

Ministerie van Sociale Zaken en
Werkgelegenheid

PO Box 90801 NL-2509 LV The Hague The Netherlands

To whom it may concern

Regarding State Port Controls

Date

Re Amendments 2014 Maritime Labour Convention, 2006

**Directorate for
International Affairs**

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Our ref.

2017-0000007056

On July 8th 2016 the Kingdom of the Netherlands gave notice to the International Labour Organisation in accordance with paragraph 8 (a) of Article XV of the Maritime Labour Convention, 2006. This means that the Netherlands shall be bound by the amendments after subsequent express notification of acceptance. Maritime labour certificates for ships flying the flag of the Netherlands will remain valid until the first renewal inspection following the entry into force of the amendments for the Netherlands. The entry into force of the amendments for the Netherlands is expected for the 1st of January 2018.

At the request of the Kingdom of the Netherlands the Office of the International Labour Organisation gave the following indications on December 26th 2016:

1. Ships flying the flag of the Kingdom of the Netherlands should not face any problems with Port State Control authorities if shipowners can demonstrate that at least the same level of protection required by the Maritime Labour Convention, 2006, as amended through the 2014 Amendments, is provided through a system of financial security or otherwise.

2. This is the case if ships are covered by insurances regarding financial security in conformity with the requirements of the amended MLC, 2006.
3. In accordance with the Resolution on transitional measures adopted by the International Labour Conference in 2014 all existing maritime labour certificates for ships flying the flag of the Kingdom of the Netherlands will remain valid until the first renewal inspection following the entry into force of the 2014 Amendments.

**Directorate for
International Affairs**

Date

Our ref.
2017-0000007056

Kind regards,



drs. R. Gans
Director

Received by Official
Relations branch

08 JUL 2016



Permanent Representation of
the Kingdom of the Netherlands
31-33 Avenue Giuseppe-Motta
1202 Geneva

NV: GEV-EA 133/2016

The Permanent Mission of the Kingdom of the Netherlands to the International Labour Organization presents its compliments to the International Labour Organization and has the honour to refer to the Director-General's notification dated 18 July 2014, ref. 8-0-7-186-1006-03, regarding the Amendments of 2014 to the Code of the Maritime Labour Convention, 2006, approved by the 103rd Session of the International Labour Convention at Geneva on 11 June 2014.

In accordance with Article XV, paragraphs 7 and 8 respectively, these amendments will be deemed to have been accepted on 18 July 2016 and will come into force six months after the end of a 2-year period for all ratifying Members on 18 January 2017, except those which have formally expressed their disagreement under paragraph 7, as well as those which have given notice in accordance with paragraph 8 under (a) or (b) of the same article.

Legislation for implementation of these amendments will be necessary in the Kingdom of the Netherlands, in the European part of the Netherlands, for which the Maritime Labour Convention, 2006, has been ratified. These amendments cannot as yet be accepted by the Kingdom of the Netherlands, for the European part of the Netherlands. For this reason and in accordance with paragraph 8, under (a), of Article XV of the Maritime Labour Convention, 2006, the Kingdom of the Netherlands gives notice for the European part of the Netherlands, that it shall be bound by the Amendments of 2014 to the Code of the Maritime Labour Convention, 2006, only after subsequent notification of the acceptance of these amendments by the Kingdom of the Netherlands for the European part of the Kingdom.

The Permanent Representation of the Kingdom of the Netherlands avails itself of this opportunity to renew to International Labour Organization the assurances of its highest consideration.

Geneva, 6 July 2016

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Mr R. Gans
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and Employment
Directorate for International Affairs
P.O. Box 90801
2509 LV THE HAGUE
Pays-Bas

21 DEC. 2016

Dear Mr Gans,

I refer to your communication received on 8 December 2016 requesting the informal opinion of the Office on issues related to the implementation of the 2014 amendments to the Code of the Maritime Labour Convention, 2006 (MLC, 2006). I am pleased to provide you with the following indications regarding your questions formulated below.

I wish to highlight that they are subject to the customary reservation that the Constitution of the International Labour Organization (ILO) confers no special competence upon the International Labour Office to provide an authoritative interpretation of international labour Conventions and that the opinions expressed are without prejudice to any position that the ILO's supervisory bodies might take with respect to this subject.

First, as stated in points 1 and 2 of your communication, the Office considers that ships flying the flag of the Kingdom of the Netherlands should not face any particular problems with Port State Control authorities if shipowners demonstrate that, at least, the same level of protection required by the Maritime Labour Convention, 2006, as amended (MLC, 2006) is provided through a system of financial security or otherwise. This would be the case if ships are covered by insurances in conformity with the new requirements of the MLC, 2006.

Second, in accordance with the Resolution on transitional measures adopted by the International Labour Conference in 2014, it is correct to affirm that all existing maritime labour certificates will be valid until the first renewal inspection following the entry into force of the 2014 amendments.

I hope you will find this information useful.

Yours sincerely,
For the Director-General:

A handwritten signature in black ink, appearing to read 'Corinne Vargha'.

Corinne Vargha
Director of the International Labour
Standards Department