

Procedure to obtain approval by the RO of the planned accommodation

Applicable to ships of which the keel was laid on or after August 20th, 2013

Relevant information to ship owners, shipyards and recognized organizations

For ships of which the keel is laid on or after August 20th, 2013, both for newbuilding and for reconstruction or other change, the ship owner shall follow the undermentioned procedure **before** the (re)construction may be started and a DMLC, part I, can be applied for, as required in the Regulation Seafarers, art. 3.23.

Please note that, where applicable, a shipyard may substitute for the ship owner.

Actor	Action
Ship owner	Review the relevant substantial equivalencies and exemptions as presented on the form "Request for Substantial Equivalencies and Request MLC Exemptions" on www.ilent.nl . Decide on the applicable substantial equivalencies and exemptions.
Ship owner	With regard to exemptions nos 2, 4, 6-9, 12-18 and 22 the shipowner shall seek advice from the ship owners' and seafarers' organizations concerned. For information on this process please refer to: http://www.ilent.nl/onderwerpen/transport/koopvaardij/Reders_onder_Nederlandse_vlag/wet_en_regelgeving/maritime_labour_convention/accomodatiepplan/
Ship owner	The form "Request for Substantial Equivalencies and Request MLC Exemptions", with the advice from the ship owners' and seafarers' organizations concerned attached, when applicable, has to be sent to nsi@ilent.nl .
NSI	With regard to exemptions nos 2, 4, 6-9, 12-18 and 22 NSI will in principle follow the advice from the ship owners' and seafarers' organizations concerned. In the event of conflicting advice from the two social partners, the Minister will determine. The Minister will decide on the remaining exemptions.
Ship owner	For ships in the process of flagging in to the Dutch register or for ships of an innovative design or construction, exemptions are allowed for articles 3.1, 3.3 (1 and 4), 3.8, 3.10, 3.12, 3.13 (1-5) and 3.15 (1 and 2). The ship owner shall seek an agreement with the ship owners' and seafarers' organizations concerned on the applied exemptions and the equivalent arrangements. This agreement shall be signed by the ship owner. This agreement together with the advice from a representative of the ship owners' organization and a representative of the seafarers' organization can then be sent to nsi@ilent.nl .
NSI	NSI will return the form "Request for Substantial Equivalencies and Request MLC Exemptions" to the ship owner. The ID Number for this ship will be inserted on the form "Request for Substantial Equivalencies and Request MLC Exemptions".
Ship owner	The ship owner shall submit to one of the RO's that have been assigned for MLC for the Netherlands the form "Request for Substantial Equivalencies and Request MLC Exemptions" and a plan of the accommodation which contains the following elements the location and the general arrangement of the accommodation; At this moment the ship owner may apply for a DMLC, part I.
Shipyard	Only after approval by the RO, the (re)construction may commence.

	Note: The RO as meant in SOLAS, Chapter II-1, Regulation 3.1, will see to the proper execution of the accommodation requirements.
Ship owner and Shipyard	The construction, reconstruction or other change shall conform to the abovementioned plan.
RO	During the (re)construction the RO shall check compliance with the accommodation requirements as mentioned in the Regulation Seafarers.
RO	After the sea trials, a noise level measurement report can be drawn up. As proof that the accommodation requirements are met, the RO as meant in SOLAS, Chapter II-1, Regulation 3.1, will issue a Statement of Compliance (format at the discretion of the RO).
Ship owner	The ship owner may select an RO for the certification for MLC.
RO	The RO that performs the MLC-inspection shall report inconsistencies with the requirements for the accommodation to NSI.

Please note:

A **substantial equivalency** may be related to the following subjects:

- An employer other than a ship owner or a representative, may sign a seafarers' employment agreement. This is standard and it will be automatically inserted in all DMLC's , part I;
- Minimum floor areas on commercial cruising vessels;
- Sleeping rooms on ships of less than 500 GT;
- Sleeping rooms on passenger ships and special purpose ships.
- The ship owner shall indicate the relevant substantial equivalency on the "Form request exemptions and substantial equivalences".
- An agreement between the ship owner and the ship owners' and seafarers' organizations concerning substantial equivalencies is **not** necessary.

An **exemption** may be related to 22 accommodation requirements as indicated on the "Form request exemptions and substantial equivalences". As stated above an agreement between the ship owner and the ship owners' and seafarers' organizations concerned is only necessary for the exemptions numbered 2, 4, 6-9, 12-18 and 22.

If no agreement has been reached, NSI will decide.

The Minister will decide on the other exemptions.

Date: 28-12-2015