



Instruction to RO

No. 2 - Inspections and certification of Non-Convention ships

Date entry into force: 07 January 2019

1 General

1.1 The Netherlands Shipping Inspectorate (NSI) has authorised the Recognized Organizations (ROs) to carry out surveys and issue certain certificates for **ships that due to their specifics are not subject to one or more of the International Conventions**. NSI has furthermore authorized the ROs to perform most of the statutory surveys regarding safety matters and pollution prevention. As from July 1st, 2010, the ROs are also authorised to issue on behalf of the Netherlands a National Safety Certificate to a ship, subject to a satisfactory completion of the relevant surveys.

1.2 This instruction solely addresses specific national requirements and transitional measures. The date of issuance of a certificate to a ship after an initial survey determines which regulatory requirements are applicable to that ship, bearing in mind any retroactive application of provisions.

1.3 For a ship to which the provisions of a Convention apply although the issuance of a certificate is not required (e.g. MARPOL Annex I for ships less than 400 GT and MLC for ships less than 500 GT), the RO is also authorised to carry out surveys, plan approval and other relevant activities. Such activities are however subject to a mutual agreement between the RO and the shipowner (or in some cases shipyard), whereas the shipowner is ultimately responsible for compliance.

1.4 This Instruction to RO takes into account the provisions specified in the following Conventions:

- a) The International Convention for Safety of Life at Sea (SOLAS), 1974, as amended;
- b) The International Convention on Load Lines (LL), 1966, as amended;
- c) The International Regulations for Preventing Collisions at Sea (COLREG), 1972, as amended;
- d) The International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as amended;
- e) The Maritime Labour Convention (MLC), 2006; and
- f) The International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS), 2001.



1.5 The Gross Tonnage (GT) as referred to in this Instruction to ROs is the unit of measure gross tonnage in which the total volume of a ship, determined according to the International Convention on Tonnage Measurement of Ships, 1969.

1.6 The length as referred to in this Instruction to ROs is the length of a ship, determined according to the International Convention on Tonnage Measurement of Ships, 1969 (ITC'69).

2 Application

2.1 This instruction applies to all ships with the exception of item e), as referred to in article 3a. paragraph 1 of the Regulation Safety Seagoing Ships:

- a) Cargo ship of less than 500 GT with a length of 24 metres or more, not being a ship as referred to in item c;
- b) Cargo ship with a length of less than 24 metres, not being a ship as referred to in item c;
- c) Ship which has not been provided with mechanical means of propulsion; and
- d) Cargo ship of 500 GT or more, solely intended and used for national voyages.

2.2 This instruction shall not apply to pleasure crafts (non-commercial) and cargo ships of a length of less than 12 metres, Large Yachts (LY2 and LY3 Code), Commercial Cruising Vessels (CCV Code), seagoing sailing passenger ships (less than 500 GT and no more than 36 passengers), ships subject to London MoU (traditional ships in European waters) and ships solely certified for operation in the Caribbean trading area.

3 Scope of the authorisation

3.1 The NSI has authorised the ROs to perform surveys and to issue i.a. the National Safety Certificate for Non-Convention ships.

3.2 For further details and a complete overview of the authorization, reference is made to the Agreement between the Administration of the Netherlands and Recognized Organization, governing the authorization of statutory survey and certification services of ships registered in the Netherlands, flying the flag of the Kingdom of the Netherlands and classed by RO (the Agreement), the Annex I to the Agreement and the Appendix to Annex I to the Agreement (see ILT website).

3.3 Furthermore, reference is made to the other relevant instruments, available via the Netherlands Regulatory Framework ([NeRF](#)) - Maritime.



4 Surveys and certification

4.1 General

4.1.1 Data such as Gross Tonnage, ITC length determine the applicability of relevant legislation and are necessary for the issuance of a Certificate of Registry. No other certificate shall be issued on behalf of the Netherlands, if a Netherlands' Certificate of Registry has not been provided for.

4.1.2 For ships with a length of 24 metres or more, the SOLAS requirements (with specified exemptions) are applicable depending on the construction date, contract date or the date of keel laying, including retroactive requirements.

4.1.3 The condition of the ship and its equipment should be maintained to ensure that the ship will remain fit for the intended operation. One intermediate survey is required to be carried out during the validity of the new National Safety Certificate. This, however, does not exempt the shipowners or operators from the obligations concerning the periodic servicing and maintenance¹ of life-saving appliances, GMDSS equipment, life rafts, hydrostatic release units, EPIRBs, AIS, distress flares, launching appliances in accordance with MSC.1/Circ.1206/Rev.1 (measures to prevent accidents with lifeboats), medical equipment, or (fixed) firefighting equipment.

Only the required equipment and no surplus equipment shall be mentioned on the National Safety Certificate.

4.1.4 No alteration or modification shall be made to the structural arrangements, machinery, equipment, accommodation and other items, without the approval (on behalf) of the Administration.

4.1.5 NSI shall be notified by the RO of any changes that affect the Certificate of Registry or the Minimum Safe Manning Document as stipulated in the Agreement.

4.2 Existing ships²

4.2.1 Existing equipment on board existing ships may be accepted "as-is" by the surveyor of the RO, provided it's in good working condition. An up-to-date Record of Approved Safety Equipment shall be available.

¹ Periodic servicing and maintenance shall be in accordance with the required intervals

² Existing ships are ships of which the keel is laid before the 1st of July 2009 (ships flagging in excluded, reference is made to ItoRO no. 6).



4.2.2 For Existing ships of less than 500 GT, provided with mechanical means of propulsion, engaged on international voyages, the following checklists should be used as guidance for the required safety equipment on board:

- Checklist cargo ship of less than 500 GT and 24 metres or more, with propulsion power, international trade (Annex 2)
- Checklist "Existing cargo ship of less than 500 GT and less than 24 metres, with propulsion, international trade(Annex 3)
- National Instruction Safety Equipment Surveys for existing cargo ships of less than 500 GT (Annex 4)

4.2.3. Some existing ships not provided with mechanical means of propulsion are certified for manned operation at sea. The safety equipment survey for such ships shall include an inspection of the ship's safety equipment, e.g. lifesaving appliances, firefighting equipment, navigational lighting, radio equipment and its means to prevent collisions. As a minimum, the ship shall be surveyed for compliance with the provisions as referred to in Annex 3 to the Regulation Safety Seagoing Vessels.

The following checklist should be used as guidance for the safety equipment required to be on board:

- Checklist existing non-propelled manned pontoons (Annex 5)

4.2.4 In case an existing barges not provided with mechanical means of propulsion is not certified for manned operation at sea, the safety equipment on board shall not be mentioned on the National Safety Certificate. In case this is unclear please contact the NSI through the RO's local office in the Netherlands

4.2.5 Transitional provisions existing vessels

In some cases, the restrictions imposed to the ship, which have not already been covered by the Certificate of Class and/or the Minimum Safe Manning Document, have been included in the Certificate of Seaworthiness and/or Declaration for manned operation, and have subsequently been transposed to the National Safety Certificate. For example:

- On a ship not provided with mechanical means of propulsion with wind force restriction was stated on the expired Certificate of Seaworthiness, the text in the applicable restrictions box may read as follows: *"The sailing area is restricted to GMDSS Areas (see above), conditions on the Certificate of Class and/or Minimum Safe Manning Document and with a wind force restriction 7 on the Beaufort scale."*
- In case a barge not provided with mechanical means of propulsion, has been provided with an assisted propulsion notation by RO, the text in the applicable restriction box may read: *"thrusters are for positioning purposes at the working location only, and not for propulsion purposes. The ship shall only be moved by other means than the propulsion placed on board, e.g. tug(s)."*



- In case a barge not provided with mechanical means of propulsion, that was provided with a declaration for manned operation, the text in the applicable restrictions box may read as follows (example) :
"For unmanned towed operation the sailing area is restricted to the notation as stated in the Certificate of Class"
For manned operation, the following conditions are applicable;
 - *The ship is permitted to have not more than 6 persons on board*
 - *The ship operates in coastal waters whereby the distance to the nearest land does not exceed 15 nautical miles.*
 - *The wind force shall not exceed force 5 on the Beaufort scale*
 - *The ship is in VHF range with a coastal radio station or a standby vessel equipped for the relevant GMDSS Sea Area.*

In all cases the Record of Equipment of the National Safety Certificate should be attached, even if no equipment is provided.

4.3 New-building ships and Existing ships transferred to the Netherlands' registry

For ships newly built or existing non-Convention ships to be transferred to the Netherlands' registry (flag-in ships) and new non-Convention ships, no checklists exist, since a National Safety Certificate and the Record of Approved Safety Equipment should be drawn up during initial survey, based on the regulatory framework of the Ships Decree 2004, the Regulation Safety Seagoing Vessels and other applicable legislation (see NeRF-Maritime). Further reference is made to ItoRO no. 6 (Transfer of ships to Netherlands' registry).

4.4 Alterations and modifications

4.4.1 All ships which undergo alterations, modifications and outfitting related thereto, shall continue to comply with at least the requirements previously applicable to these ships. Such ships, if constructed before the date on which any relevant amendments enter into force, shall, as a rule, comply with the requirements for ships constructed on or after that date to at least the same extent as they did before undergoing such alterations, modifications or outfitting.

4.4.2 Alterations and modifications of a major character (e.g. major conversion or changing type of ship) and outfitting related thereto, shall meet the requirements for ships constructed on or after the date on which any relevant amendments enter into force. This however in so far as the Administration deems this reasonable and practicable.

4.5 Requirements where the issuance of a certificate is not mandatory

In case where a Conventions applies to a ship, whilst the issuance of a certificate is not required for that ship due to e.g. the GT, the length or the number of persons carried on board the ship, **the ROs are also authorised to verify compliance** (e.g. MARPOL Annex V, see article 2.4.14 of Annex 1 to the Agreement). Compliance with the applicable



requirements is the responsibility of the shipowner, although the RO is requested to report any non-compliances identified during its regular surveys.

5 Regulatory framework

5.1 General

This chapter aims to clarify the applicable requirements with regards to the non-convention ships. It does not comprise all requirements, since part of it is outside the scope of this instruction (e.g. registration legislation).

Act
Ships Act
Prevention of pollution from ships Act
Marine equipment Act
Seafarers Act
Tonnage Certificates Act
Decree
Ships Decree 2004
Decree on the prevention of pollution by ships
Decree seafarers merchant shipping and sailing ships
Regulation
Regulation safety seagoing vessels
Regulation prevention of pollution from ships
Seafarers Regulation
Other
Policy Rule safety seagoing ships
Instruction to the Recognised Organisations (ItoRO)
Policy Rule Manning
Information to Shipping
Areas of special attention for ships flying the flag of the Netherlands

For an overview of the complete regulatory framework reference is made to [NeRF-Maritime](#).

In the following sections several items are addressed that needed further clarification or instructions and are mainly derived from the Frequently Asked Questions as published on the NSI website.

5.2 Safety items (Ships Act)

5.2.1 Construction – Structure, stability, installations

5.2.1.1 Class notation

5.2.1.1.1 Article 37 of Ships Decree 2004 requires that a ship shall be designed, constructed and maintained in accordance with the rules of shipbuilding, mechanical



engineering and electrical engineering of the RO, insofar as these rules do not contravene the rules laid down by or pursuant to this Decree.

5.2.1.1.2 Since for non-convention ships it is less obvious than for convention sized ships, it is stressed that applied rules shall be appropriate for the type of ship and its intended use (e.g. it is not allowed to use Class Rules for a private yacht when such ship is intended for commercial use. The application of Class Rules for manned operated barges when manned operation is excluded in these rules).

5.2.1.1.3 For project-fit equipment (projects with a duration not more than 3 months) for operations with personnel on board (manned working) the notation may be exempted upon a case-by-case basis. NSI should be contacted through the RO's focal point in the Netherlands.

5.2.1.1.4 Above requirements are to be interpreted as such that no machinery notation by the RO is required for barges which are exclusively certified for unmanned towed voyages only.

5.2.1.1.5 NSI issued a specific [guideline](#) for use of plastic or aluminium pipes on NL ships as defined in Regulation Safety Seagoing Vessels, Art. 3a paragraph 1a, 1b and 1c (ships under 500 GT and non-self-propelled ships).

5.2.1.2 Unattended Machinery Space–notation (UMS)

5.2.1.2.1 NSI has authorised the ROs to perform the UMS surveys by NSI Letter VENW/IVW-2010/9149 (Annex 1). Some ships have been initially surveyed and approved for UMS by the NSI and are not approved for UMS by the classification society. The list of ships to which NSI granted an UMS notation may be found on the NSI website.

5.2.1.2.2 For these ships a dedicated checklist is provided on board. Evidence must be provided that the relevant alarms and other functions are checked / tested at least every 4 months.

5.2.1.2.3 It should be verified that a ship has a marking "YES" for periodically unmanned machinery space on the Minimum Safe Manning Document. In case the ship is not mentioned on the aforementioned list and has no UMS notation by the RO, NSI shall be contacted through the RO's focal point in the Netherlands.

5.2.1.3 Protective coatings

SOLAS Chapter II-1, regulation 3-2, concerning protective coatings of dedicated ballast water tanks is not applicable for ships as referred to in article 3a, paragraph 1, item a, item b and item c of the Regulation Safety Seagoing Vessels.

5.2.1.4 Stability and minimum freeboard

5.2.1.4.1 As per article 22 of the Regulation Safety Seagoing Vessels, the Intact Stability Code is applicable for all cargo vessels with a length of 12 meters or more (ITC'69)



and below 24 metres. There are no Damage Stability Requirements. The minimum freeboard (maximum draft) for cargo vessels with a length of 12 meters or more (ITC'69) and below 24 metres is determined by both the strength calculations (scantling draft) and the intact stability calculations. In such a manner also the minimum freeboard (maximum draft) is established for vessels below 24 meters. Since a Plimsoll marking is no longer required, the maximum draft shall be clearly stated in the ship's approved stability booklet, as to prevent that service conditions are exceeded.

NSI allows a relaxation of required bow height under certain conditions as described in the Information to Shipping no.2.

5.2.1.4.2 Ships with a length of 24 metres or more shall comply with the International Load Line Convention. When engaged on international voyages it shall be issued with an International Load Line Certificate. In case a vessel only sails in Netherlands national waters, the Load Line data is to be completed in the Appendix of the National Safety Certificate.

5.2.2 Fire construction, fire protection, detection, extinction, requirements

5.2.2.1.1 For existing manned barges without mechanical means of propulsion, the current checklist (Annex 5) partly address the requirements for SOLAS Chapter II-2, Construction, fire protection, detection, extinction. As stated in paragraph 4.2.1 of this Instruction: "the equipment on board may be accepted "as is" by the surveyor of the Classification Society, this however under the condition that it is in a good working condition".

Also a safety plan (marked as noted, or equivalent term used by the RO as a minimum), and Record of Approved Safety Equipment should be on board, which is why NSI has not further elaborated on this subject.

5.2.2.1.2 For existing ships provided with mechanical means of propulsion, the current checklists (Annex 2, 3 and 4) stipulate the equipment which is mentioned on the National Safety Certificate and do not specifically deal with construction, fire protection, fire detection and fire extinction requirements (for which reference is made to the regulatory framework).

5.2.2.1.3 For existing ships with a length of less than 24 metres restricted to voyages not exceeding a distance to the nearest shore of 30 nautical miles, the requirements stipulated in the Ships Decree 1965, guidelines for Small Craft (Richtlijn Kleine Vaartuigen), including retroactive requirements, apply. In case an approved safety plan or Record of Approved Safety Equipment cannot be presented by the shipowner or in case of doubt the NSI should be contacted through the RO's Netherlands focal point for additional instructions.

5.2.2.1.4 For existing ships, as referred to in Article 3a, first paragraph, item b and item c (no more than 12 special personnel) of the Regulation Safety Seagoing Vessels the requirements concerning the arrangement and capacity of fire pump(s) is related to the bilge pumping capacity. For these barges the bilge pumping requirements are provided for by the Classification Societies' Rules.



5.2.3 Prevention of Collisions

The provisions of the Convention on International Regulations for Preventing Collisions at Sea (COLREG, 1972) as amended, apply to a non-Convention ship, unless that ship is exempted by NSI or the RO.

5.2.4 International Cargo Ship Safety Radio Certificate

For cargo ships of 300 GT or more, provided with mechanical means of propulsion engaged on international voyages, a separate International Safety Radio Certificate, as defined in regulation 9 of SOLAS Chapter I, is required in addition to a National Safety Certificate.

5.3 Environmental items (Prevention of Pollution from Ships Act)

5.3.1 MARPOL Annex I

5.3.1.1 Existing vessels below 400 Gross Tonnage currently all held a MARPOL Annex I Declaration and shipowners may voluntarily renew this declaration.

On the basis of article 15.2 of the Netherlands Decree on the prevention of pollution by ships, and after an initial or renewal survey in accordance with the provisions of regulation 6 of MARPOL Annex I, the RO is entitled to issue on behalf of NSI and at the shipowner's request a declaration stating that the ship meets the requirements of Annex I to MARPOL that apply to that ship. NSI does not prescribe the form of the declaration.

5.3.1.2 The duration, validity and issuance of the declaration shall be similar to the duration, validity and issuance of the International Oil Pollution Prevention (IOPP) Certificate, as referred to in regulation 7, regulation 8 and regulation 10 of MARPOL Annex I.

5.3.1.3 Based on Article 15.2, that in respect of a survey which has shown compliance (with MARPOL Annex I), a declaration may be issued at the shipowner's request. The RO may issue a MARPOL declaration on behalf of the NSI. The template for this declaration is up to the RO.

The surveys should be in accordance with the requirement of the Regulation Prevention of Pollution from Ships, article 12b.

At all times, the structure, equipment, systems, fittings, arrangements and material shall fully comply with the applicable requirements of MARPOL Annex I. For ships of 400 GT and more, without mechanical means of propulsion and not carrying persons, an IOPP Certificate is required (under conditions certain requirements may be waived).

5.3.2 MARPOL Annex IV

5.3.2.1 Based on Article 15.2 of the Netherlands Decree on the prevention of pollution by ships, that in respect of a survey which has shown compliance (with MARPOL Annex IV), a declaration may be issued at the shipowner's request. The RO may issue a MARPOL declaration on behalf of the NSI. The template for this declaration is up to the RO.

The surveys should be in accordance with the requirement of the Regulation Prevention of Pollution from Ships, article 12b.



5.3.2.2 MARPOL Annex IV is not applicable to ships without mechanical means of propulsion not carrying persons (e.g. unmanned barges). For further details, reference is made to Instruction to RO No.13 - Interpretations of MARPOL Annex IV.

5.3.3 MARPOL Annex V

5.3.3.1 Unless expressly provided otherwise, the provisions of Annex V shall apply to all ships, as far as applicable (e.g. if no garbage is produced or on board, Annex V is not applicable).

5.3.4 MARPOL Annex VI

5.3.4.1 MARPOL Annex VI, Regulation 5.2, stipulates that for ships of less than 400 GT the Administration may establish appropriate measures in order to ensure that the applicable provisions of this Annex are complied with. In that respect, NSI requires that compliance with Regulation 13 of MARPOL Annex VI should be demonstrated to the satisfaction of the surveyor.

In general, the engines subject Regulation 13, should be tested and certified according to the NOx technical code belonging to Annex VI. In exceptional cases compliance may be demonstrated by complying with inland shipping rules as far as they are equivalent than as required by MARPOL Annex VI (in these cases NSI should be contacted).

5.3.4.2 For ships of 400 GT and more, without mechanical means of propulsion and not carrying persons, an IAPP Certificate is required.

5.3.5 Anti-Fouling System (AFS) Convention

Ships of less than 400 GT and with a Load Line length of more than 24 metres shall comply with the requirements of the AFS Convention. These ships are, however, not subject to the surveys and certification as referred to in regulation 1 and regulation 2 of Annex 4 to the AFS Convention, as to ensure that the ship's anti-fouling system fully complies with this Convention. In regulation 1, paragraph (3) of Annex 4 to the AFS Convention is therefore stipulated that the Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph (1) of regulation 1 in order to ensure that the AFS Convention is complied with. In that respect, NSI requires that for a ship of 24 metres or more in length, but less than 400 gross tonnage engaged in international voyages and to which article 3(1)(a) applies (excluding fixed or floating platforms, FSUs, and FPSOs) to carry a Declaration signed by the owner or owner's authorized agent, a declaration is carried according to the following requirements:

- a) Such Declaration shall be accompanied by appropriate documentation (such as a paint receipt or a contractor invoice) or contain appropriate endorsement; and
- b) the Declaration shall be drawn up in the form corresponding to the model given in Appendix 2 to Annex 4 to the AFS Convention.



5.4 Maritime Labour Convention

The MLC applies world-wide to all seagoing ships (with the exception of unmanned ships without mechanical means of propulsion³) used for commercial activities. Although ships of less than 500 GT engaged on are not obliged to be certified in accordance with the requirements of MLC. On a voluntary basis, a ship owner may nevertheless opt for certification under the MLC. For ships with a keel laying date on or after 20 August 2013, ROs are authorized to perform all necessary plan approval and required inspections. For ships with a keel laying date before 20 August 2013, NSI performs the plan approval for the accommodation and recreational facilities.

5.5 Trading Areas

For ships with mechanical means of propulsion for which the NSI trading Area (see Annex to the Minimum Safe Manning Document) is to be changed from non-continuous to continuous sailing (e.g. trading area 4 to 3), the shipowners or representatives of the ship shall submit a new Manning Plan and apply for a new Minimum Safe Manning Document. NSI will assess whether the current accommodation is sufficient. If this is not the case, the accommodation shall be altered in compliance with applicable Rules of the Classification Society in combination with statutory requirements and requirements stipulated in the Netherlands Schepelingenbesluit or the Regulation Seafarers (keel laying after 20 August 2013).

5.6 MODU's

NSI has not set requirements for other non-propelled units than MODUs which are jacked-up at the working location. Such a manned operated object shall, while it is stationed on the seabed, comply with the requirements of local authorities. However, in case such an object is temporary operated with manning while not on the seabed, the requirements as referred to in the Regulation Safety Seagoing Vessels shall also be complied with.

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³ This refers to ships without means of mechanical propulsion, indicated on the National Safety Certificate as "Unmanned towed transport" under "Category of ship" and under "Propulsion power in kW (if applicable)" as "--".



Annex 1 Letter VENW/IVW-2010/9149



Inspectie Verkeer en Waterstaat
Ministerie van Verkeer en Waterstaat

Digitaal
beschikbaar

> Return address PO Box 8634 3009 AP Rotterdam

**(Netherlands) Shipping
Inspectorate**

's Gravenweg 665
Rotterdam
PO Box 8634
3009 AP Rotterdam
T +31 88 489 00 00
F +31 10 202 24 00
www.ivw.nl

Contact

A.J. Kramers
T +31 70 456 45 54
aad.kramers@ivw.nl

Date 1 July 2010
Subject Authorization non- convention ships flying the flag of the Netherlands

Our reference
VENW/IVW-2010/9149

Your reference
-

Enclosure(s)
-

Dear Sir,

With reference to our June tri-partite meeting and your consent for authorization, I would like to inform you as follows.

The legal basis for authorization of statutory survey and certification services for non- convention ships is article 3.7 of our agreement of 1 June 2006.

The issue of certificates is based on the existing Decree on Mandate and Authorization (Annex IV to our agreement).

Frequently asked questions and answers regarding this subject will be published on our website.

The formal starting point will be the application for surveys after the first of July 2010.

Trusting that we will have pleasant continuation of our cooperation,

Yours sincerely,

MANAGING DIRECTOR (NETHERLANDS) SHIPPING INSPECTORATE,


Michael G.W.M. Beltman



Annex 2 [Checklist “Existing cargo ship of less than 500 GT, with a length of 24 metres or more, provided with mechanical means of propulsion, engaged on international voyages”]

To be updated:

<https://english.ilent.nl/themes/recognised-organisations/documents/publications/2010/07/19/checklist-existing-cargoship--500-gt--24-metre-with-propulsion-power-international-trade>

Annex 3 [Checklist “Existing cargo ship of less than 500 GT, with a length of less than 24 metres, provided with mechanical means of propulsion, engaged on international voyages”]

To be updated:

<https://english.ilent.nl/themes/recognised-organisations/documents/publications/2010/07/19/checklist-existing-cargoship--500-gt--24-metre-with-propulsion-international-trade>

Annex 4 [National Instruction Safety Equipment Surveys for existing cargo ships of less than 500 GT]

To be updated:

<https://english.ilent.nl/themes/recognised-organisations/documents/publications/2010/07/19/national-instruction-safety-equipment-surveys-existing-cargoships>

Annex 5 [Checklist “Existing manned barges not provided with mechanical means of propulsion”]

To be updated:

<https://english.ilent.nl/themes/recognised-organisations/documents/publications/2009/11/13/checklist-existing-non-propelled-manned-pontoons>