Annex to the DMLC, part I, showing the relevant articles of Dutch legislation, implementing the Maritime Labour Convention, 2006 for traditional sailing vessels.
Version 1. Valid from October 20th, 2015.

General information

Traditional sailing vessels are those vessels that have been certificated as:

1. Commercial sailing ship; or
2. Sail training vessel; or
3. Sailing vessel; or
4. Sailing passenger vessel.

Definition of Seafarer:
In the Seafarers Act "seafarer" has been defined in accordance with the MLC, 2006 and the Annex to Resolution VII, adopted by the General Conference of the International Labour Organization on February 22nd, 2006.
Essentially everybody working on board shall be deemed to be a seafarer, except for:

a) Passengers;
b) Family of seafarers, who shall not perform any work within the regular scope of activities on board;
c) Pilots, inspectors, military men;
d) Longshoremen;
e) Other persons whose activities are not part of the regular activities on board, within the use of the ship.

An Advisory Committee has been instituted to advise the Minister on other persons on board which may not qualify as seafarers. These persons may be included in the Regulation Seafarers and they will be added here. If a different category of persons on board is not designated as seafarer, or in case of doubt, the inspector of the Recognized Organization shall seek the advice of the Dutch Authorities for verification.

Shipowner: the owner or charterer of a ship, or a company as mentioned in article 311, 3rd paragraph, of the Code of Commerce, to which the owner has transferred the responsibility for the exploitation of the ship.

The name of the shipowner is shown in the Maritime Labour Certificate.
Under Dutch law this can be one of three entities:

1. The shipowner;
2. The shipmanager established in the Netherlands (a company as mentioned in article 311, 3rd paragraph, of the Code of Commerce, to which the owner has transferred the responsibility for the exploitation of the ship); or
3. The bareboat charterer.

The MLC applies to all Dutch seagoing vessels with the exception of:

1. fishing vessels;
2. vessels which sail exclusively on Dutch Inland Waterways or waters within or closely adjacent to, sheltered waters or areas where port regulations apply;
    i. NOTE: The boundary of Inland Waters is indicated in the Binnenvaartwet (Inland Navigation Act)
3. unmanned ships without mechanical means of propulsion;

i. NOTE: 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 "–".
4. warships and naval auxiliary vessels;
5. lifeboats (SAR);
6. undecked fishing vessels which do not as a rule operate out of sight of the Dutch coast;
7. pleasure craft.

In most cases it is not possible to close an employment agreement if the Master is also the employer (e.g. if the Master is also the shipowner). The Master/Shipowner shall demonstrate the specific legal structure through its ISM system and/or other relevant documentation.

A cadet does not have a seafarer's employment agreement, but a cadet-agreement with the shipowner. Apart from this, all relevant legislation applies to cadets.

The Maritime Labour Certificate with the accompanying DMLC, parts I and II, must be posted in a conspicuous place on board, where it is available to seafarers. **See Art. 69c (3):**

A copy of the Maritime Labour Convention, 2006 shall be on board. **See Art. 69c (4):**

Link to 14 items:
1. Minimum age
2. Medical certification
3. Qualification of seafarers
4. Seafarers'employment agreements
5. Use of any licensed or certified or regulated private recruitment and placement service
6. Hours of work and rest
7. Manning levels for the ship
8. Accommodation
9. On-board recreational facilities
10. Food and catering
11. Health and safety and accident prevention
12. On-board medical care
13. On-board complaint procedures
14. Payment of wages

Shown underneath are requirements under Dutch law, that are in excess or in derogation of the requirements under the MLC, 2006.
Please be aware that these articles are required under Dutch law.
These requirements are outside the scope of Port State inspections.

Item 6: Hours of work and rest
Working Hours Act
Working Hours Decree Transport
Art. 6.5:4 Break Note
The master organizes work such that work of the seafarer after not more than 6 hours is succeeded by

a break each time.
Please be aware that it is not required to register the break, if the break lasts less than half an hour.

Item 8 Accommodation
Regulation Seafarers
Art. 3.20
3. During the time seafarers are on board, regarding the heating of the accommodation on board shall be in accordance with Guideline B3.1.3, (1).

Item 9 Recreational facilities
Regulation Seafarers
Art. 3.21 Use of recreational and social facilities
1. The shipowner shall ensure that the on-board internet facilities for sending e-mail are accessible to all seafarers and that the delivery of post takes place in accordance with Guideline B3.1.11, paragraph 5 of the Maritime Labour Convention.
2. For the use of telephone, e-mail and internet connections, the shipowner may charge a fee as usage costs. The other facilities referred to in Article 3.13 shall be free of charge for seafarers.
3. The shipowner shall ensure that all contacts with family and friends of seafarers proceed in accordance with standards defined in Guideline B3.1.11, paragraphs 6 and 7 of the Maritime Labour Convention.
4. The facilities referred to in Article 3.13 shall be inspected at least once every three years by or on behalf of the Master, in accordance with objectives defined in Guideline B3.1.11, paragraph 1 of the Maritime Labour Convention.

Item 12 On-board medical care
Article 118
3. The persons referred to in paragraph one shall attend a further training course as referred to in Article 91, paragraph three, at least once every five years, which also includes a practical training course, referred to in Article 91, paragraph four, for persons on board ships with a Cargo Ship Safety Certificate or a Passenger Ship Safety Certificate for an unlimited navigation zone.

1. Minimum age (Regulation 1.1)

Relevant legislation ↑ *Back*	Interpretations
1. Minimum age (Regulation 1.1) **Working Hours Act** **Art. 1:2** 1. In this Act, a child is defined as a person, younger than 16 years. **Art. 2:8** This Act and the underlying Decrees are applicable to: b. Work performed fully or partly outside the Netherlands by persons, working on board seagoing vessels, which on the basis of Netherlands legal rules are entitled to fly the Netherlands flag **Art. 3:1** For the application of this chapter and the underlying regulations, "responsible person" is defined as: The employer **Interpretation** **Art. 3:2** 1.The responsible person sees to it that a child does not perform any work. 2. Paragraph 1 does not apply to: c. light work performed by a child of 14 years or more, insofar as this work is performed next to and in connection with the regular education. **Interpretation** **Further regulation child labour** **Art. 1.1 Definitions** 2. Light work in no way is work during which: h. a child performs work on a seagoing vessel as mentioned in the Civil Code, Book 7, art. 2, paragraph 1.	**General interpretation:** The Working Hours Act prohibits work by a child (a person younger than 16 years). However, exceptions are possible for light work. In the Further regulation child labour it is stipulated that light work in no way is work performed on board a seagoing vessel. **Interpretation to art. 3:1:** The "employer" is the shipowner as defined in the Seafarers Act. **Interpretation to art. 3.2:** Light work may be performed by children as specified under c. However, light work is not any work on board a seagoing vessel.
Working Hours Decree Transport **Art. 6.1:2 Definitions young seafarer, shipowner, master and seafarer** The following terms shall have the following meanings in this Chapter and on the provisions based on it: *young seafarer*: a seafarer of 16 or 17 years; *master*: the seafarer who is in command of the ship; *shipowner*: the shipowner as mentioned in the Seafarers Act; *seafarer:* the seafarer as mentioned in the Seafarers Act, taking into account that persons who are excluded on the basis of art. 1 (2) of the Seafarers Act, will not be regarded as seafarers. **Art. 6.5:3 Young seafarer** 1. The master organizes work such that the young seafarer: *a*. does not work more than 8 hours in each period of 24 successive hours; *b*. has a rest period of at least 12 hours in each period of 24 successive hours, of which at least 9 hours are uninterrupted and in which the period between 00.00 and 5.00 hours has been included; *c*. does not work more than 40 hours a week; *d*. has an uninterrupted rest period of at least 36 hours in any uninterrupted period of 7 times 24 hours; *e.* in principle does not work on Sunday. 2. The master organizes work such that the young seafarer gets, if possible, an uninterrupted break of at least 30 minutes should the daily working hours be more than 4.5 hours. 3. Contrary to the first paragraph, items a and b, the young seafarer is allowed:	

1. Minimum age (Regulation 1.1)

a. to work no more than 12 hours in any period of 24 successive hours if he actually is on watch duty during that period in accordance with the watch schedule; *b*. to work between 00.00 and 05.00 hours if this is necessary in connection with his education.	
Occupational Safety and Health Decree **Art. 1.1 Definitions** **5.** The following definitions apply in this Decree and the underlying regulations: (a) young employee: an employee of less than 18 years of age; **Art. 1.36 More detailed requirements risk inventory and evaluation of risks** 1. If, in the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, one or more young employees are working or are usually working in a business or institution, special attention is paid to : *a*. the specific dangers in the field of occupational safety and health as a result of the young employee's lack of work experience, not being able to properly assess dangers and the non-completion of his/her mental or physical development; *b*. the equipment and set-up of the workplace; *c*. the nature, the extent and the duration of the exposure to substances, agents and physical factors; *d*. the choice and the use of work equipment and personal protective devices; *e*. the entity of activities in the business or the institution and its organization, and *f*. the level of education of the young employees and information to be given to them. 2. Furthermore, in the risk inventory and evaluation of risks special attention is paid to the incomplete list of agents, processes and activities, included in the Annex to the Directive. **Note** **Art. 1.37 Expert supervision** 1. If young employees work in a business or institution, there must be adequate expert supervision over that work. The contents and the extent of the supervision depends on the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, found dangers which may arise if there is no expert supervision. 2. If it appears from the risk inventory and evaluation of risks, as referred to in Article 1.36, that young employees must do work to which specific dangers are attached, particularly for occupational accidents as a result of lack of work experience, not being able to properly assess dangers and the non-completion of the young employee's mental or physical development, that work may only be done, if expert supervision has been organized such that those dangers are prevented. If that is not possible, that work may not be performed by young employees. **Art. 6.27 Prohibited labour for young employees** **1.** Young employees may do no diving work, caisson work and other work under increased atmospheric pressure, as referred to in Article 6.13. **2.** Young employees may not work with appliances which can emit harmful non-ionising electromagnetic radiation. **3.** Young employees may not work on a workplace where the	**Note:** This Annex to the Directive 94/33 is included at the bottom of this paragraph. If young seafarers are exposed to these agents, attention must be given to this in the RI&E. **Interpretation to the Annex to the Directive 94/33:** Agents are chemical, physical and biological active substances, that may harm personal health.

daily exposure to noise is 85 dB(A) or higher or the peak acoustic pressure is 140 Pa or higher.

4. Young employees may not be exposed to harmful vibrations.

Annex to Directive 94/33

ANNEX

Non-exhaustive list of agents, processes and work (Article 7(2), second subparagraph) I.

Agents **Interpretation**

1. Physical agents

(a) lonizing radiation;

(b) Work in a high-pressure atmosphere, e. g. in pressurized containers, diving.

2. Biological agents

(a) Biological agents belonging to groups 3 and 4 within the meaning of Article 2 (d) of Council Directive 90/679/EEC of 26 November 1990 on the protection of workers from risks related to exposure to biological agents at work (Seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (1).

3. Chemical agents

(a) Substances and preparations classified according to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (2) with amendments and Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (3) as toxic (T), very toxic (Tx), corrosive (C) or explosive (E);

(b) Substances and preparations classified according to Directives 67/548/EEC and 88/379/EEC as harmful (Xn) and with one or more of the following risk phrases:

- danger of very serious irreversible effects (R39),

- possible risk of irreversible effects (R40),

- may cause sensitization by inhalation (R42),

- may cause sensitization by skin contact (R43),

- may cause cancer (R45),

- may cause heritable genetic damage (R46),

- danger of serious damage to health by prolonged exposure (R48),

- may impair fertility (R60),

- may cause harm to the unborn child (R61);

(c) Substances and preparations classified according to Directives 67/548/EEC and 88/379/EEC as irritant (Xi) and with one or more of the following risk phrases:

1. Minimum age (Regulation 1.1)

- highly flammable (R12); - may cause sensitization by inhalation (R42), - may cause sensitization by skin contact (R43), (d) Substances and preparations referred to Article 2 (c) of Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC; (4) (e) Lead and compounds thereof, inasmuch as the agents in question are absorbable by the human organism; (f) Asbestos. II. Processes and work 1. Processes at work referred to in Annex I to Directive 90/394/EEC. 2. Manufacture and handling of devices, fireworks or other objects containing explosives. 3. Work with fierce of poisonous animals. 4. Animal slaughtering on an industrial scale. 5. Work involving the handling of equipment for the production, storage or application of compressed, liquified or dissolved gases. 6. Work with vats, tanks, reservoirs or carboys containing chemical agents referred to in 1.3. 7. Work involving a risk of structural collapse. 8. Work involving high-voltage electrical hazards. 9. Work the pace of which is determined by machinery and involving payment by results.	

2. Medical certification (Regulation 1.2)

Relevant legislation ↑ Back	Interpretations
2. Medical certification (Regulation 1.2) **Seafarers Act** **Art. 19** 1. By or pursuant to a ministerial decree: a. for obtaining an appropriate certificate, as referred to in Article 18, paragraph two, following shall be determined: 3. the requirements of medical fitness, **Art. 40** **1.** Each seafarer shall be in the possession of one or more valid medical certificates of fitness, as specified under 2, to testify that the crewmember has been examined by a medical doctor, who has been appointed by the Minister, and meets the requirements of medical fitness as specified in art. 19, 1 and a3.**Interpretation** **2.** The medical certificates of fitness mentioned under 1. are: a. general medical fitness b. eyesight c. hearing **Art. 40a** A medical certificate of fitness issued by a medical doctor or medical specialist appointed thereto by another EU-memberstate, Iceland, Liechtenstein, Norway or Switzerland proving that a crewmember has been declared medically fit, is considered equal to the Netherlands certificate. **Interpretation** **Art. 41** The medical certificates of fitness, mentioned in art. 40, 1st paragraph, shall be presented when signing on. **Art. 45** If shortly before departure of a ship, the crew needs to be supplemented, the Minister may, if urgent circumstances necessitate to sign up persons who do not possess one or more of the required medical certificates, grant exemption from the requirement under art. 40, 1. **Art. 46** In case the musterlist must be drawn up or added to in a foreign port, where no medical specialists as specified under art. 40, 1, reside, regarding medical certificates local custom shall be followed. **Art. 47** Under circumstances mentioned in art. 45 and 46, at the first opportunity a medical examination shall be done by a medical specialist as mentioned in art. 40, 1. **Decree seafarers merchant shipping and sailing ships** **Art. 104 -** All crewmembers on board Netherlands' ships have to be in the possession of a valid certificate of medical fitness for seafarers. Crewmembers that can be appointed lookout or charged with navigational watch or engineering watch must also meet the	**Note:** 1. During a period of transition, valid present medical certificates for seafarers above the age of 18 may be accepted until the date of expiry but not later than 20-8-2015. 2. During a period of transition until 20-8-2015, medical certificates for seafarers of the Holland America Line need not be printed on documentary paper. **Interpretation to Art. 40:** Seafarer medical certificates, issued before 20-8-2013, include examination of colour vision as required by the MLC, 2006. These certificates are valid for two years, but not later than until 20-8-2015. **Appointed** doctors may issue medical certificates for seafarers both **with** watchkeeping, safety or security duties and **without** watchkeeping, safety or security duties. Lists of appointed doctors are available at: http://www.ilent.nl/onderwerpen/transport/koopvaardij/bemanning/medische_keuringen/adressen_keuringsartsen/ **Recognized** doctors may only issue medical certificates for seafarers **without** watchkeeping, safety or security duties. A list of recognized doctors will be added on 20-8-2013. The model of the present Dutch medical certificate, issued by appointed or recognized doctors, is available at: http://www.ilent.nl/Images/Geneeskundige%20verklaring%20zeevaart%20(voorbeeld)_tcm334-318228.pdf **Interpretation to art. 40a:** **EU-memberstates:**

2. Medical certification (Regulation 1.2)

requirements concerning eyesight and hearing ability. **Art. 105** - This article states among others the right of a person to a re-examination. **Art.107 –** 1. A certificate of medical fitness, as mentioned in art. 40 of the Seafarers Act, will be valid for a period of 2 years from the date of issuance or for a period of one year in case of a certificate for a person of less than 18 years of age; 2. On medical grounds the doctor may issue a certificate, as mentioned in art. 40 of the Seafarers Act, for a period shorter than 2 years; 3. The doctor may issue a certificate of medical fitness, as mentioned in art. 40 of the Seafarers Act, for a limited area of sailing. **Art. 113 –** 1. Medical certificates based on other standards than those required by this Order can be recognized by the Medical Advisor of the Shipping Inspectorate. 2. These certificates should not be older than two years from date of issue.	Austria Belgium Bulgaria Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands, The Poland Portugal Romania Slovakia Slovenia Spain Sweden United Kingdom **Interpretation to Art. 46:** "Local custom" to be verified with the local CA. In case of doubt, contact the Dutch CA.

Relevant legislation Back	Interpretations
3. Qualifications of seafarers (Regulation 1.3) **Seafarers Act** **Art. 18** **1.** Every seafarer, with a function mentioned in art. 18, (2) shall possess a valid, relevant certificate of competence. 2. These functions are: **a.** master all ships first officer all ships officer of the watch all ships master small ships **Interpretation** first officer small ships **b.** chief engineer all ships second engineer all ships engineer of the watch all ships chief engineer small ships second engineer small ships **c.** first maritime officer **Interpretation** first maritime officer small ships maritime officer maritime officer small ships **d.** (Not applicable to merchant ships) **e.** radio-operator **f.** rating **4.** Further limitations or additions regarding cargo, ship type or navigational area may be inserted on the certificate of competence. **Art. 19** 1. By or pursuant to a ministerial decree: a. for obtaining an appropriate certificate, as referred to in Article 18, paragraph two, following shall be determined: 1°. the professional requirements; 2°. the experience; 3°. the requirements of medical fitness, and 4°. the manner in which it is assessed whether the requirements referred to under 1° and 2° are complied with; b. the term of validity of the appropriate certificate, as well as the manner in which first issue, replacement or renewal ofthe appropriate certificate is regulated; c. the limits determined of the ships, upon which the following capacities may be exercised: 1°. master small ships; 2°. chief mate small ships; 3°. chief engineer small ships; 4°. second engineer small ships; 5°. chief maritime officer small ships, and 6°. maritime officer small ships. 2. The professional requirements required for the issuance of an appropriate certificate will have been met by: a. having completed successfully the final examinations of an education and training approved under the Higher Education and Research Act or the Education and Vocational Training Act, or	**Interpretation to art 18, paragraph 2a:** Strictly speaking "small ships' is only defined for the maritime officer → < 3000 GT and < 3000 kW. In practice it is also used separately for masters and officers (< 3000 GT) and for engineers (<3000 kW) **Interpretation to art. 18, paragraph 2c:** c. first maritime officer is the combined function at the management level as mentioned in STCW, Chapter VII. This function comprises education and training as specified in tables A-II/1 and A-II/2 and A-III/1 and A-III/2. first maritime officer small ships is the function as mentioned above, restricted to ships < 3000 GT and < 3000 kW. maritime officer is the combined function at the operational level as mentioned in STCW, Chapter VII. This function comprises education and training as specified in tables A-II/1 and A-III/1, and parts of A-II/2 and and A-III/2. maritime officer small ships is the function as mentioned under maritime officer, restricted to ships < 3000 GT and < 3000 kW. **Note:** For all certificates of competence, mentioned under **Art. 18, para a., b., c. and d.** the safety training courses BST, PSC and AFF are included in the certificate. **Art. 25b:** This ministerial decree has not yet entered into force. For certificates of ship's cooks see under item **10. Food and catering** **Interpretation to Art. 120 (1) and 120a:**

b. having taken a course approved by Our Minister. 3. A Ministerial Decree sets rules regarding: a. the application for the approval referred to in paragraph two; b. the revoking of the approval. 4. Our Minister shall set the criteria based upon which an application for the approval referred to in paragraph two is considered. **Art. 25** The Inspector-General may exempt a crewmember, with due observance of the regulations to be established by Order in Council, for a certain ship, and for a period of no more than six months, from the obligation referred to in Article 18, paragraph one, to be in possession of a valid appropriate certificate. The Inspector-General may exempt a holder of an appropriate certificate, valid on small ships, from the obligation referred to in Article 18, paragraph one, to be in possession of a valid appropriate certificate, insofar said qualification is used on board a ship which, because of alterations can no longer be considered a small ship, if the following conditions are met: the exemption shall apply for the duration of the course taken by the holder to obtain an appropriate certificate valid on all ships, with a maximum of two years, and in the five years prior to the application, the holder shall have served on board this ship, or on board an, in the opinion of the Inspector-General, identical ship. **Art. 25b** 1. Seafarers who do not fill a function as mentioned under art. 18, 2, shall meet education standards set by or pursuant to a ministerial decree. **Decree seafarers merchant shipping and sailing ships** **Art. 119** 1. On a ship which proceeds on an international voyage for a duration of more than three days, with a total complement of one hundred persons or more in whatever function employed into the service for the benefit of the ship, including trainees and pilots, a medical doctor shall be present. 2. Contrary to the requirements of Article 118, paragraph one, if paragraph one has been met, the possession of the Certificate Health Care on Board Ships B, referred to in Article 91, paragraph one, will be sufficient for the master. 3. By Decree of Our Minister, with due regard for the provisions of or pursuant to Article 21 of the Act, more specific requirements may be laid down with regard to the qualifications of the medical doctor mentioned in paragraph one. **Art. 120** 1. On board of a ship of which the prescribed crew consists of more than 9 persons, a certified ship's cook shall be charged with the preparation of food. 2. A certified ship's cook is a person of 18 years or older in possession of a certificate as a ship's cook, approved by Our Minister, as referred to in Article 92. 3. Our Minister may approve certificates, issued by competent authorities in other countries pursuant to the Convention regarding the Certificate of Competency as a Ship's Cook, 1946, as being	The prescribed number of seafarers as shown on the Safe Manning Document. If the cook is required, he is on the Safe Manning Document.

equivalent to Dutch certificates. 4. Upon a request of the managing owner, for that purpose, the Inspector-General may grant exemption from the requirements in paragraph one concerning the certification of the ship's cook, for a certain period, if, in his reasonable opinion, an insufficient number of certified ship's cooks is available. 5. Requirements may be attached to the exemption granted as referred to in paragraph four. If the requirements are not observed, the Inspector-General may prematurely withdraw a granted exemption **Art. 120a** On board of a ship of which the prescribed crew consists of less than 10 persons,, any person handling provisions in the galley, has followed an education or has received instructions in the fields of food, personal hygiene and the handling and storage of provisions on board. **Art. 116** **1.** Seafarers with a safety task in the muster roll on board or with a task regarding the prevention of maritime pollution, shall possess a certificate from an approved Basic Training course, unless they can show by a Seaman's Book or a similar document that they have worked on a seagoing vessel before August 1st, 1998. 2. For seafarers with a function of officer of a navigational or an engineering watch or of a maritime officer or higher rank, the valid certificate of competence shall be proof of possession of a certificate from an approved Basic Training course 3. Other crew members, who are not included in the categories mentioned in paragraph one or two, shall, before being appointed to their shipboard duties, receive sufficient information and instructions so that they are able to: a. communicate with other persons on board on elementary safety matters, to understand the safety symbols and to know the alarm signals; b. know what to do if: someone falls overboard; fire or smoke is detected, the signal 'fire alarm' or 'abandon ship' is given; c. know where the lifejackets are and how to put them on; d. give the alarm and to be familiar with the use of portable fire extinguishers; e. know what to do in case of an accident before help can be called for; f. be able to close and open the fire and watertight doors, with the exception of those for the closure of openings in the hull. g. locate the musterstations for "Abandon ship", the locations for boarding the lifeboats and the escape routes in cases of emergency 4. Every crewmember as mentioned in the first paragraph, will receive sufficient information and instruction regarding items c, f and g before starting his work on board.	

4. Seafarers' employment agreements (Regulation 2.1)

Relevant legislation ↑ Back	Interpretations
4. Seafarers' employment agreements (Regulation 2.1) **Civil Code Book 7** **Art. 675** The employment agreement does not end with the decease of the employer, unless in the agreement the opposite has been included. However, both heirs of the employer and the employee may terminate the agreement for a specified period, taking into account art. 670, 670a and 672, as if the agreement has been entered into for an unspecified period. **[Further text not relevant]** **Art. 677** 1. Both parties may terminate the employment agreement without delay for a compelling reason, under simultaneous communication to the other party. The party that terminates the agreement without a compelling reason or without simultaneous communication of the compelling reason, is liable for the damages. 2. The party that terminates at an earlier date than agreed between parties is liable for the damages. 3.Equally liable for the damages is the party that through intention or fault has given the other party a compelling reason terminate the employment agreement without delay, if the other party has availed of that opportunity or the judge has dissolved the employment agreement for that reason under art. 685. 4. If one of both parties is liable for the damages, the other party may choose between the fixed amount of liability as specified in art. 680 or the full amount of the liability. **Art. 694** 1. The seafarer's employment agreement is the employment agreement, including the agreement between the seafarer and the recruitment and placement agency, in which the seafarer commits himself to work on board a ship. **Interpretation** 2. By ministerial decree, after consultation with the shipowners' and seafarers' organizations concerned, categories of persons may be classified as not belonging to the group of seafarers as mentioned under 1. **Interpretation** **Art. 695** 1. This chapter applies to seagoing vessels which on the basis of Netherlands legal rules are entitled to fly the Netherlands flag 2. In this chapter the shipowner is the shipowner as defined in the Seafarers Act, Art. 1, paragraph 1 l. **Art. 697** 1. The Seafarer's Employment Agreement shall be in writing and signed by both parties. 2. Both parties shall have a signed original Seafarer's Employment Agreement. **Art. 698** Each seafarer shall be able to consult his seafarer's employment agreement and the relevant collective bargaining agreement or other regulations by or on behalf of a competent authority and he shall be able to easily obtain clear information on terms of	**Notes:** 1. The seafarers employment agreement must be on board. However, to protect the privacy of the seafarer, this requirement is also fulfilled if only the seafarer carries his or her seafarer employment agreement. 2. In case that the Master is also the owner of the ship, this shall be documented on the Certificate of Registry and it will be accepted as proof that a seafarers employment agreement is not necessary for the Master. 3. In case that the seafarer participates in a Limited Company (Commanditaire Vennotschap), the Civil Code, Book 7, art. 737 is equally applicable. Adequate proof of participation in a Limited Company shall be on board. 4. If a seafarer works on board on an agreement of contract (overeenkomst van opdracht), the Civil Code, Book 7, art. 735, 736 (2) and 737 are equally applicable, in addition to the requirements of the Civil Code, Book 7, related to the agreement of contract. The Civil Code, Book 7, art. 737 refers to the application of art. 718-720. The shipowner and the seafarer shall be responsible for the correct inclusion of the requirements related to the agreement of contract. **Interpretation to art. 694, paragraph 1:**

4. Seafarers' employment agreements (Regulation 2.1)

employment, that are not in the seafarer's employment agreement or the relevant collective bargaining agreement. **Art. 699** The seafarer's employment agreement shall as a minimum include: 1. the last and first names of the seafarer, the date of birth or his age and his place of birth, or a note if one or more of these details are unknown; 2. name and address of the employer; 3. place and date of entering into the seafarer's employment agreement; 4. the designation of the ship or ships on which the seafarer commits himself to serve or the stipulation that the seafarer will serve on one or more ships, to be designated by the employer; **Interpretation** 5. the voyage or voyages to be undertaken, if they are already definite; **Interpretation** 6. the amount of the wages of the seafarer, and, if applicable, the method of calculation; 7. the entitlement to leave or the method to calculate this entitlement; **Interpretation** 8. the amount of wages to be paid during the leave, and, if applicable, the method of calculation; **Interpretation** 9. the benefits to be paid by the employer to the seafarer for health care and social security benefits; **Interpretation** 10. the capacity, in which the seafarer will serve; 11. if possible, the place and date on which the service on board will commence; **Interpretation** 12. the termination of the agreement and the conditions thereof, including: if the agreement has been made for a definite period, the date fixed for its expiry and the text of art. 722, or, if the agreement has been made for a voyage, the agreed upon port where the agreement is to terminate, or, if the voyage ends in a different port than the one agreed upon, the text of art. 723; if the agreement has been made for an indefinite period, the text of art. 724, (1), first full sentence; 13. the seafarer's entitlement to repatriation; 14. reference to the collective bargaining agreement, if applicable and other regulations by or on behalf of a competent authority. **Interpretation** **Art. 717** 1. The seafarer acquires a leave of at least 30 calendar days for each year in which he is entitled to wages during the full agreed period of employment. 2. The seafarer is entitled to a leave during the period of study leave. 3. The following do not count as leave: a) officially or generally accepted holidays; b) temporary leave to go ashore; c) compensatory leave; d) time during the transport as mentioned in para 6;	Under Dutch law, a seafarer employment agreement can both be the agreement between the shipowner and the seafarer or the agreement between the employer and the seafarer. The liability of the shipowner is regulated in art. 693. **Interpretation to art. 694, paragraph 2:** A difference in definition exists between the Seafarers Act and the Civil Code. A cadet does not have a seafarer's employment agreement, but an agreement between the Maritime Institute and the shipowner. Please be aware that the requirements of the MLC, 2006, concerning the seafarer's employment agreement do not apply to the agreement between the Maritime Institute and the shipowner. In the Civil Code 7:737 the requirements concerning repatriation and compensation in case of shipwreck or decease have been included. **Interpretation to art. 699: Paragraphs 4 and 5:** These data will be entered in the seaman's book, if uncertain at the moment of signing the seafarers' employment agreement. **Paragraph 7:** The method to calculate the entitlement to leave shall not be more unfavorable than: (Number of days between the date of signing on and the date of return after repatriation)/30 (number of days in a month) * 2,5 (number of days of leave per calendar month). **Paragraph 8:** The method to calculate the payment shall not be more unfavorable than: (Number of days between the date

e) time awaiting repatriation and the time for repatriation. 4. The employer shall grant the leave, mentioned in para 1, without breaks. By CBA or regulation of or on behalf of an authorized authority, deviations from this requirement are allowed. 5. The leave, mentioned in para 1 and in art. 641 (3), may be granted to the seafarer at his request in the location where the service on board begins or in the location where the seafarer employment agreement has been signed, depending on the fact that this location is situated nearest to the place of domicile of the seafarer. By CBA or regulation of or on behalf of an authorized authority, deviations from this requirement are allowed. 6. If the seafarer must start the leave, mentioned in para 1 and in art. 641 (3), at a different location than mentioned in para 5, the employer sees to transport to that other location at no expense to the seafarer, and the employer must pay for the expenses of living during this transport. 7. The employer may recall a seafarer on leave, as mentioned para 1 and in art. 641 (3), in case of important reasons and after consultation with the seafarer. The damages suffered by the seafarer on this account, shall be reimbursed by the employer. 8. The claim to be granted a leave lapses three years after the last day of the calendar year in which the claim has arisen. **Art. 718** 1. The seafarer is entitled to repatriation in a fast, convenient manner, if possible by airplane, to a destination chosen by the seafarer in case of: a. termination of the seafarer employment agreement; b. an illness, that requires repatriation; c. recovery from an illness, if the seafarer has been left for hospitalization outside the country, where the seafarer resides or the place where the seafarer has entered intothe seafarer employment agreement; d. loss of the ship; e. the employer cannot meet his legal or contractual obligations due to failure, sale of the vessel, a change of registration or any similar reason; f. the ship is bound for a war zone, and the seafarer refuses to go to that zone, or g. after a period of at most 12 months during which the seafarer has worked on board. 2. In case of repatriation, the employer shall remit the following costs: a. the costs of the voyage to the destination; b. board and food from the day the seafarer has left the ship until the seafarer has reached the destination; c. wages en compensation from the day the seafarer has left the ship until the seafarer has reached the destination; d. medical treatment, if necessary, until the medical condition of	of signing on of and the date of return after repatriation)/30 (number of days in a month) * monthly wages **Paragraph 9:** See Art. 720, 734 and 734a-734l **Paragraph 14:** No other legislation applies. **Interpretation to art. 723, paragraph 2:** See art. 718, paragraph 4. **Interpretation to art. 734a:** In the Explanatory Memorandum it is stated that dental care is included under medical treatment. **Interpretation on Seafarers Act, Art. 38 (1):** 1. At present it is not possible to insert the place of signing on and the IMO-number of the ship in the Seaman's Book. This will be remedied in the remodelled Seaman's Book. 2. The model of the document as mentioned in Art. 38 (1) may be found on the ILT-website: http://www.ilent.nl/Images/Model%20ter%20vervanging%20van%20optekening%20van%20monstering%20in%20het%20monsterboekje_tcm334-341387.pdf **Note:** In derogation of Standard A2.1, paragraph 1 (a), of the Convention, the Netherlands allows seafarers' employment agreements to be signed not only by the shipowner or a representative of the shipowner, but also by an employer other than the shipowner or his representative. Three specific groups of other employers may be identified: 1) Temporary employment agencies. 2) An employer that has employees work on a part of the

the seafarer allows the travel to the destination;
3. As destination are regarded:
a. the place where the seafarer employment agreement was entered into;
b. the country of residence of the seafarer, or
c. the place as specified by the relevant competent authority in the seafarer employment agreement or the applicable collective bargaining agreement.
4. The right to repatriation lapses if the seafarer has not made his wish to repatriation known to the captain within two days after a situation as specified in paragraph 1, a, c, d, e, f and g has occurred. By collective bargaining agreement or regulation by or on behalf of a competent authority a longer period may be agreed to.
5. A copy of the legal requirements regarding repatriation shall be available to the seafarer on board in both the Dutch and the English language
6. If the employer does not fulfil his requirements for repatriation in time, the shipowner shall be liable for the fulfilment of those requirements.

Art. 719

1. The employer is liable to the seafarer for damages suffered by the seafarer due to shipwreck of or any other disaster to the ship.
2. In case of full or partial loss of the equipment by the seafarer due to shipwreck or any other disaster, the seafarer is entitled to a payment, the sum of which shall be determined by Ministerial Decree.
3. In case of unemployment due to shipwreck or any other disaster, the seafarer is entitled to payment of the wages to the amount determined in the seafarer employment agreement during the period of unemployment, but not more than two months. In case the wages are not determined by time, the payment equals the wages, customarily paid calculating the full wages determined by time.
4. The payment, mentioned in para 3, will be decreased by the wages to which the seafarer is entitled in accordance with art. 729.
5. If the seafarer deceases in a shipwreck or any other disaster, the payments mentioned in para 2 and 3, shall be paid to the heirs as mentioned in art. 673 (3).
6. The claims regarding the payments mentioned in para 2 and 3, are privileged on all movable and immovable goods of the employer. This privilege is equally ranked with that, mentioned in Book 3, art. 288 (e).

Art. 720

1. If the seafarer deceases during his service on board or ashore in connection with his service on board, the shipowner shall bear the costs of:
   a: burial of the deceased, if this is done outside the country of residence;
   b:the transport of the deceased to his place of residence, as well as the costs of disinterment, if necessary, if burial of the ship, that is rented by this employer from the shipowner.
3) An employer that has employees work on a ship that has been chartered by the employer for specified work.

Note to "an employer other than the shipowner or his representative":
If the shipowners states his use of this substantial equivalency or the employer on the seafarers' employment agreement is not the shipowner, the substantial equivalency is in place.
The Recognized Organization will then act on the assumption that the other employer is a temporary employment agency and the additional requirements must be followed.
A temporary employment agency is approved if;
1) it is located in a country, it has been approved by that country , and that countryis a Member to the Maritime Labour Convention, 2006; or
2) it has been audited by one of the seven RO's approved by the Dutch authorities:

1. American Bureau of Shipping
2. Bureau Veritas
3. ClassNK (Nippon Kaiji Kyokai)
4. Det Norske Veritas
5. Germanischer Lloyd
6. Lloyd's Register
7. Registro Italiano Navale

3) the shipowner shows proof that the temporary employment agency performs in accordance with the stipulated regulations.

Interpretation to The Act on Allocation of Workers by Intermediaries, Art. 1 (3a):
It must be clear from a contract that the work performed is in connection with delivered goods or an accomplished activity. This may be a specific work, related to the maintenance of the ship or it may be the work related to fulfilling a

deceased takes place in the country of residence. 2. The master shall take care of the personal belongings of a sick, missing or deceased seafarer en he shall inventorize in detail, in the presence of two seafarers, the belongings and this inventorization shall be signed by the master and the two seafarers. The master shall see to it that these belongings will be turned over to the seafarer or to his next of kin in case of missing or decease, as meant in Art. 674.3. 3. If the place of residence of the seafarer or his next of kin are unknown, the shipowner shall keep the belongings for three years. After this period has ended, the shipowner may sell the belongings or, if the belongings cannot be sold, turn these over to a third party to keep or to destroy. 4. In case of sale, the proceeds shall be deposited in cash in consignation. This cash will take the place of the belongings. **Art. 722** The seafarer's employment agreement for a definite or prolonged period ends in the first port in which the ship calls after that period has expired and, in so far as necessary, the agreement has been terminated. **Art. 723** 1. The seafarer's employment agreement for a definite period, for a voyage, terminates after the end of the voyage or voyages, for which it was entered into. 2. If the voyage terminates at a different port than agreed upon, the seafarer's employment agreement ends at the moment that the seafarer has been repatriated in accordance with art. 718. If the seafarer's right to repatriation has lapsed, the seafarer's employment agreement is terminated in the port, mentioned in the first sentence, at the moment the right to repatriation has been lost. **Art. 724** 1. During the service-time the seafarer is on board a seagoing vessel, each of the parties may terminate in writing the seafarer's employment agreement for an indefinite period, in any port that the ship calls at, taking into account a notice period of at least 7 days. The notice period for the shipowner may not be shorter than that for the seafarer. 2. Paragraph 1 is applicable if the shipowner perishes during a seafarer's service on board, and, either the shipowner's successors to the shipowner or the seafarer wishes to use their right under BW, 7:675. **Art. 725** During a voyage each of the parties may only terminate the seafarer's employment agreement on the grounds of BW, 7:677, paragraph 1, during the period that the vessel is in port. **Art. 734** The seafarer, who cannot work as a result of disease, pregnancy or childbirth, will retain the right to full wages during the period on board. **Art. 734a** The seafarer, as meant in art. 734, is entitled to decent nursing and medical treatment until he has recovered.	guarantee. **Interpretation to The Act on Allocation of Workers by Intermediaries, Art. 1 (3b):** It must be clear from a contract between the shipowner and a different shipowner that this assistance is rendered without financial profit. The seafarers must be employed by the different shipowner. The different shipowner must be clearly identified as a shipowner. **Interpretation to The Act on Allocation of Workers by Intermediaries, Art. 1 (3c):** Enterprises sometimes allocate the work related to manning to a specific entity in the enterprise. This is allowed under this paragraph. The shipowner must show that the Manning Department forms a full part of the enterprise. If the shipowner is of the opinion that **one of the other options** applies, he will contact the ILT for further guidance. The shipowner shall provide the ILT with documentary evidence that the other employer is not a temporary employment agency through: 1. A contract between the shipowner and the other employer specifying the kind of work concerned, and stipulating the duration of the contract. **Interpretation to Seafarers Act Art. 38:** At present it is not possible to insert the place of signing on and the IMO-number of the ship in the Seaman's Book. This will be remedied in the remodelled Seaman's Book.

This entitlement is however not due to: a) a seafarer who is insured in accordance with the Health Care Insurance Act during his stay in the Netherlands; and b) a seafarer who is in his country of residence. This right lapses if the seafarer has or if he could have returned to his country of residence . From the entitlements for the seafarer under this article, the amounts of the Exceptional Medical Expenses Act shall be deducted. **Art. 734b** 1. The seafarer meant in art. 734, who is insured in accordance with the Health insurance act or any likewise statutory regulations of a member state of the European Union, is entitled to his full wages for a period of twelve weeks, contrary to art. 629 (1), if he is left behing for nursing in a different country than his country of residence. 2. This entitlement to his full wages lapses as soon as the seafarer can obtain and perform suitable work or if he has returned or may have returned to his country of residence. **Art. 734c** To calculate the period of 104 weeks, as mentioned in art. 629 (1), the period during which the seafarer is sick on board, as mentioned in art. 734, and the period mentioned in art. 734b(1) will be included. **Art. 734d** 1) The seafarer, mentioned in art. 734, who is not insured on account of the Health insurance act or any likewise statutory regulations of a member state of the European Union, is entitled to 80% of his wages before his disease during the period of his disease, without any regard to continuation of the seafarer employment agreement, a period of not more than 52 weeks, increased the cash amount of other elements of his wages, in accordance with a Ministerial Decree. 2) The period of 52 weeks of para 1 starts at: a) the day his disease started, in case of disease during a period that he was not serving on board b) the day he was hospitalized ashore, in case his disease started during his service on board, or on the day he returns to the ship in case he has not recovered from his disease. If he is left for treatment in a country, which is not his country of residence, the entitlement of 80% is raised to 100% during the first 12 weeks. 3) The entitlement, mentioned in the last sentence of the second paragraph, ends as soon as the seafarer can obtain and perform suitable work or when he has returned or could have returned to his country of residence. 4) If the disease is caused on purpose by the seafarer, the entitlements may be annulled or decreased. **Art. 734e** 1) The seafarer as mentioned in art. 734d, who is injured in connection with his seafarers'employment agreement, receives without regard to the duration of this agreement, the amounts and provisions in accordance with art. 734f-734k. If the seafarer deceases on account of the accident, this right will fall to his heirs, as mentioned in art. 674 (3).	

2) For the application of art. 734e (1) and art. 734f-734j, diseases that are mentioned in a list as published in a Ministerial Decree, will be deemed to be equal to an injury, if the seafarer was injured in connection with the seafarers employment agreement. The disease is deemed to be connected with the seafarers employment agreement, if the disease is revealed during the period of the seafarers employment agreement or within a period after the expiry of the seafarers employment agreement, unless the opposite becomes apparent. 3) The terms of art. 734e (2) are not applicable if the seafarer has refused without relevant grounds to follow a preventive treatment or has not followed such a treatment, even though he was presented with this opportunity without costs. **Art. 734f** 1) The seafarer, as mentioned in art. 734d, has, after expiry of the period of 52 weeks as mentioned in art. 734d, is entitled to 70% of his wages in case of temporary full disability to work, and to a part of 70% of his wages, related to the percentage of his disability in case of partial temporary disability. 2) The entitlement as mentioned in para 1 ends on the day on which lasting full or partial disability starts, or, if the temporary full or partial disability to work continues, not later than three years after expiry of the period of 52 weeks, as mentioned in art. 734d. 3) The seafarer as mentioned in art. 734d, who, on the day after expiry of the period of 52 weeks, as mentioned in art. 734d, suffers lasting full or partial disability to work, or who within three years after that date becomes fully or partially lasting disabled to work, or on the date three years after the aforementioned date, still is fully or partially temporarily disabled to work, is entitled to a single payment to the amount of three times the yearly wages, calculated on the basis of his benefit, to which he was entitled before the day on which this entitlement starts. Starting from the day on which this entitlement to a single payment starts, as mentioned in the previous sentence, no more entitlements are due on account of art. 734e-734k. 4) For the application of the previous paragraphs, a seafarer is supposed to be fully or partially disabled to work, if, by an injury as mentioned in art. 734e, he has been fully or partially disabled for work at his level of strength or proficiency and which, taking into account his education en previous work, he may reasonably be charged with. 5) If the seafarer, mentioned in art. 734d, does not cooperate in a reasonable manner to regain his health or working capabilities, if these have been impaired by an injury as mentioned in art. 734e, the level of inability to work, as mentioned in the previous paragraphs, will be estimated at the level that might have been achieved if he would have cooperated fully. **Art. 734g** 1. The seafarer, as mentioned in art. 734d, is entitled in respect of an injury to medical treatment or a compensation from the day of the injury, if he is in his country of residence or he could have returned there, until the date of no more than three years after the period of 52 weeks, as	

mentioned in art. 734d, and without prejudice to the stipulation in the last full sentence of art. 734f (3). The issue of artificial appliances is included under the term "medical treatment", insofar as these may contribute to his ability to work or to improvement of his living conditions, including instruction in the use of these artificial appliances. 2. By Ministerial Decree regulations regarding this article may be set. **Art. 734h** 1. Without prejudice to art. 674, the heirs as mentioned in art. 734e (1), are entitled to a single payment that amounts to: a) for the person to whom the deceased was married or had entered into a registered partnership at the time of the injury: three times the amount for a year, calculated at 30% of the wages of the deceased; b) for each child or stepchild under the age of eighteen years: three times the amount for a year, calculated at 15% of the wages of the deceased or 20% of the wages of the deceased, if the child is orphaned. c) for those persons, not mentioned under a) or b), with whom the deceased lived as a family at the time of the injury and to whose maintenance he contributed to a great extent: three times the amount of the contribution for the maintenance for a year, provided that, if this person is younger than eighteen years, the entitlement shall not exceed the amount that he would have received as a child of the deceased. 2. The amounts mentioned in the first paragraph taken together shall not amount to more than three times the amount for a year, calculated at 60% of the wages of the deceased. The persons, mentioned in art. 734h (1c), are only entitled to a payment, if the persons, mentioned in art. 734h (1a and 1b), have all received their payment in full. If the persons, mentioned in art. 734h (1a and 1b), together would receive a payment of more than three times the payment for a year, calculated at 60% of the wages of the deceased, each of these payments will be reduced proportionally. 3. For the application of this article and art. 734e, the stipulations by or under art. 8 of the Survivor benefits act are equally applicable. **Art. 734i** By Ministerial Decree rules may be set to prevent or reduce the concurrence of paymants or provisions from other sources. **Art. 734j** For the application of art. 734f and 734h, the wages of the seafarer is understood to be the wages in cash amount during a specified period that he earned until the injury, as mentioned in art. 734e, took place, increased with the monetary value of other parts of the wages, as specified by a Ministerial Decree. The amount during a specified period in excess of the amount as specified by Ministerial Decree , will not be taken into account. **Art. 734k** 1. If a society possessing full legal rights, recognized by Us has been instituted, the shipowner shall be party of this society to guarantee to the seafarers mentioned in art. 738 and their heirs as	

mentioned in art. 734d-734j their lawful obligations. 2. In case of art. 734k (1), the shipowner and the society are individually bound to the seafarers and their heirs, as mentioned in art. 734d, and the employer and the shipowner are individually bound to the society for compliance with the obligations of art. 734d-734k. 3. At its request a society may be recognized as a society as mentioned in the first paragraph, if it complies with the following requirements: a) it has been established by one or more representative organisations of employers and one or more representative organisations of seafarers, at Our judgement, possibly together with one or more employers; b) it does not aim to make profit. 4. Only one society will be recognized under art. 734k (3) 5. The articles of association of the society, mentioned in paragraph 1, shall include provisions regarding: a) the board of the society shall consist for one half of representatives of the employers and for one half of representatives of seafarers; b) the representatives of the employers, taken together, shall cast as many votes as the representatives of the seafarers taken together; c) the costs of the obligations under art. 734d-734k, in relation to the seafarers and their heirs as mentioned in the first paragraph, as well as the costs related to the formation and maintenance of a reserve, shall be divided amongst the employers at the ratio of the wages, that are paid each year to the seafarers, and as wages is understood the wages as defined in chapter 3 of the Wet financiering sociale verzekeringen. **Art. 734l** 1. After his recovery, regardless of the continuation of the seafarer employment agreement, the seafarer is entitled to a payment equal to the wages for the period before his disease, if he was left behind in an other country than the country of residence and in a different place than the place of signing of the seafarers employment agreement. 2. In addition the seafarer is entitled to accommodation and nourishment. 3. The entitlements mentioned under paragraphs 1 and 2 end as soon as the seafarer can obtain and perform suitable work, or he has returned or has been able to return to his country of residence or to the place of signing the seafarers employment agreement. 4. If the disease has been caused deliberately by the seafarer, the payment as mentioned in paragraph 1, may be forfeited or decreased. **Art. 735** The Civil Code, Book 7, art. 702, 703, 704 (2), 709, 711, 718-720, 725, 732, 734, 734a-734c, 734e-734m and 738 are equally applicable to the employment agreement of an employee, who normally works on shore, if the employee works on board of a seagoing vessel, during the period that he works on board. **Art. 737** Art. 718-720 are equally applicable to persons who, other than on the basis of an employment agreement and regardless of the applicable jurisdiction, perform work on board of a seagoing	

vessel, taking into account that "employer" must be understood to be the shipowner.

Art. 738

The shipowner is accountable for fulfilling the obligations arising from articles 706-709, 717-720, 734 and 734a-734l, in case the employer is irrevocably sentenced to fulfillment but fails to comply.

Seafarers Act

Art. 38 Interpretation

1. The master shall record the following information regarding a crew member in the seaman's book , or the captain will issue a document in which the following will be recorded:
    a. date of signing on
    b. date and location of signing off
    c. the capacity in which the crew member has served including an overview of his duties, and
    d. the name and call sign of the ship, and, for a passenger ship of more than 100 GT or a ship other than a passenger ship, of 300 GT or more. the IMO-number
2. Neither the wages nor any assessment of behaviour shall be recorded in the seaman's book or in the document mentioned in paragraph 1.
3. By ministerial regulation the model of the document, mentioned in paragraph 1, will be decreed.

Art. 69c

1. The shipowner shall ensure that copies of the seafarer's employment agreement, signed by both the shipowner and the seafarer, the relevant collective bargaining agreement and information on other terms of employment, relevant to the employment agreement, are available on board.
2. Paragraph 1 also applies to every other agreement, on the basis of which a seafarer is working on board.
3. The shipowner shall ensure that a copy of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance is displayed in a clearly visible and easily accessible place for seafarers.
4. The shipowner shall ensure that a copy of the applicable text of the Maritime Labour Convention, 2006 is on board.
5. All documents mentioned in para 1-4 and the results of the inspections as mentioned in Art. 48c (2a) are available in the Dutch language or, if the original document is in an other language, in that language and in English and these documents must be easily accessible to seafarers. If the ship is not engaged in international voyages an English translation is not required for the documents that are available in the Dutch language.

Art.69d

1. The shipowner shall ensure that the seafarer employment agreements as mentioned in the Civil Code, Book 7, art. 694 (1) and 749 (1) of the seafarers on board meet the

requirements of the Civil Code, Book 7, art 697 and 699 and that the paragraphs 6, 7, 8, 12 and 13 conform to the appropriate requirements of the Civil Code, Book 7, Part 12. 2. The shipowner shall ensure compliance with the requirements of the Civil Code, Book 7, art. 706-709, 717-720 en 734-746. In case that the shipowner ia not he employer, the shipowner shall only fulfill this requirement in case that the employer defaults on his fulfillment of these obligations and the seafarer requests fulfillment from the shipowner. 3. The shipowner acts in accordance with the Declaration of Maritime Labour Compliance, Part 1, as issued for the ship in accordance with the Seafarers Act, art. 48c (1). **In case that, in accordance with the Maritime Labour Convention, 2006, Article VI (3), regarding substantially equivalent provisions, the substantial equivalency under Dutch Law for employers other than the shipowner is applied, the following Acts and Articles apply:** **Interpretation** **Civil Code, Book 7** **Art. 690** The temporary employment agency agreement is the employment agreement under which the employer, within the framework of his business or professional practice, places the employee at the disposal of a third party in order to perform work under supervision and direction of that third party by virtue of an agreement for the provision of services between the third party and the employer. **Art. 693** If the work is performed on board a seagoing vessel as mentioned in art. 695, paragraph 1, the third party, irrespective of the applicable law in respect of the employment agreement and the agreement between the employer and the third party, the third party is liable to fulfil the obligations as mentioned in art. 706-709 and 717-720 and 734-734l, in case of default of the employer. **Art. 694** 1. The seafarer's employment agreement is the employment agreement, including the agreement between the seafarer and the recruitment and placement agency, in which the seafarer commits himself to work on board a ship. 2. By ministerial decree, after consultation with the shipowners' and seafarers' organizations concerned, categories of seafarers persons may be classified as not belonging to the group of seafarers as mentioned under 1**.** **Art. 738** The shipowner is accountable for fulfilling the obligations arising from articles 706-709, 717-720, 734 and 734a-734l, in case the employer is irrevocably sentenced to fulfillment but fails to comply. **Art. 749** 1. The Civil Code, Book 7, art. 697, 699, 702-712, 714- 725, 729, 731, 732, 734, 735, 738-746 and 751 are equally applicable to an employment agreement in accordance with foreign legislation of a seafarer who has signed on of a ship. 2. The Civil Code, Book 7, art. 702, 703, 704 (2), 705, 709, 711,	

718-720, 725, 732, 734, 735, 738-746 and 751 are equally applicable to an employment agreement of an employee, who regularly performs his work ashore, during the period that he works on board of the ship.

The Code of Civil Procedure
Art. 6(b)
The Dutch court also has jurisdiction in matters relating to:

b. an individual employment agreement or an agency agreement, if the work is usually performed in the Netherlands or has of late been usually performed in the Netherlands.

In case that this substantial equivalence is applied to temporary agency work, the following Acts and articles are applicable, on top of the abovementioned requirements for employers other than the shipowner:

The Act on Allocation of Workers by Intermediaries
Art. 1. Definitions

1. In this act and its underlying decrees or regulations the following definitions apply:
   c. temporary agency work: making workers available for a fee to an other employer for the purpose of work under the supervision of the other, not on an employment agreement with the other;
3. In derogation of paragraph 1c, temporary agency work does not include:
   a. making available workers for supplied goods or an accomplished activity; **Interpretation**
   b. making available workers, who are employed by the employer, in assistance without financial profit; **Interpretation**
   c. making available workers to work in an enterprise that forms part of the same enterprise as the enterprise that makes the workers available. **Interpretation**

Art. 1a. Extension applicability
This act and its underlying decrees and regulations are equally applicable to work performed fully or partially outside of the Netherlands by persons, working on board seagoing vessels which on the basis of Netherlands legal rules are entitled to fly the Netherlands flag.
Chapter 3. Placement of workers
Art. 9 Prohibition compensation worker
In placing workers, no compensation shall be stipulated from the worker for placement services.
Art. 10 Prohibition to place workers during a labour conflict
The person who places workers and has knowledge or may reasonably know of a strike, shut-out or occupation in a company or a part of that company, shall not place workers in that company or part of that company, in which the strike, shut out or occupation occurs.
Art. 11 Safety information
The person who places workers shall inform the worker about the job requirements and gives the worker the information as specified

in the Occupational Safety and Health Act, art. 5, paragraph 5, before placing the worker. **Artikel 12. Special regime** 1. If the interest of good relations in the labour market or the interest of the workers concerned need protection, measures will be taken by Ministerial Decree for one or more busisness sectors or parts of the labour market on temporary agency work; 2. To protect the interests mentioned in para (1) a Ministerial Decree may be issued, requiring a licence for temporary employment agencies for one or more busisness sectors or parts of the labour market o **The Decree claims of seafarers, recruitment and placement of seafarers** **Chapter 2. Recruitment and placement of seafarers** **Art. 9 Personal documents** The costs for obtaining a seaman's book and a passport or similar personal travel documents are not included in the prohibition of compensation as mentioned in the Act on Allocation of Workers by Intermediaries art. 3, paragraph 1. These costs shall be paid for by the seafarer with the exception of the costs of medical certificates en the costs of a visa. These costs shall be paid for by the shipowner. **Art. 10 Register** 1. The person who mediates between employers and seafarers for an employment agreement and the person who places seafarers shall maintain a register, as mentioned in the Act on Allocation of Workers by Intermediaries art. 13, of all seafarers recruited or placed by them, taking into account the right to privacy. 2. This register shall contain as a minimum the following data: a. name (and first names) of the seafarer; b. birth date and birth place; c. nationality; d. gender; e. qualifications; f. function; g. service record; and h. name of the ship (depending on the service record). **Art. 11 Obligations** The person who recruits seafarers for shipowners and the person who places seafarers with shipowners, shall take care that: 1. a. seafarers shall be informed of their rights and their obligations as mentioned in the seafarers employment agreement before or during the process of entering into service; b. necessary steps have been taken to enable seafarers to study their employment agreement before and after signing; and c. seafarers receive a signed copy of their employment agreement. 2. a. each seafarer recruited or placed by that person, possesses the necessary qualifications and documents for the relevant function, in accordance with the Seafarers Act, Chapter 2,	

paragraph 3; and b. the employment agreement is in accordance with the laws and regulations and the collective bargaining agreements, related to the employment agreement.	

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

Relevant legislation Back	Interpretations
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) **The Act on Allocation of Workers by Intermediaries (Waadi),** **Art. 1. Definitions** 1. In this act and its underlying decrees or regulations the following definitions apply: a. Our Minister: Our Minister of Social Affairs and Employment; b. recruitment services: services in pursuing employment for a job-seeker or aiding an employer in his activities, or both, resulting in an employment agreement in accordance with the Civil Code; c. placement of workers: placement of workers for a fee to an other for the purpose of work under the supervision of the other, not on an employment agreement with the other; d. company: the company as mentioned in the Works Councils Act; e. collective bargaining agreement: collective bargaining agreement, mentioned in the art. 1, paragraph 1, of the Act on collective bargaining agreements; 2. In derogation of para 1(b) under recruitment services the following is not included: publishing data on jobseekers or open vacancies through press, radio television or other means of communication. **Art. 1a. Extension applicability** This act and its underlying decrees and regulations are equally applicable to work performed fully or partially outside of the Netherlands by persons, working on board seagoing vessels which on the basis of Netherlands legal rules are entitled to fly the Netherlands flag. **Chapter 2. Recruitment services Interpretation** **Art. 3 Requirements for recruitment services** 1. No compensation shall be stipulated from the job-seeker for recruitment services. 2. A recruitment service, that has knowledge or may reasonably know of a strike, shut-out or occupation in a company or a part of that company, shall not place workers in that company or part of that company, in which the strike, shut out or occupation occurs. **Art. 4. Requirements for specific categories of persons in search of employment and employers** By Ministerial Decree requirements may be set for recruitment of specific categories of persons in search of employment and employers **Decree claims of seafarers, recruitment and temporary agency work of seafarers** **Chapter 2. Recruitment and placement of seafarers** **Art. 9 Personal documents** The costs for obtaining a seaman's book and a passport or similar personal travel documents are not included in the prohibition of	**Interpretation:** R&P Services are approved if; 1) they have been approved by a country that is a Member to the Maritime Labour Convention, 2006; or 2) they have been audited by one of the seven RO's approved by the Dutch authorities: 1. American Bureau of Shipping 2. Bureau Veritas 3. ClassNK (Nippon Kaiji Kyokai) 4. Det Norske Veritas 5. Germanischer Lloyd 6. Lloyd's Register 7. Registro Italiano Navale; or 3) the shipowner shows proof that the recruitment and placement service performs in accordance with the stipulated regulations. For the verification for the third option (The shipowner shows proof .) the RO may use its own practice for auditing . The audit of the R&P Service by the RO shall verify that the Recruitment and placement service operates in accordance with 1. Regulation 1.4 (Recruitment and placement), paragraphs 1-3; 2. Standard A1.4 Recruitment and placement, paragraphs 1-10; and 3. Guideline B1.4 Recruitment and placement, paragraph 2. **Interpretation to Chapter 2:** These requirements only apply to **recruitment** services.

compensation as mentioned in the Act on Allocation of Workers by Intermediaries art. 3, paragraph 1. These costs shall be paid for by the seafarer with the exception of the costs of medical certificates en the costs of a visa. These costs shall be paid for by the shipowner. **Art. 10 Register** 1. The person who mediates between employers and seafarers for an employment agreement and the person who places seafarers shall maintain a register, as mentioned in the Act on Allocation of Workers by Intermediaries art. 13, of all seafarers recruited or placed by them, taking into account the right to privacy. 2. This register shall contain as a minimum the following data: a. name (and first names) of the seafarer; b. birth date and birth place; c. nationality; d. gender; e. qualifications; f. function; g. service record; and h. name of the ship (depending on the service record). **Art. 11 Obligations** The person who recruits seafarers for shipowners and the person who places seafarers with shipowners, shall take care that: 1. a. seafarers shall be informed of their rights and their obligations as mentioned in the seafarers employment agreement before or during the process of entering into service; b. necessary steps have been taken to enable seafarers to study their employment agreement before and after signing; and c. seafarers receive a signed copy of their employment agreement. 2. a. each seafarer recruited or placed by that person, possesses the necessary qualifications and documents for the relevant function, in accordance with the Seafarers Act, Chapter 2, paragraph 3; and b. the employment agreement is in accordance with the laws and regulations and the collective bargaining agreements, related to the employment agreement.	

6. Hours of work or rest (Regulation 2.3)

Relevant legislation ↑ Back	Interpretations
6. Hours of work or rest (Regulation 2.3) **Working Hours Act,** **Art. 1:1** Under this law the following definitions apply: a) employer: i) the person for whom the other must perform work on the basis of an employment agreement or civil appointment, except in case the other is temporarily put to work for a third party, for work generally performed by the third party; ii) the person to whom the other is temporarily put to work for performing work as mentioned under i); b) employee: the other as mentioned under 1. **Working Hours Decree Transport** **Art. 6.4:1** 1. The captain ensures that on board a table with the shipboard working arrangements, that shows the working pattern of seafarers and which contains the schedule of service for the seafarers and the maximum hours of work and the minimum hours of rest required, is available at a spot, accessible to all seafarers. **Note** 2. Our Minister will prescribe the model of a table of shipboard working arrangements in a Regulation. That Regulation may contain rules on the details of the table. **Interpretation** 3. The table contains as a minimum the data presented in the model as mentioned in § 2 and shall be put in the working language or working languages of the ship and in English. **Art. 6.4:2** 1. The captain ensures that the actual hours of work and rest of each seafarer have been registered on a timesheet within one week. The completed timesheet shall be accorded by the seafarer by or on behalf of the master. The captain sees to it that each seafarer will receive a copy of the timesheet. 2. The captain ensures that the completed and signed timesheets are put at the disposal of the shipowner within 8 weeks. 3. The shipowner ensures that the timesheets are properly updated. 4. By Ministerial Regulation a model will be set for a timesheet to register hours of work and rest. This Regulation may contain rules to fill in the timesheet. 4. The timesheet contains as a minimum the data presented in the model as mentioned in § 2 and shall be put in de working language or working languages of the ship and in English. 5. The timesheet contains as a minimum the data presented in the model as mentioned in § 4 and shall be put in the working language or working languages of the ship and in English. **Art. 6.5:2 Seafarer of 18 years and older** 1. The master organizes work such that his rest period and that of	**Note to Art. 6.4.1, para 1:** Under Dutch law it is allowed to operate ships under a two watch system, including 6-on/6-off. **Note to Art. 6.5.4:** Be aware that Art. 6.5.4 is in excess of requirements of the MLC, 2006. **Interpretation to Art. 6.4:1 (2) and 6.4:2 (4):** The models of the table with the shipboard working arrangements and the individual timesheets to register hours of work and rest are required in the Regulation Models of tables of shipboard working arrangements and timesheets to register hours of work and rest. These models are available on the website: http://www.ilent.nl/Images/Werkrooster_tcm334-341176.pdf and http://www.ilent.nl/Images/Werklijst%20maand%20_1__tcm334-341177.pdf and http://www.ilent.nl/Images/Werklijst%20maand%20_2__tcm334-341178.pdf **Interpretation to Art. 6.5.2:** The rest may be divided into more than two periods if two of those periods conform with the requirement under Art. 6.5.2, par 2. **Note to art. 6.5.4:** Please be aware that it is not required to register the break, if the break is less than half an hour.

the seafarer of 18 years or older is at least 10 hours in each period of 24 successive hours, to be calculated from the beginning of the rest period. 2. The rest period can be divided in not more than two periods, of which one period includes an uninterrupted rest period of at least 6 hours. In that case, the period of 24 hours, as referred to in the first paragraph, is calculated from the beginning of the longest enjoyed rest period. The time between two successive periods of rest may not be more than 14 hours. 3. The master organizes work such that his rest period and that of the seafarer of 18 years or older is at least 77 hours in each period of 7 days. **Art. 6.5:3Young seafarer** 1. The master organizes work such that the young seafarer: *a*. works not more than 8 hours in each period of 24 successive hours; *b*. has a rest period of at least 12 hours in each period of 24 successive hours, of which at least 9 hours uninterruptedly and in which the period between 00.00 and 5.00 hour has been included; *c*. works not more than 40 hours a week; *d*. has an uninterrupted rest period of at least 36 hours in any uninterrupted period of 7 times 24 hours; *e*. in principle does not work on Sunday. 2. The master organizes work such that the young seafarer gets a break of at least, if possible uninterruptedly, 30 minutes in case the daily working hours are longer than 4.5 hours. 3. Contrary to the first paragraph, items a and b, the young seafarer is allowed: *a*. in any period of 24 successive hours to work during not more than 12 hours if he actually is on watch duty during those hours in accordance with the watch schedule; *b*. to work between 00.00 and 05.00 hours if this is necessary in connection with his education. **Art. 6.5:4 Break Note** The master organizes work such that work of the seafarer after not more than 6 hours is succeeded by a break each time. **Art. 6.5:5 On call** 1. If the seafarer must work during the period that he is on call, he gets a sufficient rest period or a break as compensation, taking into account the Articles 6.5:2, first and second paragraphs, and 6.5:3, first paragraph,. 2. Work performed when on call as referred to in the first paragraph is not taken into consideration for the application of the Articles 6.5:2, 6.5:3, except for the first paragraph, under a, b and c, and 6.5:4. **Art. 6.5:6 Drills** The master organizes the legally required drills and musters such that they as less as possible infringe the rest periods and cause no fatigue. **Art. 6.5:7 Deviations** 1. The master may deviate and may force a seafarer to deviate from the working hours and rest periods in order to work if this is necessary in connection with the immediate safety of the ship, the persons on board, the cargo or the environment, or when rendering assistance to other ships or persons in distress.	

6. Hours of work or rest (Regulation 2.3)

2. As soon as the emergency situation, as referred to in the first paragraph, is over, the master ensures that the seafarer who has worked during a rest period, gets a sufficient rest period to compensate.	

7. Manning levels for the ship (Regulation 2.7)

Relevant legislation ↑ *Back*	Interpretations
7. Manning levels for the ship (Regulation 2.7) **Seafarers Act** **Art. 4** 1. The shipowner shall man a ship in such a way that, within reason, all work on board can be done in accordance with the applicable work and rest hours regulations, and taking into account the operation, the limitation of fatigue of seafarers, the risks at sea and of the cargo, without endangering the persons on board, the ship, the cargo, the environment or shipping traffic. 2. The shipowner shall ensure that the crewmembers, upon employment on board, are familiar with their specific tasks and with all regulations, procedures on board and the characteristics of the ship, which relate to their tasks both under normal and emergency conditions. 4. The master shall ensure that the crew of the ship is prepared at all times to perform their duties on board. **Art. 5** 1. A ship shall have a valid manning certificate, issued by our Minister. 2. A ship shall, as a minimum, be manned in accordance with the manning certificate.	

8. Accommodation (Regulation 3.1)

Relevant legislation Back	Interpretations
8. Accommodation (Regulation 3.1) **Seafarers Act** **Regulation Seafarers** **Art. 3.20 Instructions for use of accommodation** 1. The accommodation shall be kept clean, habitable and in good condition. 2. At least once a month, the accommodation shall be inspected by the Master or by an Officer designated by him, in the presence of one or more members of the crew, to ensure compliance with the provisions of paragraph 1. The findings of this inspection shall be recorded in the ship's log. 3. As long as there are seafarers on board, the heating of the accommodation shall be in compliance with Guideline B3.1.3, paragraph 1 of the Maritime Labour Convention.	**General Note:** Please be aware that no accommodation requirements apply to traditional sailing vessels. **Note to Art. 3.20 para 3:** Please be aware that Art. 3.20 para 3 is in excess of requirements of the MLC, 2006.

9. On-board recreational facilities (Regulation 3.1)

Relevant legislation Back	Interpretations
9. On-board recreational facilities (Regulation 3.1) **Seafarers Act** **Regulation seafarers** **Art. 3.21 Use of recreational and social facilities** 1. The shipowner shall ensure that the on-board internet facilities for sending e-mail are accessible to all seafarers and that the delivery of post takes place in accordance with Guideline B3.1.11, paragraph 5 of the Maritime Labour Convention. 2. For the use of telephone, e-mail and internet connections, the shipowner may charge a fee as usage costs. The other facilities referred to in Article 3.13 shall be free of charge for seafarers. 3. The shipowner shall ensure that all contacts with family and friends of seafarers proceed in accordance with standards defined in Guideline B3.1.11, paragraphs 6 and 7 of the Maritime Labour Convention. 4. The facilities referred to in Article 3.13 shall be inspected at least once every three years by or on behalf of the Master, in accordance with objectives defined in Guideline B3.1.11, paragraph 1 of the Maritime Labour Convention.	**Note to Regulation Seafarers, Art. 3.21 para 2:** Please be aware that Art. 3.21 is in excess of requirements of the MLC, 2006.

10. Food and catering (Regulation 3.2)

Relevant legislation ↑ Back	Interpretations
10. Food and catering (Regulation 3.2) **Seafarers Act** **Art. 48a** **1.** The shipowner shall provide the seafarers on board with food and drinking water of sufficient quantity, quality, nutritional value and variety free of charge, taking into account the religious requirements and cultural practices, in accordance with requirements of the Regulation Seafarers. **3.** The provisions of food and drinking water and the rooms and equipment for the storage, processing and preparation of food and drinking water shall be regularly inspected by or on behalf of the captain in accordance with the requirements of the Regulation Seafarers**. Interpretation** **4.** The person on board, tasked to process and prepare the food for the seafarers, fulfils the requirements of the Decree Seafarers merchant shipping and sailing ships or the Regulation Seafarers. **Decree seafarers merchant shipping and sailing ships** **Art. 92 Interpretation** To become certified as a ship's cook the applicant must have: a) graduated from a training course, that has been approved or recognized by Our Minister, that covers at least the following: 1. practical cooking skills; 2. food and personal hygiene; 3. food storage; 4. stock control; 5. environmental protection; 6. catering health and safety, and b) have served in the galley of a ship for a period of at least one month. **Art. 120** 1. On board of a ship of which the prescribed crew consists of more than 9 persons, a certified ship's cook shall be charged with the preparation of food. 2. A certified ship's cook is a person of 18 years or older in possession of a certificate as a ship's cook, approved by Our Minister, as referred to in Article 92. 3. Our Minister may approve certificates, issued by competent authorities in other countries pursuant to the Convention regarding the Certificate of Competency as a Ship's Cook, 1946, as being equivalent to Dutch certificates. 4. Upon a request of the managing owner, for that purpose, the Inspector-General may grant exemption from the requirements in paragraph one concerning the certification of the ship's cook, for a certain period, if, in his reasonable opinion, an insufficient number of certified ship's cooks is available. 5. Requirements may be attached to the exemption granted as referred to in paragraph four. If the requirements are not observed, the Inspector-General may prematurely withdraw a granted exemption	**Interpretation to Seafarers Act, Art. 48 a (3):** The inspection of drinking water may be limited to a visual inspection of the drinking water and it may include tasting the drinking water. In addition the Public Health Ac t and the Public Health Regulation (Wet publieke gezondheid + Regeling publieke gezondheid) contain requirements for drinking water, but these need not be certified in the course of the MLC-certification. **Interpretation to Decree seafarers merchant shipping and sailing ships, art. 92:** Approved or recognized training courses for ship's cooks include all training courses for cook of Dutch Schools for Vocational Training and from training courses for ship's cook from countries which have ratified ILO-Convention 69, Certification of Ships' Cooks, or the Maritime Labour Convention 2006. Due to a shortage of ship's cooks from Members that have ratified ILO-Convention 69, Certification of Ships' Cooks, or the Maritime Labour Convention 2006, and due to the fact that ships' cooks from EU-countries must be admitted, it has been decided to allow ships' cooks that have a certificate from an EU-member state or from a country with which the Netherlands have concluded a bilateral agreement. For a list of these countries see http://www.ilent.nl/Images/Landen%20met%20overeenkomst%20met%20Nederland_tcm334-318258.pdf 1. In anticipation of an amendment of the Seafarers' Act, seafarers who possess a school certificate or a certificate of competence as ship's cook, as issued by the Dutch competent authorities before February 1st, 2002, and

10. Food and catering (Regulation 3.2)

Art. 120a
On board of a ship of which the prescribed crew consists of less than 10 persons,, any person handling provisions in the galley, has followed an education or has received instructions in the fields of food, personal hygiene and the handling and storage of provisions on board.

Regulation Seafarers
Art. 3.18 Provisions regarding storage and handling of food and drinking water.

1. Ships are equipped with sufficient cooking apparatuses en kitchen utensils to prepare meals of sufficient quantity en nutritional value for the seafarers on board.
2. On ships of at least 35 meter length, a separate room is equipped as a galley for the preparation of food en hot drinks; the galley is sufficiently equipped to prepare good, varied en nutritional meals efficiently in a sufficient number, taking into account the various religious and cultural backgrounds of the seafarers. The galley is provided with hot and cold, running drinking water.
3. For the storage of victuals, locked storage is available, separated from other spaces, ventilated or refrigerated in such a way that the food remains in good condition.
4. Ships are equipped with tanks for drinking water, that are separated from oiltanks or sloptanks for grey water, and these are constructed in such a manner that no residue is left behind during pumping and that the hygiene of the drinking water is safeguarded. **Interpretation**

Art. 4.1 Food
1. For the provisioning of a ship with food in compliance with the requirements referred to in Article 48a of the Act, the types and amounts of food shall be determined based on:
a. the number of seafarers on board;
b. the duration of the voyage;
c. the nature of the voyage;
d. the possibility of replenishing supplies at ports of call; and
e. the religious background and cultural practices of the seafarers.
2. The food supplies shall be stored in the storerooms referred to in Article 3.18, paragraph 3.

Art. 4.2 Drinking water
1. For supplying a ship with drinking water, the required amount shall be determined based on criteria mentioned in Article 4.1, paragraph 1 as well as the possibility of replenishing supplies during the voyage with the help of a system for producing drinking water.
2. In case of unforeseen circumstances during the voyage, the Master may ration the amount of drinking water per seafarer.
3. Drinking water shall be stored in the containers referred to in Article 3.18, paragraph 4 or other suitable tanks which are kept clean and closed in order to prevent contamination by foreign substances.
4. The drinking water shall be fed into the drinking water tank only
a. by means of a supply hose that is kept free from the quay;
b. after the water has flowed from supply hose at full supply pressure for at least one minute;

who can demonstrate experience of at least 36 months as ship's cook, may fulfill the function of a ship's cook.
2. Furthermore, seafarers who possess a Dutch school certificate as cook, or a certificate as cook from one of the EER-countries, and who have experience of one month under the supervision of a qualified ship's cook, may fulfill the function of a ship's cook.

For a list of EER-countries, please refer to the list of EU-members under 2. Medical Certification, in Interpretation to art. 40a.
In addition the following countries form part of the EER:
Norway;
Iceland; and
Liechtenstein

Before December 31st, 2014, all ship's cooks mentioned under paragraphs 1 and 2 must obtain a certificate as ship's cook from KIWA.

Interpretation to Art. 120 (1) and 120a:
The prescribed number of seafarers as shown on the Safe Manning Document.
If the cook is required, he is on the Safe Manning Document.

Interpretation to Art. 3.18:
Normal hygiene precautions shall be taken.

c. if the following substances are added, per tonne of drinking water, while loading the tank: 1° a certain amount of stabilised hypochlorite, resulting in the release of at least 0.7 gram of free chlorine per tonne or 2° a certain amount of stabilised hypochlorite with a certain amount of ammonium salt, resulting in the creation of at least 2.5 grams of monochloramine (NH_2Cl) per tonne or 3° a certain amount of a substance approved by the Minister, resulting in the release of at least 0.7 gram of free chlorine per tonne of water; and d. if the substances referred to in (c) are properly mixed into the drinking water. 5. A drinking water tank entered for inspection, maintenance or any another purpose shall be cleaned by filling the tank with drinking water containing 10 grams of free chlorine mixed per tonne of water. The drinking water tank shall only be supplied with drinking water if this water has been in the tank for at least 2 hours and has then been pumped out. **Art. 4.3 Gauging of drinking water tanks** 1. Sounding rods or other instruments used to measure the remaining amount of drinking water in tanks must always be cleaned before use. They should be stored in a place with the least risk of contamination. If rustproof metal tapelines are used and these are stored in a box containing some formalin tablets, the separate cleaning process shall not be necessary. 2. The Master must ensure that the person responsible for carrying out the gauging washes his hands immediately before performing this task. **Art. 4.4 Salt and fresh water taps** **1.** In galleys and pantries, all drinking water taps must be labelled as 'drinking water' and all salt water taps as 'salt water'. **2.** After leaving the port, the salt water pipe, used for washing kitchen and mess utensils, must be flushed outside the three-mile limit for a considerable period of time before it can be used for dish-washing purposes. **Art. 4.6 Inspection** 1. An inspection, as referred to in Article 48a, paragraph 3 of the Act, shall be carried out at least once a month in accordance with the provisions of Standard A3.2, paragraph 7 of the Maritime Labour Convention. 2. The findings of the inspection shall be recorded in the ship's log. 3. For carrying out an inspection of the drinking water, all necessary hygiene-related measures shall be taken in order to prevent contamination of the water.	

11. Health and safety and accident prevention (Regulation 4.3)

Relevant legislation Back	Interpretations
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11. Health and safety and accident prevention (Regulation 4.3) **Occupational Safety and Health Act** **Art.1** 1. In this Act and the provisions based on it, the following terms shall have the following meanings: a. employer: 1° the person towards whom another person under an employment contract or public law appointment is obliged to work, except when that other person is put at the disposal of a third party for work, which is usually done by that third party; 2° the person to whom another person is put at disposal for work as referred to under 1°.; b. employee: the other person, as referred to under a. 2. In this Act and the provisions based on it, the following terms shall have the following meanings: a. employer: 1° the person who, without being employer or employee within the meaning of the first paragraph, has another person working under his authority; 2° the person who, without being employer or employee within the meaning of the first paragraph, has another person working in a house not under his authority, in cases to be appointed by Order in Council; b. employee: the other person, as referred to under a, with the exception of the person who works as a volunteer. 3. In this Act and the provisions based on it, the following terms shall have the following meanings: a. Our Minister: Our Minister of Social Affairs and Employment; b. works council: the works council, as referred to in the Works Councils Act; c. staff representation: the staff representation, as referred to in the Works Councils Act; d. supervisor: the supervisor, as referred to in the General Administrative Law Act, and appointed as such on the basis of Article 24; e. psychosocial workload: the factors direct or indirect discrimination including sexual harassment, aggression and violence, bullying and pressure of work, in the labour status that induce stress; f. stress: a state which has negative physical, mental or social consequences; g. workplace: any place which is or is usually used for working; h. work equipment: all machinery, installations, apparatus and tools used on the workplace; 3 (i): accident at work: an unintended, sudden incident occurred to an employee in connection with the employment, which has almost directly caused damage to the health and has led led to sickness absence, or has almost directly resulted in death; **Art. 2 Extension scope** This Act and the provisions based on it are also applicable to:	**General Interpretation:** The Risk inventarisation and evaluation covers the major part of this item. The following articles may **not** be covered by the RI&E: Occupational Safety and Health Act Art.3 para 4, Art. 9, Art. 12, 14, and the Occupational safety and health decree, Art. 7.6 and Art. 7.24 **General Interpretation:** Occasionally articles are referred to in the presented articles. If those articles are not relevant to the DMLC, part I and the compliance with the MLC, 2006, they have not been copied here. **Interpretation to art. 4:** Art. 4 only applies if the ship is actually manned by seafarers with a structural functional limitation. **Interpretation to art. 5, paragraph 5:** The familiarization training shall include the dangers and risks of the seafarer. **Interpretation to art. 15):** In the Safe manning document attention is paid to the number of seafarers necessary for emergency situations on board such as giving medical first aid, firefighting and abandoning ship. **Interpretation "expert employee":** See specification in Art. 13 (4). **Interpretation asbestos:** See website: http://www.ilent.nl/english/merchant_shipping/ship_owners_dutch_flag/developments/asbestos/ **Interpretation to Decree, Art. 3.5gand 4.10b:** For threshold values see the Safety Data Sheets.

c. work which is done entirely or partly outside the Netherlands by persons, working on board seagoing vessels which on the basis of Netherlands legal rules are entitled to fly the Netherlands flag; **Art. 3 Occupational Safety and Health policy** 4. The employer regularly tests the occupational safety and health policy against the experiences gained with that and adapts the measures as often as the gained experience requires so. **Art. 4 Adaptation workplace employee with structural functional disability** 1. In addition to Article 3, first paragraph, heading and under c, the employer, as referred to in Article 1, first paragraph, item a, under 1° on account of the performance of his task, as referred to in Article 7:658a of the Civil Code and Article 76e of the Sickness Benefits Act, a. adapts the design of the workplace, the work methods and the work equipment used, as well as the work contents to his employee, who in connection with unfitness as a result of disease is impeded to do the work agreed upon, and b. adapts the design of the business to that employee, insofar as the need for that is called by the participation of that employee in the activities or the related residence in the business. 2. The first paragraph is equally binding to the own-risk bearer, as referred to in Article 1, first paragraph, item h, of the Sickness Benefits Act and the person, as referred to in Article 29, second paragraph, items a, b and c, of that Act, who lately had an employment contract with the own-risk bearer, during the period that the own-risk bearer must pay compensation for sickness to that person. **Art. 5 Inventory and evaluation of risks** 1. When conducting the occupational safety and health policy, the employer puts down in writing in an inventory and evaluation which risks the work brings along for the employees. This risk inventory and evaluation of risks also contains a description of the dangers and the risk restrictive measures and the risks for special categories of employees. 2. In the risk inventory and evaluation of risks, attention is paid to the access of employees to an expert employee or person, as referred to in the Articles 13 and 14, or the safety, health and welfare service. 3. An action plan, in which is indicated which measures will be taken in connection with the risks meant and its cohesion, all this in accordance with Article 3, is part of the risk inventory and evaluation of risks. In the action plan is also indicated within which period these measures will be taken. 4. The risk inventory and the evaluation of risks is adjusted as often as the experience gained with that, changed work methods or occupational safety and health or the state of the art and professional supply of services require so. 5. If the employer has an employee work who has been put at his disposal, he gives the person who puts the employee at his disposal, timely before the start of the activities, the description from the risk inventory and evaluation of risks of the dangers and risk restrictive measures and of the risks for the employee at the workplace to be occupied, so that he gives this description to the employee involved.	**Interpretation to Decree, Art. 4.15:** This is indicated in the RI&E.

11. Health and safety and accident prevention (Regulation 4.3)

Interpretation **Art. 6 Prevention and limitation of major accidents where dangerous goods are involved** 1. When conducting the occupational safety and health policy, the employer takes the measures which are necessary for the prevention and limitation of major accidents where dangerous goods are involved and its consequences for the safety and the health of the employees working in the business, the institution, or a part thereof. By or pursuant to Order in Council, rules can be laid down as regards: a. the categories of businesses, institutions or parts thereof with regard to whom the employer takes measures; b. the data which the employer with regard to the businesses, institutions or parts thereof, as referred to under a, puts in writing or gives to the supervisor or to the employees and the other expert persons, as referred to in Article 13, first through third paragraphs, the persons, as referred to in Article 14, first paragraph and the safety, health and welfare service; c. the measures that the employer takes as regards the businesses, institutions or parts thereof, as referred to under a; d. the time on which and the frequency with which is complied with the obligations as referred to under b and c; e. a ban on the exploitation of the business, the design or a part thereof, if not or not entirely has been complied with one or more obligations under this Article; f. the supervision over the observance of the provisions by or pursuant to this Article. 2. Our Minister can designate a business or institution or a part thereof separately regarding which one ore more of the obligations as referred to in or under the first paragraph rest with the employer, if in connection with the presence of dangerous goods, special dangers may arise for the safety and the health of the employees working therein. At the designation is determined at which time the relevant obligations must be complied with. The effect of the designation is suspended until the period for the submission of a notice of objection or appeal has expired, or, if objections have been made or an appeal has been lodged, when has been decided upon the objection or appeal. 3. Non-compliance with the first sentence of the first paragraph is an offence. Insofar as non-compliance with the rules by or pursuant to the first paragraph has been designated as a criminal offence, that fact is an offence. **Art. 8 Promotion and education** 1. The employer ensures that the employees are effectively informed about the activities to be carried out and the risks involved, as well as about the measures which are aimed at preventing or limiting these risks. The employer also ensures that the employees are adequately informed on the manner in which the expert assistance, as referred to in the Articles 13, 14, 14a and 15, has been arranged in his business or institution. 2. The employer ensures that the employees are supplied with adequate education and education which has been adjusted to their respective tasks as regards the occupational safety and health. 3. If personal protective devices are put at the disposal of the	

employees and if security devices have been fit to working equipment or otherwise, the employer ensures that the employees are familiar with their purpose and functioning and the manner in which they have to use these. 4. The employer supervises the observance of the instructions and requirements aimed at the prevention or limitation of the risks mentioned in the first paragraph as well as at the proper use of personal protective devices. 5. If employees are working within the enterprise which are younger than 18, the employer takes the limited work experience and uncompleted physical and mental development of these employees which is inherent to their young age especially into account during the performance of the obligations mentioned in the previous paragraphs. **Art. 9 Notification and registration of accidents at work and occupational diseases** 1. The employer immediately notifies the supervisor who has been designated to that end of the accidents at work resulting in death, a permanent injury or a ospitalisation and reports this, if requested, as soon as possible to this supervisor. 2. The employer updates a list of the reported accidents at work and of accidents at work which have resulted in absenteeism of more than three working days and registers the nature and date of the accident on it. 3. The person, as referred to in Article 14, first paragraph, entrusted with the task, as referred to in item b of that paragraph, or the safety, health and welfare service notifies an institution, which has been designated to that end by Our Minister, of occupational diseases. **Art. 11 General obligations of the employees** The employee is obliged to ensure, according to his ability, his own safety and health and that of the other persons involved during his operations on the workplace, in accordance with his training and the instructions given by the employer. He is in particular obliged: a. to use work equipment and dangerous goods properly; b. to use the personal protective devices which are at his disposal properly and to store them after use on the appropriate location, all this insofar as it has not been determined pursuant to this Act that employees are not obliged to use protective devices as referred to above; c. not to change the security devices applied to the work equipment or otherwise or not to remove them unnecessarily and to use them properly; d. to cooperate with the training as referred to in Article 8 which has been arranged for him; e. to immediately notify the employer or the person who on behalf of him is in charge of the management on the spot of the safety or health risks observed by him; f. if necessary, to assist the employer and the employees and the other expert persons, as referred to in Article 13, first through third paragraphs, the persons, as referred to in Article 14, first paragraph, and the safety, health and welfare service, with the performance of their obligations and tasks on the basis of this Act. **Art. 12 Cooperation, consultation and special rights of the**	

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Works Council, the staff representation and the interested employees 1. The employer and the employees work together during the implementation of the occupational safety and health policy. 2. The employer has consultations with the Works Council or the staff representation about matters regarding the occupational safety and health policy as well as about the implementation of this policy, where information is actively exchanged. 3. In enterprises where normally less than 10 persons are working, in the absence of a Works Council or staff representation, the employer has consultations with the interested employees about the risk inventory and the evaluation of risks, the arrangement of the expert assistance, as referred to in Article 13, first through third paragraphs, the safety, health and welfare service and the expert assistance, as referred to in Article 15. 4. To the members of the Works Council or the staff representation, in connection with their task within the framework of the occupational safety and health of the employees: a. the opportunity is offered to speak with the supervisor during his visit to the business or the institution outside the presence of others; b. the opportunity is offered to accompany the supervisor during his visit to the business or the institution, provided insofar as he expresses that he has objections against that because of a proper performance of his task. 5. For the implementation of the sections 3.6 and 4.1.2. of the General Administrative Law Act, a Works Council or staff representation replaces the interested employees, as determined by or pursuant to this Act. 6. In case of absence of the Works Council or staff representation, contrary to Article 3.41 of the General Administrative Law Act, an order is as soon as possible reported by the employer to the interested employees. That order enters, contrary to Article 3.40 of the General Administrative Law Act, into force for them not earlier than after the employer has complied with the duty to notify, as referred to in the previous sentence. **Art. 13 Assistance expert employees in the field of prevention and protection** 1. The employer has himself assisted as regards the compliance with his obligations on the basis of this Act, by one or more expert employees. 2. Insofar as the opportunities are insufficient to arrange the assistance within the business or the institution, the assistance is provided by a combination of expert employees and other expert persons. 3. If there are no opportunities for arranging the assistance within the business or institution, the assistance is provided by other expert persons. 4. The employees and the other expert persons dispose of such expertise, experience and equipment, are such in number, are available during such time and have been arranged such that they can provide the assistance properly. 5. The employer enables the employees to provide the assistance autonomously and independently. On grounds of a correct task performance, the employees are not aggrieved in their position in	

the business or the institution. Article 21, fourth sentence, of the Works Councils Act is equally binding. 6. The expert persons provide their assistance with preservation of their autonomy and of their independence with regard to the employer. 7. The provision of assistance includes in any case: a. rendering assistance to the performance and development of a risk inventory and evaluation of risks as referred to in Article 5; b. advising of respectively closely cooperating with the Works Council or the staff representation, or, in case of absence thereof, the interested employees, regarding the taken measures and the measures to be taken, aimed at the best occupational safety and health policy; c. the implementation of the measures, as referred to in item b, or the cooperation with that. 8. A copy of an advice as referred to in the seventh paragraph, item b, is sent to the employer. 9. In the risk inventory and evaluation of risks, as referred to in Article 5, the measures are described which are necessary to comply with the fourth and tenth paragraphs. 10. Contrary to the first through third paragraphs, the tasks within the framework of the assistance can, in case of employers with not more than 25 employees, also be performed by the employer himself, if he is a natural person, or by the manager when the employer is a legal person, if these persons dispose of sufficient expertise, experience and equipment to perform these tasks properly. **Art. 14 Custom-circuit regulation additional expert assistance with specific tasks in the field of prevention and protection** 1. In addition to Article 13, the employer has himself assisted with the following tasks by one or more expert persons for the benefit of whom in accordance with Article 20 a certificate has been issued or who has been registered as a company doctor in a recognized specialist register as referred to in Article 14 of the Individual Health Care Professions Act: a. the testing of the risk inventory and evaluation of risks, as referred to in Article 5, and advising about that; b. the assistance with the accompaniment of employees who, due to illness, are not able to work, including the assistance with the implementation of rules laid down by or pursuant to Article 25, first, second, third, fourth and seventh paragraphs of the Work and Income according to Labour Capacity Act, or by or pursuant to Article 71a, first, second, third, fourth and seventh paragraphs, of the Invalidity Insurance Act; c. insofar as the possibilities are inadequate to organize the assistance to the task, as referred to in the first paragraph, item a, inside the company or the institution, the assistance is rendered by one or more other expert persons as referred to in the first paragraph, heading; 2. At the implementation of the first paragraph, the following is observed: a. the assistance with the tasks, as referred to in the first paragraph, is effectively performed; b. the assistance with the task, as referred to in the first paragraph,	

item a, is arranged within the business or the institution; c. insofar as the opportunities are insufficient to arrange the assistance with the task, as referred to in the first paragraph, item a, within the business or the institution, the assistance is provided by one or more other expert persons for the benefit of whom in accordance with Article 20 a certificate has been issued; d. the persons who provide the assistance, have such equipment and are such in number, are available during such time and such organized, that they can provide the assistance with the tasks, as referred to in the first paragraph, properly. 3. A copy of an advice as referred to in the first paragraph, item a, is sent to the Works Council or the staff representation by the person who has drawn up this advice. In case of absence of a Works Council or staff representation, a copy of this advice is as soon as possible sent to the interested employees by the employer. 4. The manner in which the provision of assistance takes place as regards the task, as referred to in the first paragraph, item b, is recorded in writing. 5. The personal identifier, or in the event of absence thereof, the tax and social insurance number, can be used for the data processing which is necessary for the performance of the job, as referred to in the first paragraph, item b. 6. Article 464 of Book 7 of the Civil Code, insofar as it concerns the application by analogy of the Articles 457 and 464, second paragraph, under b, of Book 7 of the Civil Code, is not applicable if, in connection with the implementation of this Act, actions are performed in the field of the medicine by persons entrusted with the tasks, as referred to in the first paragraph, item b. 7. The expert employees and other expert persons, as referred to in Article 13, and the persons, as referred to in the first paragraph, cooperate with the provision of assistance to an employer. 8. Article 13, fifth and sixth paragraphs, is equally binding. 9. The arrangement of the assistance with the tasks, as referred to in the first paragraph, can, with due regard for the second paragraph, take place by: a. collective employment contract or by regulation by or on behalf of a competent administrative body, or b. regulation upon which the employer has agreed in writing with the Works Council or the staff representation. 10. If a collective employment contract or a regulation as referred to in the ninth paragraph, item a, as well as a regulation as referred to in the ninth paragraph, item b, apply, the provisions given in that contract and regulations are both applicable. In case of conflict, the provisions of the collective employment contract or the regulation, as referred to in the ninth paragraph, item a, are applicable. 11. For the purpose of this Article and the provisions based on it, a collective employment contract as referred to in the ninth paragraph, item a, and a regulation as referred to in the ninth paragraph, items a and b, are applicable during 5 years, to be calculated from the time on which that collective employment contract or that regulation commences. In case of amendments to the collective employment contract as referred to in the first sentence or the regulation within 5 years after entry into force, the period as referred to in the first sentence is ended at the time of	

entry into force of the amended collective employment contract or regulation. 12. The first paragraph, heading and item a, is not applicable with regard to the employer: a. who has employees working for a period of not more than 40 hours in total a week, or b. with normally not more than 25 employees, if a model for the development of a risk inventory or evaluation of risks is used. 13. By or pursuant to Order in Council, rules are laid down for: a. the period of work which is not taken into consideration with the implementation of the twelfth paragraph, item a; b. the model, as referred to in the twelfth paragraph, item b. 14. By or pursuant to Order in Council may be determined that the assistance with one or more tasks as referred to in the first paragraph, items b and c, is not mandatory with due regard for requirements given by or pursuant to that Order in Council. **Art. 15 Expert assistance in the field of in-house emergency service** 1. The employer has himself assisted with regard to the compliance with his obligations on the basis of Article 3, first paragraph, under e, of this Act by one or more employees which have been appointed by him as in-house emergency officers. 2. The provision of assistance includes in any case: a. the administration of first aid in case of accidents; b. the limitation and fighting of fire and the limitation of the consequences of accidents; c. in emergency situations, alerting and evacuation of all employees and other persons in the business or the institution. 3. The in-house emergency officers dispose of such education and equipment, are such in number and such organized that they are able to perform the tasks mentioned in the second paragraph properly. **Art. 15a Rights to information expert employees and persons, in-house emergency officers and safety, health and welfare services** The employer ensures that the expert employees and the other expert persons, as referred to in Article 13, the persons, as referred to in Article 14, first paragraph, the in-house emergency officers, as referred to in Article 15, and the safety, health and welfare service can take note of: a. the accident reports and the list of accidents at work, as referred to in Article 9; b. a demand as referred to in Article 27, first paragraph; c. a command as referred to in Article 28, first paragraph; d. a request for exemption as referred to in Article 30, second paragraph; e. an order to impose a burden under administrative pressure or to impose a burden under penalty payment as referred to in Article 28a; f. a report as referred to in Article 36, first paragraph; g. an order as referred to in Article 37, first paragraph. **Art. 16 More detailed rules regarding occupational safety and health as well as exceptions to and extensions of scope** 1. By or pursuant to Order in Council, rules are laid down in	

connection with occupational safety and health of the employees. 2. The rules as referred to in the first paragraph a. relate to the safety, health and welfare care and the arrangement of the work, the design of the workplaces, working with dangerous goods and biological agents, the degree of physical load to which employees are exposed, the physical factors which occur at the workplace, the work equipment and personal protective devices used and the safety and health signs to be used at the workplace and b. can also serve for the implementation of the Articles 3, 4, 5, 8, 9, 13, 14, 14a, 15 and 18. 3. The rules as referred to in the first and second paragraphs can include: a. a ban to do or have done certain work described by that Order, to which special risks for the safety or health are attached; b. a ban to do or have done certain work described by that Order, if with regard to that work not has been complied with the conditions or requirements determined by or pursuant to that Order; c. a ban to possess certain dangerous goods or items described by that Order, to which special risks for the safety or health are attached; d. a ban to possess certain dangerous goods or items described by that Order, if with regard to those goods or items not has been complied with the conditions or requirements determined by or pursuant to that Order; e. a ban to do or have done certain work described by that Order if the employees have not had an occupational health examination. 4. By or pursuant to Order in Council may be determined that this Act and the provisions based on it are entirely or partly not applicable to: a. work done in or on an aircraft, or a seagoing vessel or barge, or a vehicle on a public road or a rail or tram road; b. work done in military service; c. work done by employees and operations as referred to in Article 2, item b, of pupils and students in educational establishments; d. work done by a reconnaissance investigation, the searching or extraction of minerals or geothermic heat or the storage of substances as referred to in the Mining Act; e. work done within the exclusive economic zone. 5. The Order as referred to in the third paragraph, under e, leaves the working only up to the result of an occupational health examination, insofar as that work involves special risks for the life or the health of the employee himself or of other persons or insofar as this is required for other special reasons. By or pursuant to Order in Council, more detailed rules are laid down as regards this occupational health examination and the manner of registration, processing and storage of its result. These relate in any case to the cases and manner in which a request for re-examination can be done. 6. By or pursuant to Order in Council, rules can be laid down with regard to the work or operations: a. as referred to in the fourth paragraph; b. done in the civil public service; c. done in a prison or remand centre as referred to in the Custodial Institutions Act, a judicial institution for the care of persons under	

hospital order as referred to in the Hospital Orders (Framework) Act or an institution as referred to in the Judicial Youth Institutions (Framework) Act, which are contrary to this Act or the provisions based on it or serve as addition to that. Regarding the work or the operations, as referred to in the fourth paragraph, under c, can be determined by or pursuant to Order in Council that section 4.1.2 of the General Administrative Law Act is not applicable. 7. By Order in Council may be determined that the obligation to comply with specific requirements of this Act or the provisions based on it, insofar as they relate to work to which special risks for the safety or the health are attached, is also directed to: a. a self-employed person; b. an employer who does this work himself; c. the person where volunteers are working; d. a volunteer. 8. By Order in Council may be determined that the obligation to comply with specific requirements in the cases described by that Order, rests with another than the employer. The persons who can be appointed are the owner or manager or the person who is otherwise competent to decide on the design, the production or the maintenance of workplaces and work equipment, as has been determined by that Order, if necessary. 9. The rules as referred to in the first paragraph can relate to other issues than those mentioned in the second paragraph or can address other persons than the employer or the persons as referred to in the seventh and eighth paragraphs, if this is necessary for the implementation of obligations determined pursuant to the Treaty establishing the European Community regarding the promotion of the improvement of the working environment. 10. The employer, or another than the employer as referred to in the seventh, eighth or ninth paragraph and the employees are obliged to comply with the requirements and bans determined by or pursuant to the Order in Council determined on the basis of this Article, Article 20, first paragraph, and Article 24, ninth paragraph, insofar as and in the manner as determined by or pursuant to this Order. **Occupational safety and health decree** **Art. 1.1 Definitions general** 1. In this Decree and the provisions based on it, 'Act' means: Occupational safety and health Act. 4. In this Decree and the provisions based on it, the following terms shall have the following meanings: a. physical load: the work posture to be adopted by an employee in connection with the work, the motions to be performed or the forces to be executed, among others consisting of lifting, putting down, pushing, pulling, wearing or in another manner removing or supporting of one or more loads; **Art. 1.36 More detailed requirements risk inventory and evaluation of risks** 1. If, in the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, one or more young employees are working or are usually working in a business or institution, special attention is paid to :	

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a. the specific dangers in the field of occupational safety and health as a result of the young employee's lack of work experience, not being able to properly assess dangers and the non-completion of his/her mental or physical development; *b*. the equipment and set-up of the workplace; *c*. the nature, the extent and the duration of the exposure to substances, agents and physical factors; *d*. the choice and the use of work equipment and personal protective devices; *e*. the entity of activities in the business or the institution and its organization, and *f*. the level of education of the young employees and information to be given to them. 2. Furthermore, in the risk inventory and evaluation of risks special attention is paid to the incomplete list of agents, processes and activities, included in the Annex to the Directive. **Art. 1.37 Expert supervision** 1. If young employees work in a business or institution, there must be adequate expert supervision over that work. The contents and the extent of the supervision depends on the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, found dangers which may arise if there is no expert supervision. 2. If it appears from the risk inventory and evaluation of risks, as referred to in Article 1.36, that young employees must do work to which specific dangers are attached, particularly for occupational accidents as a result of lack of work experience, not being able to properly assess dangers and the non-completion of the young employee's mental or physical development, that work may only be done, if expert supervision has been organized such that those dangers are prevented. If that is not possible, that work may not be performed by young employees. **Art. 1.38 Occupational health examination** In addition to Article 18 of the Act, young employees are enabled to be subjected to an occupational health examination, as soon as appears from the risk inventory and evaluation of risks, as referred to in Article 1.36, that young employees must do work to which specific dangers are attached, particularly for occupational accidents as a result of lack of work experience, not being able to properly assess dangers and the non-completion of the mental or physical development of the young employee. **CHAPTER 2 Safety, health and welfare care and organization of work** **SECTION 1 Notification occupational diseases** **Art. 2.1 Information occupational diseases** By Ministerial Regulation, rules are laid down as regards the information supplied at the notification of an occupational disease, as referred to in Article 9, third paragraph, of the Act. **Art. 3.2 General requirements** 1. Workplaces are safely accessible and can be left safely. They are designed, built, equipped, put into operation, used and maintained such that danger for the safety and the health of the employees has been prevented as much as possible. Furthermore, they are kept neat, as much as possible free from dust and insofar as the safety of	

the work place requires that, kept orderly. 2. Regularly is checked whether the available provisions and taken measures at the workplace for the protection of the employees still function adequately. 3. Found defects as regards the provisions and measures as referred to in the second paragraph which may affect the safety or the health, are repaired as soon as possible. **Art. 3.5g Danger of suffocation, stupefaction, intoxication or fire (I) Interpretation** 1. If it may be suspected that the atmosphere on a location or in a space contains substances to such an extent that this causes danger of suffocation, stupefaction, intoxication, fire or explosion, the employee does not enter that location or space before an investigation has shown that there is no such danger. 2. If it appears from the investigation, as referred to in the first paragraph, that the danger of suffocation, stupefaction, intoxication, fire or explosion, is present, effective measures are taken so that the employees can enter that location or that space without the dangers, as referred to in the first paragraph. 3. In any case it is a matter of: a. danger of suffocation if the atmosphere contains less than 18 volume percent oxygen; b. danger of stupefaction or intoxication if the concentration of the relevant substances in the atmosphere is higher than the limit values, as referred to in Article 4.3. c. risk of fire or explosion if the concentration of oxygen in the atmosphere is higher than 21 volume percent or the concentration of combustible gases or vapours is higher than 10 volume percent of the lower explosive limit and 4. If it is not possible to take the measures, as referred to in the second paragraph, and it is necessary to enter the dangerous atmosphere, as referred to in the first paragraph, then the employee is permanently observed and effective measures are taken: a. to protect this employee against the danger, as referred to in the second paragraph; b. to immediately help the employee in an effective manner in case of direct danger. **Art. 3.5h Safety at, on or in tankers** 1. Article 3.5g is not applicable as regards the following activities at, on or in tankers of a category indicated by Ministerial Regulation: a. the cleaning; b. the maintenance, repair or rebuilding; c. the entirely or partly scrapping, with danger of fire, explosion, intoxication, suffocation or stupefaction. 2. The activities as referred to in the first paragraph are carried out in a safe manner by or under supervision of a person who has sufficient expertise. 3. By Ministerial Regulation, activities are indicated which are only carried out if a gas expert has previously assessed the dangers to the safety and health of the employees and has given a declaration which complies with a model to be laid down by Ministerial Regulation. 4. A gas expert as referred to in the third paragraph is in possession	

of a certificate of professional competence gas expert, which has been issued by Our Minister or a certificating institute. 5. The certificate of professional competence gas expert or a copy of it is present on the workplace and is shown, upon request, to the supervisor. 6. Regarding the activities, as referred to in the first paragraph, more detailed rules are laid down by Ministerial Regulation. **Art. 3.8 Fire alarm and fire fighting** 1. In addition to Article 15 of the Act, there are sufficient appropriate fire-fighting devices on workplaces, depending on the nature of the work done there, the corresponding dangers and the maximum number of employees and other persons present. 2. In addition to the first paragraph, fire detectors and alarm systems are present, if necessary. 3. Non-automatic fire-fighting devices are readily accessible and easily operated. 4. Non-automatic fire-fighting devices have been provided with a signalling which complies with the provisions of or pursuant to section 2 of Chapter 8. The signalling is durable and fitted on the right location. **Art. 3.16 Prevention danger of falling** 1. When doing work where danger of falling occurs, a safe scaffolding, landing or shop floor has been fitted, if possible, or the danger has been resisted by the arrangement of effective fencings, railings or other similar provisions. 2. In any case there is no danger of falling in the presence of risk-increasing circumstances, openings in floors, or when there is a danger of falling 2.5 metres or more. 3. The first paragraph is not applicable to work under circumstances in which the use of ladders and stairs is allowed as referred to in Article 7.23, second paragraph. 4. If the provisions mentioned in the first paragraph cannot or only partly be fitted or when the fitting or removing of it causes greater dangers than the work for the security of which they should serve, sufficient strong and sufficient large safety nets have been fitted for the prevention of the danger on efficient locations and in an efficient manner or adequate safety belts with life lines of sufficient strength are used or other technical means are applied, which provide a similar degree of safety of the work as referred to in the first paragraph. Measures aimed at collective protection have priority over measures aimed at individual protection. **Art. 3.20 Relaxation rooms** In the business or the institution or in the direct vicinity of it, a readily accessible room is available where the employees can spend the breaks. This room is fit for that as well as, depending on the number of employees, sufficiently large measured and equipped with sufficient tables and chairs. **Art. 4.1 Definitions** In this chapter and the provisions based on it, the following terms shall have the following meanings: a. dangerous goods: substances, mixtures or solutions of substances to which employees are or can be exposed during work, which because of the properties of or the conditions under which those substances, mixtures or solutions occur, can cause danger to the	

safety or health; b. limit value: 1°. the limit of the concentration or of the time weighted average of the concentration for a dangerous good in the individual respiratory zone of an employee during a specified reference period; **Art. 4.1b Duty of care of the employer** 1. In all cases in which employees are or can be exposed to dangerous goods, the employer ensures an efficient protection of the health and safety of the employee. 2. The provisions in the first paragraph are complied with if: a. within the framework of the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, the nature, extent and duration of the exposure has been assessed in accordance with Article 4.2; b. effective measures have been taken for the prevention or reduction of the exposure in accordance with the Articles 4.1c and 4.4 or in accordance with the Articles 4.17, 4.18 and 4.19; c. preventive measures have been taken for the prevention of unwanted events in accordance with Article 4.6. **Art. 4.1c Reduction of exposure; general preventive measures** 1. In all cases in which work is done where employees are or can be exposed to dangerous goods, is, within the framework of Article 3 of the Act, the exposure of employees to dangerous goods prevented or minimized by: a. the design and the organization of the work systems at the workplace; b. using adequate work equipment; c. using adequate provisions when carrying out repair or maintenance activities; d. minimizing the number of employees, which is or can be exposed; e. minimizing the extent and the duration of the exposure; f. observing the utmost care, orderliness and cleanliness; g. reducing the amount of dangerous goods on the workplace as much as possible; h. introducing suitable working methods, including arrangements for the safe handling, storage and transport on the workplace of dangerous goods and of wastes which contain dangerous goods; i. noticeably and clearly legible mentioning the name of the substance on the packaging of a dangerous good and a specification of the nature of the danger or the dangers, related to that substance; j. only having work done by persons who are in such a physical and mental condition and who dispose of such basic knowledge in the field of that work, that they are sufficiently able to recognize and prevent the dangers related thereto; k. ensuring that there is no smoking, eating, drinking, sleeping or storage of food where dangerous goods are present. 2. The measures, as referred to in the first paragraph, are in accordance with the state of the art and technology 3. The first paragraph, item i, is not applicable insofar as the Carriage of Dangerous Goods Act or the Plant Protection Products and Biocides Act is applicable. **Art. 4.2 More detailed requirements risk inventory and evaluation of risks, assessment**	

11. Health and safety and accident prevention (Regulation 4.3)

1. If employees are or can be exposed to dangerous goods, irrespective whether actually is or will be worked with these substances, the nature, extent and duration of that exposure are, within the framework of the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, assessed in order to determine the dangers for the employees. 2. In any case is established, with regard to the nature of the exposure, to which dangerous good employees are or can be exposed, what the dangers are which are related to those substances, in which situations exposure may occur and in which manner exposure can take place. 3. In any case is established, as regards the extent of exposure to dangerous goods, what the level of exposure is. 4. For the effective establishment of the level of exposure, appropriate, normalized measuring methods, or other appropriate measuring methods or quantitative evaluation methods are used. 5. At the assessment, as referred to in the first paragraph, the following aspects are involved anyway: a. the information about the safety and health which must be provided by the supplier of a dangerous good by or pursuant to legal requirements, as well as the additional information of the supplier or from other readily accessible sources, which is necessary for the evaluation of risks; b. the circumstances during activities where dangerous goods are involved, including the amount of dangerous goods to which employees are or can be exposed; c. the reasonably foreseeable events which can lead to a considerable increase in the extent of exposure, also when preventive measures have been taken; d. the effectiveness of the taken or to be taken preventive measures; e. insofar as applicable, the results of the occupational health examinations, as referred to in the Articles 4.10a and 4.10b. 6. If various dangerous goods are involved, the assessment, as referred to in the first paragraph, is based on the risk that those dangerous goods cause when they are combined. 7. The extent of exposure as referred to in the first paragraph is tested in accordance with the fourth paragraph against the limit value which has been established for the substance involved. 8. The assessment, as referred to in the first paragraph, is regularly revised, in any case when is started with new activities where dangerous goods are involved and, furthermore, when changed circumstances or the results of the occupational health examinations, as referred to in the Articles 4.10a and 4.10b, induce so. 9. By Ministerial Regulation, more detailed rules can be laid down as regards this Article. **Art. 4.2a More detailed requirements risk inventory and evaluation of risks, additional registration** If dangerous goods usually are on the workplace in connection with the nature of the activities which are performed there, which goods are classified by or pursuant to the Environmental Management Act in the category ‘toxic for reproduction’, as referred to in Article 9.2.3.1, second paragraph, under n, of that Act, as well as the substances as referred to in Directive no. 67/548/EEC of the	

Council of the European Economic Community of 27 June 1967 regarding the adaptation of the legal and administrative provisions as regards the classification, the packaging and the marking of dangerous goods (PbEG L 196) which are marked with the warning sentence R64 in accordance with the criteria in paragraph 3.2.8 of Annex VI to this Directive, the following information as regards those substances is mentioned in the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, in addition to Article 4.2: a. the amount of the substance which is annually usually produced or used or is available in connection with storage; b. the number of employees which usually works on the workplace where the substance usually occurs; c. the form of the work which is usually done with the substance. **§ 3 Limit values, occupational hygienic strategy and ventilation** **Art. 4.3 Limit values** 1. By Ministerial Regulation, limit values are established as regards the dangerous goods appointed in that Regulation. 2. If no legal limit value has been established for a specific dangerous good, the employer establishes a limit value for that good. This limit value is determined at such a level, that no damage can be caused to the health of the employee. 3. When a limit value is exceeded, effective measures, with due regard for Article 4.4, are immediately taken to reduce the concentration to a value under that limit value. 4. As long as the measures, as referred to in the third paragraph, have not yet been completely implemented or do not lead to an effective protection, the work is only continued when effective measures have been taken to prevent damage to the health of the employees. **Art. 4.4 Occupational hygienic strategy** 1. Insofar as it appears from the results of the assessment, as referred to in Article 4.2, that there is danger to the safety or the health of the employees, effective measures have been taken to prevent that the employees can be exposed to dangerous foods at their work to such an extent, that their safety can be endangered or that their health can be damaged. 2. Insofar as this is reasonably possible, at the application of the first paragraph dangerous goods are replaced by substances where the employees, considering the properties of those substances, the nature of the work, the working methods and the occupational safety and health, are not or less exposed to danger to their safety or health. 3. If replacement is reasonably not possible or when there remains another danger to the safety or health of the employees, for the purpose of the first paragraph, such technical measures, work processes, equipments and materials are applied that the release of dangerous goods has been prevented or reduced such, that danger to the safety or the health of the employees has been prevented or as much as possible reduced. 4. Insofar as the measures, mentioned in the second and third paragraphs, are reasonably not possible or do not entirely remove the danger to the safety or the health, for the purpose of the first	

paragraph, collective protective measures at the source or organizational measures are taken such that danger to the safety or the health is prevented. 5. Insofar as the measures as mentioned in the second, third and fourth paragraphs, are reasonably not possible or do not entirely remove the danger to the safety or the health, for the purpose of the first paragraph, appropriate personal protective devices are made available. 6. The duration of the wearing of personal protective devices, as referred to in the fifth paragraph, is limited to the strictly necessary time for each of the employees. **Art. 4.5 Ventilation** 1. If polluted air is discharged, sufficient supply of non-polluted air is guaranteed at the same time. 2. It is prohibited to circulate air, which contains a dangerous good, again to a workplace where the relevant substance is not present. 3. It is prohibited to circulate air, which contains a substance as referred to in the fourth paragraph, again at the same workplace, unless the employer proves that the concentration of a substance as referred to in the fourth paragraph in the air which is supplied to that workplace, is not more than a tenth part of the limit value which has been established for that substance. 4. This Article is applicable to the following substances: a. carcinogenic and mutagenic substances as referred to in Article 4.11, items b and d; b. a substance released at a carcinogenic process as referred to in Article 4.11, item c; c. substances which comply with the criteria, established on the basis of Article 9.2.3.1, third paragraph, of the Environmental Management Act for assignment of the R-sentence 'can cause hypersensitivity if inhaled (R42)'. **§ 4 Measures for specific circumstances** **Art. 4.6 Prevention of unwanted events** 1. In all cases in which employees are or can be exposed to dangerous goods, such measures have been taken that the danger, that an unwanted event occurs with regard to those substances or with regard to the work with those substances, is avoided as much as possible. Measures are particularly taken to: a. prevent the availability of dangerous concentrations of inflammable substances or dangerous amounts of chemically instable substances on the workplace or, when that is not possible considering the nature of the activities; b. to ensure that there are no ignition sources available which can cause fire and explosions, or to avoid unfavourable circumstances which may result in chemically instable substances or mixtures of substances causing accidents with serious physical effects, and c. to reduce the harmful effects for the health and the safety of the employees as a result of fire and explosions due to the ignition of inflammable substances, or serious physical effects as a result of accidents caused by chemically instable substances or mixtures of substances. 2. The measures, as referred to in the first paragraph, are geared at the nature of the activities, including storage, handling and	

separation of incompatible dangerous goods, and these measures protect the employees against the dangers of physical-chemical properties of dangerous goods. 3. The measures, as referred to in the first paragraph, are, insofar as applicable, in accordance with the Explosion-Proof Material (Commodities Act) Decree. **Art. 4.7 Measures in case of unwanted events** 1. Insofar as it appears from the results of the assessment, as referred to in Article 4.2, that there is danger to the safety or the health of the employees, in addition to Article 15 of the Act, effective procedures have been established which enter into force when an unwanted event occurs. 2. On the basis of the procedures, as referred to in the first paragraph, such technical or organizational measures have been taken, that when an unwanted event occurs, its effects are as much as possible reduced. 3. For the compliance of the second paragraph, the following measures are taken anyway: a. effective measures are immediately taken to reduce the effects of an unwanted event as much as possible and the recovery of the safe situation is as soon as possible ensured; b. the employees are immediately informed of the unwanted event and it is taken care of that they are leaving the affected zone; c. only the employees or other persons, entrusted with the performance of the necessary repair activities, shall enter the affected zone, while using effective means and personal protective devices; d. the employees and other persons, as referred to in item c, are not longer than strictly necessary for the repair of the safe situation in the affected zone; e. in addition to Article 15 of the Act, effective warning and other communication systems are available for the benefit of the signalling of an increased risk to the safety and health and which comply with the provisions of or pursuant to section 2 of Chapter 8; f. it is prevented that others than the employees and other persons, as referred to in item c, enter the affected zone. 4. The employer ensures that the in-house emergency officers, as referred to in Article 15 of the Act, and the external relief organizations, if desired, can take note of the measures, as referred to in the third paragraph. 5. The information about the measures, as referred to in the fourth paragraph, contains in any case: a. a description of the dangers on the basis of the assessment, as referred to in Article 4.2; b. a description of the reasonably foreseeable specific dangers on the basis of the assessment, as referred to in Article 4.2, which may arise at an unwanted event; c. a description of the measures taken for compliance with Article 4.6, first and second paragraphs; d. a description of the procedures, as referred to in the first paragraph. **Art. 4.8: Not applicable on board.** **Art. 4.9: Not applicable on board.**	

11. Health and safety and accident prevention (Regulation 4.3)

§ 5 Occupational Health examination **Art. 4.10aExamination** 1. Every employee who can be exposed for the first time to dangerous goods, is, in addition to Article 18 of the Act, enabled to be subjected to an occupational health examination before the start of the activities where exposure may arise. 2. If a harmful effect to the health of an employee or a demonstrable illness is found which could be the result of exposure to dangerous goods, employees who have been similarly exposed are prematurely enabled to be subjected to an occupational health examination. 3. Upon request of the employer or the employee involved, the occupational health examination is offered again, or carried out again. The results of the follow-up examination replace the previous results. 4. The employee is informed about the manner in which he is enabled to be subjected to an occupational health examination after the end of the exposure. 5. All data which are necessary to be able to assess the exposure of the employees to dangerous goods and to be able to advice on the periodicity and the contents of the occupational health examinations, and the preventive measures to be taken, are available for inspection by the expert person, as referred to in Article 2.14a, second paragraph, or the safety, health and welfare service. **Art. 4.10bExamination and biological limit values** 1. Every employee who is or can be exposed to dangerous goods for which a biological limit value as referred to in Article 4.1, second paragraph, item b, has been established, is enabled to be subjected to an occupational health examination: a. before the start of the exposure; b. when the biological limit value is exceeded. 2. The examination, as referred to in the first paragraph, contains, among others, an investigation into the content of the relevant substance in the biological medium to be established at the biological limit value. 3. By Ministerial Regulation can be determined that the examination, as referred to in the second paragraph, is replaced in the cases determined in this Regulation by a measurement of other biological indicators. 4. By Ministerial Regulation, the methods are established, according to which the content of the relevant substance, as referred to in the second paragraph, is measured. 5. The frequency of the examination is established by Ministerial Regulation **Art. 4.10cFiles and registration** 1. The expert person, as referred to in Article 2.14a, second paragraph, or the safety, health and welfare service, keeps a personal medical file of every employee who has been subjected to an occupational health examination as referred to in the Articles 4.10a and 4.10b. 2. Every employee is entitled to inspect his own medical file. 3. The results of the occupational health examination, provided with an explanation, in a statistical form and not reducible to individuals,	

can be inspected by the works council or the staff representation or, in case of absence thereof, by the interested employees. 4. The results of the occupational health examination are registered in an appropriate form and kept for every employee until at least 40 years after the end of his exposure to dangerous goods, as well as the list of employees, as referred to in Article 4.15, and the register of exposed employees, as referred to in Article 4.53, first paragraph. 5. In case the activities in the business or the institution of the employer are stopped during the period of 40 years, as referred to in the fourth paragraph, the documents, as referred to in the fourth paragraph, are transferred to the supervisor. **§ 6 Special provisions regarding information and education** **Art. 4.10dInformation and education** 1. In all cases where work is done where employees are or can be exposed to dangerous goods, information and education is given in accordance with Article 8 of the Act, where attention is paid at least to: a. the possible risks to the safety and the health related to working with dangerous goods on the basis of the results of the assessment, as referred to in Article 4.2; b. the nature of the exposure, as referred to in Article 4.2, first paragraph; c. the limit values; d. the preventive measures to be taken to prevent exposure or to reduce it to the lowest possible level; e. the preventive measures to be taken to prevent as much as possible that an unwanted event occurs with regard to dangerous goods; f. the hygienic measures; g. the wearing and using of personal protective devices; h. the measures to be taken when an unwanted event occurs with dangerous goods. 2. The employer notifies the employees of the information on the safety and health which has been provided by the supplier of a dangerous good, including the mandatory information which is provided by or pursuant to legal requirements. 3. The manner of information and education is geared at the results of the assessment, as referred to in Article 4.2. 4. The information and the education are updated when changed circumstances induce so. **SECTION 2** **Additional requirements carcinogenic or mutagenic substances and carcinogenic processes** **§ 1 Definitions and applicability** **Art. 4.11 Definitions** In this section and the provisions based on it, the following terms shall have the following meanings: a. Directive: Directive no. 2004/37/EC of the European Parliament and the Council of 29 April 2004 regarding the protection of the employees against the risks of exposure to carcinogenic or mutagenic agents at work (sixth special Directive within the meaning of Article 16, paragraph 1, of Directive 89/391/EEC of the	

Council)(codified version) (Pb EU L 158); b. carcinogenic substance: 1°. a single substance which must be classified as a category 1 or 2 carcinogen according to the criteria of Annex VI to Directive no. 67/548/EEC of the Council of the European Communities of 27 June 1967 regarding the mutual adaptation of the legal and administrative provisions as regards the classification, the packaging and the properties of dangerous goods (PbEG 196), as well as a substance as referred to in Annex I to the Directive; 2°. a multiple substance which consists of one or more substances as referred to under 1°, where the concentration limit has been laid down in Annex I to Directive no. 67/548/EEC of the Council of the European Communities of 27 June 1967 regarding the mutual adaptation of the legal and administrative provisions as regards the classification, the packaging and the properties of dangerous goods (PbEG 196) and, insofar as it concerns a substance which has not been included in the Annex as last referred to or has been included without concentration limit, a substance where the concentration limit has been laid down in Annex II, part B, to Directive no. 1999/45/EC of the European Parliament and the Council of the European Union of 31 May 1999 regarding the mutual adaptation of the legal and administrative provisions of the member states as regards the classification, the packaging and the properties of dangerous preparations (PbEG L 200) as well as a multiple substance as referred to in Annex I o the Directive; c. carcinogenic process: 1°. a process as referred to in Annex I to the Directive as well as a substance released at a process as referred to in Annex I to the Directive; 2°. a process to be designated by Ministerial Regulation where multiple substances are released which are classified in one of the categories mentioned in item b, under 1°, to which apply no concentration limits for the separate substances. d. mutagenic substance: 1. a single substance which must be classified as a category 1 or 2 mutagen according to the criteria of Annex VI to Directive no. 67/548/EEC of the Council of the European Economic Community of 27 June 1967 regarding the mutual adaptation of the legal and administrative provisions as regards the classification, the packaging and the properties of dangerous goods (PbEG L 196); 2. a multiple substance which consists of one or more substances as referred to under 1°, where the concentration limit has been laid down in Annex I to Directive no. 67/548/EEC of the Council of the European Economic Community of 27 June 1967 regarding the mutual adaptation of the legal and administrative provisions as regards the classification, the packaging and the properties of dangerous goods (PbEG L 196) and, insofar as it concerns a substance which has not been included in the Annex last referred to or has been included without concentration limit, a substance where the concentration limit has been laid down in Annex II, part B, to Directive no. 1999/45/EC of the European Parliament and the Council of the European Union of 31 May 1999 regarding the mutual adaptation of the legal and administrative provisions of the member states as regards the classification, the packaging and the	

properties of dangerous preparations (PbEG L 200);
e. danger zone: location within a business or institution where employees are or can be exposed to mutagenic or carcinogenic substances, or substances which are released at carcinogenic processes.

Art. 4.12 Chain provision

In all cases in which work is done where employees are or can be exposed to carcinogenic or mutagenic substances or to substances which are released at carcinogenic processes, besides section 1 of this chapter, with due regard for Article 4.1a, first paragraph, this section is also applicable.

§ 2 Written assessment and registration of information

Art. 4.13 More detailed requirements risk inventory and evaluation of risks

In all cases in which work is done where employees are or can be exposed to carcinogenic or mutagenic substances or to substances which are released at carcinogenic processes, the following information as regards these substances or processes is in any case included in the risk inventory and evaluation of risks, as referred to in Article 5 of the Act and in addition to Article 4.2:
a. the reason why the use of a carcinogenic substance or the application of a carcinogenic process is strictly necessary for the performance of the work and replacement is technically not executable;
b. the amount of the carcinogenic or mutagenic substance which is usually annually produced or used or is usually available in connection with the storage respectively the frequency with which a process is usually annually applied;
c. the kind of work which is usually done with the carcinogenic or mutagenic substance or where the carcinogenic process is usually applied;
d. the number of employees which usually is or can be exposed to a carcinogenic or mutagenic substance or a carcinogenic process;
e. the preventive measures which have been taken to prevent or minimize the exposure of employees to carcinogenic or mutagenic substances or to substances which are released at carcinogenic processes;
f. the personal protective devices which are used at work where employees are or can be exposed to carcinogenic or mutagenic substances or to substances which are released at carcinogenic processes;
g. the cases in which carcinogenic or mutagenic substances or carcinogenic processes are replaced by substances or processes where the employees are not or less exposed to danger to their safety or health.

Art. 4.14 (Deleted)

Art. 4.15 List of employees

1. A list is kept of employees which are or can be exposed to carcinogenic or mutagenic substances or substances which are released at a carcinogenic process, while mentioning the exposure they have been subjected to.
2. Every employee is entitled to inspect the information with regard to himself which has been included in the list, as referred to in the

first paragraph. **§ 3 Limit values and prevention or reduction of exposure** **Art. 4.16 Limit values** 1. Limit values are established by Ministerial Regulation as regards the carcinogenic or mutagenic substances designated in that Regulation or substances which are released at a carcinogenic process. 2. If no legal limit value for a specific carcinogenic or mutagenic substance or substance which is released at a carcinogenic process has been established, the employer establishes a limit value for that substance which is as low as possible. 3. When a limit value is exceeded, effective measures are immediately taken, with due regard for the Articles 4.17 and 4.18, to reduce the concentration till a value under that limit value. 4. As long as the measures, as referred to in the third paragraph, have not yet been implemented entirely or do not lead to an effective protection, the work is only continued when effective measures have been taken to prevent damage to the health of the employees, or to reduce the level of exposure to the lowest possible level under the limit value. **Art. 4.17 Prevention of exposure; replacement** Such technical and organizational measures have been taken that the chance of exposure of employees to carcinogenic or mutagenic substances or substances which are released at carcinogenic processes are as much as possible prevented at its source, in particular by replacing carcinogenic or mutagenic substances and carcinogenic processes, insofar as this is technically executable, by substances or processes where the employees, considering the properties of those substances or processes, the nature of the work, the working methods and the occupational safety and health, are not or less exposed to danger to their safety or health. **Art. 4.18 Prevention or reduction of exposure** 1. Insofar as it appears from the results of the assessment, as referred to in Article 4.2, first paragraph, that there is danger to the health of the employees and that prevention of exposure in an efficient manner by taking measures as referred to in Article 4.17 is technically not feasible, the exposure, insofar as this is technically feasible, is prevented at the source or reduced to a level under the limit value which is as low as possible, in particular by lettingthe production and the use of carcinogenic or mutagenic substances or carcinogenic processes take place in an enclosed system. 2. If the prevention of exposure or the reduction of exposure to a level under the limit value which is at low as possible is technically not feasible, collective measures are taken to remove carcinogenic or mutagenic substances or substances which are released at carcinogenic processes at the source in an effective manner, among others by local discharge of the air, if necessary supplemented by general ventilation, where, with due regard for Article 4.5, at the same time sufficient supply of non-polluted air has been guaranteed without endangering the public health and the environment. 3. If it is technically not feasible to prevent the exposure of employees or to reduce it to a level under the limit value which is at	

low as possible by means of the measures, as referred to in the second paragraph, personal protective devices are put at the disposal of the employees who are or can be exposed. 4. If the activities are performed by means of personal protective devices in accordance with the third paragraph, the period during which it is worn is reduced for any of these employees to a strictly necessary period. **Art. 4.19 Reduction of exposure** In all cases in which work is done where employees are or can be exposed to carcinogenic or mutagenic substances or substances released at carcinogenic processes, the following measures are taken in addition to Article 4.1c and Article 4.18, to prevent exposure of employees or to reduce it to a level under the limit value which is as low as possible: a. the employees are sufficiently familiar with the nature of their activities and they have sufficient knowledge of the dangers related to the exposure and of the provisions which have been or must be made by them to prevent or reduce those dangers; b. it is prevented that danger zones are entered by others than the employees or other persons who must enter the zones in connection with their work; c. danger zones are marked by means of warning and safety signals which comply with the provisions of or pursuant to section 2 of Chapter 8; d. effective devices are used for the safe storage, handling and transport of carcinogenic or mutagenic substances, where hermetically sealed and clearly visibly marked containers are used as much as possible, and e. effective devices are used for the safe collection, storage and removal of waste substances, where hermetically sealed and clearly visibly marked containers are used as much as possible. **Art. 4.20 Hygienic protective measures** 1. Zones have been arranged where the employees can eat and drink without danger to exposure. 2. Effective work clothing is put at the disposal of employees who are or can be exposed to mutagenic or carcinogenic substances or substances released at carcinogenic processes, which complies with section 1 of Chapter 8 and which is always worn by the employees during work. 3. In addition to Article 3.22, the work clothing is stored at another location than the other clothing. 4. In addition to Article 3.23, efficient bathroom facilities and shower rooms are available for the employees. 5. Personal protective devices are stored according to the instructions on the appropriate location and are cleaned after each use and checked before each use. **Art. 4.21 Irregular exposure level** If an irregular increase in the level of exposure, as referred to in Article 4.2, third paragraph, occurs, the works council or the staff representations or, in absence thereof, the interested employees, are immediately notified of the causes of the increase and of the measures which have been or are taken to eliminate the causes and to prevent or reduce exposure as much as possible. **Art. 4.22 (Deleted)**	

11. Health and safety and accident prevention (Regulation 4.3)

§ 4 Occupational health examination **Art. 4.23 Performance and contents of examination** 1. The occupational health examination, as referred to in Article 4.10a, takes place with due regard for the practical recommendations, included in Annex II to the Directive. 2. The expert person, as referred to in Article 2.14a, second paragraph, or the safety, health and welfare service is entitled to inspect the list of exposed employees as referred to in Article 4.15. Furthermore, he disposes of all information which he needs to be able to assess the exposure of the employees to carcinogenic or mutagenic substances and substances released at carcinogenic processes and to be able to advice on the periodicity and contents of the occupational health examination, as referred to in the first paragraph, the preventive measures or personal protective measures to be taken. **Art. 4.37 Definition asbestos** In this section and the provisions based on it, the following terms shall have the following meanings: a. asbestos: substances which contain one or more of the following fibrous silicates: 1°. actinolite (CAS-number 77536-66-4); 2°. amosite (CAS-number 12172-73-5); 3°. anthophyllite (CAS-number 77536-67-5); 4°. chrysotile (CAS-number 12001-29-5); 5°. tremolite (CAS-number 77536-68-6); 6°. crocidolite (CAS-number 12001-28-4); b. products containing asbestos: products which contain one or more of the fibrous silicates mentioned under a; c. fibre: a particle which is longer than 5 micrometer, has a width of less than 3 micrometer and a length/width ratio of more than 3/1; d. object: construction, installation, apparatus or means of transport, not being a building. **Art. 4.37aChain provision** If work is done where employees are or can be exposed to asbestos or products containing asbestos, besides the sections 1 and 2 of this chapter, with due regard for the Articles 4.37b and 4.37c, this section is also applicable. **Art. 4.37bDeviating provisions** 1. Contrary to Article 4.15, Article 4.53 is applied. 2. Contrary to Article 4.16, the Articles 4.46 and 4.47a are applied. 3. Contrary to Article 4.19, items d and e, Article 4.45, second paragraph, items c and d is applied. 4. Contrary to Article 4.20, fifth paragraph, Article 4.51, third paragraph, is applied. **Art. 4.37cApplicability** This section is applicable to activities regarding asbestos or products containing asbestos if the concentration of asbestos is higher than one hundred milligrams per kilogram dry substance as referred to in Article 2, item b, of the Asbestos Products Decree. **Art. 4.38-4.43 (Deleted)** **Art. 4.44 Risk class 1** This paragraph is applicable, if it appears from the assessment, as referred to in Article 4.2, first paragraph, that the concentration of	

asbestos dust in the air, to which employees are exposed in connection with the work, is lower than or equal to the limit value, as referred to in Article 4.46. **Art. 4.45 Preventive measures** 1. The concentration of asbestos dust in the air is kept as low as possible under the limit value, as referred to in Article 4.46. 2. In order to comply with the first paragraph, the following measures are taken: a. the working methods have been arranged such that no asbestos dust is produced or when that is technically not possible, that no asbestos dust is released in the air; b. buildings, installations and equipments which serve for the application or the processing of asbestos or of products containing asbestos, are effectively and regularly cleaned and maintained; c. asbestos, a product containing asbestos and a product which releases asbestos dust are stored and carried in an appropriate and closed packaging; d. waste substances, arisen due to the application or processing of asbestos or of products containing asbestos, are as soon as possible collected and removed in an appropriate and closed packaging, provided with a label with the clear and properly legible mention that its contents contain asbestos. 3. Article 4.20, fourth paragraph, insofar as it regards the availability of showers, is not applicable if the concentration of asbestos dust in the air has been classified in risk class 1. **Art. 4.45aInformation** Effective information is given to employees who are working where there is danger of exposure to asbestos dust about: a. possible risks to the health of exposure to asbestos dust; b. the necessity of the supervision over the content of asbestos in the air and the applicable limit values; c. the measures regarding the hygiene, as referred to in Article 4.51; d. measures to keep the exposure to asbestos dust as low as possible; e. the correct use of personal protective devices and clothing. **Art. 4.45bEducation** 1. An appropriate education is arranged with regular intervals for all employees who carry out activities where they are or can be exposed to asbestos dust. 2. This education focuses on the level of knowledge and the experience of the employees and provides them with the necessary knowledge and skills regarding safety and prevention, in particular as regards: a. properties of asbestos and the effect of asbestos on the health, including the synergic effect of smoking; b. types of products and materials which can contain asbestos; c. actions which may lead to exposure to asbestos and the importance of preventive checks to minimize exposure; d. safe working methods, checks and protective devices; e. the choice and selection, the restrictions and the correct use of breathing apparatus; f. emergency procedures; g. decontamination processes; h. the manner in which the removal of waste substances can be	

carried out safely; i. the requirements as regards medical supervision. **Art. 4.46 Limit value** The concentration of asbestos dust in the air does not exceed the limit value of 0.01 fibre per cubical centimeter, calculated over a reference period of eight hours. **Art. 4.47 Measuring and sampling** 1. In order to be able to guarantee the observance of the limit value, as referred to in Article 4.46, the concentration of asbestos dust in the air to which the employees in connection with the work are exposed, is measured within the framework of the risk assessment, as referred to in Article 4.2. 2. Measuring takes place on a regular basis, depending on the result of the first risk assessment, as referred to in Article 4.2. 3. The measurement is carried out in accordance with a method to be established by Ministerial Regulation or another method, if this gives equivalent results. 4. The works council or the staff representation or, in absence thereof, the interested employees are enabled to give their opinion on the manner of sampling. 5. The sampling is representative for the individual exposure of the employees to asbestos dust. 6. The sampling is carried out such that the exposure of employees to asbestos dust can be established by measurement, or by calculation of this measurement, weighted in time, which is representative for a reference period of 8 hours. 7. The sampling is carried out by a person who has the required expertise. 8. The sample analysis to be carried out after the sampling, is carried out in a laboratory which has been adequately equipped to that end and which has experience with the required identification techniques. 9. The works council or the staff representation or, in case of absence thereof, the interested employees, can inspect the results of the measurements and can get an explanation about the meaning of these results. **Art. 4.47aMeasures in case of exceeding the limit value** 1. In case of exceeding of the limit value, as referred to in Article 4.46, the causes for the exceeding are detected and effective measures are taken as soon as possible to reduce the concentration under that value. 2. The works council or the staff representation or, in absence thereof, the interested employees are informed as soon as possible of the exceeding, of its cause and the measures to be taken. Besides, they are enabled to give their opinion on the measures, as referred to in the first paragraph, unless there are urgent reasons to take these measures without offering this opportunity. In that case, they are informed about the taken measures. 3. As long as the measures to reduce the concentration, as referred to in the first paragraph, have not yet been fully implemented, the work on the relevant workplace is only continued when the employees involved have been effectively protected against exposure to asbestos dust. 4. When in the situation, as referred to in the third paragraph, the	

exposure cannot be reduced with other means and the limit value requires the wearing of individual breathing apparatus, the period during which it must be worn is reduced for every employee to the period which is strictly necessary. 5. When the individual breathing apparatus is used, breaks are provided for. 6. The number of breaks, as referred to in the fifth paragraph, and its duration is determined by the physical and climatic load under which the employee must carry out the activities. 7. In case of absence of a works council or a staff representation, the breaks, as referred to in the fifth paragraph, are, if necessary, established in consultation with the interested employees. 8. After the measures, as referred to in the first paragraph, have been taken, the concentration of asbestos dust in the air is measured in accordance with Article 4.47 and the classification into a risk class as referred to in the Articles 4.44, 4.48 or 4.53a is determined again. 9. If it appears from the measurement, as referred to in the eighth paragraph, that the concentration has been classified in a higher risk class, paragraph 4 or 5 of this section is also applicable. **Art. 4.47bVisual inspection** 1. After activities with asbestos, before other activities are started, a final assessment is performed on the relevant workplace. 2. The final assessment, as referred to in the first paragraph, concerns a visual inspection where has been established that the presence of asbestos is no longer visually perceptible. **Art. 4.47cNotification** 1. Before the activities start, the employer notifies a supervisor who has been appointed to that end in writing. This notificiation contains at least a brief description of: a. the location where the activities are carried out; b. the types and amounts of products containing asbestos; c. the activities which are carried out with asbestos or products containing asbestos, the working methods as well as the classification of the concentration of asbestos dust in the air into a risk class; d. the number of employees involved; e. the date and the time on which the activities start, as well as its duration; f. the measures which will be taken to reduce exposure of employees to asbestos. 2. Every time a change in the occupational safety and health can lead to a considerable increase of the exposure to asbestos dust or products containing asbestos, a new notification will take place. 3. The information notified on the basis of the first and second paragraphs can be inspected by the works council or the staff representation or, in absence thereof, by the interested employees. 4. Article 4.54b, with the exception of item a, is equally binding. **§ 4 Additional requirements for working with asbestos and products containing asbestos** **Art. 4.48 Risk class 2** If it appears from the assessment, as referred to in Article 4.2, first paragraph, that the concentration of asbestos dust in the air, to	

which employees in connection with the work are exposed, is higher than the limit value, as referred to in Article 4.46, but lower than or equal to 1 fibre per cubical centimeter, departing from a reference period of eight hours, this paragraph is also applicable in addition to paragraph 3. **Art. 4.48aAdditional measures** 1. If, having regard to the nature of the activities, exceeding of the limit value, as referred to in Article 4.46, can be expected despite preventive technical measures for reducing the concentration of asbestos in the air, the employer takes effective measures for the protection of the employees involved. 2. To the measures, as referred to in the first paragraph, belong anyway: a. the making available and the obliging to wear appropriate breathing apparatus and other personal protective devices; b. the arrangement of warning notices which comply with the provisions of or pursuant to section 2 of Chapter 8, which indicate that exceeding of the limit value mentioned in Article 4.46 can be expected; c. the prevention of the spreading of dust from asbestos or materials containing asbestos outside the spaces where the activities take place. 3. The works council or the staff representation or, in absence thereof, the interested employees are enabled to give their opinion on the measures, as referred to in the first paragraph. 4. Before the other activities are started, the available asbestos or the available products containing asbestos is respectively are removed, except when this would constitute a greater risk to the safety and health for the employees. **Art. 4.49 (Deleted)** **Art. 4.50 Work plan** 1. Before the activities are started, the employer of the business, as referred to in Article 4.54d, first paragraph, draws up a written work plan which contains effective measures for the protection of the safety and the health of the employees involved, which are concentrated on the specific situation of the relevant workplace. 2. If an inventory report as referred to in Article 4.54a, third paragraph, has been drawn up, the results of that report are incorporated in the work plan. 3. In the work plan is prescribed that the employer of the business, as referred to in Article 4.54d, first paragraph, makes certain that there are no longer risks of exposure to asbestos or products containing asbestos after the final assessment, as referred to in Article 4.51a. 4. The work plan contains the following information: a. a description of the measures, as referred to in the Articles 4.1c, first paragraph, heading and items d and g, 4.7, third paragraph, items b, c and e, 4.18, 4.19, heading and items b and c, 4.20, first through fourth paragraphs, 4.45, first and second paragraphs, items a, b, and d, 4.48a, second and fourth paragraphs, and 4.51. b. a description of the nature, duration and location of the activities as well as the working method; c. a description of the gear, machines, apparatus and other auxiliaries which are used during the activities;	

d. the names of the employees and persons, as referred to in Article 4.54d, fifth and seventh paragraphs. 5. The activities are carried out in accordance with the drawn-up work plan. 6. The work plan or a copy of it, is available on the workplace and is shown upon request to the supervisor. **Art. 4.51 Hygienic protective measures** 1. The work clothing may only be brought outside the business or the institution if this happens for the purpose of cleaning it in adequately equipped laundries. 2. In cases as referred to in the first paragraph, the work clothing is carried in an appropriate and closed packaging. 3. When protective equipment is supplied, this is kept at a location appointed to that end and checked and cleaned after each use. Defect equipment may not be used. **Art. 4.51aFinal assessment** 1. After the activities and after cleaning of the workplace and before other activities are started, a final assessment is carried out on the relevant workplace in an internal space, where the sampling is carried out by a person as referred to in Article 4.47, seventh paragraph, and the sample analysis by a laboratory as referred to in Article 4.47, eighth paragraph. 2. The final assessment, as referred to in the first paragraph, concerns a visual inspection followed by a final measurement, in order to establish whether the concentration of asbestos dust in the air is lower than 0.01 fibre per cubical centimeter, departing from a reference period of two hours. 3. After the activities and after cleaning of the workplace and before other activities are started, a visual inspection is carried out on the relevant workplace in the open air by a business which has been adequately equipped to that end, where has been established that the presence of asbestos is no longer visually observable. 4. If the activities in the open air are related to soil containing asbestos, a visul inspection on the presence of asbestos is carried out after the end of those activities by a business which has been adequately equipped to that end, in order to establish that the concentration of asbestos is not higher than one hundred milligrams per kilogram dry substance as referred to in Article 2, item b, of the Asbestos Products Decree. 5. By Ministerial Regulation, more detailed rules can be laid down as regards the sampling, as referred to in the first paragraph, the final measurement, as referred to in the second paragraph, and the visual inspection, as referred to in the second, third and fourth paragraphs. **Art. 4.52 Occupational health examination** 1. As long as the exposure to asbestos dust takes, in addition to Article 4.10a, third paragraph, the employees involved are enabled again at least once every three years to be subjected to an occupational health examination as referred to in Article 4.10a. 2. The occupational health examination, as referred to in Article 4.10a, contains in any case a specific examination of the thorax. 3. If the result of the occupational health examination, as referred to in Article 4.10a, requires so, effective measures are taken to prevent damage to the health of the employee involved by exposure to	

asbestos dust. 4. In addition to Article 4.10a, fourth paragraph, an expert person, as referred to in Article 2.14a, second paragraph, or the safety, health and welfare service can declare that the medical supervision after the end of the exposure must be continued as long as considered necessary for the health of the person involved. **Art. 4.53 Registration** 1. Every employee who is exposed to asbestos dust in connection with the work is recorded in a register, where the nature and the duration of the work as well as the extent of the exposure are mentioned. 2. The information mentioned in the register can be inspected by the expert person, as referred to in Article 2.14a, second paragraph, or the safety, health and welfare service. 3. Every employee can inspect his personal data in the register. 4. The data in the register, provided with an explanation, in a statistical form which is not reducible to individuals, can be inspected by the works council or the staff representation or, in absence thereof, by the interested employees. **§ 5 Extra additional requirements for working with asbestos and products containing asbestos** **Art. 4.53aRisk class 3** If it appears from the assessment, as referred to in Article 4.2, first paragraph, that the concentration of asbestos dust in the air to which employees in connection with the work are exposed, is higher than 1 fibre per cubical centimeter, departing from a reference period of eight hours, this paragraph is also applicable in addition to the paragraphs 3 and 4. **Art. 4.54 Aggravated final assessment** In addition to Article 4.51a, first and second paragraphs, a final assessment is also carried out in the spaces adjacent to the workplace. Article 4.51a, first and second paragraphs, is equally binding. **§ 6 Certification** **Art. 4.54aAsbestos inventory** 1. Within the framework of the assessment, as referred to in Article 4.2, the availability of asbestos or products containing asbestos is completely listed before is started with the following activities: a. the entirely or partly demolishing or dislodgement of buildings, with the exception of earthworks, or objects in which asbestos or products containing asbestos is respectively are processed; b. the removal of asbestos or products containing asbestos from the buildings or objects, as referred to in item a; c. the clearance of asbestos or products containing asbestos which are released due to an incident. 2. On the basis of the inventory, as referred to in the first paragraph, is determined within the framework of the risk assessment, as referred to in Article 4.2, by the business, as referred to in the fourth paragraph, in which risk class as referred to in the Articles 4.44, 4.48 or 4.53a the activities are classified. 3. The results of the inventory, as referred to in the first paragraph, and the classification in a risk class, as referred to in the second	

paragraph, are incorporated in an inventory report. 4. The inventory, as referred to in the first paragraph, and the inventory report, as referred to in the third paragraph, are carried out, respectively drawn up, by a business which is in possession of a certificate asbestos inventory which has been issued by Our Minister or a certificating institute. 5. A copy of the inventory report is given to the business which removes asbestos. 6. The certificate asbestos inventory or a copy of it, is available on the workplace and is shown upon request to an official as referred to in Article 24 of the Act. **Art. 4.54bExceptions asbestos inventory** **Art. 4.54a is not applicable if the activities, as referred to in Article 4.54a, first paragraph, relate to:** a. actions which are carried out in or at buildings or objects which have been produced on or after 1 January 1994; NOT APPLICABLE to seagoing vessels (See art. 4.103) b. the entire or partial removal of water pipes, gas pipes, sewers and cable pipes or parts of it, which contain asbestos cement, insofar as they are part of the underground public gas, water and sewer system; c. the entire or partial removal of brake and friction material containing asbestos; d. the entire of partial removal of clamped floor plates containing asbestos under heaters; e. the removal as a whole of heaters containing asbestos; f. the entire or partial removal of glazing kit containing asbestos which has been used in the construction of greenhouses; g. the entire or partial removal of gaskets containing asbestos from combustion engines; h. the entire or partial removal of gaskets containing asbestos or parts of it from process installations or heaters with a nominal power under 2250 kilowatt; i. the entire or partial removal of asbestos or products containing asbestos from roads as referred to in the Asbestos Roads Environmental Management Decree. **Art. 4.54c (Deleted)** **Art. 4.54dExpertise for working with asbestos** 1. When the concentration of asbestos dust has been classified in risk class 2 or 3, the following activities are carried out by a business which is in possession of a certificate asbestos removal, which has been issued by Our Minister or a certificating institute: a. the activities, as referred to in Article 4.54a, first paragraph; b. the cleaning of the workplace after an action as referred to in Article 4.54a, first paragraph, item a of b, has been carried out. 2. Article 4.54b, with the exception of item a, is equally binding. 3. Before the removal of asbestos is started, the business, as referred to in Article 4.54a, fifth paragraph, is in possession of a copy of an inventory report as referred to in Article 4.54a, third paragraph, as applicable. 4. During the performance of the activities, as referred to in the first paragraph, the classification of the risk class in the inventory report is used as lower limit, within the framework of the risk assessment, as referred to in Article 4.2.	

5. The activities, as referred to in the first paragraph, are carried out by or under continuous supervision of a person who is in possession of a certificate of professional competence for the supervision over working with asbestos, which has been issued by Our Minister or a certificating institute. 6. In a business as referred to in the first paragraph, at least one person as referred to in the fifth paragraph is working on the basis of an employment contract. 7. Insofar as the activities, as referred to in the first paragraph, are also carried out by another person than the person, as referred to in the fifth paragraph, this other person is in possession of a certificate of professional competence for removing asbestos, which has been issued by Our Minister or a certificating institute. 8. If the actions, as referred to in Article 5, items e and f, of the Asbestos Products Decree relate to activities with soil containing asbestos, these activities are supervised by a person who is in possession of a certificate of professional competence occupational hygiene or safety knowledge as referred to in Article 2.7, second paragraph. 9. The certificates, as referred to in the first, fifth and seventh paragraphs, or copies of them and a copy of the inventory report, as referred to in Article 4.54a, third paragraph, are available at the workplace and are shown upon request to the supervisor. **Art. 4.84 Biological agents, cell cultures and micro-organisms** 1. The sections 1 through 8 of this chapter are not applicable to biological agents. 2. In this section is meant by: a. biological agents: micro-organisms which have been genetically modified or not, cell cultures and human endoparasites which can cause an infection, allergy or toxicity; b. cell culture: the artificial breading of cells of multicellular organisms; c. micro-organism: a cellular or non-cellular microbiological entity with the power of propagation or of transfer of genetic material; d. Directive: Directive no. 2000/54/EC of the European Parliament and the Council of the European Union of 18 September 2000 (Pb EG L 262) regarding the protection of the employees against the risks of exposure to biological agents at work (seventh special Directive within the meaning of Article 16, paragraph 1, of Directive no. 89/391/EEC). 3. For the purpose of this section, biological agents are distinguished in the following categories: a. category 1: an agent of which it is unlikely that it can cause an illness for human beings; b. category 2: an agent which can cause an illness with humans and can provide danger to the safety and the health of the employees, but of which it is unlikely that it will spread among the population, while there is normally an effective profylaxis or treatment; c. category 3: an agent which can cause a serious illness with humans and may provide a great danger to the safety and the health of the employees and of which there is a chance that it will spread among the populaton, while there is normally an effective profylaxis or treatment; d. category 4: an agent which causes a serious illness with humans	

and provides great danger to the safety and the health of the employees and of which it is very likely that it will spread among the population, while there is normally no effective profylaxis or treatment. 4. In this section is departed from the category classification of biological agents as established in Annex III to the Directive. **§ 2 Risk inventory and evaluation of risks and effects category classificiation** **Art. 4.85 More detailed requirements risk inventory and evaluation of risks** 1. If an employee is or can be exposed to one or more specific agents which occur or are expected to occur at his work, the nature, extent and the duration of the exposure are assessed within the framework of the risk inventory and evaluation of risks as referred to in Article 5 of the Act, in order to determine the danger for the employee. This assessment happens with due regard for: a. the category or categories, in which the biological agents to which employees can be exposed, have been classified; b. information about diseases which employees can contract or have already contracted as a result of exposure to biological agents; c. possible allergic or intoxication effects which the employees experience or can experience as a result of exposure to biological agents; d. the results of the occupational health examinations, as referred to in Article 4.91, as well as the diseases of which is known that an employee suffers from them and the drugs of which is known that they are used by an employee, all this in a statistical form which is not reducible to individuals; e. the recommendations which have been provided by a competent body to keep the biological agent under control in order to protect the health of the employees when the employees are or can be exposed to such an agent as a result of their work. 2. If various biological agents are involved, the assessment, as referred to in the first paragraph, is based on the risk which those biological agents provide when they are combined. 3. The assessment, as referred to in the first paragraph, is regularly revised, in any case always when there is a change in the conditions which may affect the exposure of employees to biological agents. **Art. 4.86 Effects category classification** 1. If the work focuses on working with biological agents belonging to category 2, 3 or 4, the Articles 4.87 through 4.102 are applicable. 2. If it appears from the results of the risk inventory and evaluation of risks, as referred to in Article 4.85, that there is a reasonable chance that employees are exposed to biological agents of category 2, 3 or 4 when doing other work than that, as referred to in the first paragraph, including the activities mentioned in Annex I to the Directive, the Articles 4.87, 4.87a, 4.87b, 4.89, 4.91, 4.93, 4.95, 4.97, 4.98, 4.99, second paragraph, and 4.102 are applicable. 3. In all cases, not as referred to in the first and second paragraphs, the greatest possible care, orderliness and cleanliness is exercised during the work and the necessary hygienic facilities are provided. **§ 3 Measures as regards the exposure**	

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Art. 4.87 Prevention of exposure; replacement If the nature of the work allows it, harmful biological agents are replaced by biological agents which, in view of the state of the art and technology and the occupational safety and health, are not or less dangerous to the safety or health of the employees. **Art. 4.87aPrevention or reduction of exposure** 1. Insofar as it appears from the results of the assessment, as referred to in Article 4.85, that there is a risk to the safety or health of the employees and that it is not feasible, in connection with the nature of the work, to replace biological agents by biological agents which are not dangerous, such measures are taken, insofar as technically feasible, that the exposure of employees to biological agents is prevented and the risks are limited. 2. Insofar as the measures, as referred to in the first paragraph, are technically not feasible, exposure of employees to biological agents is reduced to such a low level as is necessary for an adequate protection of the safety and the health of the employees. 3. For the purpose of the second paragraph, at least the following measures are taken: a. the chance of exposure is as much as possible reduced; b. the number of employees which is in danger of being exposed to one or more biological agents is not greater than is strictly necessary for the performance of the work; c. collective protective measures are taken and, when this gives not or no sufficient protection, personal protective devices are made available; d. the greatest possible orderliness and neatness is observed during the work in order to prevent or the reduce the chance that one or more biological agents turn up outside the workplace; e. biological agents are kept and carried such and waste substances are collected, stored and removed in such a manner, if necessary after appropriate treatment and marked with a proper notice, that the chance of exposure is prevented as much as possible and that is also prevented that they can attain in the hands of unauthorized persons; f. if necessary and technically possible, an investigation is conducted into the presence of biological agents on the workplace, outside the first physical enclosure; g. an effective written work instruction is available at the workplace for the employees, which at least includes the procedures to be observed at the work, including a regulation for the safe handling and carriage of biological agents inside the business or the institution as well as an effective emergency plan for the case that accidents or incidents occur with biological agents. **Art. 4.87bMeasures for the prevention or reduction of exposure to legionella bacteria at the putting and keeping into operation of an air humidification installation and a water installation** 1. At the putting and keeping into operation of: a. an air humidification installation other than a steam humidifier; b. a water installation which can put water in the form of aerosol in the air, not being a collective water supply as referred to in Article 1, first paragraph, under j, or a collective pipeline network as referred to in Article 1, first paragraph, under k, of the Water Supply Act; the measures, as referred to in Article 4.87a, first and	

second paragraphs, for the prevention or reduction of the exposure to legionella bacteria, are effective, if the water in these installations contains less than 100 colony forming units legionella bacteria per litre. 2. The taking and analysing of samples for the verification of the presence of legionella bacteria happens in accordance with a suitable normalized method. 3. This Article is not applicable to cooling columns. **Art. 4.88 Safety signalling** The locations where is worked with biological agents are clearly beaconed and are marked with a safety signalling which complies with the provisions of or pursuant to section 2 of Chapter 8. **Art. 4.89 Hygienic protective measures** 1. On locations with danger of exposure to biological agents is not smoked nor are food or drinks consumed there. 2. Work clothing which complies with section 1 of Chapter 8 is put at the disposal of the employees and is worn during work. 3. In addition to Article 3.23, adequate sanitary facilities are available for the employees including, insofar as necessary, showers, eye showers and skin antiseptics. 4. If personal protective devices are given to the employee, these are kept at a location which has been appointed to that end and cleaned after each use and checked before any use. 5. In addition to Article 3.22, the work clothing and other personal protective devices in which or on which biological agents are or can be, are taken off when leaving the workplace and stored on another location than the other clothing. 6. The work clothing and other personal protective devices, as referred to in the fifth paragraph, are disinfected, cleaned or, if necessary, destroyed. 7. The work clothing and other personal protective devices, as referred to in the fifth paragraph, are brought outside the business or institution in an appropriate and closed packaging and only for the purpose of having it cleaned, disinfected or destroyed. **Art. 4.90 Registration** 1. In a register is kept which employees are or can be exposed to biological agents of categories 3 and 4. 2. In this register is also registered per employee which activities he has performed and, insofar as this can be determioned, to which biologisch agent or which biological agents he has possibly been exposed as a result of these activities or as a result of an incident or accident. 3. The register as referred to in the first paragraph is kept at least ten years after the last exposure or possible exposure. 4. In case an employee has been exposed or has possibly been exposed to a biological agent which may result in infections which: a. are known to be persistent or latent; b. on the basis of the actual state of the art, according to the expectations, can only be recognized after many years; c. have a long incubation period; d. despite treatment, always come back, or e. have long-term serious complications, when the register as referred to in the first paragraph is kept during a correspondingly longer period but not longer than fourty years after the last	

exposure. 5. Every employee is entitled to inspect his own data from the register. 6. The register, mentioned in the first paragraph, is, upon request, available for inspection by the company doctor, as referred to in Article 14, first paragraph, heading, of the Act, or the safety, health and welfare service. **§ 4 Occupational health examination** **Art. 4.91 Examination and vaccines** 1. Every employee who has been or can be exposed to biological agents is, in addition to Article 18 of the Act, enabled to be subjected to an occupational health examination when the work starts. 2. Every employee who has contracted an infection or illness as a result of exposure to a biological agent, is, in addition to the first paragraph, prematurely enabled to be subjected to an occupational health examination. 3. Every employee who has been exposed to the same biological agent as a result of which another employee has contracted an infection or illness, is, in addition to the first paragraph, prematurely enabled to be subjected to an occupational health examination. 4. The occupational health examination takes place with due regard for the practical recommendations, included in Annex IV to the Directive. 5. If the result of the occupational health examination gives rise to that, effective measures are taken to prevent danger to the health of the employee involved by exposure to biological agents. 6. Insofar as possible, effective vaccines are put at the disposal of any employee who is not yet immune to the biological agents to which he has been or can be exposed. Attention is paid to Annex VII to the Directive then. 7. At the employer's request or of the employee involved, the examination as referred to in this Article is performed again. The result of the renewed examination replaces the previous one. 8. Every employee is entitled to inspect his own medical file. 9. The results of the occupational health examination as referred to in this Article are registered appropriately and kept at least ten years after the last exposure or possible exposure. In cases as referred to in Article 4.90, fourth paragraph, the results are kept during a correspondingly longer period but not longer than forty years. 10. Every employee is informed on the manner in which he will be enabled to be subjected to an occupational health examination after the exposure has ended. **§ 5 The works council** **Art. 4.92 Information in connection with accident or incident** The works council or the staff representation or, in absence thereof, the interested employees is respectively are informed of any accident or incident which has occurred, has almost occurred or has possibly occurred with biological agents and which has resulted in the release, near-release or possible release of an agent or agents of category 2, 3 or 4. The causes of the accident or incident are also notified then, as well as the measures which have been taken or will	

be taken to rectify the effects and to prevent further accidents or incidents. **Art. 4.93 Other information** 1. If requested, the works council or the staff representation, or in absence thereof, the interested employees are informed about: a. the manner in which the risk inventory and evaluation of riks, as referred to in Article 4.85, has been established and on its result; b. the activities where the employees are or can be exposed to biological agents; c. the number of employees which is or can be exposed to biological agents; d. the name and the function of the person who is responsible for the safety and the health at work; e. the taken preventive and protective measures, including the work instruction, as referred to in Article 4.87, fourth paragraph, the applied work processes and working methods. 2. The works council or the staff representation or, in absence thereof, the interested employees, are entitled to inspect information as referred to in this Article, which has a statistical form and is not reducible to individuals. **§ 6 Supervision** **Art. 4.94 Notification** 1. At least 30 days before is worked with one or more biological agents of category 2, 3 or 4 for the first time, a written notification of this is sent to a supervisor who has been appointed to that end. 2. This notification contains at least the following information: a. the name and the address of the employer; b. the name and the function of the person who is responsible for the safety and the health at work; c. the results of the risk inventory and evaluation of risks as referred to in Article 4.85; d. the category or categories and type or types to which the biological agent or the biological agents belongs respectively belong; e. the intended protective and preventive meaures. 3. Having regard to the first paragraph, work with any subsequent biological agent of category 4 and, when this agent has temporarily been classified by the employer himself, work with any subsequent new biological agent of category 3 is also notified. 4. When only diagnostic work is done, contrary to the third paragraph, the supervisor as referred to in the first paragraph is only notified of this if this work is done for the first time. 5. The notification as referred to in this Article is repeated, when essential changes have occurred in the processes or procedures which can have effects on the safety and the health of the employees, as a result of which previous notifications have been superseded. **Art. 4.95 Accidents or incidents** The supervisor or another body to be designated by Our Minister, is as soon as possible informed in writing of any accident or incident which has occurred and has led or has possibly led to the release of one or more biological agents of category 3 or 4 and which can cause contagion of employees by these agents.	

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Art. 4.96 Transfer information When the employer ends the activities, the register as referred to in Article 4.90 and the results of the occupational health examination as referred to in Article 4.91, when they are kept by the employer, are transferred to a supervisor who has been appointed to that end. **§ 7 Special provisions in connection with other than microbiological diagnostic work in the health care and in the veterinary medicine** **Art. 4.97-4.98** **(…)** **§ 8 Special measures in laboratories, rooms for test animals and industrial processes** Art. 4.99 Control level laboratories and spaces for laboratory animals 1. In laboratories and in spaces containing animal which have been deliberately infected with biological agents of category 2, 3 or 4 or animals which are or possibly could be carriers of biological agents of one of these categories, are, depending on the results of the risk inventory and evaluation of risks, as referred to in Article 4.85, and in compliance with Article 16, first paragraph, of the Directive, at least respectively the control levels 2, 3 and 4 of Annex V to the Directive observed. 2. If one works in the laboratories as referred to in the first paragraph with material while there is no certainty whether it contains biological agents of category 2, 3 or 4 and the work is not aimed at working with biological agents, is, in compliance with Article 16, first paragraph, of the Directive, at least control level 2 of Annex V to the Directive observed. **Art. 4.100** 1. When biological agents of the category 2, 3 or 4 are used in industrial processes, are, depending on the results of the risk inventory and evaluation of risks, as referred to in Article 4.85, and in compliance with Article 16, second paragraph, of the Directive, at least respectively the control levels 2, 3 and 4 of Annex VI to the Directive observed. **Art. 4.101** **(…)** **§ 9** **Special provisions as regards information and education** **Art. 4.102Information and education** 1. In addition to Article 8 of the Act, information and education are given to employees who do work as referred to in Article 4.86, first and second paragraphs, where is paid attention to at least: a. the possible dangers for the health which are related to working with biological agents; b. the preventive measures to be taken in order to prevent exposure; c. the action to be taken when an accident occurs with biological agents; d. the existing hygienic requirements; e. wearing and using of work clothing and personal protective	

devices. 2. The information and the education are updated when changed circumstances require so. **SECTION 10 Special sectors and special categories of employees** **§ 1 Transport** **Art. 4.103Exceptions for means of transport** **Art. 4.54b, heading and item a, is not applicable to seagoing vessels.** **§ 2 Young people** **Art. 4.104Chain provision** In addition to the provisions of or pursuant to this chapter, the requirements and prohibitions mentioned in this paragraph are also applicable to young employees. **Art. 4.105Work prohibitions for dangerous goods and biological agents** 1. Young employees shall not work with or are not exposed to substances which comply with the criteria established pursuant to Article 9.2.3.1 of the Environmental Management Act for classification in one or more of the categories ‘very toxic’, ‘toxic’, ‘sensitizing’, ‘carcinogenic’, ‘mutagenic’ ‘toxic to reproduction’, as well as substances complying with the criteria for allocation of the R-sentences 33 and 48 which have been established by or pursuant to that Act. 2. Young employees shall not work with or are not exposed to biological agents of category 3 or 4, as referred to in section 9 of this chapter. 3. Furthermore, young employees shall no work at or with vats, basins, pipelines or reservoirs in which one or more of the substances or biological agents as referred to in the first or second paragraph are. **Art. 5.2 Prevention dangers** The work has been organized such, the workplace is arranged such, such a production and working method is applied or such auxiliaries and personal protective devices are used, that the physical load can cause no dangers for the safety and the health of the employee. **Art. 5.3 Reduction dangers and risk inventory and evaluation of risks** Insofar as the dangers, as referred to in Article 5.2, cannot reasonably be prevented: a. with due regard for Annex I to the Directive, the work is organized such, the workplace is arranged such, such a production and working method is applied or such auxiliaries and personal protective devices are used that those dangers are reduced as much as reasonably possible; b. in the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, with due regard for Annex I to the Directive, the safety and health aspects of the physical load are assessed, where in particular is paid attention to the features of the load, the required physical effort, the features of the working environment and the requirements of the task. **Art. 5.4 Ergonomic design workplaces** Unless this can reasonably not be demanded, workplaces **are**	

designed according to the ergonomic principles. **Art. 5.5 Information** 1. Having regard to the Annexes I and II to the Directive, effective information and effective education is given to employees who are doing work where loads are handled manually, about: a. the manner in which loads are handled; b. the dangers for their safety and health related to the manual handling of loads and the measures to be taken to reduce these dangers as much as possible. 2. Adequate information is given to the employees involved on the weight of the load to be handled and, when the weight of the load has not been distributed evenly, on the center of gravity or the heaviest side of that load. **Art. 5.6 Annexes Directive** As regards physical load, the Annexes I and II to the Directive are observed. **Art. 6.1 Temperature** 1. Taking into account the nature of the activities carried out by the employees and the physical load resulting from it, the temperature at the workplace causes no damage to the health of the employees. 2. If there still can be caused damage to the health of the employees, due to the temperature at the workplace or due to unfavourable weather conditions, personal protective devices are made available. If the personal protective devices which have been made available, cannot prevent damage to the health, the duration of the work is reduced to such an extent or the work is alternated by a temporary stay at a location with a temperature as referred to in the first paragraph, at such a frequency that no damage is caused to the health. **Art. 6.3 Daylight and artificial light** 1. Workplaces and connecting roads have been lighted such that the available light causes no risks to the safety and health of employees. 2. Sufficient daylight can enter workplaces, insofar as possible, and adequate facilities for artificial lighting are available. 3. The facilities for artificial lighting have been fitted such, that danger for accidents has been prevented. 4. The colour used for artificial light may not change or affect the observation of the safety and health signalling, determined by or pursuant to section 2 of Chapter 8. **Art. 6.7 More detailed requirements risk inventory and evaluation of risks, assessment and measurement** 1. Within the framework of the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, the noise levels to which the employees have been exposed, are assessed and, if necessary, measured in order to determine where and to which extent employees can be exposed to the levels of harmful noise which have been established in Article 6.8. 2. In addition to Article 5 of the Act, the assessment and the measurement are periodically carried out according to a written time schedule by the experts, mentioned in Article 13 of the Act, or the experts or safety, health and welfare services, mentioned in the Articles 14 and 14a of the Act, and they are carried out again anyhow, if the circumstances have changed drastically, there are reasons to assume that the carried out assessment or measurement is	

incorrect or when the results of the occupational health examination, as referred to in Article 6.10, first through third paragraphs, require so. The measurement uncertainties, which have been established according to the good practice in measuring, are taken into account at the assessment of the measurement results. 3. The methods and apparatus used at the measurement are geared to the relevant circumstances. Especially the features of the noise to be measured, the duration of the exposure, the environmental factors and the features of the measuring devices are paid attention to. The used methods and apparatus are suitable to determine whether or not the levels of harmful noise, as established in Article 6.8, third, fourth, seventh, ninth and tenth paragraphs, are exceeded. When random checks are used, these are representative for the personal exposure of an employee. 4. At the assessment, as referred to in the first paragraph, is in any case paid attention to: a. the level, the nature and the duration of the exposure, including eventual exposure to impulsive noise; b. the action values established in Article 6.8, third, fourth, seventh and ninth paragraphs and the limit values established in Article 6.8, tenth paragraph, for the exposure; c. the possible effects to the health and safety of employees which belong to especially sensitive risk groups; d. insofar as this is technically feasible, the possible effects on the safety and the health of employees of the interaction between noise and work-related ototoxic substances and between noise and vibrations; e. the possible indirect effects on the safety and the health of employees of the interaction between noise and warning signals or other sounds which have to be noticed in order to reduc the risk of accidents; f. the information on the noise emission provided by the manufacturers of the work equipment; g. the existence of alternative work equipment which has been designed to reduce the noise emission; h. the continuation of the exposure to noise beyond usual working hours under responsibility of the employer; i. relevant information obtained from an occupational health examination as referred to in Article 6.10, first through third paragraphs, including published information, insofar as that is possible; j. the availability of individual hearing protection with sufficient muffling effect. 5. The works council or the staff representation or, in absence thereof, the interested employees are enabled to give their opinion on the manner of assessing and measuring. 6. The results of the assessments and measurements carried out on the basis of this Article are registered and kept in an appropriate form, so they can be consulted later on. 7. The results, as referred to in the sixth paragraph, provided with an explanation, are notified to the works council or the staff representation or, in absence thereof, to the interested employees. 8. The risk inventory and evaluation of risks, as referred to in the first paragraph, is adequately documented and mentions the	

measures taken under the Articles 6.8, 6.9 and 6.11. **Art. 6.8 Measures for the prevention or reduction of the exposure** 1. For the prevention or reduction of the exposure to noise, such technical or organizational measures are taken that the risks of exposure are removed at the source or are minimized, taking into account the technical progress and the availability of measures. 2. When preventing or reducing the exposure, as referred to in the first paragraph, is taken into account anyway: a. alternative working methods which lead to less exposure to noise; b. the choice of the right work equipment, taking into account the work to be done, which makes as less noise as possible, including the possibility to let the employees have the disposal of work equipment which aims at or results in a reduction of the exposure to noise; c. the design and the subdivision of the workplace; d. effective information and education to teach the employees to use the work equipment properly in order to minimize the exposure to noise; e. technical measures for the reduction of noise: i. reduction of the airborne noise, for example by shielding, encasing or covering with noise absorbing material; ii. reduction of the construction noise, for example, by muffling or isolation; f. adequate maintenance programs for the work equipment, the workplace and the systems on the workplace; g. the organization of the activities, in view of a reduction of the noise: i. reduction of the duration and intensity of the exposure; ii. adequate work schedules with sufficient breaks. 3. When the daily exposure to noise is higher than 85 dB(A) or the peak acoustic pressure is higher than 140 Pa, technical or organizational measures are established and carried out to minimize the exposure on the basis of the assessment and measurement, as referred to in Article 6.7, first paragraph, having due regard to the measures, as referred to in the second paragraph, within the framework of the action plan, as referred to in Article 5 of the Act. 4. Workplaces where the daily exposure to noise can be higher than 85 dB(A) or the peak acoustic pressure can be higher than 140 Pa, are clearly indicated by means of adequate signallings and effectively beaconed. If this is technically feasible and the risk of exposure justifies this, its access is restricted. 5. The exposure to noise in relaxation rooms as referred to in Article 3.20 and night's lodgings as referred to in Article 3.21, is reduced to a level which is compatible with the function of the spaces and the circumstances in which they are used. 6. The measures, as referred to in the first through fifth paragraphs, are geared at the needs of employees who belong to especially sensitive risk groups. 7. In cases in which the daily exposure to noise is higher than 80 dB(A) or the peak acoustic pressure is higher than 112 Pa, adequate, properly made-to-measure hearing protection is put at the disposal of the employees.The individual hearing protection prevents the risk of hearing impairment or minimizes this risk.	

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8. The works council or the staff representation or, in absence thereof, the interested employees are enabled to give their opinion on the measures, as referred to in the first through fifth paragraphs and on the choice of the individual hearing protection, as referred to in the seventh paragraph, which has to be made available. 9. When the daily exposure to noise is 85 dB(A) or higher, or the peak acoustic pressure is 140 Pa or higher, the individual hearing protection is used by the employees. 10. The daily exposure to noise, taking into account the muffling effect of the individual hearing protection worn by the employee, may never be higher than 87 dB(A) or the peak acoustic pressure may not be higher than 200 Pa anyway. 11. When despite the measures, as referred to in the first through seventh and ninth paragraphs, is found that the daily exposure to noise, taking into account the muffling effect of the individual hearing protection worn by the employee, is higher than the limit values established in the tenth paragraph: a. measures are taken immediately to reduce the exposure to a leval under those limit values; b. the causes of the excessive exposure are established and c. the measures, as referred to in the first through seventh and ninth paragraphs, are adjusted to prevent recurrence. In cases in which employees in connection with the performance of special tasks must stay on a workplace where the daily exposure to noise per working day considerably differs and observance of the obligations, mentioned in Article 6.8, third, fourth, seventh, ninth, tenth and eleventh paragraphs, cannot reasonably be demanded, in the mentioned paragraphs is read instead of 'the daily exposure to noise': 'the weekly exposure to noise'. In that case the weekly exposure, taking into account the muffling effect of the individual hearing protection worn by the employee, is not more than 87 dB(A) and effective measures are taken to minimize the risk related to these activities. **Art. 6.11. Information and education** To employees who are exposed to a daily exposure of noise of 80 dB(A) or higher and a peak acoustic pressure of 112 Pa or higher, effective information and education is given about: The nature of the risks resulting from exposure to noise; The measures, as referred to in art. 6.8, taken to prevent or minimize the risks as referred to under a; The action values, as referred to in art. 6.8, 3rd, 4th, 7th and 9th paragraph and the limit values as referred to in art. 6.8, 10th paragraph; The results of the assessment and measurement of the noise levels to which employees have been exposed, as referred to in art. 6.7, 1st and 2nd paragraph, and an explanation of the meaning and possibly related risks; The correct use of the individual hearing protection;	

How signals of hearing impairment can be detected and reported; The circumstances in which employees are entitled to an occupational health examination and the purpose of this examination and **Safe working methods to minimize the exposure to noise.** **SECTION 3A Vibrations** **§ 1 General** **Art. 6.11a Definitions, limit values and action values** 1. In this section is meant by: a. Directive: Directive no. 2002/44/EC of the European Parliament and the Council of the European Union of 25 June 2002 regarding the minimum requirements as regards health and safety regarding the exposure of employees to the risks of physical agents (vibrations) (PbEG L 177); b. hand-arm vibrations: mechanical vibrations which, when they are transferred to the hand-arm system of human beings, include risks to the health and safety of the employees, in particular vascular, bone or joint, neural or muscle disorders; c. body vibrations: mechanical vibrations which, when transferred to the body as a whole, include risks to the safety and health of the employees, in particular disorders of the lower back and lesions of the spinal column. 2. For the hand-arm vibrations is: a. the limit value for daily exposure reduced to a standard reference period of eight hours, established at 5m/s2; b. the action value for daily exposure reduced to a standard reference period of eight hours, established at 2.5m/s2. 3. For body vibrations is: a. the limit value for daily exposure reduced to a standard reference period of eight hours, established at 1.15 m/s2; b. the action value for daily exposure reduced to a standard reference period of eight hours, established at 0.5 m/s2. **§ 2 Requirements with regard to vibrations** **Art. 6.11bMore detailed requirements risk inventory and evaluation of risks, assessment and measurement** 1. Within the framework of the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, the levels of the mechanical vibrations to which the employee is exposed, are assessed and, if necessary, measured. 2. The assessment and the measurement are carefully planned and carried out with adequate intervals. 3. The assessment and the measurement for hand-arm vibrations take place in accordance with the items 1 and 2 of part A and for body vibrations in accordance with the items 1 and 2 of part B of the Annex to the Directive. 4. The results of the measurement are kept in an appropriate form so they can be consulted later on. 5. The following aspects are in any case involved in the assessment: a. the level, the nature and the duration of the exposure, including eventual exposure to periodical vibrations or repeated shocks; b. the laid-down limit values and action values for the exposure, as	

referred to in Article 6.11a, second and third paragraphs; c. possible effects on the health and safety of employees with an increased risk; d. possible indirect effects on the safety of employees which are caused by the interaction between mechanical vibrations and the workplace or other work equipment; e. the information provided by the manufacturers of the work equipment; f. the existence of replacing material which has been designed to reduce the levels of exposure to mechanical vibrations; g. continuation of the exposure to body vibrations beyond usual working hours under responsibility of the employer; h. special occupational safety and health, like working at low temperatures; i. relevant information provided by the occupational health examinations, as referred to in Article 6.11e, including published information, insofar as that is possible 6. The assessment is regularly revised, in any case when changed circumstances or results of the occupational health examination, as referred to in Article 6.11e, require so. **Art. 6.11cPrevention or reduction of harmful vibrations** 1. If the action values, as referred to in Article 6.11a, second paragraph, item b, and third paragraph, item b, are or can be exceeded, attention is paid, with due regard for Article 3, first paragraph, item b, of the Act, in the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, and in the corresponding action plan, to: a. alternative working methods which reduce the necessity for exposure to mechanical vibrations; b. the choice of the right work equipment, ergonomically well designed and causing as little vibrations as possible, taking into account the work to be performed; c. the supply of auxiliaries to prevent the risk of health damage due to vibrations; d. appropriate maintenance programs for the work equipment, the workplace and the systems on the workplace; e. the design and the subdivision of the workplace; f. adequate information and education of the employees, so they can use the work equipment safely and correctly, such that the exposure to mechanical vibrations is as little as possible; g. reduction of the duration and intensity of the exposure; h. appropriate work schedules with sufficient breaks; i. the provision of clothing which protects the exposed employees against cold and moisture. 2. Employees shall not be exposed to vibrations above the limit value for exposure, as referred to in Article 6.11a, second paragraph, item a, and third paragraph, item a. 3. If the limit value is nevertheless exceeded: a. measures are taken immediately to reduce the exposure till beneath the limit value for exposure; b. the cause of the exceeding of the limit value is investigated; c. the protective and preventive measures are adapted to prevent that the limit value is exceeded again. 4. The employer gears the measures at the needs of employees with	

an increased risk. **Art. 6.11dInformation and education** To employees who are exposed to risks in connection with mechanical vibrations at work, is given effective information and education about: a. measures which have been taken to remove or minimize the risks in connection with mechanical vibrations; b. the limit values and action values for exposure; c. the results of the performed assessments and measurements of mechanical vibrations and the health damage which the used work equipment can cause, in accordance with Article 6.11b; d. the benefit of and the method for searching and reporting symptoms of health damage; e. the circumstances in which employees are entitled to an occupational health examination; f. safe working methods to minimize the exposure to mechanical vibrations. **Art. 6.11eOccupational health examination as regards vibrations** 1. Every employee who is entrusted with activities which according to the assessment, as referred to in Article 6.11b, first paragraph, can cause danger to the safety or health, for the first time, is, in addition to Article 18 of the Act, enabled to be subjected to an occupational health examination before the start of the activities. 2. If a disorder is found with an employee which could be the result of an exposure to mechanical vibrations, the employees, who have been exposed in a similar manner to mechanical vibrations, are prematurely enabled to be subjected to an occupational health examination. 3. At the request of the employer or the employee involved, the occupational health examination is performed again. The results of the renewed examination replace those of the previous one. 4. When a demonstrable disease or a harmful effect to the health has been established with an employee as a result of exposure to mechanical vibrations, he is informed by the expert person, as referred to in Article 2.14a, second paragraph, or the safety, health and welfare service, about the manner in which he will be enabled to be subjected to an occupational health examination after the exposure has ended. **Art. 6.27 Work prohibitions young employees** **1.** Young employees may do no diving work, caisson work and other work under increased atmospheric pressure, as referred to in Article 6.13. **2.** Young employees may not work with appliances which can emit harmful non-ionising electromagnetic radiation. **3.** Young employees may not work on a workplace where the daily exposure to noise is 85 dB(A) or higher or the peak acoustic pressure is 140 Pa or higher. **4.** Young employees may not be exposed to harmful vibrations. **Art. 7.3 Suitability work equipment** 1. At the choice of the work equipment which the employer makes available, are taken into account the specific features of the work which appeared from the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, with the circumstances in which	

it is performed, with the dangers which are already at the workplace and with the dangers which could be added by the use of the relevant work equipment. 2. In order to prevent that the use of work equipment can cause dangers to the safety and health of the employees, the work equipment which is put at the disposal of the employees at the workplace, is only used for the purpose, in the manner and on the location for which it has been designed and intended. 3. Work equipment is, furthermore, suitable for the work to be performed or has considerably been adapted. 4. Insofar as it is reasonably not possible to prevent the dangers during the use of the work equipment, such measures are taken that the dangers are as much as possible reduced. 4. Article 3.17 is equally binding. **Art. 7.4a Examinations** 1. Work equipment of which the safety depends on the manner of installation, is examined after the installation and before it is put into use for the first time for the right manner of installation and proper and safe functioning. 2. Work equipment as referred to in the first paragraph, is, furthermore, examined after each erection on a new location or a new place for the right manner of installation and proper and safe funtioning. 3. Work equipment subjected to influences which lead to deteroriations which can induce the origin of dangerous situations, is examined as often as necessary for guaranteeing a good condition, while it is tested, if necessary. 4. Work equipment as referred to in the third paragraph is also examined, while it is tested, if necessary, each time when exceptional events have occurred which can have harmful effects on the safety of the work equipment. As exceptional events are in any case regarded: natural phenomena, changes to the work equipment, accidents with the work equipment and lengthy decommissioning of the work equipment. 5. Examinations are performed by an expert natural person, legal person or institute. 6. Written evidence of the performed examinations are available at the workplace and are shown, upon request, to the supervisor. 7. This Article is not applicable to amusement and playground equipment to which the Amusement and Playground Equipment (Commodities Act) Decree applies. 8. The first through fifth paragraphs are not applicable to scaffolding to which Article 7.34 applies. 9. The first through third paragraphs are not applicable to: a. lifting and hoisting gear and lifting and hoisting tools on board ships to which Article 7.29 applies; b. lifts to which the Lifts (Commodities Act) Decree applies. 10. The first and second paragraphs are not applicable to pressure equipment, compositions and pressure systems to which Article 12b of the Pressure Equipment Decree applies. 11. The first and second paragraphs are not applicable to pressure equipment to which Article 12b of the Pressure Equipment (Commodities Act) Decree applies. 12. The third paragraph is not applicable to:	

a. lifting and hoisting tools to which Article 7.20 applies; b. containers to which the Containers (Commodities Act) Decree applies; c. cranes to which the Articles 6d through 6f of the Machinery (Commodities Act) Decree apply; d. pressure equipment to which Article 12c of the Pressure Equipment (Commodities Act) Decree applies. 13. As regards changes or repairs, the fourth paragraph is not applicable to pressure equipment to which Article 12c of the Pressure Equipment (Commodities Act) Decree applies. 14. The first through third paragraphs are not applicable to lifting and hoisting tools for professional passenger transport to which the Machinery (Commodities Act) Decree applies. **Art. 7.5 Assembly, disassembly, maintenance, repair and cleaning of work equipment** 1. The necessary measures are taken to ensure that the work equipment, during the entire period of operation, is kept in such a state by adequate maintenance that danger to the safety and health of the employees is prevented as much as possible. 2. Maintenance, repair and cleaning activities to work equipment are only performed if the work equipment has been switched off and has been made pressureless or dead. If this is not possible, effective measures are taken to be able to perform those activities safely. 3. The second paragraph is equally binding to production and adjusting activities with or to work equipment. 1. This paragraph has not yet entered into force. 4. A maintenance book belonging to work equipment is properly kept up to date. 5. Assembly and disassembly of work equipment takes place safely, with due regard for the eventual instructions of the manufacturer. **Art. 7.6 Expertise employees** 1. As regards work equipment, the use of which can cause a specific danger to the safety of the employees, the use remains reserved for employees who have been entrusted with the use. 2. Employees entrusted with the conversion, maintenance, repair or cleaning of work equipment as referred to in the first paragraph, have a specific expertise and experience to that end. **Art. 7.7 Safety equipment in connection with moving parts of work equipment** 1. If moving parts of work equipment cause danger, they have been provided with such screens or security devices that the danger is prevented as much as possible. 2. The screens or security devices have been solidly constructed. 3. The screens or security devices cause no special dangers. 4. The screens or security devices cannot simply be neglected or put out of operation. 5. The screens or security devices are fitted at sufficient distance from the dangerous zone of the work equipment. 6. The screens or security devices obstruct the view of the work as less as possible. 7. The screens or security devices have been fitted such that the necessary maintenance and repair activities can be performed safely. It is prevented as much as possible that the screens or	

security devices must be disassembled. **Art. 7.9 High and low temperature** It is prevented as much as possible that employees are in the immediate vicinity of work equipment or a component of it with a very high or very low temperature. If that is not posibble, effective measures have been taken to prevent contact with that work equipment or that component of it. **SECTION 4 Additional requirements specific work equipment and activities** **Art. 7.17 Chain provision** Besides the requirements of sections 1 through 3 of this chapter, the requirements of this section are also applicable to the specific work equipment and activities mentioned in this section. **§ 2 Requirements for mobile work equipment** **Art. 7.17aEquipment mobile work equipment** 1. Mobile work equipment on which one or more persons can be carried, have been equipped such that the danger for these persons during the transport is as much as possible reduced. 2. Mobile work equipment, with the exception of lift trucks, with which one or more persons can be carried, have been equipped such that, under the actual operational conditions, the dangers due to the turning over or falling of the mobile work equipment are as much as possible reduced by: a. a protective construction which avoids that the mobile work equipment turns over more than a quarter turn; b. a construction which ensures that there is sufficient free space around the persons to be carried when the mobile work equipment can move more than a quarter turn, or c. other facilities with an equal safety level. 3. The second paragraph is not applicable if the mobile work equipment is stabilized during the use or if the mobile work equipment has been designed such that it cannot turn over or fall. 4. If there is danger that the persons to be carried can be trapped between the parts of the mobile work euipment and the ground in case of turning over or falling, a system has been installed with which they can be stopped. 5. Lift trucks with which one or more persons can be carried, have been equipped such that the danger of turning over or its effects are as much as possible reduced by: a. an operator cabin; b. a device which avoids that the lift truck turns over; c. a device which ensures that, if the lift truck turns over, there is sufficient free space for the persons to be carried between the ground and specific parts of the lift truck; d. a device on each seat of the lift truck, with which the persons on the truck can be secured on the seat, or e. other facilities with an equal level of safety. 6. If the sudden blockade of components for the energy transfer between the mobile work equipment and its fittings or appendants can provide specific dangers, this work equipment has been equipped with a facility which impedes this blockade. If such a blockade cannot be impeded, such measures have been taken that the dangers are as much as possible reduced.	

7. Mobile work equipment has been provided with means for the attachment of components for the energy transfer, when these components can become polluted or damaged because they are dragged over the ground. **Art. 7.17bEquipment self-propelled mobile work equipment** 1. In addition to Article 7.17a, this Article is applicable to self-propelled mobile work equipment, the movement of which can cause dangers for the employees. 2. Mobile work equipment is equipped with: a. devices to avoid that they can be put into operation by unauthorized persons; b. effective provisions for the reduction of the effects of an eventual collision, if different work equipment riding on rails is moved at the same time; c. a brake and stopping device; d. an emergency device, insofar as it is necessary for the sake of safety, which device can slow down and halt the mobile work equipment in case of failure of the main system of the brake and stopping device by means of easily accessible control gear of by automatic systems; e. effective aids which enable an adequate visibility for the operator if his direct visual field is inadequate to guarantee the safety of persons. 3. If mobile work equipment is used at night or on dark places, it has been provided with a lighting installation which has been adapted to the work to be performed and which provides the employees sufficient safety. 4. If mobile work equipment, their appendants, or cargoes, can cause danger of fire for persons, it has been provided with effective fire-fighting matieral, unless the workplace has been equipped with this at sufficient short distance from this work equipment, their appendants or cargoes. 5. If mobile work equipment is controlled at a short distance, it automatically comes to a standstill when it leaves the control area. 6. If mobile work equipment is remotely controlled and is able to collide with or underrun employees under normal operating conditions, it has been provided with facilities which offer protection against these dangers, unless there other suitable facilicities to reduce the danger of collisions. **§ 3 Requirements for loading and unloading of ships** **Art. 7.24 Access to the ship** 1. In addition to Article 3.2, the access to a hold of a ship or deck is only allowed by a fixed stairway or, if this is not possible, a fixed ladder or clamps or feet openings with appropriate dimensions, of sufficient strength and with an adequate construction or other sound means of access. 2. The means of access mentioned in the first paragraph are, if this is reasonably possible, separated from the hatchways. Art. 7.25 Hatches 1. Hatches which are placed or removed by means of lifting or hoisting gear, have been equipped with well accessible and suitable attachments for the securing of lifting tools. 2. If hatches are not interchangeable, they have been clearly marked	

to indicate to which hatchway as well at which location they belong. 3. Motor operated or hydraulically operated hatches and other motor or hydraulically driven ship's equipments are only placed or removed by a competent person. 4. The hatches and ship's equipment as referred to in the third paragraph, are only placed or removed when this can happen in a safe manner. 5. Hatchways which have been equippd with an efficient coaming are closed or otherwise secured as soon as the loading and unloading activities have ended. 6. Hatches are not placed or removed, if people are working in the hold under the hatchway. 7. Hatches which have not been adequately locked against displacement, are removed before the loading and unloading activities are started. **Art. 7.26 Processing of goods or materials** 1. The storage or transshipment, loading or unloading, stowage or otherwise processing of goods or materials on the quay, in sheds or in the ship, happens in a safe and orderly manner, taking into account the nature of those goods or materials and its packaging. 2. Loads are not raised or lowered, unless they have been nailed in a safe manner to the lifting or hoisting gear or have been attached otherwise. **Art. 7.27 Rigging plans and means for binding or lifting** 1. For the safe rigging of derricks and the corresponding utensils, rigging plans and all related information is available on board the ship. The rigging plans are shown, upon request, to the supervisor. 2. Means for binding or lifting, intended for single use, are not used again. **Art. 7.28 Containers** During the loading and unloading of containers, adequate means are available which guarantee the safety of the employees when the lashings of the containers are attached or removed. **Art. 7.29 Lifting and hoisting gear and lifting and hoisting tools on board ships** 1. Contrary to Article 7.20, sixth and seventh paragraphs, the following provisions apply to lifting and hoisting gear as well as lifting and hoisting tools on board ships, which are used for loading and unloading. 2. Lifing and hoisting gear including the corresponding fittings, components, points of attachment, anchorages and supports, and lifting and hoisting tools are effectively tested and examined for their good condition, before they are put into use for the first time. 3. Gear and tools as referred to in the second paragraph, are effectively tested and examined for their good condition after any important alteration or repair which may affect the safety. 4. Gear and tools as referred to in the second paragraph, are, depending on the actual load, regularly, but in any case at least once every five years, effectively tested and examined for their good condition,. 5. Lifting and hoisting gear and lifting and hoisting tools are, depending on the actual load, regularly, but in any case at least once a year, tested for their good condition.	

6. Lifting and hoisting tools are, depending on the usage, regularly checked into their good condition. 7. Testings and examinations as referred to in the second through fourth paragraphs, are performed by Our Minister or a certificating institute. 8. Examinations and checks as referred to in the fifth and sixth paragraphs, are performed by an expert natural person, legal person or institute. 9. Certificates of the testings and examinations, as referred to in the second through fourth paragraphs, are issued by the certificating institute, as referred to in the seventh paragraph, according to a model established by Ministerial Regulation. 10. A register of lifting and hoisting gear and lifting and hoisting tools is kept on board every ship according to a model established by Ministerial Regulation, in which the certificates as referred to in the ninth paragraph are incorporated. In the register are mentioned the operational load or operational loads of the lifting and hoisting gear, the workload of the lifting and hoisting tools as well as the times and the results of the testings and examinations as referred to in the second through fifth paragraphs. The times and the result of the checks as referred to in the sixth paragraph are mentioned, if a defect has been found at the relevant checks. The register is shown, upon request, to the supervisor. **SECTION 1 Personal protective devices** **Art. 8.1 General requirements personal protective device** 1. A personal protective device which has been put at the disposal of the employee by the employer is in accordance with the relevant provisions regarding design and construction in the field of safety and health, as referred to in the Personal Protective Devices (Commodities Act) Decree. The previous sentence is only applicable insofar the personal protective device as referred to is covered by the scope of the mentioned Decree. 2. In all cases a personal protective device must: a. be suitable for the dangers to be avoided, without containg an increased danger itself; b. meet the existing conditions on the workplace; c. be geared at the ergonomic requirements and the requirements with regard to the health of the employees; d. after the required adjustments, be fit for the bearer. 3. If different dangers require simultaneous wearing of more than one personal protective device, these personal protective devices have been geared to each other and they remain efficient against the relevant danger or the relevant dangers. 4. The choice of the personal protective device and the manner in which it must be used, in particular as regards the duration of the wearing, are determined independently of the seriousness of the danger, the frequency of the exposure to the danger and the features of the workplace of every employee separately as well as of the effectiveness of the personal protective device. 5. A personal protective device has basically been intended for use by one person. If the circumstances require that a personal protective device is used by more than one person, effective measures are taken, so that such usage causes no health or hygienic	

problems for the various users. 6. Adequate information about any personal protective device, necessary for the application of the first, second, third and fourth paragraphs, is available in the business or the institution and is passed on, if necessary. 7. Personal protective devices are only used for the intended purposes. 8. Personal protective devices are used in accordance with the instructions. **Art. 8.2 Choice personal protective device** Before choosing a personal protective device, the employer, makes an assessment within the framework of the risk inventory and evaluation of risks, as referred to in Article 5 of the Act, of the equipment he intends to make available, in order te verify to which extent it complies with the conditions in Article 8.1, first, second and third paragraphs. This assessment includes: a. a risk inventory and evaluation of risks of the dangers which cannot be evaded with other means; b. a description of the features which the personal protective devices must possess in order to be able to overcome the dangers mentioned under a, taking into account eventual sources of danger which can be the personal protective devices themselves; c. a risk inventory and evaluation of risks of the features of the relevant personal protective devices which are available, compared to the features as referred to under b. **Art. 8.3 Availability and use of personal protective devices** 1. If there is danger for the safety or the health of an employee at the workplace or if it can be caused, personal protective devices are available in sufficient number for the employees who are or can be exposed to that danger. 2. In the cases, as referred to in the first paragraph, is ensured that the employees use the personal protective devices. 3. Personal protective devices are maintained, repaired and kept neat. 4. For the benefit of the properly functioning of personal protective devices, the necessary replacements of them take place. **Art. 9.3 Obligations of the employee** 1. If personal protective devices or aids are put at the disposal of the employee on the basis of the provisions of or pursuant to this Decree, the employee is obliged to use these personal protective devices and aids in accordance with the applicable requirements and to keep them neat. The previous sentence is not applicable to cases, as referred to in Article 6.8, seventh paragraph, first sentence. 2. Morever, the employee is obliged to comply with the requirements and prohibitions which have been incorporated in the following Articles: a. of Chapter 2: Article 2.42g; b. of Chapter 3: the Articles 3.5, 3.5g, first paragraph, and 3.5h, second, fourth and fifth paragraphs; c. of Chapter 4: the Articles 4.1c, first paragraph, under f, j and k, 4.7, third paragraph, under c and d, 4.8, second, third and fourth paragraphs, 4.9, second and third paragraphs, 4.19, under a, 4.45, first paragraph, 4.47a, third paragraph, 4.48a, first and fourth paragraphs, 4.50, fifth and sixth paragraphs, 4.51, 4.54d, fourth,	

sixth and eighth paragraphs, insofar as it concerns the certificates from the fourth and sixth paragraphs, 4.58, first paragraph, 4.59, first paragraph, 4.60, first paragraph, 4.61, second through fifth paragraphs, 4.61a, first paragraph, 4.61b, first paragraph, 4.86, third paragraph, 4.87a, third paragraph, under d, 4.89, first and fourth paragraphs, 4.108 and 4.109, as well as with regard to work with asbestos or products containing asbestos, as referred to in Article 4.37, the Articles 4.19, heading and under a, and 4.20, third paragraph; d. of Chapter 6: the Articles 6.14, 6.14a, fifth paragraph, 6.15, first paragraph, under c, 6.16, first through third paragraphs and fifth through eighth paragraphs, 6.18, fourth paragraph, 6.19, first paragraph, 6.20, fourth paragraph, and 6.29; e. of Chapter 7: the Articles 7.5, second and third paragraphs, 7.13, seventh paragraph, 7.17c, second, third, seventh and eighth paragraphs, 7.18, second, fourth, sixth through eighth paragraphs, and ninth paragraph, and ninth paragraph, as regards the application of the established procedures, as referred to in this paragraph, 7.18a, second paragraph, third paragraph, tenth paragraph, as regards the application of the established procedure, as referred to in this paragraph, and thirteenth paragraph, 7.20, fourth paragraph, 7.21, second paragraph, 7.23c, first paragraph, item b, 7.23d, first, third and fifth paragraphs, 7.24, first paragraph, 7.25, sixth paragraph, and 7.32, first and second paragraphs. 3. The obligations for employees, mentioned in this Article, are not applicable to pupils and students in educational establishments. **Occupational safety and health regulation** **Art. 1.11 Data occupational diseases** 1. In this Article 'occupational disease' means: a disease or disorder as a result of a load which has mainly occurred during work or occupational safety and health. 2. The notification of an occupational disease, as referred to in Article 9, third paragraph, of the Act, contains at least the following data which cannot be traced back to an individual natural person: a.the diagnosis; b. the sex and the year of birth of the employee; c. the nature and the degree of the load during work or occupational safety and health; d. the nature of the activities at the time of the origin of the occupational disease; e. the profession of the employee at the time of the exposure, and f. the economic activity of the employer at the time of the exposure. 3. The data as referred to in the second paragraph are given in accordance with the instructions of the institute, as referred to in Article 9, third paragraph, of the Act. **Shipping Act, Art. 26e** 1. On board every ship a safety committee will be established. 3. The task of the Safety Committee is o advise the captain on measures to prevent occupational accidents on board.	

12. On-board medical care (Regulation 4.1)

Relevant legislation ↑ Back	Interpretations
12. On-board medical care (Regulation 4.1) **Code of Commerce, Seamen's Decree** **Art.61 : - Sick bay and sick berth** 1. On board each ship with a crew of 15 seamen or more, which undertakes a voyage during which it stays at sea for more than 3 days, there has to be a separate sick bay. This provision does not apply to tug boats and contractor's material. 2. The sick bay shall be located efficiently, and shall be readily accessible. 3. The sick bay shall have such dimensions, that nursing can take place appropriately and that the patients are comfortably accommodated. The patients shall be capable of being brought in and out of the quarters easily. The lighting, ventilation and heating shall comply with the requirements for the quarters as referred to in the Articles 48 through 53. 4. The sick bay shall be provided with sufficient wash facilities with accessories and drainage of waste water. The wash facility has to be provided with hot and cold running freshwater. 5. When the number of crew members, living in cabins for more than one person, is less than 30, the sick bay shall be provided with one sleeping-place. When that number is 30 or over, then the sick bay has to be provided with two sleeping-places, or so much more as is determined in connection with the conditions of the voyage by the Inspector-General of the Inspectorate for Transport, Public Works and Water Management. When there is no sick bay for passengers, the passengers may be admitted in the sick bay and the requirements of this paragraph apply to the seamen and passengers jointly. 6. The sleeping-places may not be located on top of each other. Their design shall at least comply with the requirements as referred to in the eleventh paragraph and as referred to in Article 55, tenth through fifteenth paragraphs. 7. In or in the close proximity of the sick bay there shall be, exclusively for use by patients, a water closet and a bathroom attached to it. These spaces shall be separated from the sick bay. 8. When a doctor is among the crew, an area near the sick bay shall be equipped as pharmacy and dressing room, which shall be separated from the sick bay. 9. The sick bay may not be used for other purposes than nursing or treatment of sick and injured persons. 10. On board all ships which under the first paragraph do not need to be provided with a sick bay, one single night quarter shall be capable of being made available for one sick or injured person, in which the sleeping-place has been equipped as sick berth. When the number of seamen is less than 6, then a sleeping-place in a night quarter equipped as sick berth suffices. 11. The sick berth shall be equipped such, that the sick person	**Interpretation to Regulation Safety Seagoing Vessels, Annex 5, Art. 2 (1), Interpretation to guides:** One of the guides referred to here is: The Ship Captain's Medical Guide (Geneeskundig Handboek voor de Scheepvaart). **Interpretation to Regulation Safety Seagoing Vessels, Annex 5 Art. 2:** For required medicines and medical equipment during the transport of dangerous substances, see the Medical First Aid Guide. **Interpretation to Regulation Safety Seagoing Vessels, Annex 5 Art. 2:** Medicine chests shall be inspected if possible. **Interpretation to Regulation Safety Seagoing Vessels, Annex 5, Art. 6 (2):** The Table in Annex 5 is not included here, since this list must be on board. **Interpretation to Decree seafarers merchant shipping and sailing ships Art. 91 :** Both the Certificate Health Care on Board Ships B and the Certificate Health Care on Board Ships O are equivalent to STCW-Code, Medical Care + Medical First Aid. **Interpretation to Decree seafarers merchant shipping and sailing ships Art. 118 (3):** Proof of fulfilling this requirement is the renewed Certificate Health Care on Board Ships B or the Certificate Health Care on Board Ships O. The Example of a medical form, presented in The Ship Captain's Medical Guide (Geneeskundig

can easily be brought into it and out of it on a mattress, for which purpose the bulkheads shall be removable, if necessary. 12. When someone suffers from a serious or infectious disease, every effort will be made to nurse the sick person apart from all others. **Regulation Safety Seagoing Vessels** **Art. 25 Medical equipment** 1. The medical equipment including its manuals and check-lists prescribed in Annex 5 to this Regulation is available on board of a ship. 2. A Dutch copy of the Medical First Aid Guide for use in accidents involving dangerous goods (MFAG) determined by circular MSC/Circ.857 of the Maritime Safety Committee of the IMO is available on board of a ship carrying dangerous goods as referred to in Chapter VII of the SOLAS Convention. 3. An English copy instead of a Dutch copy of the Guide as referred to in the second clause, is available on board of ships on which the working language as referred to in provision V/14.3 of the SOLAS Convention is not Dutch. **Art. 49 : - Supervision medical equipment** Control medical equipment 1. The master shall ensure that the medical equipment available on board is in good condition and will be replenished or renewed as soon as possible, in any case with priority during the regular supply procedures. 2. In the event of a medical urgency for which the necessary medicines, nursery articles or antidota are not on board, the master is obliged to see to it that these are made available as soon as possible. 3. Every year the master shall inspect the medical equipment available on board of the ship, with due regard for the provisions to that end in Annex 2 to this regulation. **Annex 5 : - Medical supplies** **Art. 2 - Medicines and medical equipment required** 1. The medicines, nursing and dressing material, guides **[Interpretation to guides**] and other supplies required under the tables 1 and 2 are available on board of a ship. Deviating amounts may apply to ships carrying dangerous goods as referred to in Chapter VII, Part A, of the SOLAS Convention and ferries as referred to in Article 3, second paragraph, of Directive 92/29/EEC. These deviating amounts are put in brackets. **Interpretation** 2. The quantities given in columns A to E inclusive apply to vessels having a registered crew of 15 persons or less. For a crew strength of more than 15, the quantities are to be increased by 100% for each implement of 15 persons or a part thereof, with the understanding that the quantities do not need to be exceeded, and in the case of prescription medicines may not be exceeded. 3. At variance with Section 2, the quantities given in Tables 1 and 2 need to be increased by only 50% in the case of crew strengths of 15 to 24 persons inclusive. Where the quantity	Handboek voor de Scheepvaart), page 414, may be used for reporting as required in Standard 4.1 **Interpretation to Decree seafarers merchant shipping and sailing ships Art. 91 :** Both the Certificate Health Care on Board Ships B and the Certificate Health Care on Board Ships O are equivalent to STCW-Code, Medical Care + Medical First Aid. **Interpretation to Decree seafarers merchant shipping and sailing ships Art. 118 (3):** Proof of fulfilling this requirement is the renewed Certificate Health Care on Board Ships B or the Certificate Health Care on Board Ships O.

quoted in the tables is one, this does not need to be increased for crew strengths of 15 to 24 persons. **Art. 3 - Contents of medicine chests on board lifeboats and similar** 1. The medicine chests in lifeboats, life rafts and rescue vessels shall contain the materials detailed in column R of Tables 1 and 2. 2. The quantities mentioned in column R are for 50 persons, except for anti-seasickness remedies, for which per person quantities are given. **Article 4 - Storage of medicines and medical equipment** 1. The medicines and medical equipment referred to in Article 2 are to be kept in appropriate containers or in cupboards or rooms equipped for this purpose. 2. Medical supplies that fall under the Drugs Act (Opiumwet) are to be kept in a safe, the key of which is in the possession of the captain or of the crewmember to whom the captain has delegated responsibility for the use and storage of medical supplies. **Art. 5 - Delivery and packaging of medicines and antidotes** 1. Medicines and antidotes are to be obtained from a pharmacist. This must be stated clearly, for example by a trademark, on the packaging. 2. As far as possible, the number quoted in this annex is to be mentioned on the packaging of each medical item. At the same time, a copy of the inventory shall be kept in the chests, cupboards or rooms referred to in Article 1 of these regulations. 3. On the labels of the various items, the Latin nomenclature is to be used as far as possible alongside the Dutch. The Latin nomenclature shall correspond to that of the World Health Organization. **Art. 6 - Annual inspection of medical supplies and equipment** 1. The annual inspection of medicines and medical equipment shall precede the investigations to which the ship is subject in connection with the necessary certification. The inspection does not involve the medical provisions of life rafts as defined in Article 3. 2. For the inspection, the captain shall compile a checklist comprising the names and codes of all medicines, medical equipment and antidotes that this annex **Interpretation** requires, and shall include on this the quantities dictated and the actual quantities present on board. Where appropriate, the expiry dates of the substances are to be quoted. The checklist also quotes the ship's name, flag and homeport. 3. If the inspection reveals that the ship's medical supplies conform to the requirements of this annex, the captain will sign the checklist and submit it to the Shipping Inspectorate or to the legal body appointed for this purpose under the provisions of Article 23 of these regulations. **Decree seafarers merchant shipping and sailing ships** **Art. 91 Interpretation** 1. For the issue of the Certificate Health Care on Board Ships B, the applicant shall have successfully completed a	

training course, approved by Our Minister, which complies with Directive 92/29/EG (Minimum requirements regarding safety and health for the promotion of a better medical assistance on board ships); this course shall at least include: a. knowledge of the principles of physiology, of disease symptoms and of the therapy; b. elementary knowledge in the field of the preventive health care, including hygiene; c. elementary knowledge of prophylactic measures; d. practical knowledge of elementary medical acts; e. knowledge of patient evacuation methods; f. knowledge of the way in which the means for remote medical consultation must be used. 2. For the issue of a Certificate Health Care on Board Ships O, the applicant shall comply with the provisions of paragraph one, and has completed a practical training in order to acquire practical knowledge of elementary medical acts, as referred to in paragraph one, item d, in the emergency ward of a general hospital during a period to be determined by Decree of Our Minister, or has successfully completed a similar training course which complies with the requirements to be determined by Decree of Our Minister. 3. For the issue of an extension of the period of validity of the Certificate Health Care on Board Ships B, the applicant shall have successfully completed a refresher course, approved by Our Minister, which includes at least the subparagraphs a through f of paragraph one. 4. For the issue of an extension of the period of validity of the Certificate Health Care on Board Ships O, the applicant shall comply with the provisions of paragraph three and has completed a practical refresher training in the emergency ward of a general hospital during a period to be determined by a Decree of Our Minister, or has successfully completed a similar training which complies with the requirements to be determined by Decree of Our Minister. **Article 118** 4. The master and the crew member to whom, under the master's responsibility, the care for the use and management of the medical equipment has been delegated, are in possession of the Certificate Health Care on Board Ships O (unlimited), as referred to in Article 91, paragraph two, or, when a Cargo Ship Safety Certificate or a Passenger Ship Safety Certificate for a restricted sailing area has been issued for the ship which limits it to undertake voyages only in sea area A2, as described in Chapter IV of the SOLAS Convention, of the Certificate Health Care on Board Ships B (limited), as referred to in Article 91, paragraph one. 5. For the purpose of paragraph one, those in possession of the Knowledge Document as a Maritime Officer, Secondary Maritime Officer, Mate-Ship's Engineer Officer Small Ships, Dredger Operator-Mate, Mate, Mate Deep Sea Sailing and Mate Short Sea Sailing and the certificate as a	

third mate foreign trade are considered to be in possession of the Certificate Health Care on Board Ships B. 6. The persons referred to in paragraph one shall attend a further training course as referred to in Article 91, paragraph three, at least once every five years, which also includes a practical training course, referred to in Article 91, paragraph four, for persons on board ships with a Cargo Ship Safety Certificate or a Passenger Ship Safety Certificate for an unlimited navigation zone. 7. By Decree of Our Minister, more specific requirements may be laid down for the execution of this Article. **Article 119** 1. On a ship which proceeds on an international voyage for a duration of more than three days, with a total complement of one hundred persons or more in whatever function employed into the service for the benefit of the ship, including trainees and pilots, a medical doctor shall be present. 2. Contrary to the requirements of Article 118, paragraph one, if paragraph one has been met, the possession of the Certificate Health Care on Board Ships B, referred to in Article 91, paragraph one, will be sufficient for the master. 3. By Decree of Our Minister, with due regard for the provisions of or pursuant to Article 21 of the Act, more specific requirements may be laid down with regard to the qualifications of the medical doctor mentioned in paragraph one. **Article 121** 1. On board a ship that undertakes voyages beyond sea area A1, as described in Chapter IV of the SOLAS Convention, at least one person who can act as an officer in charge of a navigational watch, as referred to in Section A-VIII/2, part one, of the STCW Code, is in possession of a General Operator Certificate Maritime Radio Communication, issued in accordance with the provisions of or pursuant to the Decree Peripheries and Radio Equipment; on of these persons has been designated by the master as the person responsible for the radio communications during emergencies. All other persons who can act as an officer in charge of a navigational watch are in possession of the Restricted Operator Certificate Maritime Radio Communication. 2. On board a ship which solely undertakes voyages in sea area A1, at least one person who can act as an officer in charge of a navigational watch is in possession of the Restricted Operator Certificate Maritime Radio Communication, issued in accordance with the provisions of or pursuant to the Decree Peripheries and Radio Equipment.	

13. On-board complaint procedures (Regulation 5.1.5)

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13. On-board complaint procedures (Regulation 5.1.5) **Seafarers Act** **Art. 69a** 1. On board each ship a complaints procedure is in place, determined by the shipowner, for filing complaints regarding observance of the requirements of art. 48c, para 1, of the Seafarers Act or a suspected violation of the Maritime Labour Convention, 2006. 2. By ministerial regulation, rules will be drawn up for the complaints procedure as mentioned under para 1. 3. Every seafarer shall receive a copy of the complaints procedure on board before the commencement of his activities. **Note** **Regulation Seafarers** **Art. 7.1 Complainant** In this chapter a complainant is: a seafarer, who files a complaint in accordance with the complaint procedure as mentioned in the Seafarers Act, art. 69a, paragraph 1 or the rules as mentioned in the Seafarers Act, art. 69b, paragraph 2. **Art. 7.2 Complaint procedure on board** 1. In a procedure as mentioned in the Seafarers Act, art. 69a as a minimum the following shall be included: a. the persons or persons on board with whom a complaint may be lodged, and complaints may in all cases be lodged with the captain; b. the representative of the shipowner, who is not a member of the crew on board, with whom a complaint may be lodged; c. the contact data to lodge a complaint as mentioned in art. 7.3; d. the name of one or more confidential advisers, who may impartially advise seafarers on the lodging of a complaint and who may assist complainants in going through the complaint procedure and who may help prevent an adverse treatment on account of the complainant having lodges a complaint; and e. the handling procedure of a complaint, in which Guideline B5.1.5, paragraph 2, of the Maritime Labour Convention, 2006, shall be observed. 2. The complaint procedure as mentioned in paragraph 1 puts no limitations on the right of the complainant to: a. be accompanied or represented by a person; b. lodge a complaint at any time directly with the captain, the representative of the shipowner, as mentioned in paragraph 1b, or the competent authority, as mentioned in paragraph 1c; c. lodge complaints about a possible violation of the Maritime Labour Convention, 2006.	**Note:** Social partners have developed a Model on-board complaint procedure in accordance with the MLC, 2006, Guideline B5.1.5 (1). This model may be accepted as fulfilling this requirement. It is available on the website: http://www.ilent.nl/Images/Model%20klachtenprocedure_tcm334-340946.pdf In accordance with the MLC, 2006 (Standard A5.1.5, para 4) contact information of the competent authority in the country of residence of the seafarer shall also be provided. This information is availableon the website: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80001:0::NO. From that date on the Member States of the MLC, 2006, shall have procedures for handling onshore complaints.

14. Payment of wages (Regulation 2.2)

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14. Payment of wages (Regulation 2.2) **Civil Code, Book 7** **Art. 616** The employer shall pay the wages of the employee on the stipulated points in time. **Art. 625** 1. In so far as the stipulated wages or the part that remains after the amount that may be deducted by the employer in accordance with art. 628 and after deduction of the amount that third parties may be entitled to in accordance with art. 633, has not been paid at the utmost on the third working day after the day on which in accordance with art. 623 and 624 (1) payment should have been made, the employee is entitled to a raise on account of delay, if the failure is to be blamed to the employer. This raise amounts to 5 % per day for the 4th up to the 8th working day and 1 % for all next working days, taking into account that this raise under no circumstance shall be more than 50% of the amount due. The judge may limit the amount of the raise to an amount that he deems reasonable taking into account the circumstances. 2. Any deviation from this article shall not disadvantage the employee. **Art. 626** **1.** The employer shall provide the employee with a written account of the monetary wages, the composing parts of these wages, of the deducted amounts, and the wages entitled to a person of the age of the employee during the period over which the wages have been calculated in accordance with or under the Minimum Wages and Minimum Amount of Vacation Pay Act, unless no changes have occurred in these amounts. **Interpretation** **2.** This account stipulates the name of the employer and the employee, the period over which the wages have been calculated and the agreed term of employment. **3.** It is not allowed to deviate from this regulation to the detriment of the employee. **Artikel 631** 1. Any stipulaton that entitles the employer to withhold any amount from the wages on payday is null and void, taking into account the authority of the employee to mandate the employer in writing to make payments from his wages. This mandate can at all times be revoked. 2. Stipulations in which the employee is bound to spend his wages or other income or a part of his wages or other income, and stipulations in which an employee is bound to acquire his necessities at a specified place or from a specified person, are null and void. 3. Paragraphs 1 and 2 do not apply to stipulations, in which the employee is bound to: a) take part in a pension fund as mentioned in art.1 of the Pensions Act, and in accordance with the requirements of that Act; b) contribute to the payment of premiums for an insurance in accordance with the requirements of the Pensions Act; c) take part in any other Fund than mentioned in para a, under	**Interpretation to art. 626, paragraph 1:** 1. The employer does not necessarily have to be the shipowner. See substantial equivalence. 2. The Minimum Wages and Minimum Amount of Vacation Pay Act is not applicable to employment agreements in the maritime sector. In case that the Master is also the owner of the ship, this shall be documented on the Certificate of Registry and it will be accepted as proof that a seafarers employment agreement is not necessary for the Master. This requirement does not apply in that case.

the condition that this Fund fulfills the requirements as mentioned by Decree; d) take part in a savings arrangement for his benefit, other than mentioned in para a-c, under the condition that this arrangement fulfils the requirements as mentioned by Decree. The Fund, mentioned in para c, shall not be the fund which provides the employer or the employee with a payment in relation to the right of the employee to continuation of payment during illness, pregnancy or childbirth, as mentioned in art. 629, 1, or with a payment as mentioned in art. 83 of the Work and Income according to Labour Capacity Act (**Wet werk en inkomen naar arbeidsvermogen)** or as mentioned in art. 75a of the Occupational Disability Act (**Wet op de arbeidsongeschiktheidsverzekering)**. 4. For the fulfllment of the stipulation as mentioned in para 3, the employer may deduct the necessary expenses from the wages of the employee; in that case the employer must pay these expenses for the employee in accordance with that stipulation. 5. Art. 612 is equally applicable to the participation of an underage person in scheme as mentioned in para 3. 6. If the employee, as a consequence of a null and void stipulation as mentioned in para 2, has entered into an agreement with the employer or a third party, he has the right to claim the amount that he has paid from the employer. If he has entered into an agreement with the employer, he may annul this agreement. 7. The judge may limit the requirement of the employer to pay, when awarding a claim of the employee on the grounds of para 6, to such an amount as seems reasonable to him, taking into account the circumstances, but to no more than the amount at which he determines the damage suffered by the employee. 8. A legal claim of the employee based on this article relapses six months after the date on which the right to claim arose. **Art. 706** 1) Payment of the monetary wages, earned while working on a ship shall be: a) in the currency as stipulated in the seafarer's employment agreement; b) in the currency of the place of payment, or; c) through bank payment as specified in Book 6, article 114. 2) If a rate of exchange is applicable, this rate shall be determined as specified in Book 6, art. 124 and 126. **Art. 707** 1. The seafarer may request the employer in writing to pay the wages in part or in full to persons, appointed by the seafarer. If an exchange rate applies, this shall be the rate as in Book 6, art. 124 and 126. 2. The request in writing to end the payments mentioned in (1) shall be made at least one month before the next date of payment. **Art. 708** 1. The seafarer is entitled to payment of the wages, earned during his service on board:	

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a. if it has been specified per period, in each port where the ship calls during the voyage, on condition that seven days have passed since the last payment; b. if it has not been specified per period, at the times determined for payment in the employment agreement or, when this is not specified, by custom or equity. However, payment shall always be made at intervals of not longer than one month. **2.** The payment of the wages, mentioned in (1, a) shall be not later than the day, following the day of arrival in port, but in any case before departure from that port, taking into account that the payments shall not be separated by more than one month **Art. 709** 1) If the seafarer works more hours than the normal hours of work specified by law or the seafarer's employment agreement, the seafarer is entitled to an extra payment, unless the master determines this work necessary for the safety of ship, persons or items on board. The amount of the extra payment is determined in the seafarer's employment agreement or, when this is not specified, by custom or equity. 2) The collective bargaining agreement or regulations by or on behalf of a competent authority may stipulate that a compensation for overtime is included in the wages. 3) The master has all instances of overtime noted in a register. Each note will be signed within one month by the seafarer. **Art. 715** The account as mentioned in art. 626 is furnished every month and stipulates the monetary unit or the exchange rate that deviates from the agreed rate. **The Act on Allocation of Workers by Intermediaries (Waadi), Chapter 3. Placement of workers** **Art. 8 Norm for wages** 1. The person who places workers, shall pay these workers wages and other compensations corresponding to the wages and other compensations for workers in equal or similar functions in the company where placement takes place. 2. Paragraph 1 does not apply if, in a collective bargaining agreement applicable to the service that places the worker or by or under law, the wages and other compensations to be paid by the person who places the workers to the workers, have been determined. 3. Equally paragraph 1 does not apply if a collective bargaining agreement applies to the company to which workers are placed, which stipulates that the employer of the company shall ensure that workers placed in the company will be paid wages and other compensations in accordance with the stipulations of that collective bargaining agreement.	