

# Information to Shipping

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The Information to Shipping is issued by the Netherlands Shipping Inspectorate and contains decisions and interpretations on legislation and subjects with an informative nature affecting the maritime industry.

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## Preamble

The Netherlands Shipping Inspectorate (NSI) presents the sixth Information to Shipping (ItS). All information is a result of the outcome as discussed in the so called Tripartite meetings, which are held three times per year, with representatives of the ship-owners, classification societies (in their role as Recognized (Security) Organizations – R(S)O's), policy department, representatives of ship yards and equipment suppliers and NSI.

The decisions and interpretations are categorized by Convention, where possible divided by chapter. In some cases, the interpretation is based on strict national legislation and cannot be addressed to one of the Conventions and will be placed under the header 'national legislation'. All items will also be incorporated into [NeRF-Maritime](#), according to the same categorization.

The entry into force date of all decisions and interpretations in this ItS may be considered the publication date of the ItS, unless stated otherwise in the text or related documents.

## Decisions and interpretations

### SOLAS Convention Chapter I

#### Industrial personnel

NSI has given [IMO Resolution MSC.418\(97\)](#) the status "policy rule". Classification societies may apply the Res.MSC.418(97) on ships flying the Netherlands Flag. Having said that, it is to be noted that the Netherlands is having slightly different requirements for the industrial personnel compared to those included in Res.MSC.418(97) listed as follows:

Industrial personnel are persons who:

- 1) are not less than 18 years of age;
- 2) are in the possession of:
  - a) the basic safety training certificate as referred to in Article 8.30 of the Seafarers Regulation; or
  - b) Basic Safety Training certificate Standard issued according to the industry standards of the Global Wind Organization (GWO); or
  - c) Basic Offshore Safety Induction and Emergency Training issued according to the industry standards of the Offshore Petroleum Industry Training Organization (OPITO); or
  - d) Offshore Safety Introduction and Emergency Response Training issued according to the industry standards of the Netherlands Oil and Gas Exploration and Production Association (NOGEPa).
- 3) have followed a training in familiarization in accordance with article 40, fifth paragraph, of the Seafarers Decree, as amended;
- 4) are familiar with the relevant working procedures on board the ship;
- 5) are equipped with personal protective clothing and equipment suitable for the voyage, and
- 6) are in the possession of a valid certificate of medical fitness for seafarers in accordance with article 40, second paragraph, of the Seafarers act or an equivalent certificate issued according to the industry standards of:
  - a) the Offshore Petroleum Industry Training Organization (OPITO); or
  - b) the Netherlands Oil and Gas Exploration and Production Association (NOGEPa).
- 7) the applicable refresher obligation of the Seafarers Decree, as amended or that of the industry standards are equally binding.

## SOLAS Convention Chapter II-1

### **Sliding watertight doors**

According to [Ship's Decree 2004](#), Article 41.2, concerning the application of SOLAS Chapter II-1 and Chapter II-2, a cargo ship of less than 500 GT and with a length equal or greater than 24 m, is treated equally as a cargo ship of 500 GT. Reference is made to SOLAS Chapter II-1, regulation 13-1.2, which requires "doors provided to ensure the watertight integrity of internal openings which are used while at sea to be sliding watertight doors capable of being remotely closed from the bridge and are also to be operable locally from each side of the bulkhead."

The fitting of sliding watertight doors onboard cargo ships of less than 500 GT is not always practicable. [MSC.1/Circ.1464/Rev.1, as corrected](#) (applicable for ships which are built before 09-06-2017) and [MSC.1/Circ.1572](#) (applicable for ships which are built on or after 09-06-2017) provides a UI to SOLAS Chapter II-1 relating to doors in watertight bulkheads of passenger ships and cargo ships. In a footnote it is stated that small cargo ships not subject to statutory subdivision and damage stability requirements are allowed to be fitted with a hinged quick-acting door.

MSC.1/Circ.1464/Rev.1, as corrected and MSC.1/Circ.1572 may be used when applying SOLAS Chapter II-1, regulation 13-1.2 for cargo ships of less than 500 GT and with a length equal or greater than 24 m for the fitting of a hinged quick-acting door instead of a sliding watertight door provided the hinged quick-acting door complies with the requirements of SOLAS and MSC.1/Circ.1464/Rev.1, as corrected and MSC.1/Circ.1572 as applicable.

### **Structural tank testing**

SOLAS Chapter II-1, regulations 11.2 and 11.3 requires all tanks of new ships to be tested under water pressure. IACS in UR S 14 is providing alternative provisions to the requirements of SOLAS Chapter II-1, regulations 11.2 and 11.3 which have been submitted to IMO SDC-1 (SDC 1/INF.13) for consideration. In an effort to work towards amending SOLAS Chapter II-1, regulation 11 (Initial testing of watertight bulkheads, etc.) no consensus could be found leading to the conclusion that there is no need to amend SOLAS Chapter II-1, regulation 11.

Recalling that IMO SDC-2 noted that alternative arrangement systems can be considered on a case-by-case basis by Administrations the Netherlands has done an analysis so as to provide the acceptance criteria for an equivalent arrangement.

Based on the analysis performed by the Netherlands and careful review of IACS UR S 14, the conclusion is that IACS UR S 14 is providing an adequate safety level and may be considered as an equivalent to SOLAS Chapter II-1, regulation 11.2 and 11.3 under the following conditions:

- 1) The tank testing plan shall be reviewed and confirmation of the structural similarity of tanks as stated in IACS URS 14, as amended shall be provided by the RO's plan approval department;
- 2) The shipyard where the ship is being built shall have in place a certified quality management system according to a recognized standard, e.g. ISO 9001 or an equivalent standard acceptable to the RO which ensures the shipbuilding quality standard covering the production process; and
- 3) The RO shall have experience with the shipyard and its records so that the provisions of IACS UR S 14 are considered adequate for the purpose of ensuring the required tightness and structural strength of watertight boundaries.

The equivalent arrangement containing the conditions under which IACS UR S 14 may be accepted (see item 1 to 3 above) is notified to IMO with GISIS reference number [XQ41024](#).

It is not necessary to issue an exemption however the GISIS reference shall be used as appropriate on the ships file for traceability (e.g. in the approval letter).

## **DR-67 and DR-68 rev.1**

Based on article 25 of the International Convention on Load Lines, special rules may be drawn up by agreement among all or some of the Contracting Governments, and such rules shall be communicated to the IMO for circulation to all Contracting Governments. In that respect DR-67 and the superseding DR-68 rev.1 have been issued as special rules by a joint working group in which the Netherlands participate. DR-67 and DR-68 rev.1 contain guidelines for the assignment of reduced freeboard for dredgers. To a dredger or a similar ship complying with DR-67 or DR-68 rev.1 and flying the flag of the Netherlands, the following provisions apply:

- *Dredgers with reduced freeboard*  
*Application of DR-67, DR-68 rev.1 and SOLAS*  
DR-67 and DR-68 rev.1 are providing the provisions under which an International Convention on Load Lines exemption certificate can be issued in order to allow for the immersion of the summer load line marks. Therefore DR-67 and DR-68 rev.1 shall apply in full.  
According to SOLAS, a dredger is a cargo ship. This means that for international voyages at summer draught, the SOLAS damage stability regulations are applicable. DR-67 and DR-68 rev.1 are providing an equivalent arrangement accepted for fulfilling the damage stability requirements under SOLAS Chapter II-1, regulation 4.2. This was agreed by the DR-68 Joint Working Group.
- *Sailing without hatch covers*  
Dredgers sailing without hatch covers, regardless of the assigned freeboard, shall hold a Load Line exemption certificate. For that purpose the provisions of DR-67 and DR-68 rev.1 are considered to provide the ground for exemption regarding sailing without hatch covers. DR-68 rev.1 is clearly stating the provisions for sailing without hatch covers and these provisions may be used regardless of the assigned freeboard. DR-67 does not provide similar provisions and the Netherlands flag State Administration has issued relevant instructions in [Information to Shipping No 2](#).
- *Dredgers without assigned reduced freeboard*  
Dredgers without an assigned reduced freeboard may apply DR-67 or DR-68 rev.1 as applicable based on the understanding that DR-67 and DR-68 rev.1 are equivalent to the damage stability requirements of SOLAS chapter II-1, regulation 4.
- *Dredgers with length less than 80 m*  
Dredgers with a length of less than 80 m are not subject to damage stability requirements of SOLAS chapter II-1, regulation 4. While DR-67 is in line with SOLAS, for ships subject to DR-68 rev.1, damage stability requirements are also applicable to ships with a length of less than 80 m.
- *Application of SOLAS chapter II-1, regulation 9 (double bottoms in passenger ships and cargo ships other than tankers)*  
Notwithstanding the exemption from the damage stability of SOLAS Chapter II-1, regulation 4, for which the mutual understanding is that DR-67 or DR-68 rev.1 is equivalent to SOLAS damage stability, all other regulations of SOLAS are applicable. This means that SOLAS chapter II-1, regulation 9 is applicable to dredgers. In the absence of a common interpretation on how to apply SOLAS chapter II-1, regulation 9 to dredgers, a proposal should be submitted to the Netherlands flag State Administration for consideration.

## **Plastic piping**

NSI published Guidelines for the use of plastic/aluminum pipes on NL ships as defined in the Merchant Shipping Legislation: Regulation safety seagoing vessels, Article 3a, paragraph 1a, 1b and 1c (ships <500 GT and non-propelled ships). In the future, this matrix will be incorporated in the Regulation safety seagoing vessels, but in the meantime may be applied and can be found in [NeRF](#).

## **Use of butterfly valves instead of screw-down valves**

### **-- Replaces the information as contained in ItS no.2--**

The Maritime Safety Committee, at its ninety-eight session (7 to 16 June 2017), adopted amendments to SOLAS Chapter II-1, regulation 12.6.1, by Resolution MSC.421(98), as amended by MSC 98/23/Add.1/Corr.2, with entry-into-force 01 January 2020, allowing for cargo ships the fitting of a butterfly valve at the collision bulkhead.

SOLAS Chapter II-1, regulation 12.6.1 – Interpretation of “readily accessible.”

The interpretation of “readily accessible” is that this does not necessarily mean “remote controlled”. This interpretation is valid till 01-01-2024, as Resolution MSC.421(98) was amended during IMO SDC 6/SDS meetings (still to be approved by MSC, entry into force 01-01-2024).

## **SOLAS Convention Chapter III**

### **Embarkation ladder**

SOLAS Chapter III, regulation 11.7 considers the requirement of embarkation ladders including potential alternatives, which include approved devices to afford access to the survival craft when waterborne.

In cases where ships are equipped with a freefall lifeboat on the stern of the ship and whereby the accommodation (including the life-rafts and their accompanying embarkation arrangements), is placed at the bow of the ship, The Netherlands Shipping Inspectorate requires one light embarkation ladder at the stern of the ship.

This in case the secondary means of launching (crane and spreader bar) has to be used and to prevent that the operator left behind has to walk forward, multiple decks up, in order to launch a ladder from the life-raft stations.

This stern ladder should be so arranged that it can be placed on either side of the ship by one single person and never be launched over the stern of the ship. This due to the possibility of a rotating thruster.

Since secondary means of launching of the free fall lifeboat is applicable, the Netherlands Shipping Inspectorate accepts two degrees trim and five degrees list with regard to the calculation of the minimum length of this embarkation ladder.

### **Refit on-load release hooks**

Referring to ItoRO no. 20 – SOLAS Chapter III, regulation 1.5, revision to LSA Code and Guidelines for evaluation and replacement of Lifeboat Release and Retrieval Systems; it should be noted that when during a refit it turns out to be necessary to exchange the complete hook shaft, including the connection bolts to the keel of the lifeboat, a 2.2 static (factory) test is compulsory. Only if this test cannot be performed for practical reasons a 1.1 dynamic test may replace this procedure.

## SOLAS Convention Chapter IV

### **Future use of digital VHF channels**

The current version of Appendix 18 to the ITU Radio Regulations (RR), stipulates that, as from 01 January 2017 the VHF channels 21, 22, 23, 80, 81, 82 and 83 are identified for digital use and can also be used for analogue modulation (voice communication) by an Administration that wishes to do so. Furthermore the IMO Maritime Safety Committee at its 98th session concluded that the upgrade dates of VHF equipment should be re-scheduled and extended the implementation date from 01 January 2017 to the first radio survey after 01 January 2024 (see [MSC.1/Circ.1460/Rev.2](#)).

It was noticed that the new provisions established by World Radio communication Conference 15 in Appendix 18 to the RR may have led to prompt actions among some manufacturers and maintenance service providers who, after 01 January 2017, started to update VHF radio equipment aboard ships sailing around the world accordingly.

In many countries these analogue modulated channels are still operated by competent VTS and port authorities for shore side vessel traffic monitoring, and mandatory reporting systems. The non-availability of these channels therefore may lead to potentially dangerous situations. Specifically in dense traffic areas and areas where mandatory reporting is required.

The use of these analogue channels by ships is usually mandated by national or local authorities.

Until the end of the transition period (i.e. first radio survey after 01-01-2024) as agreed by the IMO Maritime Safety Committee, or until any other date as explicitly communicated, the Netherlands Shipping Inspectorate requires (without prejudice to the arrangements contained in Appendix 18 of the RR) that VHF channels 21, 22, 23, 80, 81, 82 and 83 in VHF equipment remain programmed for analogue modulation on board ships sailing in waters under jurisdiction of the Netherlands.

Ship owners and Masters should pay special attention to this matter and check that after each VHF radio service including software upgrades of the VHF, the analogue functionality of VHF Channel channels 21, 22, 23, 80, 81, 82 and 83 is still available. Masters of ships sailing waterways and calling at ports within the Netherlands should realize that the mentioned analogue modulated channels are in use for Vessel Traffic Services, mandatory reporting at waterway sectors, bridges, locks, etc. An extra check during voyage planning as required by SOLAS chapter V is strongly recommended. If these analogue modulated channels have been removed from the ship's VHF installation, steps should be taken to ensure that the mandatory reporting and communication requirements can be complied with, prior to the planned port calls.

The complete statement on the use of VHF channels may be found in [NeRF](#).

## SOLAS Convention Chapter V

### **ECDIS**

ECDIS manufacturers, type approval organizations, Classification Societies, ship owners, operators and masters are hereby informed that, as from 31 August 2017, IHO standards S-52 Edition 6.0 / Chart Content and Display Aspects, Presentation Library Edition 3.4 and Standard S-64 Edition 2.0 / Test Data Sets, are no longer valid for existing ECDIS systems type approved with an edition of IEC61174 previous to the 4th edition.

It is the view of the Netherlands Shipping Inspectorate that from 01 September 2017 ECDIS systems which do not fulfill the aforementioned hard- and software requirements, and subsequently cannot present ENC's according to the latest IHO standards, cannot be considered as meeting the chart carriage requirements of SOLAS Chapter V, regulation 19.2.1.4, nor as meeting the qualification of 'up to date' nautical charts referred to in SOLAS Chapter V, regulation 27. This is also clearly explained in [MSC.1/Circ.1503/rev.1](#).

It is the responsibility of the company and the master to ensure compliance with SOLAS Chapter V, regulation 27 and also to ensure that the applicable ECDIS software, and hardware if necessary, was updated before 31 August 2017.

Each ECDIS on board, including those, which are not in use for primary navigation, shall comply with the latest IHO standards.

More details regarding this subject can be found on the [website](#).

### **Carriage of publications**

Ship-owners are hereby informed that Guidelines for the carriage of publications on board ships flying the flag of the Netherlands, have been developed by the Association of the Netherlands Ship-owners (KVNR) in cooperation with the Netherlands Shipping Inspectorate.

The main purpose of these Guidelines is to provide guidance in a concise form to ship-owners, operators, Port State Control Officers (PSCO's) companies and auditor(s) according to the ISM Code and organizations performing the ISM Code certification of the requirements and recommendations of the Netherlands Shipping Inspectorate on the carriage of publications on board of ships flying the flag of the Netherlands which are:

- Explicitly required by the IMO, the ILO and the Netherlands Shipping Inspectorate to be carried on board; or
- Recommended by the Netherlands Shipping Inspectorate to be carried on board.

These guidelines can be found in [NeRF](#).

Ships which, given their size, working area, type of voyages, means of propulsion (or lack of means of propulsion), etcetera, are exempted from complying with certain conventions, regulations, codes or national requirements will show an absence of certificates associated with such conventions, regulations, codes or national requirements. Examples could be manned pontoons and alike. Furthermore such vessels may have none or a limited number of publications on board. In such cases it is up to the master/ship owner's discretion to place any publications on board. Any publications placed on board under the discretion of the master or ship owner shall be adequate and up to date.

If a National Safety Certificate is issued to a vessel, publications are mentioned on the equipment list attached to the National Safety Certificate and, inherent to this, are part of the relevant surveys. Any publications placed on board as per the equipment list attached to the National Safety Certificate shall be adequate and up to date.

## Load Line

### **Open top cargo ships**

The Netherlands accepts under certain conditions that general cargo ships may be exempted from the fitting of hatch covers as required by regulation 14 of annex 1 to the International Convention on Load Lines, 1966 protocol, as amended. The guidelines containing the equivalent arrangement and the technical requirements for granting the exemption are notified to the IMO with [GISIS No. XQ42482](#).

An International Load Line Exemption Certificate shall be issued referring to GISIS No. XQ42482.

The form of the International Load Line Exemption Certificate shall be that of the model given in annex III the International Convention on Load Lines, 1966, as amended.

### New ships

- 1) The technical requirements as contained in the Equivalent Arrangement for open-top general cargo ships shall apply to new open-top general cargo ships:
  - i) for which the building contract is placed on or after 01 February 2018; or
  - ii) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 01 July 2018; or
  - iii) the delivery of which is on or after 01 July 2024.
- 2) An International Load Line exemption certificate shall be issued to the open-top general cargo ship referring to the equivalent arrangement with GISIS No. XQ42482.

### Existing ships

- 1) Existing open-top general cargo ships for which the keels are laid, or which are at a similar stage of construction, before 01 February 2018 shall comply with the technical requirements as contained in the Equivalent Arrangement with GISIS No. XQ42482, not later than the date of the annual or renewal survey as required by article 14 of the International Convention on Load Lines, 1966, as amended, to be carried out after 01 July 2018, whichever comes first and in no case later than 01 February 2019.

- 2) In case the maximum hourly rate of ingress of green water in any one open hold determined from the model testing (measured in mm<sup>3</sup>/hour and converted in mm/hour) is more than 66 mm/hour, the following shall apply:
  - i) The stability of an existing open-top general cargo ship in intact condition shall be (re)calculated in accordance with section 6 of the Equivalent Arrangement with GISIS No. XQ42482;
  - ii) An addendum to the existing approved stability documents shall be approved by the RO and placed on board.
- 3) In case the maximum hourly rate of ingress of green water in any one open hold determined from the model testing (measured in mm<sup>3</sup>/hour and converted in mm/hour) is 66 mm/hour or less, the stability of an existing open-top general cargo ship in intact condition is not required to be (re)calculated. The existing approved stability documents may suffice.
- 4) Appropriate text shall be included reflecting paragraph 2 or 3 in the International Load Line Exemption Certificate issued to the open-top general cargo ship.

### **Transport of woodchip in open top cargo vessel**

The Netherlands Shipping Inspectorate received a request for the transport of a bulk cargo (woodchips) with a ship that is certified based on the Dutch "open-top principle".

The Netherlands has played a pioneering role in the development of the "open top principle" for many years and committed itself in IMO. Initially this was only allowed for container ships ([MSC/Circ.608/Rev.1](#)).

From the information provided by the applicant, it can be concluded that the transport of woodchips and, to our knowledge also other bulk cargoes, is not allowed on international voyages by other Administrations.

For that reason it is not feasible to apply the "open-top principle" to the transport of bulk cargoes.

### **Open top – tween deck – drainage**

#### **1. Distance for the bulwark height**

It is the opinion of the Netherlands Shipping Inspectorate that the situation with which a comparison can be made is the case of excess heights of bulwarks (refer to case a below) or a well (refer to case b below). The Netherlands Shipping Inspectorate during the first draft of the guidelines for open top has made an attempt to make use of the USCG interpretation for excess height of bulwark. As no consensus could be reached within the group it was decided to delete that part till there will be further experience or an actual request. At that time it was proposed to use the height measured from the freeboard deck to the top of the hatch coaming. The reason is that the ingress of water is, in our opinion, not influenced by the position of the tween-deck panel. The determining factors for the ingress of water (apart from the ship's GM and seakeeping characteristics) are the freeboard deck in relation to the ship's draft and the height of coaming. Having said that once water would flow into the cargo hold then the location of the top of the coaming in relation to the location of the tween deck panels would function as an obstruction for the water to flow out (case b below). Summarizing, based on the above there may be two functions:

Case a) the height of the coaming may function as a protection from water to enter the cargo hold. In that case the distance measured should be from the freeboard deck to the top of the coaming. This case resembles the case of excess height of bulwark. For that purpose ICLL 24(1) in conjunction with the interpretation of the USCG Load Line Technical Manual Ch. 3 can be used.

Case b) the location of the top of the coaming may function as an obstruction for the water to escape. In that case the distance should be measured from the tween-deck panel to the top of the coaming. This would lead to an unrealistic increase of the area. In that case the situation resembles more a well, where provisions of freeing should be made for the water to escape rapidly to the double bottom. For that purpose ICLL 24(4) may be used.

Where reference is made to "actual height of bulwark" the height may be considered as twice the height of the maximum accumulated water inside the hold determined during the model test plus the amount of tropical rainfall multiplied by 3 hours. By multiplying the height by two, the heel of the vessel is accounted for (accumulation of water on one side)

## 2. Effectiveness of freeing port area

The effectiveness of the calculated freeing port area (e.g. the total area of gaps between the tween decks) should be checked by calculating the time for drainage by direct calculation, for example in accordance with simple a Bernoulli calculation. The calculated time should be equal or less than 60 sec.

The reason why we request an additional calculation is to verify the effectiveness of the freeing ports. This check is also done for Load Line for the freeing port area in the bulwark. The effectiveness can be checked in two ways: either with a time to flow calculation or an area check like this is done for the freeing port area in bulwarks required by ICLL 24 (3).

The reason why we proposed to make use of the time to flow calculation, is because it is not easy to provide an equivalent for the free flow area in accordance to ICLL 24(3). The time of 60 sec is originating from SOLAS when calculating intermediate stages of flooding. When flooding is occurring within 60 seconds, it is considered instantaneous (ref.

[MSC.Res.281\(85\)](#), Part B, Regulation 7-2.2).

## 3. Assumed amount of green water to enter the vessel for assessing the freeing area openings between the tween deck hatches

The freeing area shall be calculated on the basis of twice the amount of water entering the cargo hold obtained from the model test, plus the amount of tropical rainfall multiplied by 3 hours.

The effectiveness of the freeing port area shall be verified by calculating the time to flow to be within 60 seconds. The amount of water to be used for that purpose shall be the maximum hourly rate of water ingress measured for the worst heading during the tests.

## 4. What if the freeing area is less than required

As there is no simple rule to assess how much water should be accounted for on the tween deck panel, it is essential that ample provisions shall be made for rapidly freeing the water from the tween deck. That means that the tween deck hatches shall be placed in such a way to ensure drainage of water. That follows the same principle as for the freeing port requirement included in the ICLL Reg.24. After calculating the freeing port area as described above an additional check should be done by calculating the time for drainage. The way how to calculate that is up to the RO and the time for drainage should in no case exceed 60 seconds.

# Ballast Water Management Convention

## **De-harmonization in relation to BWMC**

De-harmonization of the IOPP certificate is allowed. All parties concerned need to be aware however that the BWMC 2004 has no provisions for extensions or temporary exemptions. At the due date, unavailability of refitting capacity in whatever form or arguments that treatment systems cannot be delivered in time, however valid, cannot be used as arguments for granting an exemption since there is no legal basis to do so.

## Codes

### SPS Code

#### **Interpretation of Article 12 of the Regulation Safety Seagoing Vessels**

Article 12 of the Regulation Safety Seagoing Vessels requires that ships intended for special purposes, as referred to in the Special Purpose Ships (SPS) Code and [the SPS Code 2008](#), which are built before 02 July 2009, are surveyed and certified in accordance with the provisions of the SPS Code or the SPS Code 2008.

For ships of which the keel was/is laid:

- before 02 July 2009, Resolution A.534(13) as amended, or the 2008 SPS Code may be applied; and
- on or after 02 July 2009, the 2008 SPS Code may be applied,

irrespective of the ship has been certified as an SPS ship in the past. Therefore to an existing cargo ship built before 02 July 2009 which is intended to be certified as an SPS ship, Resolution A.534(13), as amended may be applied.

### 2008 IS Code

#### **Stability requirements for non-propelled Self Elevating Units**

A non-propelled Self Elevating Units (SEU) flying the flag of the Netherlands is a ship as defined in the Ship's Act, article 1, paragraph 2. Furthermore, the Regulation Safety Seagoing Vessels (RVZ) stipulates in article 22, paragraph 4 that a ship shall comply with the International Code on Intact Stability, 2008 (IS Code). The mandatory part A of the IS Code applies to cargo ships. A cargo ship is defined in the introduction of the IS Code, section 2, paragraph 2.3. A ship which is not propelled by mechanical means and a mobile offshore drilling unit (MODU), which includes a non-propelled SEU, are however explicitly excluded from the definition of a cargo ship.

As there are no requirements in the IS Code for the specific units (non-propelled but manned), the IS Code, paragraph 1.3 stipulates: " Administrations may impose additional requirements regarding the design aspects of ships of novel design or ships not otherwise covered by the Code".

In this context the Netherlands determined that the following safety standard shall apply to non-propelled SEU which are manned and carry less than 12 persons on board:

The intact stability criteria of the IS Code in Part A shall apply to non-propelled SEU which are manned while being towed. If it is impracticable to comply with the requirements of the IS Code in Part A the following alternatives may be accepted:

The 2008 IS Code, Part B, paragraph 2.4.5, or

The intact and damage stability requirements of the MODU Code.

## Maritime Labour Convention

### **Smoking room**

#### **-- Replaces the information as contained in ITS no.5, rev.1 --**

The amendment of the [Seafarers Regulation article 3.13](#), paragraph 2 entered into force on 01 January 2017. As per this date a separate smoking room is only required on ships of 8000 GT or more.

For these ships (with keel laying date on or after 20 August 2013) the ship-owners smoking policy prevails. The smoking policy must be documented and available on board. In case no smoking policy exists a room, clearly marked with a 'smoking allowed' sign, may be designated.

## **Working hours**

On 1 July 2017 the amendment to the Working Hours (Transport Workers) Decree, Chapter 6, article 6.5:4 entered into force. A seafarer is entitled to at least 15 minutes of break time after 7 (instead of 6) hours of work. This would allow for more flexibility in scheduling the hours of work and rest.

Studies such as the [Horizon Project](#) and the resulting prototype maritime fatigue prediction software MARTHA showed promising merits in alternative watch schedules however the break after 6 hours was in the way of such alternatives therefore this amendment was agreed upon.

## **Hospital**

A treatment table shall not be considered as a bed in the context if the required number of beds available in a ship's hospital room, as prescribed in article 3.12, paragraph 3 of the Regulation Seafarers.

A treatment bench is not considered sufficient because there may be several situations in which prolonged stay in hospital is desired, for example:

- Oxygen needed;
- Separation due to risk of infection;
- Isolate due to risking their own lives or the lives of others (psychosis, severe depression, severe anxiety, tying is sometimes indicated);
- The need for frequent monitoring of blood pressure, pulse, etc. (it is more convenient in a hospital than in one of the cabins);
- To prevent social unrest.

## **ILO 152: Possibility of extending a survey of lifting appliances and loose gear**

ItoRO no. 03 - Certification of lifting appliances and loose gear on board of ships based on ILO 152 has been amended. This aiming to provide ship owners with a more practical solution in cases where IMO and ILO certification survey windows do not match.

Until the IMO finalized its work to bring this particular ILO subject under SOLAS Chapter II, the Netherlands Shipping Inspectorate accepts that the annual and/or 5-yearly examination of the lifting gear (as detailed in ILO C134 / C32, Article 9.2.(4) / C152, article 25) can be carried out within the survey window as detailed in the IMO harmonized system of surveys and certification. This includes the provisions under SOLAS Chapter I, Regulation 14(e).

In case the 5-yearly survey needs to be extended, for reasons as detailed in SOLAS Chapter I, Regulation 14(e), the annual survey has to be carried out as a minimum. Based on this survey, the load test can be postponed accordingly. From the anniversary date of the 5-yearly load test until the next planned load test has been done, the Safe Working Load (SWL) shall be downgraded with 20 per cent, provided that the next load test is conducted not later than three months after the anniversary date of the 5-yearly load test. This shall be recorded in the cargo gear record book and indicated at the relevant operational locations on board the ship.

It is the responsibility of the ship owner to provide 3<sup>rd</sup> parties with evidence that these provisions have been met.

## **Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978**

### **IGF Code training**

The manning legislation applicable to ships flying the flag of the Netherlands has been amended to reflect the entry into force of the IGF-Code. The Articles 39a and 39b were added to the Decree Seafarers as well as two articles; the articles 8.48 and 8.49, were added to the Regulation Seafarers. Furthermore one training course provider in the Netherlands issued a request for approval of the IGF training courses. After thorough examination the Netherlands Shipping Inspectorate issued its approval to the basic and advanced IGF training courses. Both training courses were added to the [list with approved training courses](#).

## European legislation

### **Rights of passengers**

The Regulation (EU) No. 1177/2010, concerning the rights of passengers when travelling by sea and inland waterways (and amending Regulation (EC) No 2006/2004) does not cover the construction of the vessels relating to disabled persons and persons with reduced mobility, but non-discrimination against disabled persons and persons with reduced mobility. There is also an obligation for the disabled person to report it when booking. Where the design of the passenger ship or port infrastructure and equipment, including port terminals, makes it impossible to carry out the embarkation, disembarkation or carriage of the disabled person in a safe or operationally feasible manner, they may be refused. Furthermore, article 8 of the EU Directive 2009/45/EC, as amended requires to apply relevant guidelines as far as reasonable and practicable.

## National legislation

### **Electronic certificates**

The principle of using electronic certificates is embraced by the Government of the Netherlands that itself is preparing for the issuance of electronic certificates to Netherlands' flagged vessels in the nearby future.

The Netherlands already allows the Recognized Organizations authorized by the Netherlands to issue electronic certificates on behalf of the Government of the Netherlands according to the requirements as described in FAL.5/Circ.39/Rev.2, as amended by Corr.1. Reference is made to the [Statement](#) issued by the Netherlands.

### **Electronic logbooks**

IMO (SOLAS & MARPOL) and ILO legislation require recording of information on board ships. More detailed guidance for the use of electronic record books under MARPOL, has been developed at IMO/MEPC/PPR level. Following approval of draft amendments to MARPOL - Draft MEPC Resolution on Guidelines for the use of electronic record books under MARPOL (PPR/5-24 Annex 13) - and the NOx Technical Code at MEPC 73 in October 2018, the existing interim guidance requires revision.

As a result the Netherlands Shipping Inspectorate only accepts the use of electronic record books (ERB's) under MARPOL onboard ships registered in the Netherlands under following conditions:

- For the electronic record books under MARPOL a trial period until the entry into force of the relevant MARPOL amendments is to be established during which ships are encouraged to use MARPOL-related electronic record books in addition to record books in hard copy with a view to gaining experience;
- Instead of a hard copy oil record book, the Netherlands Shipping Inspectorate can accept manually signed and filed printouts from the e-record book as the official hard copy;
- During the trial period, the e-record book under MARPOL will in general require some form of approval by- or on behalf of the flag administration based on the guidelines for the use of electronic record books under MARPOL. The guidelines provide standardized information on approving an electronic record book to ensure the obligations of MARPOL are met and that there is a consistent approach to approving such systems.
- An approved record book has to be accompanied by a declaration issued by an R.O. on behalf of NSI, confirming assessment in accordance with the guidelines and compliance with the relevant MARPOL requirements. The declaration is ship-specific, noting the flag, ship's particulars, e-record book manufacturer, supplier, installer and software name/version.
- During the trial period, pending final adoption of the draft amendments in May 2019 and expected entry into force on 1 January 2021, NSI can accept an approval declaration by an R.O. which is fully based on a declaration from the manufacturer.

The following electronic record books under MARPOL are covered by subject draft MARPOL amendments:

- Oil Record Book, part I (MARPOL Annex I)
- Oil Record Book, part II (MARPOL Annex I)
- Cargo Record Book (MARPOL Annex II)
- Garbage Record Book, parts I and II (MARPOL Annex V)
- Ozone-depleting Substances Record Book (MARPOL Annex VI)
- Recording of the tier and on/off status of marine diesel engines (MARPOL Annex VI)
- Record of Fuel Oil Changeover (MARPOL Annex VI)
- Record Book of Engine Parameters (NOx Technical Code)

As was the case with the previous version, this interim guidance is generic to the extent that it is also applicable to SOLAS- and ILO recording requirements. However, contrary to the above requirements for the electronic record books under MARPOL, for these other record books it is acceptable that Class issues a declaration on behalf of NSI confirming that the system complies with the draft MEPC Resolution on Guidelines for the use of electronic record books under MARPOL (PPR/5-24 Annex 13) which include the relevant ISO/IEC requirements pertaining to audit logging, back-up, credentials, cryptography, data, digital signature, electromagnetic compatibility, private key, public key, role based access control and storage devices. For these systems alternative systems and systems of novel design are also permitted as long as Class issues a declaration on behalf of NSI that a similar or higher standard is met. The declaration of Class shall furthermore state compliance with – and refer to the format- and content requirements of IMO- and ILO legislation.

*Note: Soon after the tripartite meeting it was brought to the attention of ILT that this item (item no. 18-12) requires an update, mainly based on MEPC.312(74) and MEPC.314(74). NSI will revert and also seek the assistance of the RO's and KVNR on this matter.*

### **Ships elevators and escalators**

As there were signals that the requirements regarding elevators and escalators are not clear, the Netherlands Shipping Inspectorate decided to reiterate these requirements.

The design, construction and the maintenance shall comply with the rules of RO or the international standard ISO 8383 and NEN-EN 81-20 / 81-50 for elevators and the NEN-EN 115-1 for escalators. In addition to RO's also the 'Liftinstituut' is authorized to perform surveys of elevators and escalators.

It is the ship-owners responsibility to comply with above requirements. It is recommended to include this in the ship's planned maintenance system.

## Instructions to the Recognised Organisations (ItoROs)

### **Amended 05-09-2017**

- |   |                   |
|---|-------------------|
| - ItoRO 22 – Maritime Labour Convention 2006  | 21 September 2018 |
| - ItoRO 02 – Inspections and Certification<br>Non-convention ships                            | 07 January 2019   |
| - ItoRO 07 – Exemptions permitted to be issued<br>by the RO without prior consultation of NSI | 25 September 2020 |
| - ItoRO 19 – Medical Oxygen Supply System   | 13 October 2020   |
| - ItoRO 26 – Polar Code certification   | 16 October 2020   |

The latest versions of the ItoROs may be found [here](#).

## Information

### **Ballast Water Management Convention**

The Netherlands Shipping Inspectorate developed Q&A's on the Ballast Water Management Convention which may be found on the [website](#).

### **Marine Equipment Directive**

EU Directive 2014/90/EC (Maritime Equipment Directive) for EU Member States from 18 September 2016 mandates EU Member States to conduct Market Surveillance on MED equipment.

The Human Environment and Transport Inspectorate of the Netherlands has been appointed, by national law, as the Netherlands Market Surveillance Authority for MED (wheel-mark affixed) equipment to be placed onboard EU flagged ships.

The Human Environment and Transport Inspectorate of the Netherlands requests ship owners, manufacturers, Recognized Organizations and end users of wheel-marked equipment to report any suspects of counterfeit and/or MED equipment which clearly does not meet the IMO performance and/or test standards as stipulated in EU Directive 2014/90/EC as amended ([www.mared.org](http://www.mared.org)). In any case reporting shall be accompanied by documented evidence.

Reports can be forwarded to the Netherlands Shipping Inspectorate via the [contact facility](#) (MIC) on the ILT website.

### **Smart Shipping**

Smart Shipping, autonomous navigation, remote-controlled sailing, drone ships or any other terms that may apply is the next generation shipping. Nowadays, there is a number of initiatives in this field (inter)nationally, some in a more and some in a less advanced stage. The expectation is that smart shipping can make shipping more competitive, safer and more sustainable. The Netherlands, in order to facilitate this technological developments and initiatives by the stakeholders, has set up early 2017 a coordination team with the aim to investigate the conditions under which the initiatives related to smart shipping can be carried out in a responsible and safe manner and to provide a policy rule including general safety requirements applicable to national waters and with the possibility to set, if necessary, additional requirements for regional situations. The results of this work have been presented to the sector during the event "smart shipping challenge" that took place on 30 November 2017. To facilitate smart shipping, the Ministry (IenW) has set up a smart shipping contact point, where companies, research institutes and interested stakeholders in the shipping sector, who wish to test innovative systems in the field of smart shipping or have a question, can submit their application by e-mail to: [loket.smartshipping@rws.nl](mailto:loket.smartshipping@rws.nl) or [smartshipping@rws.nl](mailto:smartshipping@rws.nl). [The policy rule](#) was entered into force on 12 September 2018 and from that date a formal application can be submitted.

### **Enforcement on the Sulphur content in marine fuels**

The enforcement on the Sulphur content in marine fuels is, among others, being conducted through the following risk-based monitoring instruments:

- airborne compliance monitoring of fuel Sulphur content through exhaust gases at sea;
- compliance monitoring by fixed installations, and
- on-board checks using handheld equipment

In 2017 the following cases of non-compliance were reported:

- 11 warnings
- 28 deficiencies
- 14 detentions

The total number of non-compliance showed a reduction of 1.5% compared to the previous year.

The next years there will be further developments in order to improve risk-based monitoring and to prepare for the global 0,5% Sulphur limit in marine fuels which entered into force on 01 January 2020.

### **Ship recycling**

Shipping companies and ship-owners shall carry out the recycling of European seagoing vessels in a safe and environmentally responsible manner. Therefore European Ship Recycling Regulation (EU/1257/2013) applies to European seagoing vessels of 500 GT and more. Ships smaller than 500 GT and non-EU Flag ships are not covered by the Ship Recycling Regulation but stays complying with the Regulation (EC) No.1013/2006, on shipment of waste.

### **Inventory of hazardous materials**

The European Ship Recycling Regulation (EU/1257/2013) prescribes in Article 32 that ships of 500GT or more shall have an inventory of hazardous materials as follows:

- From 31 December 2018, new EU flagged ships shall be in the possession of an inventory of hazardous materials, part I and a valid inventory certificate;
- From 31 December 2020, existing EU flagged ships shall be in the possession of an inventory of hazardous materials, part I and a valid inventory certificate.

From 31 December 2020, existing non-EU flagged ships calling an EU port or anchorage shall be in the possession of an inventory of hazardous materials, part I and a Statement of Compliance (issued after verification of the inventory of hazardous materials by the relevant authorities of the ship's non-EU flag State) at the time of entering into a EU port or anchorage.

As from 31 December 2016, EU flagged ships that are to be recycled before 31 December 2018 shall have an inventory of hazardous materials, part I prior recycling.

When modifications, that affect the inventory of hazardous materials Part I (Annex I and II of the Regulation) are made to a ship, a new inventory certificate must be requested.

An owner of a ship flying the flag of the Netherlands can apply for the inventory certificate (valid for 5 years) in the Netherlands from one of the Recognized Organizations.

### **Other subjects**

The following items were published on the NSI (ILT) website:

- ILT publishes a [new website \(Dutch\)](#)
- Look here for the renewed [website \(English\)](#)
- ILT publishes the [year report 2019 \(Dutch\)](#)
- ILT publishes the [Multiannual program 2019 – 2023 \(Dutch\)](#)

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