



Human Environment and Transport
Inspectorate
*Ministry of Infrastructure and the
Environment*

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**Human Environment and
Transport Inspectorate**
(Netherlands) Shipping
Inspectorate
Maritime Shipping Permits
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Contact
MIC
088-4890000

Our reference
ILT-2012/31452

Date 29 October 2012
Subject Certification Maritime Labour Convention 2006

Dear Madam or Sir,

Purpose of this letter

To inform shipowners and relevant parties about the progress on implementation of the Maritime Labour Convention, 2006 (MLC) by the Netherlands Administration and state the procedure to obtain a Declaration of Maritime Labour Compliance – Part I and subsequent certification services by a Recognized Organization.

Background

The MLC aims to improve the working conditions and terms of employment of the more than 1.2 million seafarers worldwide. The convention prevents unfair competition in the maritime shipping industry. As far as Netherlands' flagged vessels are concerned the MLC is primarily a confirmation of existing maritime standards, with several new components, including the issuance of a Maritime Labour Certificate. This certificate is proof that a shipowner and his ship meet the requirements of the MLC.

The most important effect on the Dutch legislation will be the modernization and modification of legislation governing maritime shipping and employment in the Netherlands (including the Dutch Commercial Code, the Ships' Manning Act (Zeevaartbemanningwet), Book 7 of the Netherlands Civil Code and the Working Conditions Act (Arbeidsomstandighedenwet). The official Dutch name of the Ships' Manning Act will also change (and becomes Wet zeevarenden or Seafarers' Act). Further information (including Questions & Answers) can be found on the ILT website (www.ilent.nl/english/merchant_shipping/ship_owners_dutch_flag/developments/maritime_labour_convention/).

Entry into force

As the threshold for the tonnage criteria has already been met some time ago and the second condition required for the entry into force of the MLC, namely the ratification of the MLC by 30 Member States, was met on the 20th of August 2012, the Convention will enter into force on the 20th of August 2013.

Application

The MLC applies world-wide to all seagoing ships used for commercial activities. For ships less than 500 Gross Tonnage a Maritime Labour Certificate (ML Certificate) is not required, but the Netherlands strongly urges shipowners to request for certification on a voluntary base to avoid difficulties with demonstrating compliance to foreign port authorities. The MLC does not apply to ships which have not been provided with mechanical means of propulsion (e.g. pontoons).

Furthermore, almost everyone working on board ships is a seafarer and therefore subject to this convention. For an overview of details and exceptions of ships and persons on board not classifying as seafarer, please visit our website.

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Certification services (Administration and Recognized Organization)

The Netherlands has chosen to authorize the seven appointed Recognized Organizations (ROs) to carry out the Maritime Labour inspections (ML inspection) and issuance of the ML Certificate. The Declaration of Maritime Labour Compliance – Part I (DMLC- part I) will be issued by the Netherlands Shipping Inspectorate (NSI). The DMLC – part II must be made by the shipowner. Reference is made to the procedure below. Further information on the (scope of) the authorization of the ROs and instruction on the way the activities will be carried out by the RO, can be found in the 'Instruction to the Recognized Organization no 22 – Maritime Labour Convention', that will be published on the NSI website.

Procedure to be followed

➤ Step 1a – Choose a Recognized Organization for the MLC certification services

It is recommended to select a Recognized Organization for the ML certification services as soon as possible. For an overview of the ROs, please visit: www.ilent.nl/english/merchant_shipping/recognised_organisations/classification_societies/. The ROs are confronted with the implementation of the MLC for a great number of Administrations worldwide, so it is also recommended to consider a timely schedule for the ML inspection.

➤ Step 1b – Work on compliance with the MLC

In order to demonstrate compliance with the MLC at the ML inspection and timely certification, the shipowner may start as soon as possible with the implementation of the MLC requirements (in consultation with the RO) and to draw up the DMLC –part II (also see step 5). To facilitate this process, NSI has published a generic DMLC-part I for existing vessels on the website with all relevant requirements. Furthermore an Annex to this DMLC-part I will be published including the relevant legislative articles, further clarification and interpretations.

NSI acknowledges that only after the publication of the Netherlands laws and regulations (expected in the first half of September), the shipowner will be able to finalize the DMLC - part II (a blank format of this DMLC-part II is also published on the ILT website). To demonstrate compliance for the construction of accommodation and recreation facilities it is recommended to keep the valid Certificate of Accommodation (if applicable) in combination with the approved relevant drawings on board. If not available, it is recommended to contact the NSI.

➤ Step 2 – Identify any exemptions or substantial equivalencies (new building)

For existing vessels, the possible exemption and equivalency are already granted and incorporated in the DMLC – part I.

For new building ships (keel laid or similar stage of construction after August 20th, 2013) any exemptions identified in step 1b should be addressed to the social partners (KVNR/Vereniging van Waterbouwers and Nautilus) for approval. If approval is granted, this outcome should be incorporated in the request of the DMLC-part I (step 3). If it was rejected, the proposal may be forwarded to NSI for further consideration and possible approval by the Minister of Infrastructure and Environment. A list of possible exemptions and substantial equivalencies will be published on the ILT website.

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➤ Step 3 - Request for a DMLC – Part I

A formal request to NSI for the issuance of the DMLC-part I should be done by using the form: http://www.ilent.nl/Images/ILT.077.07%20-%20Aanvraag%20aanvullende%20certificaten%20koopvaardijchip_tcm334-318209.pdf.

For new building ships, any (approval of) substantial equivalencies or exemptions (see step 2), should be included with the request for the DMLC-part I.

Shipowners with more than one ship (same debtor and invoice address) may fill out a single form with reference to an attachment (every page dated and signed) with an overview of concerned ships stating the name, IMO number and Gross Tonnage. In case of exemptions and substantial equivalencies these must be unmistakably linked to one or more ships.

Depending on the workload, a turnaround time between 10 and 30 working days should be expected. The actual expected turnaround time will be published on the ILT website.

Shipowners are requested to forward their application as soon as the Netherlands legislation has entered into force in order for the timely issuance of the DMLC-part I.

➤ Step 4 – Issuance of the DML - part I

The DMLC – Part I shall be drawn up by the Netherlands Administration and identifies the list of 14 items to be inspected, the relevant national requirements, any substantially equivalent provisions, and any exemption granted. NSI will forward the DMLC –part I to the shipowner.

➤ Step 5 – Shipowner draws up the DMLC – part II and verification by RO

The definite DMLC - Part II shall be drawn up by the shipowner taking into account the DMLC-part I and Annex to the DMLC-part I. The DMLC-part II is ship and shipowner specific and describes the way the shipowner complies with the MLC 2006. It shall be signed and stamped following a successful on-board inspection, to confirm compliance by the relevant RO prior to issuance of the ML Certificate to the shipowner/operator.

➤ Step 6 – issuance of the ML Certificate

The ML Certificate, issued by the RO, affirms that seafarer working and living conditions aboard a ship meet all the Netherlands' laws and regulations that govern the implementation of the MLC, 2006.

The NSI works very closely with the Recognized Organizations and social partners for a successful implementation of this new Convention. If you have any question do not hesitate to contact the KVNR, your Recognized Organization or the Netherlands Shipping Inspectorate (contact details provided in the upper right corner).

Further information with regard to new building ships (keel laid or similar stage of construction after 20 August 2013), will be provided on the ILT website in due time.

Yours sincerely,

LID VAN HET MANAGEMENTTEAM ILT/VERGUNNINGEN ZEEVAART,

A handwritten signature in black ink, appearing to read 'W.M.M. Okkerse', with a stylized flourish at the end.

drs. W.M.M. Okkerse

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