that apply for the Kingdom of the Netherlands.

*Caribbean Trading Area*: the Caribbean Trading Area as described in the  
framework of the Code of Safety for Caribbean Cargo Ships adopted in the  
Memorandum of Understanding drafted on 9 February 1996 in Barbados on port  
state control of ships.

B

After Article 10.7, a paragraph shall be inserted reading:

**§ 10a. Occupational requirements for Caribbean Netherlands ships**

**Article 10.8 Manning certificate for Caribbean Netherlands ships engaged  
on international voyages**

Articles 3 to 6 and 13 of the Act shall also apply to a Caribbean Netherlands ship  
on a voyage further than the area boundaries referred to in article 41b, paragraph  
2, of the Regulation on Safety of Seagoing Vessels (*Regeling veiligheid  
zeeschepen*), but within the Caribbean Trading Area.

**Article 10.9 Manning of Caribbean Netherlands ships engaged on  
international voyages**

1. The master, their replacement or engineer officer of a Caribbean Netherlands  
ship shall, insofar as this is required on the basis of the crew certification referred

to in article 10.8, be in possession of:

- a. a valid certificate for the position referred to in the manning certificate issued in accordance with chapter 10, part A, sections 1 and 2, of the SCV Code;
- b. a basic safety certificate;
- c. a valid medical fitness certificate to work on board a ship or an equivalent declaration; and
- d. a general radio communications certificate or a restricted radio communications certificate.

2. Other crew members listed on the manning certificate shall hold the basic safety certificate and a valid medical fitness certificate to work on board a ship or an equivalent declaration.

3. A valid certificate issued by another contracting state in the Caribbean Trading Area in accordance with chapter 10, part A, sections 1 and 2, of the SCV Code, as referred to in the first paragraph, section a, shall be renewed by Our Minister if the applicant:

- a. has demonstrated that in the 3 years prior to the renewal, they have served at least 45 days in a position for which the certificate to be renewed is required, and
- b. holds a valid medical fitness certificate to work on board a ship.

4. A certificate issued by Our Minister that has been lost can be replaced with a duplicate certificate of which the expiry date is the same as the expiry date on the original document.

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#### **Article 10.10 Rules regarding medical fitness**

Articles 40a and 42 to 47 of the Act and chapter 6 of the Seafarers Merchant Shipping and Sailing Order shall also apply in regard to the acquisition of a valid medical fitness certificate as referred to in article 10.9.

#### **Article 10.11 Master of Caribbean Netherlands ships engaged on local voyages**

1. The master of a Caribbean Netherlands ship that:

- a. transports cargo or people, not being seafarers, for commercial compensation or offers the opportunity to engage in sports or leisure activities for commercial compensation; and
- b. operates at a distance not further than the area boundaries referred to in article 41b, paragraph 2, of the Regulation on Safety of Seagoing Vessels, shall hold a valid Boatmaster Grade 3 license on the basis of chapter 10, part A, section 1, of the SCV Code, or at least an equivalent certificate.

2. A Boatmaster Grade 3 license as referred to in paragraph 1, section b, shall be issued by Our Minister if the applicant:

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- a. is eighteen years of age or older;
- b. has successfully completed a training program recognized by Our Minister that at least complies with Annex 11, paragraph 1, Grade 3, of the SCV Code; and
- c. holds a valid medical fitness certificate to work on board a ship or a valid medical fitness certificate for Caribbean Netherlands ships engaged on local voyages completed by a physician showing that they are medically fit for the position of master of Caribbean Netherlands ships engaged on local voyages, as referred to in the first paragraph.

3. A Boatmaster Grade 3 license, as referred to in the first paragraph, shall be valid for a maximum term of 3 years.

4. A Boatmaster Grade 3 license, as referred to in the first paragraph, shall be renewed by Our Minister if the applicant:

- a. has demonstrated that in the 3 years prior to the renewal, they have served at least 45 days in a position for which the Boatmaster Grade 3 license is required, or has successfully completed a training program recognized by Our Minister that at least complies with Annex 11, paragraph 1, Grade 3, of the SCV Code; and
- b. holds a valid medical fitness certificate to work on board a ship or a valid medical fitness certificate for Caribbean Netherlands ships engaged on local voyages completed by a physician showing that they are medically fit for the position of master of Caribbean Netherlands ships engaged on local voyages, as referred to in the first paragraph.

5. A certificate that has been lost can be replaced by Our Minister with a duplicate certificate, of which the expiry date is the same as the expiry date on the original document.

#### **Article 10.12 Assessment by medical examiner**

1. If at least one of the questions of the medical fitness certificate for Caribbean Netherlands ships engaged on local voyages, as referred to in article 10.11, paragraph 2, section c, is answered with "yes", the applicant is not medically fit in the first instance.

2. An applicant who is not medically fit in the first instance can request a reassessment by a medical examiner after which, in case of a positive assessment, the applicant will be issued a medical fitness certificate to work on board a ship.

3. A medical fitness certificate as referred to in article 10.11, paragraph 2, section c, shall be valid for a maximum term of 3 years.

#### **Article 10.13 Format SCV licenses**

The format of the licenses referred to in articles 10.9 and 10.11 is given in annex 10 of the SCV Code.

#### **Article 10.14 Format Medical fitness certificate for Caribbean Netherlands ships engaged on local voyages**

The format of the medical fitness certificate for Caribbean Netherlands ships

engaged on local voyages, as referred to in article 10.11, paragraph 2, section c,  
is given in appendix H.

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#### **Article 10.15 Foreign certificates**

A valid certificate that is issued on the basis of chapter 10 of the SCV Code by another contracting state in the Caribbean Trading Area that is at least equivalent to a certificate as referred to in articles 10.9 and 10.11 shall be regarded as equal to this.

C

An article shall be inserted after article 11.3, reading:

#### **Article 11.3a**

The possession of a Boatmaster Grade 3 license and a medical fitness certificate for Caribbean Netherlands ships engaged on local voyages, as referred to in article 10.11, shall not be required until <<effective date + 3 years>>.

D

After appendix G, an appendix shall be inserted, reading:

#### **Appendix H**

##### **Format Medical fitness certificate for Caribbean Netherlands ships engaged on local voyages**

Examinee name:

Date of birth:

Address:

City/Town:

##### **Questionnaire to be filled in by the examinee together with a physician, of their choice, who is registered under the Dutch Individual Health Care Professions Act (BIG) (for example a family physician or occupational physician)**

1. Do you have reduced vision, with or without optical aids, that could affect safe navigation? Seeing with one eye is permitted.\*
2. Is your color vision disrupted for the colors red and green?
3. Do you have reduced hearing in one or both ears such that you cannot understand conversational speech, whether or not with a hearing aid, at 2 meters with each ear individually?
4. Is your stamina significantly reduced as a result of a chronic illness, such as heart failure or respiratory illness?
5. Is your ability to concentrate or capacity to hold your attention significantly limited as a result of a chronic illness such as brain injury or recurrent depression?
6. Do you suffer from a chronic illness as a result of which the chance of acute

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inability to work is elevated, such as cardiac arrhythmia, poorly controlled diabetes, or epilepsy?

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7. Do you have a physical limitation as a result of which the normal use of an arm, hand, leg or foot is limited or absent?

8. Do you use alcohol, drugs or other addictive substances to a degree that leads to unsafe behavior?

9. Do you regularly use medication that, according to the leaflet, can affect your driving ability, such as antidepressants, pain killers, sleeping pills and the like?

10. Do you have another condition or physical limitation that could affect safe navigation?

\* Note for the physician: the permissible lower limit of visual acuity, with or without optical aids, is 0.8 with both eyes together.

If all the questions are answered with NO, this form can be signed by the physician.

If one or more questions are answered with YES, you must present this to a designated marine medical examiner to assess whether you are still adequate and eligible for a medical fitness certificate for work on board a ship. The costs of visiting the doctor are at your expense.

**Medical certificate**

The undersigned declares that the questionnaire above has been filled in truthfully and that the person involved is medically fit for the position of master on Caribbean Netherlands ships engaged on local voyages.

Physician name:

BIG number:

Address:

Date:

Physician signature:

For questions and consultation, you can apply to the marine medical advisor of the Human Environment and Transport Inspectorate (ILT) [mas@ilent.nl](mailto:mas@ilent.nl)

E

This regulation shall take effect as of **PM**.

This regulation with the explanation shall be placed in the Government Gazette.

THE MINISTER OF INFRASTRUCTURE AND WATER MANAGEMENT,

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C. van Nieuwenhuizen Wijbenga

**Explanation**

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**1 Cause and necessity**

This amendment regulation establishes occupational requirements for masters and engineer officers on Caribbean Netherlands ships. Prior to this amendment regulation, there were no occupational requirements in this field. Pursuant to article 21a of the Seafarers Act, the positions or work on board Caribbean Netherlands ships that require a certificate or any other document to be held can be determined by ministerial regulation, as well as what occupational requirements are applicable. Article 21a is included at the explicit request of the governing bodies of the public authorities of Bonaire, Sint Eustatius and Saba.

This amendment regulation makes use of this principle. With regard to the occupational requirements, a distinction is made between requirements for ships engaged on local voyages and ships engaged on international voyages within the Caribbean Trading Area. "Ships engaged on local voyages" refers to ships that do not call at foreign ports and that primarily operate in coastal waters. "Ships engaged on international voyages" refers to ships that only call at foreign ports within the Caribbean Trading Area.

The requirements for ships engaged on local voyages have been drawn up in response to the demand from tour operators of cruise ships that transport their tourists to and from activities locally. This has been done to provide a better guarantee of the safe passage of tourists.

With regard to BES ships engaged on international voyages, within the Caribbean Trading Area, there is currently no demand for occupational requirements for crew members of this category of ships. Until now, the companies on the islands that operate internationally for their activities have used foreign ships for this, usually with foreign crew.

It is now anticipated that there will be demand in the near future for BES ships engaged on international voyages that call at foreign ports in the Caribbean Trading Area. This amendment makes this possible, and local ship owners will be given the opportunity to offer their services and with this they are not dependent on foreign ship owners.

**2 Main points of the amendment regulation and relation to existing regulations**

"Caribbean Netherlands ships" refers to ships that are registered in the local registers in the Caribbean Netherlands on the basis of the Vessels Act (*Vaartuigenwet*) 1930 BES. This usually concerns ships in the small cargo and passenger shipping industry that operate between and around the islands in the Caribbean Trading Area.

These Caribbean Netherlands ships can be divided into a category of ships that are engaged on international voyages and call at foreign ports within the Caribbean Trading Area, and a category of ships that are only engaged in local

voyages. With regard to the definition of the local area within which the local occupational requirements apply, this is in line with the area indicated in article 41b, paragraph 2, of the Regulation on Safety of Seagoing Vessels. With this, the definition of local area consist now of technical safety requirements of a ship and the occupational requirements for the crew.

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This amendment regulation is directed at commercial shipping. For the BES islands, aside from cargo ships this particularly applies to passenger ships that, aside from transporting passengers, are used for commercial watersports activities such as line fishing, diving activities and boat tours. A significant portion of these activities ensues from visits by large cruise ships.

The tourists on board these ships are dependent on the engagement of local ships and local crew for local activities. This engagement forms an important income source for the population of the islands. About 90 ships are currently involved in these activities in the Caribbean Netherlands. The occupational requirements are based on the SCV Code applicable in the Caribbean region.<sup>1</sup>

#### *SCV Code*

The SCV Code was established under the auspices of the International Maritime Organization (hereinafter: IMO) in 2001. This code contains specific safety requirements for small seagoing vessels operating commercially in the Caribbean Trading Area.

The SCV Code has been put forward by various countries in the Caribbean Trading Area as an equivalent regulation, as referred to in regulation I/5 of the SOLAS convention<sup>2</sup>, to the IMO and the parties to the SOLAS convention and is broadly applied in the Caribbean Trading Area. The Kingdom of the Netherlands has also put forward the SCV Code as an equivalent scheme with circular 396 (SLS 14).

The application of the SCV Code is desirable from the standpoint of uniformity of certification and application of safety requirements in the Caribbean Trading Area. The code is applicable to cargo and passenger ships between 5 and 24 meters, with the exception of tankers that transport no more than 150 passengers or provide overnight accommodations for a maximum of 50 passengers.

With regard to the (technical) safety requirements, the SCV Code is implemented in the Regulation on Safety of Seagoing Vessels. However, for ships that remain near the coast and return to the port of departure, this code is regarded as too strict.

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<sup>1</sup> The Code of Safety for Small Commercial Vessels operating in the Caribbean drawn up under the auspices of the IMO, put forward in February 2001, revised in July 2017 and by circular SLS.14/Circ.396, and equivalent regulations that apply to the Kingdom of the Netherlands.

<sup>2</sup> The International Convention for the Safety of Life at Sea adopted on 1 November 1974 in London (Treaty Series 1976, 157) and the binding protocols, appendices and annexes belonging with that convention.



Instead of the code, these ships must comply with a number of rules that are given in appendix 6 of the Regulation on Safety of Seagoing Vessels. Aside from the specific safety aspects, in contrast to the SOLAS Convention, the SCV Code also has requirements regarding the education and certification of seafarers.

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These requirements can be interpreted as a less demanding form of the requirements with regard to education and certification of seafarers on the basis of the STCW Convention<sup>3</sup> and focus specifically on the Caribbean Trading Area. These requirements were not yet implemented for the BES islands because there was not yet any need for this. With this amendment regulation, these requirements are now met. With regard to ships engaged on international voyages within the Caribbean Trading Area, the SCV Code is the starting point. For the occupational requirements for ships engaged on local voyages, this is brought, as much as possible, in line with the requirements of this code

#### *Training requirements*

The Seafarers Act, which forms the basis of this regulation, makes a distinction between education that is regulated on the basis of the Professional Training Education Act (*Wet Educatie Beroepsonderwijs*, WEB) of the Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW) and training programs that are regulated under the Seafarers Act. The term education is reserved for instruction that is regulated on the basis of the WEB or the WHW. This instruction falls under the responsibility of the Ministry of Education, Culture and Science.

For Caribbean Netherlands ships engaged on local voyages, training that gives the right to a certificate based on the SCV Code is adequate. The SCV Code has three types of certificates for the master, each with its own level of knowledge and skill, that are necessary to have command over a given ship. This concerns the Boatmaster Grade 1, Boatmaster Grade 2 and Boatmaster Grade 3.

The requirements that are set for the training programs are described and elaborated in annex 11 of the code. 'Grade 3' is the least demanding variant. Within the area boundaries from article 41b, paragraph 2, of the Regulation on Safety of Seagoing Vessels for Caribbean Netherlands ships engaged on local voyages, a Boatmaster Grade 3 license or at least equivalent certificate shall be adequate. On one hand, this certificate provides adequate protection for those on board, and on the other hand takes into account the business economic consequences for the local ship managers.

In view of these circumstances, a limited package of requirements is adequate for these ships and in view of the limited size of the ships, aside from the requirements that are set for the master, it is not necessary also to impose requirements on other crew members.

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<sup>3</sup> The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (Treaty Series 1981, 144) adopted in London on 7 July 1978 and the binding appendices belonging with that convention.

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As soon as a ship goes beyond the area boundaries of article 41b, paragraph 2, of the Regulation on Safety of Seagoing Vessels but remains within the Caribbean Trading Area, the master or their replacement, if applicable, is generally required to hold the Boatmaster Grade 1 or Boatmaster Grade 2 license or at least equivalent certificate.

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This concerns a more demanding package of requirements, because of the larger navigational area of these ships. This concerns cargo and passenger ships of a maximum of 24 meters that do not transport more than 150 passengers. Which certificate is required depends on the navigation area, the characteristics of the ship, whether or not operating with passengers, and whether or not operating during daylight. The SCV Code indicates the minimum requirements that apply (SCV Code Table X/5.2).

The starting point is that the manning certificate shall state the number of crew members with their positions, including applicable qualifications. This ship must have minimum personnel in accordance with the manning certificate to be able to guarantee the safety of the ship and a safe and environmentally responsible voyage.

The format of a manning certificate is free-form. Because the SCV safety certificate that is already issued on the basis of articles 3c and 3d of the Regulation on Safety of Seagoing Vessels contains a section on manning requirements, it has been chosen to include the manning certificate in the SCV safety certificate. Annex 1 of the SCV Code (Regulation I/16.1) gives the form of the SCV safety certificate.

It is important that this concerns ships operating in the Caribbean area. The SCV safety certificate is the common used certificate for the Caribbean area. Aside from uniformity, it is important that the integration of the manning certificate in the SCV Safety Certificate leads to savings. After all, no costs need to be incurred for a separate manning certificate to be issued.

Aside from a Boatmaster license, the basic safety certificate and a medical fitness certificate to work on board a ship are required. Depending on the conditions and provisions on board the respective ship, a general operator's or restricted operator's certificate is also required. This is then stated on the SCV Safety Certificate.

In view of the navigation area and characteristics of the ship, an engineer officer may also be required on board. This position is also governed by the SCV Code. The SCV Code distinguishes two types of certificates for engineer officers. This concerns Boat Engineer Grade 1 or Grade 2. Grade 1 is the highest level. The SCV Safety Certificate states whether an engineer officer is required and what qualifications they must meet.

For Caribbean Netherlands ships engaged on international voyages, this is therefore entirely in line with the SCV Code. This means that the ships can call at ports within the Caribbean Trading Area without hindrance and there is a level

playing field with regard to the occupational requirements.

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*Recognition of training programs and recognition of foreign certificates*

Due to the limited training possibilities available on the BES islands, foreign certificates that are at least equivalent shall be accepted. This can include the Boatmaster and Boat Engineer licenses that are issued on the basis of the SCV Code by other contracting states in the Caribbean Trading Area. That also applies for certificates that are issued based on the SCV Code within the Kingdom of the Netherlands, for example in the countries Curaçao and Sint Maarten.

If SCV Boatmaster Grade 3 training courses are held on the BES islands and the respective certificate is issued by Our Minister, the training institute that provides the training shall be accredited by the minister on the basis of the Maritime Crews Training Accreditation Scheme (*Erkenningsregeling Opleidingen Zeevaartbemanning*).

*Medical fitness*

It is important that the master or the engineer officer are medically fit to perform their tasks adequately. With regard to Caribbean Netherlands ships engaged on international voyages, this is governed by the examination system based on chapter 4, paragraph 2, of the Seafarers Act and chapter 6 of the Seafarers Merchant Shipping and Sailing Order.

This means that the periodic general physical examinations shall be performed by physicians who are appointed for this by Our Minister. During these periodic general physical examinations, an examination of vision and hearing shall also be performed once every two years. Through this repeated periodic examination, the respective medical certificates retain their validity. This deviates from the SCV Code because this code stipulates a term of validity of three years for the respective medical certificates. From the standpoint of uniformity and efficiency, for the crew of Caribbean Netherlands ships engaged on international voyages, there is chosen for the two year examination system based on the Seafarers Act.

The current situation is that both on Bonaire and on Sint Eustatius, a physician is designated as a marine medical examiner. This makes it possible for the respective crew members to be examined locally. If a medical examination was done in another contracting state within the Caribbean Trading Area, then the Medical Advisor for Shipping can issue medical certificates based on article 113 of the Seafarers Merchant Shipping and Sailing Order, issued on the basis of medical requirements that they deem to be at least equivalent, as equal to the medical certificate of fitness for work on board ships.

Given the limited navigation area and the immediate vicinity of ports, it is not necessary to require the same examination regime applicable for masters of Caribbean Netherlands ships engaged on local voyages. For that reason, a less demanding variant has been chosen in which a physician fills in a number of questions for the person involved in the form of a medical fitness certificate for Caribbean Netherlands ships engaged on local voyages.

The person involved can go to their family physician or occupational physician for this. This work method ensures that there is adequate attention for the medical requirements and entails very limited administrative burdens. This is in line with chapter 10, regulation 14, of the SCV Code. This variant is also in line with the SCV Code that stipulates a term of validity of three years for the respective medical certificates.

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If the doctor answers one of the questions with “yes”, the person involved shall in the first instance not be eligible for a Boatmaster Grade 3 license because this involves a medical hindrance or risk. If they choose to do this, the person involved can apply to a designated marine medical examiner.

This medical examiner can assess in the second instance whether the person involved do meets the respective examination requirements. In the case of local voyages, the medical examiner shall make use of the examination requirements as included in the Examination Regulation for Shipping (*Keuringsreglement voor de Zeevaart*) article 3, paragraph 1, with which there are specific examination requirements for navigation in coastal waters.

This means that the assessment is done taking into account the examination indications and in accordance with the medical criteria stated in appendix E of the Guidelines on the medical examinations of seafarers/ International Labour Organization, Sectoral Activities Programme, International Migration Organization 2013 (ILO/IMO/JMS/2011/12).

If the medical examiner determines that the person involved meets the requirements, then a medical fitness certificate for work on board will be issued. In that case, the person involved will be eligible for the Boatmaster Grade 3 license. If the medical examiner is of the opinion that the applicant is medically unfit, they will report this to the medical advisor for shipping.

#### *Validity of certificates*

The SCV Code stipulates that the Boatmaster and Engineer licenses have a maximum term of validity of three years. The certificates can be renewed after three years based on experience gained. The code stipulates that a renewal is possible if the certificate holder has been in service at least 45 days in the preceding period of three years in a position for which the certificate is required.

If the respective certificate was obtained abroad, the certificate is normally renewed in or by the country where the respective certificate was issued. If the requirement of at least 45 service days is not met, the initial training must be taken again. The way in which the number of service days is recorded is left form-free in the SCV Code. This can for example be demonstrated by means of a discharge book, a ship's journal or a declaration by the ship manager.

The SCV Code stipulates that the validity of the medical certificates is linked to the validity of the Boatmaster and Engineer licenses. This means that a term of validity of three years also applies. The medical fitness certificate for Caribbean Netherlands ships engaged on local voyages is therefore valid for a term of three

years. The declaration must be filled in again after three years.

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With regard to the medical examination of the crew of Caribbean Netherlands ships engaged on international voyages, this is deviated from because this uses the examination system based on the Seafarers Act, such that a medical examination must be performed every two years.

The SCV Code stipulates that the crew of ships engaged on international voyages in the Caribbean Trading Area must have a basic safety certificate. The Basic Safety Training is a common training program in shipping in which the following elements are addressed:

Personal safety and social responsibilities, survival at sea, fire-fighting and the use of breathing apparatus and first aid. It is noted here that this is a one-time training obligation. The SCV Code deviates from the STCW Convention in this because the latter convention sets a refresher for this training as mandatory every 5 years.

### 3 Implementation and enforcement

The issuance of certificates based on the SCV Code and the supervision of Caribbean Netherlands ships is provided by the Human Environment and Transport Inspectorate (*Inspectie Leefomgeving en Transport*) (hereinafter: ILT). From the standpoint of efficiency, certain tasks are transferred to the local authorities on the islands of the Caribbean Netherlands. They shall perform this task under the instructions and supervision of the ILT.

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### 4 Financial consequences for citizens, businesses and other authorities

#### *Local shipping*

The amendment regulation has consequences for the manning of cargo ships and passenger ships that are used for commercial (watersport) activities around the BES islands. In view of the circumstances and given the limited size of the ships, a limited package of requirements is sufficient for these ships, aside from the requirements that are set for the master, it is not necessary also to impose requirements on other crew members.

This applies to a group of about 90 Caribbean Netherlands ships. It is estimated that this concerns a group of 100 to 150 masters who operate locally. After a transition period of 3 years after this regulation is coming into effect, they must have a Boatmaster Grade 3 license, which must be renewed every 3 years. The license can be renewed based on experience gained. If it is shown that there were a minimum of 45 days of service in the preceding period of 3 years, the license is renewed. The costs of renewing a certificate are low.

To be eligible for the license a one-time training has to be followed. The costs of obtaining the initial license are estimated at about USD 650 to USD 900 per person, at 2018 prices. Among other things, the exact costs of the training depends on the number of participants, the practical experience and the degree of

self-study.

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On one hand, this license offers adequate protection for those on board and on the other hand taking into account the business economic consequences for the local ship managers. Based on the numbers above, there will be a one-time increase of the substantive compliance costs of USD 65,000 to USD 135,000 in total.

The costs with regard to the medical fitness certificate for Caribbean Netherlands ships engaged on local voyages are very low because a less demanding variant has been chosen where a physician fills in a number of questions for the person involved.

The person involved can go to their family physician for this. This work method ensures that there is adequate attention for the medical requirements and entails very limited administrative burdens.

#### *International shipping*

By setting occupational requirements for crew members on CN ships engaged on international voyages that make calls to foreign ports within the Caribbean Trading Area, this enables local ship owners to also have the opportunity to offer their services.

This trade is now reserved for foreign ship owners. In this sense, it is expected that the regulation could give an impulse for the local maritime sector. It is estimated that this concerns several ships that will be added to the fleet in the coming years. This involves about 10 crew members.

In view of the navigation area and the specific circumstances, a Boatmaster Grade 1 or 2 license and a basic safety certificate will, most likely, be required. The costs of obtaining these certificates amounts to about USD 1500 per person. The Boatmaster Grade 1 or 2 license can be renewed based on experience gained. If it is shown that there were a minimum of 45 days of service in the preceding period of 3 years, the license is renewed.

The costs of renewing a license are very low. Given that this is a one-time training obligation, this involves a one-time increase of the substantive compliance costs of USD 15,000 in total.

The costs of a medical examination amount to USD 158 (€145) per person every 2 years. Based on 10 crew members, this involves a total of USD 1580 (€1450) substantive compliance costs every 2 years.

Because no separate manning certificate is issued for CN ships this does not involve any costs. After all, the manning certificate is included in the usual SCV Safety Certificate.

## **5 Advising and consultancy**

<< **PM Internet Consultation** >>

## 6 Taking effect/transition regime

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Article 11.3a means that the requirement for masters on Caribbean Netherlands ships engaged on local voyages to have a Boatmaster Grade 3 license and a medical fitness certificate for Caribbean Netherlands ships engaged on local voyages is subject to a transition period of 3 years.

During this transition period, the certificate can be obtained on a voluntary basis but is not yet mandatory. This offers local tour operators the opportunity to require the Boatmaster Grade 3 license at an earlier moment for the masters they employ. This can be desirable if their clients such as cruise lines ask for this.

With regard to Caribbean Netherlands ships that operate further than the area boundaries referred to in article 41b, paragraph 2, of the Regulation on Safety of Seagoing Vessels, but within the Caribbean Trading Area, no transitional regime is necessary.

This amendment regulation shall take effect as of <<PM>>. This date is a fixed change moment and is therefore in line with the system for Fixed Change Moments (*Vaste Verandermomenten*) (Parliamentary papers II 2008/09, 29 515, no. 270 and 2009/10, 29 515, no. 309).

### By article

#### Section A

With this section, definitions are added for the SCV Code and the Caribbean Trading Area.

#### Section B

With article 10.8, articles 3 to 6 and 13 of the Act are declared applicable to the category of Caribbean Netherlands ship that operate outside the area boundaries from article 41b of the Regulation on Safety of Seagoing Vessels, but within the Caribbean Trading Area.

This stipulates that a ship must be provided with a manning certificate. Because the SCV Safety Certificate, which is already issued on the basis of article 3c and 3d of the Regulation on Safety of Seagoing Vessels, includes a section on manning requirements, it has been chosen to include the manning certificate in the SCV Safety Certificate. Annex 1 of the SCV Code (Regulation I/16.1) gives the form of the SCV safety certificate.

These ships must at least be manned in accordance with the SCV Safety Certificate. Such a certificate not only establishes the minimum number of crew members that must be on board, but also the position in which they will serve. Whether people may serve in the respective position is shown by their Boatmaster licenses.

The crew composition that is stated in the SCV Safety Certificate is in principle

adequate to have the ship sail safely and environmentally responsibly. This also means that a ship may not be used at sea or proceed to sea with fewer people than indicated in the SCV Safety Certificate, or with people who do not have the required certificates for the indicated positions.

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With article 10.8, article 6 of the Act is also declared applicable. Among other things, this concerns the term of validity of the manning certificate. In the case of CN ships, this concerns the SCV Safety Certificates in which the manning certificate is integrated. With a term of validity of a maximum of five years, this is in line with the validity of the other ship certificates

With this, there is also the possibility that a certificate is issued for a shorter time in the event that the Human Environment and Transport Inspectorate (ILT) wishes to evaluate the operation of the ship with a certain crew in the short term. The SCV Safety Certificate is issued under the authority of the ILT. If the crew of the ship is not at least composed in accordance with the certificate, then the ILT is authorized to enforce this on the basis of article 13.

Article 10.9 establishes the scope for the highest level of occupational requirements for the Caribbean Netherlands ships that sail further than the area boundaries referred to in article 41b, paragraph 2, of the Regulation on Safety of Seagoing Vessels.

The requirement is a Boatmaster Grade 1 or Grade 2 license or at least equivalent certificate for the master and a Boat Engineer Grade 1 or Grade 2 license or at least equivalent certificate for the engineer officer. At the same time, a basic safety certificate and a valid medical fitness certificate to work on board a ship are required. Depending on the circumstances, a general or restricted operator's certificate is also required for the master. This is then stated on the SCV Safety Certificate. The other crew members listed on the SCV Safety Certificate are required to hold a basic safety certificate.

With article 10.10, this is in line with the examination system based on chapter 4, paragraph 2, of the Seafarers Act and as established in chapter 6 of the Seafarers Merchant Shipping and Sailing Order. This system is applicable in relation to the medical fitness certificate.

Article 10.11 establishes the scope for the lowest level of occupational requirements. The requirement is a Boatmaster Grade 3 license or at least equivalent certificate. The article states the actual requirements. Aside from the mandatory Boatmaster Grade 3 training under the SCV Code, a medical fitness certificate for Caribbean Netherlands ships engaged on local voyages shall be filled in if no valid medical fitness certificate for work on board is present.

Article 10.12 establishes the procedure in the event that at least one of the questions of the medical fitness certificate is answered with 'yes'. If they choose to do this, the person involved can apply to a designated marine medical examiner. This medical examiner can assess in the second instance whether the person involved do meets the respective examination requirements. If the medical



examiner determines that the person involved meets these requirements, a medical fitness certificate for work on board ships will be issued.

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Article 10.13 refers to annex 10 of the SCV Code for the formats of the Boatmaster and Boat Engineer licenses.

Article 10.14 concerns the format of the medical fitness certificate.

Article 10.15 stipulates that certificates issued on the basis of the SCV Code by other contracting states are deemed to be equivalent with the certificates referred to in articles 10.9 and 10.11.

### **Section C**

With this section, article 11.3a is added, which mentions the requirement for masters on Caribbean Netherlands ships engaged on local voyages to have a Boatmaster Grade 3 license and medical fitness certificate for Caribbean Netherlands ships engaged on local voyages has a transition period of 3 years.

### **Section D**

With this section, appendix H is added, which includes the format that must be filled in as the medical fitness certificate for Caribbean Netherlands ships engaged on local voyages.

THE MINISTER OF INFRASTRUCTURE AND WATER MANAGEMENT,

C. van Nieuwenhuizen Wijbenga