



**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:

<b>Name of Ship</b>	<b>IMO Number</b>	<b>Gross tonnage</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 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 Regulation Seafarers, art. 3.20, regulates the operational requirements for accommodation on traditional sailing ships.

The configuration requirements for accommodation do not apply to traditional sailing ships.

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

The Regulation Seafarers, art. 3.21, regulates the operational requirements for recreational facilities on traditional sailing ships.

The configuration requirements for recreational facilities do not apply to traditional sailing ships.

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

The Seafarers Act, art. 48a (1, 3 and 4), the Decree Seafarers Merchant Shipping and Sailing Ships art.92 and 120-120a, 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. 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 Code of Commerce, Seamen's Decree, art. 61 (for **existing** ships), regulates medical care on board in accordance with the MLC, 2006.

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

The Regulation Seafarers, art. 3.20 regulates the requirements for hospital accommodation on existing ships (keel laid before August 20<sup>th</sup> 2013) in accordance with the MLC, 2006.

#### **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**

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

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.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Rotterdam. the Netherlands

Date: \_\_\_\_\_

(Seal or stamp of the authority, as appropriate)

## Exemptions

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

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

For traditional sailing ships, the configuration requirements under items 8 and 9 do not apply.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: Rotterdam, the Netherlands  
\_\_\_\_\_

Date: \_\_\_\_\_

(Seal or stamp of the authority, as appropriate)