

LETTER OF INTENT
BETWEEN THE
FEDERAL MINISTRY OF TRANSPORT AND DIGITAL INFRASTRUCTURE
OF THE FEDERAL REPUBLIC OF GERMANY
AND THE
MINISTRY OF INFRASTRUCTURE AND WATER MANAGEMENT
OF THE KINGDOM OF THE NETHERLANDS

Scope

This letter of intent by the Ministry of Infrastructure and Water Management in the Netherlands and the Federal Ministry of Transport and Digital Infrastructure in Germany (hereafter: signatories) concerns the acceptance of high speed crafts less than 500 GT carrying more than twelve industrial personnel (hereafter: IP-HSC) in the territorial sea and harbors (hereafter: national waters). This is not a binding, legal document, but a bilateral arrangement concerning the mutual acceptance of IP-HSC in national waters.

The safety standard

Resolutions MSC.418(97)¹

The International Maritime Organisation (IMO), recognizing the need to develop safety requirements for cargo ships carrying industrial personnel (hereafter: IP), has adopted interim guidelines which enable administrations to set safety standards other than passenger ship safety requirements to ships carrying more than twelve IP.

Following the above-mentioned IMO interim guidelines, administrations have developed national requirements for IP-HSC. These requirements might differ from the regular passenger ship requirements.

For admittance of IP-HSC in foreign national waters, bilateral arrangements are required.

¹ Resolutions MSC.418(97), adopted on 25 November 2016, Interim recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages

IP Code

IMO is currently developing a mandatory code, the IP Code, under a draft for a new SOLAS chapter XV targeted to enter into force (hereafter: EIT) from 1 January 2024. The IP Code applies to ships of 500 GT and more carrying more than twelve IP. However, in the draft preamble of the IP Code Administrations are provided with the possibility to apply the goals and functional requirements of the IP Code as far as practical to ships below 500 GT.

Admittance

Admittance of foreign IP-HSC will be acceptable when the national safety requirements of the foreign administration accomplish a comparable safety level without hindering the (commercial) level playing field.

Therefore, a gap analysis has been performed between:

- the German Working translation of Ship Safety Ordinance of 7 March 2018 Annex 1a, Part 6 Safety requirements for cargo ships and
- the Dutch Ordinance on the safety of seagoing vessels, for cargo ships for the transport of more than 12 industrial personnel

The above standards of both administrations will be requirements for high-speed crafts. The requirements of the HSC Code cargo ship will be used as basis with additions and exceptions as outlined in the above-mentioned national safety standards.

The identified differences of the requirements have been reviewed and accepted by both the German and the Dutch Administration on the basis of achieving the goals prescribed in the draft IP Code currently developed by the IMO (ref. SDC 7/6/1). There are no indications that the level playing field could be hindered.

ISM Certification

The ISM Code is not internationally applicable for cargo ships of less than 500 GT.

According to the Dutch national standard the ISM Code has therefore not been made mandatory to IP-HSC considering the ships as cargo ships. However, on the basis of the ISM Code it has been determined which requirements are relevant for ships of less than 500 GT. These requirements are included in the supplementary set of requirements in the appendix to the national Regulations.

Ship managers of ships of less than 500 GT flying the Dutch and German flag may anticipate to comply voluntarily with the ISM Code.

Certificates

To facilitate port state activities this letter of intent should be available on board in conjunction with the list of certificates listed in:

- Annex 1 for Dutch ships sailing in German territorial sea and;
- Annex 2 for German ships sailing in Dutch territorial sea.

Notification

The signatories should provide a written notice, having effect after a reasonable timeframe, in the following cases:

- Changes to or termination of the arrangements as outlined in this letter of intent;
- Future amendments to the national requirements.

When interpreting the term “reasonable”, the commercial and operational interest of the ship owners to provide their services should be taken into account.

Validity letter of intent

This letter of intent has effect until the IP-HSC part of the IMO IP Code will enter into force. However, if acceptable to both Administrations the effect of this letter might be extended in case the IP Code results in excluding IP-HSC from the scope of application. Either signatory might recall this letter of intent by giving three (3) months' notice in writing to the other signatory.

This letter of intent does not create any rights or obligations under international law.

Bundesministerium für Verkehr und digitale
Infrastruktur

The Director Shipping

Mr. A. Wehrmann

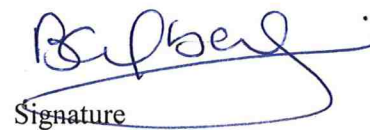


Signature

Ministerie van Infrastructuur en Waterstraat

The Director Maritime Affairs

Ms. B.C.M. Gijsbers



Signature

Annex 1

List of certificates on board ships flying Dutch flag and carrying more than twelve industrial personnel

- National High Speed Offshore Service Craft Safety Certificate for transport of industrial personnel (incl. Record of Equipment)
- (National) Permit to Operate HSOSC/HSC
- Minimum Safe Manning Document
- International Load Line Certificate (> 24 m)
- International Oil Pollution Prevention Certificate (including Form A, if >= 400GT)
- International Sewage Pollution Prevention Certificate (if vessel is approved for more than 15 persons)
- Engine International Air Pollution Prevention Certificate (if engine >130 kW and built later than 2000)
- International Air Pollution Prevention Certificate (if >= 400 GT)
- International Ballast Water Management Certificate (if >= 400 GT)
- International Tonnage Certificate ITC'69

- Certificate of Registry
- Liability Certificates (depending on GT and applicability)
- Classification Certificate

Optional:

- Document of Compliance Special Requirements for Ships Carrying Dangerous Goods

Annex 2

List of certificates on board ships flying German flag and carrying more than twelve industrial personnel

Required:

- National High Speed Craft Safety Certificate
- Record of Equipment for High Speed Craft national
- National Permit to Operate High Speed Craft
- Minimum Safe Manning Document
- International Sewage Pollution Prevention Certificate (if vessel is approved for more than 15 persons)
- Engine International Air Pollution Prevention Certificate (if engine >130 kW and built later than 2000)
- Dispensation of ballast water convention or International Ballast Water Management Certificate
- Classification Certificate

Optional:

- Document of Compliance Special Requirements for Ships Carrying Dangerous Goods