



The Netherlands

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I for ships of traditional build (ships designed or built to encourage and promote traditional skills, seamanship and awareness of the maritime heritage).

(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:

Name of Ship	IMO Number	Gross tonnage
Scheepsnaam	IMO nummer	STON_BRUTO_TONNAGE_69

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 to 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, as amended. The Seafarer Act art. 120 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 any 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 undertaking dangerous work, in accordance with the MLC 2006, as amended.

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, as amended.

3. Qualification of seafarers (Regulation 1.3)

The Seafarers Act, art. 18, 19, 19a (1 and 2), 25 and 25b, specifies the qualification requirements in accordance with STCW 78, as amended, and with the MLC 2006, as amended.

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

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 120 (1), 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 Seafarers Merchant Shipping and Sailing Ships, art. 40, requires all seafarers to meet the appropriate standards in accordance with the STCW 78, as amended, Regulation A-VI/1, safety familiarization.

The Decree Seafarers Merchant Shipping and Sailing Ships art. 41 (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 Seafarers Act, art. 38 and 69c (1 and 2) and 69d, sets the requirements of the seafarer's employment agreement in accordance with the MLC 2006, as amended.

In case that, in accordance with the MLC 2006, as amended, 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 a 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 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, as amended including Regulation 3.2 and Standard A3.2 concerning food and catering.

8. Accommodation (Regulation 3.1)

The Regulation Seafarers, art. 3.20, regulates the operational requirements for accommodation onboard ships designed or build to encourage and promote traditional skills, seamanship and awareness of the maritime heritage.

The configuration requirements for accommodation as per Regulation Seafarers paragraph 3, do not apply to ships designed or build to encourage and promote traditional skills, seamanship and awareness of the maritime heritage unless explicitly addressed.

9. On-board recreational facilities (Regulation 3.1)

The Regulation Seafarers, art. 3.21, regulates the operational requirements for recreational facilities onboard ships designed or build to encourage and promote traditional skills, seamanship and awareness of the maritime heritage.

The configuration requirements for recreational facilities, as per Regulation Seafarers paragraph 3, do not apply to ships designed or build to encourage and promote traditional skills, seamanship and awareness of the maritime heritage unless explicitly addressed.

10. Food and catering (Regulation 3.2)

The Seafarers Act, art. 48a (1, 3 and 4), and the , and the Regulation Seafarers paragraph 3, art. 3.18 and paragraph 4, art. 4.1-4.4, 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 Seafarers, paragraph 4, art. 4.6 requires a monthly inspection of food and potable water stock.

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 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 Ships , art. 25 and 49 and Annex 5, regulate the medical supplies in accordance with the MLC 2006, as amended.

Existing ships:

The Code of Commerce, Seamen's Decree, art. 61 regulates medical care on board in accordance with the MLC 2006, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 119 , sets the certification requirements for the qualified medical doctor.

Ships of which the keel is laid on or after August 20th 2013:

The Regulation Seafarers, paragraph 3, art. 3.12 and art. 3.20 regulates the requirements for hospital accommodation in accordance with the MLC 2006, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 119 , sets the certification requirements for the qualified medical doctor.

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, as amended.

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, 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.

Substantial Equivalencies

[TO BE INDICATED AS APPLICABLE]

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, art. 690, 693, 694, 735, 736, 737 and 738;
- Code of Civil Procedure art. 6b;
- Act on Allocation of Workers by Intermediaries, 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 Working Hours Act art. 1:1 (1 and 2)
- The Working Hours Decree Transport art. 1 (1 and 2)

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

Exemptions

[TO BE INDICATED AS APPLICABLE]

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

For ships of which the keel was laid or similar stage of construction was completed, before 20th August 2013:

Seamen's Decree art. 65 (Exemptions):

1. Except for the second paragraph, Our Minister of Infrastructure and Environment, after consultation of the organizations of sea employers and seafarers which can be considered to be representative, either in an incidental case, or in general, may grant exemption from the art. 48 through 62, under the conditions or restrictions to be given by him, if necessary.
2. For ships, on board of which because of the composition of the crew the interests of crew members which have different habits or religious and social nature shall be taken into account, Our Minister of Infrastructure and Environment, after consultation of the organizations of sea employers and seafarers which can be considered to be representative, may grant exemption from the art. 54, first paragraph and second paragraph, under d, 55, second and third paragraph, and 58, first and sixth paragraphs, under the conditions or restrictions to be given by him, if necessary, provided that the organizations as referred to above have agreed upon this.

For ships of which the keel is laid on or after August 20th 2013:

Seafarers Regulation art. 1.3 (c) Exemptions for specific categories of ships.

1. Section 3 (Accommodation and facilities for the benefit of the seafarers on board) of this Regulation does not apply to the following ships:
 - c. ships designed to encourage and promote traditional skills and seamanship and that are navigated as living monuments according to the traditional principles of seamanship and technique, unless in a regulation of section 3 has been stated expressly that that regulation does apply to the ships as referred to in item a or c.

Although section 3 does not apply, the following art. are applicable for ships designed or built to encourage and promote traditional skills, seamanship and awareness of the maritime heritage:

Art. 3.18 Facilities for storage and preparation of food and drinking water

Art. 3.20 Accommodation specifications

Art. 3.21 Use of recreational and social facilities