



Instruction to RO

No. 6. Transfer of ships to Netherlands' registry

Entry into force: 01 August 2006

1 Introduction

Article 2.4.2 of annex 1 to the agreement regulates the recognition of statutory international (IMO) certificates in case of transfer of ships to Netherlands' registry.

In broad terms: statutory full term certificates issued in compliance with the international conventions (as ratified by the Netherlands) are recognized. It is the RO's duty to ascertain that the condition of the ship, its equipment and procedures (ISM and security) are in compliance with the specifications of these certificates and whether issued exemptions are in accordance with the Netherlands' applicable instruments. Plans and documents, which in accordance with the conventions need to be approved by the Administration, shall be clearly marked "On behalf of the Administration" by the RO.

This document contains instructions for RO's with regard to:

- ships that do not carry full term certificates (paragraph 2)
- specific Netherlands' requirements (paragraph 3)
- ships that carry full-term certificates issued by, or on behalf of, another Flag state (paragraph 4)
- procedure to be followed (Convention vs. Non-Convention and within the EU vs. from outside the EU)

2 Ships that do not carry full-term certificates

In case no full-term certificates are available (the ship is operating under short-term / interim certificates) the RO shall assess the reasons why the losing Flag state has not (yet) issued full-term certificates. Based on the results of this assessment the RO will propose a course of action to NSI.

Possible actions could be (not exhaustive):

- issue long term certificate on behalf of the Netherlands' administration
- additional survey
- issue short-term certificate under conditions
- granting an exemption
- refuse issuance of the statutory certificates

Vessels without certificates¹ for commercial trade from the former Flag state shall be considered as new building. This means that surveys with a scope of initial surveys and approval of all relevant documents should be carried out.

¹ or certificates for another type of ship, e.g. cargo ship with the losing Flag State but certification as a Special Purpose Ship under Netherlands flag. Vessels are to be considered as new building for those areas that are affected by the change of ship type.



3 Specific Netherlands' requirements

Based on the regulatory framework as published by the NSI (see www.ilent.nl; EasyRules), the RO will determine any specific Netherlands requirements that are applicable to the ship in question. The RO assesses whether the ship is in compliance with these requirements. If the ship is not in compliance the RO will propose a course of action to the NSI. Special attention should be paid to the references made in the document "Areas of special attention for vessels flying the flag of the Netherlands".

4 Procedure to be followed

The RO is requested to make the owner aware of the following items:

- the owner should investigate the possibility to meet the requirements of the Netherlands' rules and regulations;
- the owner should investigate eligibility for registration of the ship in the Netherlands;
- the owner should apply to the Transport and Water Management Inspectorate for the certificates that are to be issued by the Administration.

If, according to the RO, the ship fulfils all international and national requirements, the RO will inform the owner and the Netherlands Shipping Inspectorate. In mutual arrangement the RO and the Inspectorate will issue the applicable certificates and complete the registration.

Below mentioned procedures are the minimum requirements. In cases where IACS PR28 supersedes the requirements of this Instruction to RO no. 6, IACS PR28 should be followed.

4.1 Flag-in of ships non-EU RO's or non IACS members

In case of a proposed flag-in (and transfer of class) of a vessel which former classification society is not recognised by the EU or not a member of IACS, NSI should be contacted for further instructions.

4.2 Flag-in Convention ships from another EU Member State

Article 2.4.2.1 of Annex 1 to the Agreement states that for the transfer of a ship from another EU Member State to the Netherlands Registry, EU Regulation 789/2004/EC is applicable. According to article 4.4 of this Regulation the receiving Flag State or RO acting on its behalf may subject the vessel to an inspection. NSI prescribes that a flag-in survey with the minimum of the scope of an annual survey, is carried out to determine full compliance with the Netherlands' applicable rules and regulations. Furthermore, a review of the Fire Control (or, if provided, Safety) Plan and report on noise levels (compliance with IMO Resolution A.468(XII)) should be carried out. All plans and documents, which in accordance with the conventions need to be approved by the Administration, shall be clearly marked "On behalf of the Administration" by the RO. If deviations are found, the RO shall inform the NSI immediately (also see below: Non-compliance). NSI will contact the losing Flag state to discuss the deviations and determine if further steps are necessary.

4.3 Flag-in Convention ships from outside the EU

Article 2.4.2.2 of Annex 1 to the Agreement prescribes that 'essentially' the statutory full term certificates will be recognised. The flag-in survey shall be carried out with the minimum



of the scope of a periodical² survey before issuing any new certificates on behalf of the Administration. If the ship remains with the same RO, the periodical survey may be replaced by a flag-in survey with the minimum of the scope of an annual survey. Special attention should (in both cases) be paid to community (EU) and national legislation. In addition, if the plan and document review is (partly) carried out by the losing Flag State and not by a RO, the RO shall carry out a full review³ for, minimal, those plans and documents listed in Annex 1 of this document in combination with the necessary surveys.

If deviations are found, the RO shall contact the NSI immediately for further instructions (also see below: Non-compliance). NSI will examine these deviations and determine if further steps are necessary.

4.4 *Flag-in of Non-Convention ships (EU or from outside EU)*

For the flag-in of Non-convention ships, a full initial survey, in combination with a full review of those plans and documents listed in Annex 1 of this document, shall be carried out by the RO, for verification of compliance with the Netherlands' applicable instruments according to the Ships Decree and instructions as found on the NSI website. (http://www.ilent.nl/onderwerpen/transport/koopvaardij/erkende_organisaties/klussenbureaus/wet_en_regelgeving/). Special attention should be paid to community (EU) and national legislation. Furthermore, the non-convention ship shall meet the Netherlands requirements based on the keel-laying date, taken into consideration that retroactive requirements are applicable.

5 *Non compliance*

If the ship does not comply with the Netherlands' applicable rules and regulations, the RO shall require the ship owner to submit a well-founded proposal to the RO for consideration. If found acceptable, the RO shall submit a well founded recommendation together with all relevant documentation, calculations etc. and suggested conditions to NSI via the Netherlands branch office of the RO for approval.

RO shall process the request and make any necessary plan approvals etc. before forwarding its well founded recommendation including all relevant documentation calculations etc. and suggested conditions to the Administration.

² Or the scope of an intermediate survey if applicable (SafCon, Marpol etc.). For Load Line items, the scope of an annual may be applied.

³ All plans and documents, which in accordance with the conventions need to be approved by the Administration, shall be clearly marked "On behalf of the Administration" by the RO.



Annex 1 Plans and documents for Flag-in to Netherlands Flag

Ad 4.3 Drawings to be reviewed (and marked approved on behalf of the Administration if approval is required by the International Conventions) for Convention vessels

The following plans and documents need to be reviewed (and, if applicable, marked approved), if the review was carried out by the losing Flag State:

1. Record of approved cargo ship safety equipment (IMO SLS.14/Circ. 1)
2. Structural Fire Protection
3. Fire Control (or, if provided, Safety) Plan
4. Damage Control Plan
5. Definitive Stability information (as required by the SOLAS Convention)
6. Report on noise levels (compliance with IMO Res. A.468(XII))

In addition, for passenger vessels: 7. Escape Plans

Ad 4.4 Drawings to be reviewed (and marked approved on behalf of the Administration if approval is required by the International Conventions) for Non-Convention-vessels

The following plans and documents need to be reviewed (and, if applicable, marked approved) for Non-Convention vessels:

Shipbuilding.

1. Structural fire protection in accommodation areas
2. Ventilation system in accommodation areas
3. Report on noise levels (compliance with IMO Res. A.468(XII))

Technical.

1. Data of propulsion machinery (copy of class certificates)
2. Data of auxiliary machinery (copy of class certificates)
3. Lay-out and connection of acetylene welding and cutting installation
4. Diagram of deck wash and fire-fighting system
5. Diagram of bilge system
6. Diagram of fixed fire extinguishing systems (including necessary data, calculations and manuals)
7. Diagram of steering gear (hydraulic part)
8. Diagram of dirty oil system
9. Record of approved cargo ship safety equipment (IMO SLS.14/Circ. 1)
10. Fire Control Plan

Nautical.

1. Plan showing visibility from bridge
2. Bridge lay-out including data of GMDSS equipment and navigation equipment
3. Arrangement and particulars of survival craft
4. Arrangement of magnetic compasses
5. Arrangement of navigation lights with necessary data
6. Antenna plan
7. Diagram of power supply GMDSS
8. Dispensation nautical paper charts (if applicable)