



## Request Form MLC Substantial Equivalencies and MLC Exemptions

### General information

Name ship	
IMO Number	
Shipyard	
Yard number	

Ships' type <sup>1</sup>	
Gross Tonnage (estimated) <sup>2</sup>	

1 The following ships' type are influential on MLC Substantial Equivalencies and Exemptions: Passenger vessel, Special purpose ship and Commercial Cruising Vessel

2 The following limits are influential on MLC Substantial Equivalencies and Exemptions: 200GT, 500GT, 1600GT and 3000GT

### Substantial Equivalencies

The following substantial equivalencies, as provided for under Article VI, paragraphs 3 and 4, of the Convention are noted. Check the box for items applicable. Advice from the representatives of the responsible representatives of the employers and employees is required for substantial equivalency numbers 5, 7 and 8.

<b>1</b>	<p>In derogation of Standard A2.1, paragraph 1 (a) and Standard A2.1, paragraph 4(b), of the Convention, The Netherlands allows seafarers' employment agreements to contain the employers' name and address and be signed not only by the ship owner or a representative of the shipowner, but also by an employer, including a temporary employment agency, other than the ship owner or his representative. This has been arranged in the following provisions to obtain substantial equivalency:</p> <ul style="list-style-type: none"> <li>• Civil Code, Book 7, articles 690, 693, 694, 735, 737 and 738;</li> <li>• The Code of Civil Procedure, article 6, paragraph b;</li> <li>• Act on Allocation of Workers by Intermediaries (Waadi), article 1(1c and 3) and articles 1a, 8, 9, 9a and 11;</li> <li>• Decree Claims of Seafarers, Recruitment and Placement of Seafarers, articles 9-11.</li> </ul> <p>The seafarer concerned enjoys the full protection in accordance with the MLC, 2006.</p> <p style="text-align: right;">* Always applicable for Dutch Flag vessels.</p>	<input checked="" type="checkbox"/>
<b>2</b>	<p>In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows minimum floor areas on board commercial cruising vessels (CCV) as presented in the Regulation Seafarers, Article 3.4.</p>	<input type="checkbox"/>
<b>3</b>	<p>In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on ships of less than 500 GT as presented in the Regulation Seafarers, Article 3.5.</p>	<input type="checkbox"/>
<b>4</b>	<p>In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on passenger ships and special purpose ships as presented in the Regulation Seafarers, Article 3.6.</p>	<input type="checkbox"/>
<b>5</b>	<p>In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for foreign ships, of which the keel is laid on or after August 20<sup>th</sup> 2013, which are going to sail under Dutch flag, and for ships with an innovative design or an innovative construction as presented in the Regulation Seafarers, Article 3.22.</p>	<input type="checkbox"/>

LEGEND	
	Always applicable
	NSI
	Representatives



6	In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allow substantially equivalent provisions substantially equivalent provisions for special purpose ships to place sleeping rooms without daylight above the load line if the size, the ship type or the intended service of the ship makes another location practically impossible and the light intensity of the lighting in the sleeping rooms is variable to compensate for the lack of daylight as needed by the Seafarer as presented in the Regulation Seafarers Art. 3.7 paragraph 2.	
7	In accordance with Regulation Seafarers Article 3.22, deviations have been granted, with the accompanying equivalent arrangements, both to be specified in an attachment.	
8	In accordance with Regulation Seafarers, Article 3.7, paragraph 2, The Netherlands allow substantial equivalent provisions for the location of sleeping rooms above the load line without access to natural light on special purpose ships.	
9	No substantial equivalency has been granted.	

LEGEND	
	Always applicable
	NSI
	Representatives



### Exemptions

The following exemptions, granted by the competent authority as provided in Title 3 of the Convention, are noted. Advice from the responsible representatives of the employers and employees is required for the exemptions numbered 1, 2, 4, 6-9 and 12-18. Check the box for items applicable for the vessel concerned.

1	In accordance with Standard A3.1, paragraph 6(a) of the Convention, as implemented in the Regulation Seafarers, Article 3.2, paragraphs 1 and 2, a reduced height of the accommodation has been granted. The height in the accommodation shall be at least 1930 mm.	
2	In accordance with Standard A3.1, paragraph 20, related to Standard A3.1, paragraph 7(b) of the Convention, as implemented in the Regulation Seafarers, Article 3.2, paragraph 3, an exemption has been granted to equip the ship with air conditioning for the seafarer accommodation, the radio room and the centralized machinery control room for ships of less than 200 GT.	
3	In accordance with Standard A3.1, paragraph 6(c) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 1, and Article 3.3 paragraph 3, an exemption has been granted with respect to the location of sleeping rooms forward of amidships, aft of the collision bulkhead.	
4	In accordance with Standard A3.1, paragraph 9(a) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 4, an exemption has been granted with respect to the availability of an individual sleeping room for each seafarer for special purpose ships and ships of less than 3000 GT, with the exemption of passenger ships.	
5	In accordance with Standard A3.1, paragraph 9(g) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 5, an exemption has been granted with respect to the floor area of individual sleeping rooms to [at least 3,75] m <sup>2</sup> for passenger ships, special purpose ships and ships of less than 3000 GT.	
6	In accordance with Standard A3.1, paragraph 9(m) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 6, an exemption has been granted with respect to the availability of an adjoining sitting room for the master, the chief engineer and the chief officer for ships of less than 3000 GT.	
7	In accordance with Standard A3.1, paragraphs 20(b), related to Standard A3.1, paragraph 9(f) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 7, an exemption has been granted with respect to the minimum floor area of individual sleeping rooms to [at least] 3 m <sup>2</sup> for ships of less than 200 GT.	
8	In accordance with Standard A3.1, paragraphs 20(b), related to Standard A3.1, paragraph 9(h) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 7, an exemption has been granted with respect to the minimum floor area of sleeping rooms for more than one seafarer to [at least] 2 m <sup>2</sup> per seafarer for ships of less than 200 GT.	
9	In accordance with Standard A3.1, paragraphs 20, related to Standard A3.1, paragraph 9 (k and l) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 7, an exemption has been granted with respect to the minimum floor area of individual sleeping rooms for an officer to [at least] 4 m <sup>2</sup> for ships of less than 200 GT.	
10	In derogation of Guideline B3.1.5, paragraph 2 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 8(a), an exemption has been granted with respect to the availability of private sanitary facilities to sleeping rooms.	
11	In derogation of Guideline B3.1.5, paragraph 3 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 8(b), an exemption has been granted with respect to the separation of sleeping rooms between the watches and with respect to seafarers working during the day not sharing a room with watchkeepers.	
12	In derogation of Guideline B3.1.6, paragraph 1 of the Convention, as implemented in the Regulation Seafarers, Article 3.9, paragraph 2, an exemption has been granted with respect to the presence of separate mess rooms as required in the Regulation Seafarers, Article 3.8 (3,4 and 5).	
13	In accordance with Standard A3.1, paragraphs 10 (a) of the Convention, as implemented in the Regulation Seafarers, Article 3.9, paragraph 3, an exemption has been granted with respect to the location of mess rooms apart from sleeping rooms for ships of less than 3000 GT.	

LEGEND	
	Always applicable
	NSI
	Representatives



Human Environment and Transport  
Inspectorate  
Ministry of Infrastructure and the  
Environment

14	In accordance with Standard A3.1, paragraphs 20, related to Standard A3.1, paragraph 13 of the Convention, as implemented in the Regulation Seafarers, Article 3.16, paragraph 2, an exemption has been granted with respect to the availability of laundry facilities if seafarers have sufficient access to laundry facilities onshore for ships of less than 200 GT.	
15	In accordance with Standard A3.1, paragraphs 11 (b) of the Convention, as implemented in the Regulation Seafarers, Article 3.11, paragraph 1, an exemption has been granted with respect to the accessibility of sanitary facilities from the navigating bridge, the engine room or the engine room control center for ships of less than 1600 GT.	
16	In accordance with Standard A3.1, paragraph 15 of the Convention, as implemented in the Regulation Seafarers, Article 3.16, paragraph 1, an exemption has been granted with respect to the availability of separate offices or a common ship's office for use by deck and engine room departments for ships of less than 3000 GT.	
17	In derogation of Guideline B3.1.11, paragraph 4 (e) of the Convention, as implemented in the Regulation Seafarers, Article 3.14, an exemption has been granted with respect to the presence of a swimming pool.	
18	In accordance with Standard A3.1, paragraph 19 of the Convention, as implemented in the Regulation Seafarers, Article 3.17, exemptions have been granted, as specified in an attachment.	
19	In accordance with Standard A3.1, paragraph 8, as implemented in the Regulation Seafarers, Articles 3.7 paragraph 3, and 3.9 paragraph 1, deviations have been granted, as specified in an attachment.	
20	In accordance with Standard A3.1, paragraph 11 (e), as implemented in the Regulation Seafarers, article 3.11, paragraph 2, deviations have been granted, as specified in an attachment.	
21	No exemption has been granted	

Shipowner/Yard	
Date:	
Place:	
Signed:	

Maritime Administration	
Date:	
Place:	
Stamp and signature	

LEGEND	
	Always applicable
	NSI
	Representatives

## Additional information MLC substantial equivalencies

General information concerning substantial equivalencies.

All substantial equivalencies are to be approved by the Netherlands Shipping Inspectorate (NSI).

### Specific information concerning substantial equivalency number 1

1	<p>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:</p> <ul style="list-style-type: none"><li>• Civil Code, Book 7, articles 690, 693, 694, 735, and 738;</li><li>• Civil Code, Book 8, articles 211 and 216;</li><li>• Act on Allocation of Workers by Intermediaries, article 1(1c and 3) and articles 1a, 8, 9 and 10-12;</li><li>• Code of Civil Procedure, article 6, paragraph b;</li><li>• Decree Claims of Seafarers, Recruitment and Placement of Seafarers, articles 9-11.</li></ul> <p>The seafarer concerned enjoys the full protection in accordance with the MLC, 2006.</p> <p style="text-align: right;">* Always applicable for Dutch Flag vessels.</p>
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There is one special substantial equivalency which concerns the co-signing of the seafarers' employment agreement (SEA). For the Dutch flag the SEA may also be signed by, for instance, a recruitment and placement service who employs the seafarer. This special substantial equivalency is always checked on the DMLC part I even if the Request Form MLC Exemptions or Substantial Equivalencies has not been submitted. The box is also always checked on the request form.

### Specific information concerning substantial equivalency number 2

2	<p>In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labor Convention, The Netherlands allows minimum floor areas on board commercial yachts as presented in the Regulation Seafarers, art. 3.4.</p>
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Substantial equivalency #2 only applies to ships that fall under the definition as included in article 1 of the Seafarers Regulation [Artikel 1.1 Regeling zeevarenden](#).

This concerns a ship of:

- a length between perpendiculars of 24 meters or more, that is designed and built and solely used for the commercial transport of no more than 12 passengers; and
- to which the LY2-code or the LY3-code as referred to in article 1 of the Netherlands Regulation Safety Seagoing Ships can be applied.

### Specific information concerning substantial equivalency number 3

3	<p>In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labor Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on ships of less than 500 GT as presented in the Regulation Seafarers, art. 3.5.</p>
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### Text article 3.5 ([Artikel 3.5 Regeling zeevarenden](#))

1. In derogation of article 3.3, paragraph 1, as substantial equivalency as referred to in article VI, paragraph 3 of the Maritime Labour Convention, sleeping rooms may be placed under the reference load line if the functionality, the stability or other safety aspects of ships of less than 500 GT require this, provided that paragraph 2 is also complied with.
2. Sleeping rooms as referred to in paragraph 1 shall meet the following requirements:
  - a. the top of the floor is a maximum of 2000 mm below the reference load line;
  - b. for headroom no exemption is granted as referred to in Article 3.2, paragraph 1;
  - c. in the sleeping rooms there shall be a continuous climate control which will adequately fight condensation and moisture-related odours;

- d. from the night quarters at least two adequate escape routes are present;
- e. in the watertight compartment of the sleeping rooms a bilge alarm is present;
- f. the light intensity of the lighting arrangements can be adjusted to compensate for the lack of natural light as needed by the seafarer;
- g. materials and colours for wall and floor covering will be used which promote the wellbeing of the seafarer.

### **Legal explanation to Article 3.5**

<https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html>

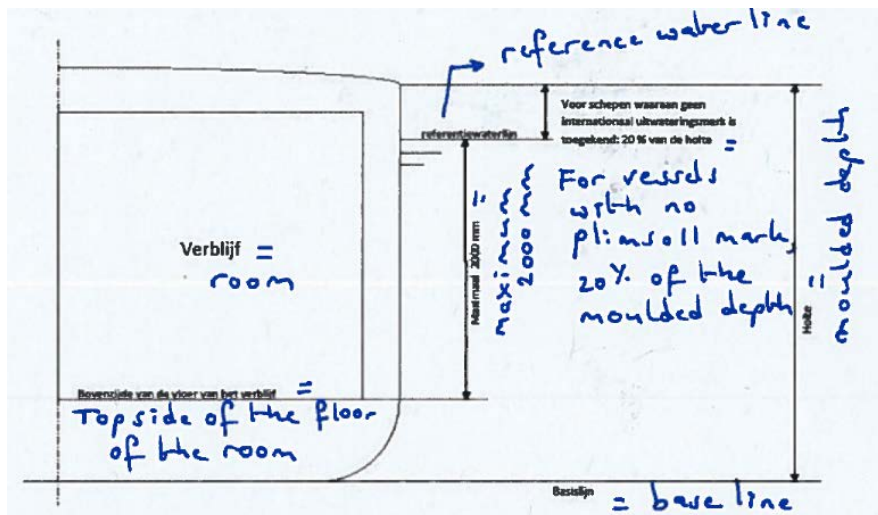
For the regulations of Article 3.4 as well as for Article 3.5 use has been made of the possibility given in Article VI, paragraph 3, of the MLC to determine substantial equivalencies. For a number of categories of ships below 500 GT it is often difficult, regarding the size, design and use of the ship, to meet the requirements of the sleeping room above the load line.

The consequences of placing the sleeping rooms above the load line have been analysed for a large number of categories of ships, among which tugs, research ships, fast crew suppliers, dredging assistance ships and multcats. This analysis has shown that the consequences are different for the various categories of ships, but it is generally the case that placing the sleeping rooms under the load line is unfavourable for the functionality or the safety, and especially the stability. The main conclusions are:

- To be able to place a sleeping room above the load line, the moulded depth of the ship must be enlarged which cannot be reconciled with the use of the ship. Usually working boats have a low working deck to be able to carry out certain activities safely;
- The stability and the seagoing behaviour of the ship is adversely affected;
- The employability of the ship is reduced;
- There is less working deck available, or ships have to be enlarged to have the same working deck available, which leads to a greater environmental impact (more material and more fuel);
- The working- and living environment on board is adversely affected when the sleeping rooms are placed closer to the working deck.

In response to this analysis and after consultation with the social partners it has been concluded that it is allowed to place sleeping rooms underneath the load line when the functionality, safety and stability in particular are at stake, provided that a number of compensatory measures are taken. To give application to Article 3.5, the plan, as referred to in article 3.23 paragraph 1, must show that placing the sleeping rooms above the load line does indeed worsen the functionality, safety and stability of the ship. Furthermore, the plan must show that the compensatory measures are put in place, as stated in Article 3.5, paragraph 2. The measures correspond to the conditions that were set in Article 48 of the Seamen's Decree to be allowed to place sleeping rooms underneath the summer load line on ships below 500 GT.

In Article 1.1 a reference load line is defined, since the Load line convention is not applicable to all ships. For those ships, for which the Load line convention is not applicable (with a length of less than 24 meters), a formula is used to determine the location of the reference load line. Thereafter the floor of the sleeping rooms may be placed at most 2000 mm underneath the reference load line. This is clarified in the drawing below:



### ILT explanation

The application for the substantial equivalency #3 must be accompanied by an explanation in which way the requirements of Article 3.4 are met.

### Specific information concerning substantial equivalency number 4

4

In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labor Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on passenger ships and special purpose ships as presented in the Regulation Seafarers, art. 3.6.

### Text Article 3.6 (Artikel 3.6 Regeling zeevarenden)

1. On passenger ships and special purpose ships it is allowed to place sleeping rooms underneath the reference load line according to Standard A3.1, paragraph 6, part d of the MLC Convention. In derogation of the Standard A3.1, paragraph 6, part d of the MLC Convention, sleeping rooms can be placed underneath working alleyways provided that these sleeping rooms are insulated in such a way that the standards for sound insulation between sleeping rooms and day rooms of the Code on noise levels on ships adopted by the Assembly of the International Maritime Organization by resolution A.468(12) are met. For ships above 1600 GT and built on or after July 1<sup>st</sup> 2014 Resolution MSC.337 (91) of the International Maritime Organization applies.
2. Sleeping rooms as referred to in paragraph 1 meet the following requirements:
  - a. In the sleeping room there shall be continuous climate control that adequately prevents condensation and moisture related odours; and
  - b. The light intensity of the lighting is variable adjustable to compensate for the lack of natural light as needed by the seafarer.

### Legal explanation to article 3.6 (<https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html>)

On passenger ships and ships for special purposes (SPS) it is allowed, according to standard A3.1, paragraph 6, part d of the MLC Convention, to place the sleeping rooms underneath the load line. This standard does not allow to place sleeping rooms underneath working alleyways. The reason for this regulation is that it can lead to noise disturbance in the sleeping rooms. In practice, however, it is sometimes difficult when designing a ship to prevent sleeping rooms from being underneath working alleyways. For that reason Article 3.6 makes use of the option provided for in Article VI paragraph d of the MLC to adopt substantial equivalencies. In Resolution A.468 (XII), code on noise levels on board of ships, dated November 19<sup>th</sup> 1981, insulation standards are set for walls and decks to assure that seafarers can rest while in an adjoining space other activities take

place. For ships of 1600 GT and more built on or after July 1<sup>st</sup> 2014 Resolution MSC.337 (91) of the International Maritime Organization regarding noise levels is applicable. Other than permanent noise of a machine or an air conditioning, this is about insulating against noises that are not permanent such as footsteps and talking. To be able to assure sufficient insulation against such noises from the walking alleyways, the insulation standard which is stated in the above mentioned Resolutions is prescribed in paragraph 1 for the insulation between the working alleyway and the underneath situated sleeping rooms. In paragraph 6.2 of the Resolution A.468 (XII) a referral is made to the ISO standard R717 'Rating of Sound Insulation for Dwellings'.

In Standard A3.1, paragraph 6, part d, it is also stated that sleeping rooms situated underneath the load line must have sufficient facilities for lighting and ventilation. In the paragraph 2 of Article 3.6 these requirements have been explicitly included.

#### **ILT explanation**

The application for substantial equivalency #4 shall be accompanied by an explanation of the way in which the conditions mentioned in Article 3.6 are fulfilled or will be fulfilled.

#### **Specific information concerning substantial equivalency number 5**

<b>5</b>	In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for foreign ships, of which the keel is laid on or after August 20 <sup>th</sup> 2013, which are going to sail under Dutch flag, and for ships with an innovative design or an innovative construction as presented in the Regulation Seafarers, Article 3.22.	
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#### **Text Article 3.22** ([Artikel 3.22 Regeling zeevarenden](#))

1. The Minister may allow deviation from Articles 3.1, 3.3, first and fourth paragraphs, 3.8, 3.10, 3.12, 3.13, first to fifth paragraphs, and 3.15, first and second paragraph, for:
  - a. foreign ships that sail under the Dutch flag and whose keel is laid on or after the date on which paragraph 3 of these regulations entered into force;
  - b. ships with an innovative design or an innovative construction method.
2. A derogation as referred to in the first paragraph shall only be permitted after consultation with the responsible representatives of the employers and employees, and subject to substantially equivalent regulations as referred to in Article VI, paragraph 3 of the Maritime Labour Convention.

#### **Legal explanation to Article 3.22**

(<https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html>)

#### **Article 3.22 Deviation on the basis of substantial equivalence**

Foreign ships that want to sail under Dutch flag and which are built after the entry into force of the MLC must comply with the accommodation requirements of the MLC. However, it is possible that such a ship does not fully meet the requirements of this regulation because, for example, substantially equivalent provisions have been applied in the country where the ship was built. This article makes it possible to flag these ships with some deviations from this regulation.

In order to make innovation possible whereby the regulations regarding accommodation and on-board facilities for seafarers cannot be applied in full, in the first subsection b it is also possible to deviate from the regulations for vessels with an innovative design or an innovative construction method.

Under the second paragraph, deviations may only be granted after consultation with the responsible representatives of the employers and employees, and subject to substantially equivalent provisions as referred to in Article VI, paragraph 3 of the Maritime Labour Convention. For the substantial alteration of existing ships, the shipowner and after consultation with the responsible representatives of the employers and employees, may request that the regulations



relating to the accommodation of these regulations be fully or partially applied instead of the provisions of the Seamen's Decree.

#### ILT explanation

The application for substantial equivalency #5 shall be accompanied by an explanation of why and in which way the vessel cannot comply with the Regulation Seafarers (new ships) or Seamen's Decree (existing vessels).

#### Specific information concerning substantial equivalency number 6

<i>Environment</i>		
6	In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in Article VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions substantially equivalent provisions for special purpose ships to place sleeping rooms without daylight above the load line if the size, the ship type or the intended service of the ship makes another location practically impossible and the light intensity of the lighting in the sleeping rooms is variable to compensate for the lack of daylight as needed by the Seafarer as presented in the Regulation Seafarers Art. 3.7 paragraph 2.	

#### Text Article 3.7 paragraph 2 (Artikel 3.7 Regeling zeevarenden)

2 For special purposes ships, the Minister may, after consultation with the responsible representatives of the employers and employees, grant exemption from standard A3.1, paragraph 6, part d, of the Maritime Labour Convention, for the installation of sleeping rooms without daylight above the load line, if the size, type or intended service of the ship makes a different location practically impossible and the light intensity of the lighting in the sleeping rooms is variably adjustable to compensate for the lack of daylight as required by the seafarer.

#### Legal explanation to article 3.7

(<https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html>)

#### 3.7 Exemptions and deviating regulations for sleeping rooms

This article regulates which exemptions can be granted from the standards that apply to sleeping rooms pursuant to Article 3.3 and which deviating regulations apply in relation to the provisions of Article 3.3. Which exemptions are possible and which exceptions apply depends on the type of ship. MLC exemptions are possible for passenger ships, ships for special purposes, vessels of less than 3000 GT, or ships of less than 200 GT.

The exemptions are - depending on the type of ship - possible from the requirements for the location of sleeping rooms on board, the requirement of an individual sleeping room for each seafarer, the minimum floor area and with respect to day rooms adjacent to sleeping rooms.

For the requirement that daylight can enter in sleeping rooms, an exception applies to passenger vessels under the second paragraph. In order to compensate for the lack of daylight, a number of measures a and b have been prescribed.

The exemption possibilities for ships of less than 3000 GT and ships for special purposes are related to the often limited space on board. These ships often have difficulty to meet all the design requirements. For these ships an exemption is possible from the prescription to provide an individual sleeping room for each seafarer. If this exemption option is used, vessels under 3000 GT shall be subject to standard A3.1, paragraph 9, part h of the MLC, that sleeping rooms may be used by at most two seafarers and that the floor area of these rooms is at least 7 square meters. Sleeping rooms for more than two seafarers are therefore not allowed on these ships.

Due to limited space, it may be more advantageous for ships of less than 3,000 GT not to request an exemption for individual night quarters, but exemption from the minimum floor area of an individual sleeping area of 4.5 square meters. This is possible under the fourth paragraph. These individual night quarters are never smaller than 3.75 m<sup>2</sup>. This lower limit comes from article 55 of the Seamen's Decree. Naturally, a combination of the exemptions referred to in the third and fourth paragraphs is also possible.

On most ships the accommodation is situated amidships or aft, as in art. 3.3, first paragraph is prescribed. On some ship types, however, this is undesirable. Tugboats and supply vessels for drilling platforms are an example of this, as are roll-on roll off ships that load cargo through the aft

ramp. For these vessels an exemption can be granted on the basis of Article 3.7, first paragraph, to be able to place the sleeping rooms midships.

Ships smaller than 200 GT can, pursuant to Article 3.7, sixth paragraph, be granted exemption from all regulations concerning the minimum floor area of night quarters. This may be necessary because of the very limited space on board. This exemption option is based on standard A3.1, paragraph 20, of the MLC. When granting exemptions pursuant to this article, the size of the ship and the number of persons on board shall be taken into account. These factors are important to determine to what extent an exemption is necessary. The minimum size for sleeping rooms mentioned in the sixth paragraph is based on article 55 of the Seamen's Decree.

Pursuant to Article 3.3, third paragraph, the sleeping rooms must comply with the standards of the guidelines mentioned there. On the basis of Article 3.7, paragraph 7, exemption from the standardization of a number of guidelines can be granted. It concerns guideline B3.1.5, paragraph 2, that sleeping rooms have their own sanitary facilities, guideline B3.1.5, paragraph 3, that sleeping rooms are arranged so that seafarers working during the day are separated from seafarers working at night and guideline B3.1.5, paragraph 5 that the second engineer has an additional space as referred to in standard A3.1, paragraph 9, part m of the MLC.

**ILT explanation**

The application for substantial equivalency #6 shall be accompanied by an explanation of the way in which the conditions mentioned in Article 3.6 are fulfilled or will be fulfilled.

### Additional information exemptions (MLC exemptions)

The items #1, 2, 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 18 (marked with yellow) are items for which a permission needs to be requested from the responsible representatives of the employers and employees. Both the representatives of the employers as well as the representatives of the employees have to compose a letter with their point of view of the requested exemptions. When sending in this form you need to add the mentioned letters as attachments. The requesting of the exemptions is arranged via the 'Landelijk Platform Maritiem voor Werk, Inkomen en Zorg' (= National Platform Maritime for Work, Income and Healthcare), better known as Platform Maritiem. More information can be found on the website of the association: [www.scheepvaart.nl](http://www.scheepvaart.nl).

The items #3, 5, 10, 11, 19, 20 and 21 (marked in green) are items which need to be assessed by the Netherlands Shipping Inspectorate. When submitting the form, **additional information must be provided to assess the requested exemption**. Underneath you will find a further explanation per exemption.

### Specific information concerning exemption number 3

3	In accordance with Standard A3.1, paragraph 6(c) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 1, an exemption has been granted with respect to the location of sleeping rooms forward of amidships, aft of the collision bulkhead.
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#### Text Article 3.7 paragraph 1 ([Artikel 3.7 Regeling zeevarenden](#))

The minister can grant an exemption of Standard A3.1, paragraph 6, part c, of the Maritime Labour Convention for the placing the sleeping rooms in the forward part of the ship (instead of midships), in case the size, the type or the intended service of the ship makes another location practically impossible.

#### Legal explanation to Article 3.7 paragraph 1

(<https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html>)

This Article regulates which exemptions can be granted of the Standards for the sleeping rooms based on Article 3.3 and which deviating regulations apply in relation to the provisions in Article 3.3. Which exemptions are possible and which exceptions apply, depends on the ship type. Based on the MLC exemptions are possible for the following ship types:

- Passenger ships
- Special Purpose Ships
- Ships < 3000 GT
- Ships < 200 GT

The exemptions are – depending on the type of ship – possible for the following areas:

- The location of the sleeping rooms
- An individual sleeping room for each seafarer
- The minimum floor area
- Rooms adjacent to sleeping rooms

For the requirement to have natural light in sleeping rooms, an exemption applies to passenger ships based on paragraph 2.

To compensate for the lack of natural light, a few measures have been prescribed in parts a and b. On most ships the accommodation is placed amidships or astern, as is required by Article 3.3, paragraph 1. On some ship types, however, this is undesirable. Tugboats and suppliers for drilling platforms are an example as well as RoRo-ships which load and unload via the ramp at the stern of the ship. For these ships an exemption can be granted based on Article 3.7, paragraph 1, to place the sleeping rooms in front of the midships.

### ILT Explanation

Application for exemption #3 shall be accompanied by a description of the reason why the accommodation must be placed at a deviating position.

### Specific information concerning exemption number 5

5

In accordance with Standard A3.1, paragraph 9(g) of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 5, an exemption has been granted with respect to the floor area of individual sleeping rooms to [at least 3,75] m<sup>2</sup> for passenger ships, special purpose ships and ships of less than 3000 GT.

### Text Article 3.7 paragraph 5 (Artikel 3.7 Regeling zeevarenden)

For ships of less than 3000 GT, passenger ships or for special purpose ships the Minister can grant an exemption, in accordance with Standard A3.1, paragraph 9, part g, of Standard A3.1, paragraph 9, part f, of the Maritime Labour Convention with regard to the minimum floor area of the individual sleeping rooms, if this allows for individual sleeping rooms. These individual sleeping rooms are never smaller than 3.75 m<sup>2</sup>.

### Legal explanation to Article 3.7 paragraph 5

(<https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html>)

This Article regulates which exemptions can be granted of the Standards for the sleeping rooms based on Article 3.3 and which deviating regulations apply in relation to the provisions in Article 3.3. Which exemptions are possible and which exemptions apply, depends on the ship type.

Based on the MLC exemptions are possible for the following ship types:

- Passenger ships
- Special Purpose Ships
- Ships < 3000 GT
- Ships < 200 GT

For the requirement to have natural light in sleeping rooms, an exemption applies to passenger ships based on paragraph 2. To compensate for the lack of natural light, a few measures have been prescribed in parts a and b.

The exemption possibilities for ships of less than 3000 GT and Special Purpose Ships often have to do with the restricted space on board. These ships often cannot meet the accommodation requirements. For these ships an exemption is possible of the Seafarers Regulation to have an individual sleeping room for each seafarer. If this exemption possibility is applied for, then the Standard A3.1, paragraph 9, part h of the MLC applies that the sleeping rooms can be used, at most, by two seafarers and that the floor area of the sleeping rooms measures at least 7 square meters. Sleeping rooms for more than two seafarers is thus not allowed on these ships.

### ILT explanation

Application for exemption #5 shall be accompanied by a description of the reason why the floor areas deviate and a drawing with the floor areas of the sleeping rooms in square meters.

## Specific information concerning exemption number 10

10

In derogation of Guideline B3.1.5, paragraph 2 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 8(a), an exemption has been granted with respect to the availability of private sanitary facilities to sleeping rooms.

### Text Article 3.7 paragraph 8 (Artikel 3.7 Regeling zeevarenden)

The minister may grant an exemption of the Standard of Guideline B3.1.5, paragraph 2, of the Maritime Labour Convention that sleeping rooms have their own sanitary facilities.

### Legal explanation to Article 3.7 paragraph 8

( <https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html> )

This Article regulates which exemptions can be granted with regard to the Standards based on Article 3.3 concerning sleeping rooms and which deviating regulations apply with regard to the regulations in Article 3.3. Which exemptions are possible and which exemptions apply, depends on the ship type. Based on the MLC exemptions are possible for the following ship types:

- Passenger ships
- Special Purpose Ships
- Ships < 3000 GT
- Ships < 200 GT

The exemptions are – depending on the type of ship – possible for the following areas:

- The location of the sleeping rooms
- An individual sleeping room for each seafarer
- The minimum floor area
- Rooms adjacent to sleeping rooms

For the requirement that there shall be natural light in the sleeping rooms, an exception applies to passenger ships based on paragraph 2. To compensate for the lack of natural light, a couple of measures have been prescribed in paragraph a and b.

Pursuant Article 3.3, paragraph 3, sleeping rooms have to meet the requirements as stated in the mentioned Guidelines. Pursuant Article 3.7, paragraph 7, a waiver may be granted from the standardization of a number of guidelines. This concerns the Guideline B3.1.5, paragraph 2, that sleeping rooms shall have sanitary facilities.

### ILT explanation

Application for exemption #10 shall be accompanied by a description of why the sleeping rooms are not provided with private sanitary facilities.

## Specific information concerning exemption number 11

11

In derogation of Guideline B3.1.5, paragraph 3 of the Convention, as implemented in the Regulation Seafarers, Article 3.7, paragraph 8(b), an exemption has been granted with respect to the separation of sleeping rooms between the watches and with respect to seafarers working during the day not sharing a room with watchkeepers.

### Text Article 3.7 paragraph 8 (b) (Artikel 3.7 Regeling zeevarenden)

The minister may grant an exemption from the Guideline B3.1.5, paragraph 3, of the Maritime Labour Convention that sleeping rooms should be so arranged that no seafarers working during the day share a room with watchkeepers.

### Legal explanation to Article 3.7 paragraph 8 part b

( <https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html> )

This Article regulates which exemptions can be granted of the Standards of Article 3.3 with regard to the sleeping rooms and which deviating regulations apply with regard to the regulations of Article 3.3.

Which exemptions are possible and which exemptions apply, depends on the ship type. Based on the MLC exemptions are possible for the following ship types:

- Passenger ships
- Special Purpose Ships
- Ships < 3000 GT
- Ships < 200 GT

The exemptions are – depending on the type of ship – possible for the following areas:

- The location of the sleeping rooms
- An individual sleeping room for each seafarer
- The minimum floor area
- Rooms adjacent to sleeping rooms

Pursuant Article 3.3, paragraph 3, sleeping rooms have to meet the requirements as stated in the mentioned Guidelines. Pursuant Article 3.7, paragraph 7, a waiver may be granted from the standardization of a number of guidelines. This concerns Guideline B3.1.5, paragraph 3, that sleeping rooms shall be arranged in such a way that no seafarers working during the day share a room with watchkeepers and Guideline B3.1.5, paragraph 5, that the second engineer has an additional room as referred to in Standard A3.1, paragraph 9, part m of the Maritime Labour Convention.

#### **ILT explanation**

Application for exemption #11 shall be accompanied by a description of the reason why the accommodation cannot meet the requirements of the usual standards.

#### **Specific information concerning exemption number 19**

<b>19</b>	In accordance with Standard A3.1, paragraph 8, as implemented in the Regulation Seafarers, Articles 3.7 paragraph 3, and 3.9 paragraph 1, deviations have been granted, as specified in an attachment.
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#### **Text Article 3.7 paragraph 3** ([Artikel 3.7 Regeling zeevarenden](#))

By way of derogation from Article 3.3, paragraph 1, and in accordance with Standard A3.1, paragraph 8, of the Maritime Labour Convention, it is allowed on passenger ships to have sleeping rooms without natural light when:

- a. The light intensity can be variable adjustable to compensate for the lack of natural light as needed by the seafarer; and
- b. Materials and colours used for wall and floor covering shall promote the wellbeing of the seafarer.

#### **Legal explanation to Article 3.7 paragraph 8 part b**

No specific legal explanation

#### **Text Article 3.9 paragraph 1** ([Artikel 3.7 Regeling zeevarenden](#))

In derogation of Article 3.8, paragraph 1, and in accordance with Standard A3.1, paragraph 8, of the Maritime Labour Convention, it is allowed to have day rooms without natural light when:

- a. The light intensity can be variable adjustable to compensate for the lack of natural light as needed by the seafarer; and
- b. Materials and colours used for wall and floor covering shall promote the wellbeing of the seafarer.

### **Legal explanation to Article 3.9 paragraph 1**

For the requirement to have natural light in the sleeping rooms, an exemption applies for passenger ships. To compensate for the lack of natural light, a few measures have been prescribed in parts a and b.

Obviously the lighting in these day rooms shall always meet the requirements of the lighting standard as stated in Article 3.1, paragraph 3, of this Regulation.

#### **ILT explanation**

Application for exemption #19 shall be accompanied by a description of the way the measures have been taken to meet the requirements of Article 3.9.

### **Specific information concerning exemption number 20**

20

In accordance with Standard A3.1, paragraph 11 (e), as implemented in the Regulation Seafarers, article 3.11, paragraph 2, deviations have been granted, as specified in an attachment.

#### **Text Article 3.11 paragraph 2 (Artikel 3.11 Regeling zeevarenden)**

For passenger ships that normally do not have voyages of more than 4 hours can, in derogation of Article 3.10, paragraph 1, and in accordance with Standard A3.1, paragraph 11, part e, of the Maritime Labour Convention the number of sanitary facilities be reduced to a toilet, a sink and a tub or a shower per 10 seafarers if there are additional sanitary facilities present ashore and the sanitary facilities on board together with the sanitary facilities ashore will meet the requirements of Standard A.3.1, paragraph 11, part c of the Maritime Labour Convention .

#### **Legal explanation to Article 3.7, paragraph 8, part b**

( <https://zoek.officielebekendmakingen.nl/stcrt-2012-21281.html> )

For passenger ships that normally do not have voyages of more than 4 hours, an exemption applies based on paragraph 2 of the Standard A3.1, paragraph 11, of the MLC, regarding the number of sanitary facilities on board. The number mentioned is allowed if additional sanitary facilities are available ashore. The shipmanager shall proof that the total number of the sanitary facilities both on board as ashore will come down to one toilet, one sink and one tub or shower per 6 seafarers, as prescribed in Standard A3.1, paragraph 11, part c, of the Maritime Labour Convention.

#### **ILT explanation**

Application for exemption #20 shall be accompanied by a description of the reason why the accommodation cannot meet the normal Standards and which alternative measures are in place.