

SYLLABUS

FAMILIARIZATION WITH RELEVANT NETHERLANDS MARITIME LEGISLATION

**For the familiarization with relevant maritime legislation of the Netherlands,
as required for Chief Engineer Officers, Chief Mates, and Second Engineer
Officers holding a non-Dutch Certificate of Competency when serving on
board ships registered in the Netherlands.**

(edition 1.1 – preliminary version)



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1 Introduction

Regulation I/10, paragraph 2, of the IMO International Convention on Standards of Training, Certification and Watchkeeping 1978, as amended (STCW), requires the following:

Measures shall be established to ensure that seafarers who present, for recognition, certificates issued under the provisions of regulations II/2, III/2 or III/3, or issued under regulation VII/1 at the management level, as defined in the STCW Code, have an appropriate knowledge of the maritime legislation of the Administration relevant to the functions they are permitted to perform.

In the Netherlands legislation this provision is implemented as follows:

1. Examination and certification on the knowledge of the maritime legislation of the Netherlands, relevant to the duty as Master, is required when applying for recognition of a Certificate of Competency as Master.
2. For Chief Engineer Officers, Chief Mates, and Second Engineer Officers, when serving on board ships registered in the Netherlands and holding a non-Dutch Certificate of Competency, it is required, before joining the ship, to be familiar with the structure and main principles of the maritime legislation of the Netherlands relevant to their duty. The familiarization shall be duly documented.

(Seafarers Decree, Article 10, and Seafarers Regulation, Article 8.41)

The Royal Association of Netherlands Shipowners (KVNR) has developed this Syllabus to assist chief engineer officers, chief mates and second engineer officers with the required familiarization with the maritime legislation of the Netherlands relevant to their duty, as mention under point 2 above.

Masters can take the required examination, as mentioned under point 1 above, at one of the following institutions:

STC B.V.

<http://dutchlaw.stc-r.nl/>

Nova

<http://www.novacollege.nl/cursus/wetgeving-en-openbaar-gezag#over-de-cursus>

NTTA

<http://www.ntta.nl/assessment-dutch-statutory-regulations-for-foreign-ships-officers-swbke/?lang=en>

2 Maritime Authority

Ministry of Infrastructure and the Environment

The maritime authority in the Netherlands is the Ministry of Infrastructure and the Environment (*ministerie van Infrastructuur en Milieu*). The Directorate-General for Mobility and Transport (DGB) is the policy department for maritime affairs.

<http://www.government.nl/ministries/ienm>

Human Environment and Transport Inspectorate

Within the Ministry of Infrastructure and the Environment the Human Environment and Transport Inspectorate (*Inspectie Leefomgeving en Transport (ILT)*) is the designated government agency responsible for compliance (inspection and certification) with and enforcement of statutory regulations.

http://www.ilent.nl/english/merchant_shipping/index.aspx

Inspection and certification of ships

In the Netherlands Registry cargo and passenger ships to which the international conventions are applicable, are surveyed in accordance with the Harmonized System of Survey and Certification (HSSC) Protocol 1988 (*IMO Assembly Resolution A.948(23)*). The *Appendix to the Annex 1 of the Netherlands Class Agreement* provides more information about the required certification and related surveys. This document can be downloaded from the ILT website :

http://www.ilent.nl/onderwerpen/transport/koopvaardij/Reders_onder_Nederlandse_vlag/vereiste_documenten/instructies_klassenbureaus/instructionsinspectionsconventionvessels.aspx

ILT has mandated the inspection and certification of seagoing ships to the following 7 recognized organizations.

- American Bureau of Shipping (ABS)
- Bureau Veritas (BV)
- DNV GL AS
- Germanischer Lloyd (GL)
- Lloyd's Register Group
- Nippon, Kaiji Kyokai (Class NK)
- RINA Services

As exception to certification by the recognized organizations, the following certificates are issued by ILT:

- Passenger Ship Safety Certificate for passenger ships carrying > 36 passengers (according SOLAS and EC directive 98/18);
- HSC Safety Certificate for passenger ships carrying > 36 passengers;
- DSC Construction and Equipment Certificate for passenger ships carrying > 36 passengers;
- Cargo Ship Safety Certificate of oil, gas or chemical tankers;
- IOPP certificate for passenger ships carrying > 36 passengers;
- IOPP certificate for oil, gas or chemical tankers;
- IOPP certificate for fishing vessels;
- Safe Manning Document and all other documents in relation to manning;
- Certificate for the crew accommodation

- Registry documents such as the Certificate of Registry (Zeebrief);
- Continuous Synopsis Record;
- Permit to Operate High Speed Craft;
- Permit to Operate Dynamically supported craft;
- Statement of Compliance in accordance with the Condition Assessment Scheme;
- Permit in accordance with article 2 bis of the Netherlands Shipping Act;
- Civil Liability Certificate;
- IOPP statement for ships < 400 GT (Ministerial Decree, Act on preventing pollution of ships);
- Type approval of A2 and not listed equipment in MED 96/98/EC;
- all certificates for fishing vessels ;
- tripartite declarations;
- All exemptions in relation to the issued certificates by the Administration.
- Specific National Declarations, e.g. Declaration of Port of Operation, Declaration for a single voyage outside the restricted area and Declaration for Manned Operations.
- Declaration of Maritime Labour Compliance, Part 1

Certification of seafarers

ILT has mandated the issuing of seaman's books, certificates of competency for masters and officers, and certificates of proficiency for able seafarers and ratings to Kiwa Register.

The ILT accredited training institutions issue the certificates of proficiency for the short courses offered. Exceptions to the latter are the certificates of proficiency for master and officers in case of STCW V/1 courses (tanker courses) and the certificates of proficiency for ship's cooks. These certificates are also issued by Kiwa.

<http://www.kiwaregister.nl/producten/koopvaardij/>

The Dutch Safety Board

The Dutch Safety Board (*Onderzoeksraad Voor Veiligheid (OVV)*) is responsible for the investigation of incidents and accidents related to ships flying the Netherlands flag.

Recommendations are published on the website of the board.

<http://www.onderzoeksraad.nl/en>

The Maritime Disciplinary Court of the Netherlands

The Maritime Disciplinary Court of the Netherlands (*Tuchtcollege voor de Scheepvaart*) deals with cases under the maritime disciplinary jurisdiction. This jurisdiction is founded on Chapter 5A (Disciplinary Justice) of the Netherlands Seafarers Act.

Subject to disciplinary jurisdiction in maritime shipping are ship's officers (masters, navigation officers, marine engineers, maritime officers and radio operators) of ships sailing under the Dutch flag.

The Disciplinary Court deals with cases on the basis of complaints, which can be submitted to the Court by interested parties by means of a plaint. Interested parties could be, for instance, crew members, ship owners and insurers. In addition, the Minister of Infrastructure and the Environment can bring a case before the Court by submitting a petition.

The following disciplinary measures can be pronounced: a warning, a reprimand, a fine of no more than € 4,500, or a suspension of the shipping permit for a period of no more than two years.

<http://www.themaritimedisciplinarycourtofthenetherlands.com/>

Alignment national maritime legislation with international standards

As a general policy the maritime legislation of the Netherlands is kept closely aligned with the international (IMO, ILO) and European standards. Areas where the Netherlands maritime legislation deviates from this policy can be found at :

http://www.ilent.nl/english/merchant_shipping/ship_owners_dutch_flag/legislation/areas_of_special_attention/

Publication of the Merchant Shipping Legislation

The relevant Netherlands maritime legislation covered by this syllabus is made available in English with the publication *Netherlands Merchant Shipping Legislation*, published by Sdu Uitgevers.

Most often this book or CD-rom is available on board.

More information can be found at:

<https://www.sdu.nl/wetgeving-voor-de-scheepvaart-abonnement.html>

The legislation of the Netherlands is also available, in the Dutch language only, at the government website : <http://www.overheid.nl/>

A useful source of information may also be the publication *Legal Handbook Shipmaster (2013)*, published by the Netherlands Shipmasters' Association (NVKK).

Website NVKK : <http://www.nvkk.nl/>

3 Safety and security of ships

In the Netherlands the statutory regulations regarding the safety and security of sea going ships, including the construction and equipment of ships, are laid down in the following two laws:

1. Ships Act (*Schepenwet*)
2. Dutch Marine Equipment Act (*Wet scheepsuitrusting*)

Ships Act

The Ships Act implements the provisions of both the IMO International Convention for the Safety of Life at Sea (SOLAS) 1974, with related codes, and the IMO International Convention on Load Lines (LL), 1966. The Ships Act also implements the various EU instruments relevant to the safety and security of ships.

In descending order the Ships Act and related lower legislation are structured as follows:

- Ships Act (*Schepenwet*)
- Ships Decree 2004 (*Schepenbesluit 2004*)
- Regulation Safety Seagoing Ships. (*Regeling veiligheid zeeschepen*)

The legislation is based on the principle of dynamic reference to the relevant IMO and EU instruments, meaning that reference is made to the relevant parts of these instruments instead of a full repetition of the content of these instruments.

The high level principles and standards are set out in the Ships Act. The more detailed provisions are laid down in the Ships Decree 2004 and the Regulation Safety Seagoing Ships as follows:

	SD 2004	RSSS
Introductory provisions	Chapter 1	Chapter 1
Certificates and surveys	Chapter 2	Chapter 2
Requirements for ship and management	Chapter 3	Chapter 3
Cargo transport	Chapter 4	Chapter 4
Obligations of the master	Chapter 5	Chapter 5
Final provisions	Chapter 6	Chapter 7

Cargo Ship safety Certificate

In principle cargo ships of 500 GT and over, registered in the Netherlands, are issued a Cargo Ship Safety Certificate (CSSC) in accordance with SOLAS Regulation 12, paragraph (a), sub-paragraph (v). However, upon request a Cargo Ship Safety Construction Certificate (CSSCS), a Cargo Ship Safety Equipment Certificate (CSSEC) and a Cargo Ship Safety Radio Certificate (CSSRC) may be issued instead.

Dutch Marine Equipment Act

The Dutch Marine Equipment Act implements the provisions of the European Marine Equipment Directive (European Directive 1996/98). The act refers to the so-called notified bodies performing type approvals on marine equipment acting on the basis of the European Directive 1996/98. The website of the European Marine Equipment Directive (MarEd) mentions Dutch and foreign notified bodies. <http://www.mared.org/>

4 Prevention of pollution by ships

In the Netherlands the statutory regulations regarding the prevention of pollution from sea going ships are laid down in the Prevention of Pollution from Ships Act (*Wet voorkoming verontreiniging door zeeschepen*).

Prevention of Pollution from Ships Act

The Prevention of Pollution from Ships Act implements the provisions of the IMO International Convention for the Prevention of Pollution from Ships (MARPOL) 1973, as modified by the 1978 and 1997 Protocols¹, and the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001. The Ships Act also implements the various EU instruments relevant to the prevention of pollution by ships.

In descending order the Prevention of Pollution from Ships Act and related lower legislation are structured as follows:

- Prevention of Pollution from Ships Act
 - Decree Prevention of Pollution from ships
 - Regulation prevention of pollution from ships
 - Port Reception Facilities Decree
 - Port Reception Facilities Regulation

The legislation is based on the principle of dynamic reference to the relevant IMO and EU instruments, meaning that reference is made to the relevant parts of these instruments instead of a full repetition of the content of these instruments.

The high level principles and standards are set out in the Prevention of Pollution from Ships Act. The more detailed provisions are laid down in the above mentioned decrees and regulations.

Decree and Regulation Prevention of Pollution from Ships

The more detailed provisions are laid down in the Decree Prevention of Pollution from Ships and the Regulation Prevention of Pollution from Ships, as follows:

	DPPS	RPPS
Introductory provisions	Chapter 1	Chapter 1
Requirements for ships	Chapter 2	Chapter 2
Certificates, declarations and surveys	Chapter 3	Chapter 3
Discharge and other practices	Chapter 4	Chapter 4
Operational requirements	Chapter 5	Chapter 5
Facilities for discharge of noxious liquids	Chapter 6	
Implementation requirements		Chapter 6
Final provisions	Chapter 7	Chapter 7

¹ The Netherlands has ratified all 6 Annexes to the MARPOL Convention.

Ballast Water

The Netherlands has ratified the IMO International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM). The Prevention of Pollution from Ships Act will implement the relevant provisions when the BWM Convention has entered into force (date yet unknown).

Port Reception and Facilities Decree and Regulation

The provisions of this decree and regulation are based on EU Directive 2000/59 on port reception facilities for ship-generated waste and cargo residues, as amended with Directive 2002/84.

5 Manning of ships and training and certification of seafarers

In the Netherlands the statutory regulations regarding the manning of ships, the training and certification of seafarers, and watchkeeping on board ships, are laid down in the Seafarers Act (*Wet zeevarenden*).

Seafarers Act

The Seafarers Act implements;

- the provisions of the IMO International Convention on Standards of Training, Certification and Watchkeeping 1978, as amended (STCW),
- a substantial part of the provisions of the ILO Maritime Labour Convention 2006 (MLC) - *Title 1, Regulations 1.2 and 1.3, Title 2, Regulation 2.7, Title 3, and Title 5, Regulation 5.1*, and
- Regulation V/14 (Ship's manning) of the International Convention for the Safety of Life at Sea (SOLAS).

The Seafarers Act also implements the various EU instruments relevant to the training and certification of seafarers, such as EU Directive 2008/106 on the minimum level of training of seafarers, as amended by Directive 2012/35.

In descending order the Seafarers Act and related lower legislation are structured as follows:

- Seafarers Act (*Wet zeevarenden*)
- Seafarers Decree Merchant Shipping and Sailing Ships (*Besluit zeevarenden handelsvaart en zeilvaart*)
- Seafarers Regulation (*Regeling zeevarenden*)
- Merchant Shipping Medical Examination Regulation 2012 (*Keuringsreglement voor de Zeevaart 2012*).

The legislation is based on the principle of dynamic reference to the relevant IMO and EU instruments, meaning that reference is made to the relevant parts of these instruments instead of a full repetition of the content of these instruments.

The high level principles and standards are set out in the Seafarers Act. The more detailed provisions with regard to the manning of ships, training and certification of seafarers, and watchkeeping on board ships are laid down in the Seafarers Decree and the Regulation Seafarers.

	SA	SD	SR
General provisions and definitions	Chapter 1	Chapter 1	Paragraph 1
The manning of ships	Chapter 2		Paragraph 9
Training and certification of seafarers	Chapter 2	Chapters 3 - 4	Para 8 and 10
Granting of exemptions		Chapter 2	
Special provisions regarding the manning of ships		Chapter 7	
The Master	Chapter 3		
Seaman's discharge book and crew list	Chapter 4	Chapter 5	Paragraph 2
Medical examination and certification of seafarers	Chapter 4	Chapter 6	MSMER ²
Enforcement	Chapter 5		
Disciplinary justice ³	Chapter 5A		

² At this level regulated with the Merchant Shipping Medical Examination Regulation 2012

³ See Chapter 2 of this Syllabus

STCW 2010 Manila Amendments

As per 3 May 2014 the Seafarers Act implements the 2010 Manila Amendments to the IMO STCW Convention. More information can be found at :

http://www.ilent.nl/english/merchant_shipping/crew/legislation/stcw/

6 Labour conditions (MLC 2006)

In the Netherlands the statutory regulations regarding the working and living conditions of seafarers are laid down in several laws, of which the following are of relevance for the scope of this syllabus:

- Seafarers Act (*Wet zeevarenden*).
- Civil Code (*Burgerlijk Wetboek*)
- Working Hours Act (*Arbeidstijdenwet*)
- Working Conditions Act (*Arbeidsomstandighedenwet*)⁴
- Ships Act (*Schepenwet*)⁵

The Maritime Labour Convention 2006

In the Netherlands the Ministry of Social Affairs and Employment is responsible for the implementation of the provisions of the ILO Maritime Labour Convention 2006 (MLC).

The inspection and certification of ships registered in the Netherlands for compliance with the MLC 2006 is the responsibility of the Ministry of Infrastructure and the Environment.

The five laws as mentioned above implement the relevant provisions of the ILO Maritime Labour Convention 2006 (MLC) as follows:

MLC	SA	CC	WHA	WCA / Ships A
Title 1	Reg. 1.2, 1.3		Reg. 1.1	Reg. 1.1
Title 2	Reg. 2.7	Reg. 2.1, 2.2, 2.4, 2.5, 2.6	Reg. 2.3	
Title 3	Reg. 3.1, 3.2			
Title 4	Reg. 4.1	Reg. 4.1, 4.2, 4.5		Reg. 4.3
Title 5	Reg. 5.1			
The Port state Control Act implements the provisions of MLC Regulation 5.2.				

The above mentioned legislation also implement the various EU instruments relevant to the working and living conditions of seafarers, such as:

- EU Directive 2009/13 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.
- EU Directive 1999/63 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST).

More information about the implementation of the MLC in the Netherlands legislation is available at the website of ILT :

http://www.ilent.nl/english/merchant_shipping/crew/legislation/mlc_maritime_labour_convention/

⁴ See Chapter 7 of this Syllabus

⁵ See Chapter 7 of this Syllabus

Seafarers Act

The legislation is based on the principle of dynamic reference to the relevant IMO and EU instruments, meaning that reference is made to the relevant parts of these instruments instead of a full repetition of the content of these instruments.

	SA	SD	SR
General provisions and definitions	Chapter 1	Chapter 1	Paragraph 1
The manning of ships (MLC 2.7)	Chapter 2		Paragraph 9
Training and certification of seafarers (MLC 1.3)	Chapter 2	Chapt 3 - 4	Para 8 and 10
Special provisions regarding the manning of ships (MLC 2.7)		Chapter 7	
Seaman's discharge book and crew list (MLC 2.1)	Chapter 4	Chapter 5	Paragraph 2
Medical examination and certification of seafarers (MLC 1.2)	Chapter 4	Chapter 6	MSMER ⁶
Accommodation, food and catering (MLC 3.1 and 3.2)	Chapter 4A		Para 3-4
Inspection and certification (MLC 5.1)	Chapter 4B		Para 5 and 7

The Declaration of Maritime Labour Compliance (DMLC) Part 1 is issued by ILT.

After approval of DMLC Part 2 by the RO and a satisfactory inspection by the RO on board the ship, the Maritime Labour Certificate is issued by the RO.

Civil Code

The Civil Code (*Burgerlijk Wetboek*), Book 7, Title 10, and in particular Section 12 of Title 10 implements the following provisions of the MLC:

- Seafarers employment agreements (2.1)
- Payment of wages (2.2)
- Entitlement to leave (2.4)
- Repatriation (2.5)
- Seafarers compensation for the ship's loss or foundering (2.6)
- Medical care on board ship and ashore (4.1)
- Shipowners liability (4.2)
- Social Security (4.5)

Working Hours Act

The Working Hours Act (*Arbeidstijdenwet*) implements the provisions of MLC Regulation 2.3 (and STCW Regulation VIII/1). The Netherlands regime for the limits of hours of work is based on rest hours (*paragraph 5(b) of Standard A2.3 of the MLC*).

In descending order the Working Hours Act and related lower legislation are structured as follows:

- Working Hours Act (*Arbeidstijdenwet*)
- Working Hours Decree Transport (*Arbeidstijdenbesluit vervoer*)

The specific provisions on the minimum rest hours for seafarers are set out with the Working Hours Decree; Chapter 1 (*General provisions*) and Chapter 6 (*Sea-going shipping*). The provisions are fully based on MLC regulation 2.3. A national provision, going beyond the international and European standards, is the requirement of a break of 15 minutes after at maximum 6 hours of work.

⁶ At this level regulated with the Merchant Shipping Medical Examination Regulation 2012

7 Occupational health and safety

Working Conditions Act

The Working Conditions Act sets out the provisions regarding occupational health and safety in the Netherlands, and also applies to seagoing ships registered in the Netherlands.

In descending order the Working Conditions Act and related lower legislation are structured as follows:

- Working Conditions Act (*Arbeidsomstandighedenwet*)
- Working Conditions Decree (*Arbeidsomstandighedenbesluit*)
- Working Conditions Regulation (*Arbeidsomstandighedenregeling*)

The Working Conditions Act implements the provisions of Regulations 1.1 and 4.3 of the ILO Maritime Labour Convention 2006 (MLC). The Working Conditions Act also implements the various EU instruments relevant to occupational health and safety.

The Working Conditions Act requires from the shipowner to implement a Working conditions policy on board the ship, encompassing an Inventory and evaluation of risks (*Risico Inventarisatie en Evaluatie (RIE)*) and an Action plan outlining the measures to be taken to mitigate the risks identified and evaluated. The RIE and action plan are carried on board the ship.

The Working Conditions Decree contains the following chapters:

1. Definitions and scope
2. Safety, health and welfare care and organization of work
3. Arrangement workplaces
4. Dangerous goods and biological agents
5. Special sectors and special categories of employees
6. Physical load
7. Work equipment and specific activities
8. Personal protective devices and safety and health signaling
9. Obligations, punishable acts, offences, administrative provisions and transitional and final provisions.

Ships Act

Safety Committee

Chapter 3A of the Ships Act implements the provision of Standard A4.3 of the ILO Maritime Labour Convention 2006 (MLC) regarding safety representatives by requiring the establishment of a Safety Committee on board ships registered in the Netherlands.

8 Collision Regulations

Shipping Traffic Act

With the Shipping Traffic Act (*Scheepvaartverkeerswet*) the provisions of the IMO Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972, are made applicable to ships registered in the Netherlands.

In descending order the Shipping Traffic Act and related lower legislation are structured as follows:

- Shipping Traffic Act (*Scheepvaartverkeerswet*)
- Decree on application of the International Regulations for Preventing Collisions at Sea (*Besluit toepassingverklaring Internationale Bepalingen ter voorkoming van aanvaringen op zee*).

The legislation is based on the principle of dynamic reference to the relevant IMO instruments, meaning that reference is made to the relevant parts of these instruments instead of a full repetition of the content of these instruments.