

PROCEDURE

Requests for statutory agreement exemptions related to accommodation and recreational facilities on board ships whose keel is laid on or after 20 August 2013

For Dutch ships whose keel is laid on or after 20 August 2013, the seafarers' regulations (in Dutch: Regeling Zeevarenden) gives a number of possibilities for exemptions on accommodation and recreational requirements. If you wish to request these exemptions, you have to follow a procedure. This procedure should be followed before commencing construction, renovation or other adjustments to the ship.

You will find the procedure on the website of the Dutch Environment and Transport Inspectorate (further ILenT): <https://www.ilent.nl/documenten/publicaties/2018/05/01/form-request-mlc-substantial-equivalencies-and-mlc-exemptions>

Before the Minister can grant exemptions, coordination with the representative organizations of employers and employees should take place. This concerns:

1. Applications for exemptions pursuant to Articles 3.2, 3.7, first and third to seventh paragraph, 3.9, second and third paragraph, 3.11, first paragraph, 3.14, 3.16 and 3.17 mentioned in the seafarers' scheme;
2. Any requests for the application of Article 3.22, indicating for which of the items mentioned in that Article deviation is requested.

In order to effectively complete the handling of exemption applications, the Maritime Network (in Dutch: het landelijk Platform Maritiem voor werk en inkomen) is willing to act as central point of contact. The following procedure applies:

- Before commencing construction, renovation or other adjustments to the ship, you must make timely notification of your request, by e-mail, to Platform Maritiem. Such a request should contain at least the following elements:
 1.
 - a. name of the ship;
 - b. building number of the ship;
 - c. tonnage (in GT);
 - d. date of keel laying;
 - e. serial building;
 - f. identical sister ships;
 - g. from foreign flag under Dutch flag;
 - h. a drawing of the accommodation plan for very building number / ship name;
 - i. a copy of the general plan of the ship / building number;
 - j. a copy of a drawing with the positions and general arrangements of the accommodation;
 2. A clear description of the exemptions you are applying for, by adding a completed form "request exemptions and substantial equivalences", with which you will apply for exemptions from ILenT;
 3. A substantiation of the need to grant an exemption in the particular situation, taking into account what is described in the provisions.

4. The (intended) crew composition of the ship;
 5. If applicable, a description of any equivalent alternatives and countervailing measures;
 6. If possible, the involvement and views of the seafarers of the ship on the situation;
 7. The contact details of the commissioner of the ship;
 8. The contact details (telephone number & email address) of the person to whom the response of the application must be sent;
 9. If it concerns an urgent application, please state the reason and explanation for this urgency.
- Send your request to:

Vereniging Platform Maritiem
p/a Stichting Scheepvaart
Email: info@scheepvaartnet.nl

citing: "request for exemptions and substantial equivalences for accommodation and recreational facilities".

You will receive an acknowledgment of receipt and your request will be forwarded to the relevant organizations of employers and employees. After receiving all necessary information - additional information may be requested - you will receive an advice on your request within 4 weeks. This advice contains a separate response from each of the organizations involved (one from the employees, one from the employers). These reactions can be: agreed; reject or divided; and you will be provided with a clear explanation. NB: Holiday periods can cause a longer response period.

- If the relevant employers' and employees' organizations have agreed to your proposed exemptions, you can file an application for DMLC-part 1 with ILenT. The relevant exemptions will be mentioned on the DMLC- part 1.
- The applicant receives a separate statement for every ship / building number because ILenT issues a separate a DMLC certificate for each ship.
- If you have not reached an agreement for certain exemptions with one of the involved organizations, you can submit a request for decision making to ILenT, in which you should mention the justification given by the representative organizations of employers and employees. In such cases, the minister will decide on the application for an exemption.

Requests for statutory agreement exemptions related to accommodation and recreational facilities on board ships whose keel is laid *before* 20 August 2013

For ships whose keel is laid before 20 August 2013, the relevant provisions in the Dutch Code of Commerce (in Dutch: Wetboek van Koophandel) and specifically the Seafarers' decree (in Dutch: Schepelingenbesluit). If, based on Article 65 of the Seafarers' decree, consultation is required with the representative organizations of employers and employees in the Merchant Navy, you can use the same procedure as mentioned above.