



IMO MEMBER STATE AUDIT SCHEME
AUDIT OF THE KINGDOM OF THE NETHERLANDS
13 TO 24 MARCH 2023
INTERIM REPORT

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1 Introduction

1.1 The IMO Member State Audit Scheme creates a basis to assess the extent to which a Member State complies with its obligations set out in the various IMO instruments to which it is a Party. In addition, the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) stipulates a number of principles a Member State should adhere to in order for its maritime administration to deliver on its obligations and responsibilities, with respect to maritime safety and protection of the marine environment, and to be capable of improving its performance in the discharge of its duties.

1.2 This report has been drafted in accordance with the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)).

1.3 The audit of the Kingdom of the Netherlands was undertaken from 13 to 24 March 2023, by four auditors drawn from Belgium, Finland, Jamaica and the IMO Secretariat. The scope of the audit included the flag, coastal and port State obligations of the Kingdom of the Netherlands in relation to the mandatory IMO instruments to which it was a Party.

1.4 The audit team was appointed by IMO on 7 December 2022.

1.5 The pre-audit questionnaire (PAQ), and additional pre-audit information (based on the model in annex 3 of document C 125/6/1), as provided by the Kingdom of the Netherlands, were submitted to the audit team on 6 January 2023. The PAQ and additional pre-audit information are major documents for the preparatory work of the audit team prior to the audit.

1.6 The Memorandum of Cooperation (MOC) between the Kingdom of the Netherlands and IMO, concerning participation in the IMO Member State Audit Scheme, was signed on 5 October 2022.

1.7 The detailed audit timetable and programme regarding the audit of the Kingdom of the Netherlands was confirmed on 6 March 2023.

1.8 The opening meeting was held at the Hague on 13 March 2023. Those entities of the State that were involved in the implementation and enforcement of the provisions of the various mandatory IMO instruments and which were represented at the meeting were:

- .1 Kingdom Maritime Administration (KMA);
- .2 Ministry of Infrastructure and Water Management, the Netherlands (I&W);
- .3 Directorate-General for Civil Aviation and Maritime Affairs, the Netherlands (DGLM);
- .4 Administrative and Legal Affairs Department, the Netherlands (HBJZ);
- .5 Human Environment and Transport Inspectorate, the Netherlands (ILT);
- .6 Directorate-General for Public Works and Water Management, the Netherlands (Rijkswaterstaat- RWS);
- .7 Royal Netherlands Meteorological Institute (KNMI), the Netherlands;
- .8 Hydrographic Office of the Royal Netherlands Navy (NLHO), the Netherlands;
- .9 Ministry of Foreign Affairs of the Kingdom of the Netherlands;
- .10 The Netherlands Coast Guard¹ (NLCG);
- .11 Dutch Safety Board (DSB);
- .12 Dutch Telecom Agency¹;
- .13 Public Prosecution Service¹;

¹ Remote participation

- .14 Maritime Police¹;
- .15 KIWA Register¹;
- .16 Dutch Caribbean Coast Guard (DCCG)¹;
- .17 Ministry of Traffic, Transport and Urban Planning, Curaçao (TTUP)¹;
- .18 Maritime Authority Curaçao (MAC)¹;
- .19 Curaçao Port Authority¹;
- .20 Ministry of Tourism, Economic Affairs, Traffic and Telecommunications, Sint Maarten (TEATT)¹;
- .21 Sint Maarten Maritime Administration (SMMA)¹
- .22 Ministry of Integrity, Nature, Transport, and Elderly Care, Aruba (INTE)¹;
- .23 Directorate of Shipping Aruba (DSA)¹;
- .24 Bonaire Harbourmaster Office¹;
- .25 Sint Eustatius Harbourmaster Office¹; and
- .26 Saba Harbourmaster Office¹.

A second opening meeting was held at Willemstad, Curaçao on 20 March 2023. Those entities of the State that are involved in the implementation and enforcement of the provisions of the various mandatory IMO instruments for Curaçao and which were represented at the meeting were:

- .1 Kingdom Maritime Administration (KMA);
- .2 The Ministry of Traffic, Transport and Urban Planning (TTUP);
- .3 Maritime Authority Curaçao (MAC);
- .4 Meteorological Services (MS);
- .5 Ministry of Health, Environment and Nature (HEN);
- .6 Ministry of General Affairs (MGA);
- .7 The Bureau Telecom and Post (BT&P);
- .8 Public Prosecution Service;
- .9 The Dutch Caribbean Coast Guard (DCCG);
- .10 Harbour Master (HM); and
- .11 Curaçao Port Authority (CPA).

1.9 The closing meeting was held on 24 March 2023 at Willemstad, Curaçao.

1.10 The following report provides a detailed account of the findings and the evidence on which the findings are based. Additional information on the findings, along with the corrective actions provided by the State can be found in the appendices to this report.

2 Background

2.1 The current audit of the Kingdom of the Netherlands was undertaken using fully the principles established under the *Framework and Procedures for the IMO Member State Audit Scheme* and the III Code. This report sets out the outcome of this audit in the format adopted under section 7.2 of the Procedures for the Scheme.

3 Members of the Audit Team

- | | | |
|----|-------------------|-------------------|
| .1 | (Belgium) | Audit Team Leader |
| .2 | (Jamaica) | Audit Team Member |
| .3 | (Finland) | Audit Team Member |
| .4 | (IMO Secretariat) | Audit Officer |

4 Involved Officials from the Member State

The officials who facilitated the conduct of the audit are mentioned in the audit programme set out at annex 1 and the lists of participants to the forementioned opening meetings set out at annex 2.

5 Acknowledgement

5.1 The auditors wish to express their considerable thanks to the Ministry of Infrastructure and Water Management, the Ministry of Traffic, Transport and Urban Planning, and other entities of the State for their fullest cooperation during this audit. In particular, thanks are due to the coordinator and Single Point of Contact of the Kingdom of the Netherlands for the IMSAS audit and his team for efforts during the preparation for this audit and for its facilitation.

6 Scope, objectives and activities of the Audit

6.1 The Scope of the audit addressed flag, coastal and port State obligations of the Kingdom of the Netherlands.

6.2 The objectives of the audit were:

- .1 to determine the extent that the Kingdom of the Netherlands met the obligations imposed upon it through its adoption of the following applicable mandatory IMO instruments:
 - .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
 - .2 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
 - .3 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
 - .4 the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);
 - .5 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
 - .6 the International Convention on Load Lines, 1966 (LL 1966);
 - .7 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
 - .8 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
 - .9 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972); and
- .2 the effectiveness of the implementation of these objectives.

6.3 The audit was conducted using the programme set out at annex 1. The methodology used was to establish through a series of visits, interviews, examination of written records and databases, the objective evidence which would determine the extent to which the maritime administration achieved the objectives.

6.4 The Kingdom of the Netherlands consists of four countries, namely Aruba, Curaçao, the Netherlands and Sint Maarten. The countries are located in different regions of the world. The Netherlands is part of Europe, whilst the other countries are located in the Caribbean Region. The Caribbean islands of Bonaire, St Eustatius and Saba, together referred to as BES islands, are islands in the Caribbean that are part of the Netherlands and hold the status of special municipalities. The part of the audit concerning common obligations of Member States (Part 1 of the III Code) included all countries of the Kingdom of the Netherlands. The part of the audit concerning the obligations of Member States as flag, coastal and port States (Parts 2 to 4 of the III Code) included the Netherlands including BES islands and Curaçao.

6.5 The programme followed a process which sought initially to determine the strategy for the implementation of the mandatory IMO instruments, the review processes in place and the arrangements for continual improvement. Following this, an examination of the national legislation in place and which provides the instruments with force of law was undertaken. The processes by which the State develops and makes known its interpretations, policies, and instructions regarding these instruments, as well as the practical implementation of these arrangements were also reviewed.

6.6 Two opening meetings were conducted: the first opening meeting was held on 13 March 2023 in the Netherlands and the second meeting was held on 20 March 2023 in Curaçao, in accordance with the Procedures and the agenda and list of attendees is attached as annex 2. At the closing meeting, in Curaçao, a draft interim report was tabled to assist in focusing discussion and the next steps to be taken.

7 Overview and general maritime activities of the State

General

The Netherlands

7.1 The maritime administration of the Netherlands was divided among 16 entities. Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.2 The primary government entity responsible for the regulation, implementation and enforcement of the mandatory IMO instruments was the Ministry of Infrastructure and Water Management (I&W). I&W was the ministry responsible for transport, aviation, housing policy, public works, spatial planning, land management and water resource management. I&W consisted of the following Directorates-General and agencies:

- .1 Directorate-General for Aviation and Maritime Affairs (DGLM);
- .2 Directorate-General for the Environment and International Affairs;
- .3 Directorate-General for Mobility;
- .4 Directorate-General for Water and Soil Affairs;
- .5 Directorate-General for Public Works and Water Management (Rijkswaterstaat-RWS);
- .6 Human Environment and Transport Inspectorate (ILT);
- .7 Netherlands Environmental Assessment Agency (PBL);
- .8 Royal Dutch Meteorological Institute (KNMI); and
- .9 Administrative and Legal Affairs Department (HBJZ).

7.3 DGLM was responsible for policy development in the fields of maritime affairs and aviation. DGLM comprised of the Maritime Affairs Directorate, Civil Aviation Directorate, and the Dutch Airspace Redesign Programme. The Maritime Affairs Directorate was responsible for and led the development and implementation of policy and legislation related to shipping, inland navigation and ports.

7.4 The Directorate-General for the Environment and International Affairs operated under I&W and was responsible for policy development in the field of clean, safe, healthy and sustainable human environment; air quality; circular economy; sustainability; environmental security and environmental risks. Furthermore, it coordinated most of the international components of I&W policies not directly related to maritime issues.

7.5 Rijkswaterstaat-RWS was the executive agency of I&W responsible for the main road network, waterway network, water systems, and the environment in which they were embedded. Concerning the implementation and enforcement of the mandatory IMO instruments, Rijkswaterstaat-RWS was responsible for Ships' Routeing and Reporting Systems, Aids to Navigation (AtoN), oil pollution response and cleaning operations at sea in general.

7.6 ILT was an independent inspectorate acting under I&W and was responsible for the implementation and enforcement of national legislation concerning transport, infrastructure, the environment and housing. ILT was composed of three main departments dealing with flag State related activities; certification; accident investigations (for taking disciplinary actions and lessons learned); and the enforcement department. Its main functions included statutory certification services for the registration, safe manning and liability issues of seagoing ships, survey and certification of fishing vessels, recognized organization (RO) monitoring, recognition of STCW training and service suppliers, supervision of the handling of dangerous goods, approval of port reception facility plans and flag and port State control (PSC) inspections.

7.7 KNMI was responsible for providing weather forecasts and monitoring weather, climate, air quality and seismic activity. It was also the national research and information centre for meteorology, climate, air quality and seismology.

7.8 HBJZ was responsible for the quality of all legal services for I&W and the Kingdom (where applicable) and functioned as a guardian of sound governance principles and the rule of law. Additionally, HBJZ served as an advisor for the implementation and inspection departments and was working, through inter-ministries coordination, to develop further national policies on (the quality of) legislation. On an international level, HBJZ cooperated with its equivalents in other States on developments in legislative policies.

7.9 DSB was an independent administrative body which operated independently from the Government of the Netherlands. DSB was established under Article 2 of the Kingdom Act and was authorized to conduct investigations in nearly every area and sector. In addition to incidents in the aviation, shipping, railway, chemical and petrochemical industries, DSB would investigate incidents in the construction and health-care sectors, as well as military incidents at the Ministry of Defence. DSB's aim was to improve safety in the Kingdom of the Netherlands through the issuance of recommendations and lessons learned. Its investigations did not address issues of blame or liability.

7.10 NLCG operated under the supervision of the Ministry of Defence and carried out tasks for multiple ministries. NLCGs tasks were divided into three main categories, namely: the provision of service, law enforcement and maritime security tasks. In relation to the implementation and enforcement of the mandatory IMO instruments, NLCG was responsible for providing search and rescue (SAR) services and managing emergency and safety

communication, including the provision of relevant NAVTEX messages. Furthermore, NLGG enforced laws related to maritime traffic, ships equipment, offshore activities and the environment.

7.11 NLHO was responsible for the provision of hydrographic services required by regulation V/9 of SOLAS 1974, by conducting hydrographic surveys and publishing charts and other nautical information. NLHO also provided services to all sea areas of the Kingdom of the Netherlands.

7.12 The Maritime Police operated under the Ministry of Safety and Justice, and was tasked to:

- .1 enforce public order and security;
- .2 prevent infringements;
- .3 protect persons and goods;
- .4 detect criminal offenses;
- .5 monitor compliance with statutory regulations and
- .6 implement the enforcement on COLREG 1972 and MARPOL.

7.13 Other entities participating in the implementation and enforcement of the requirements in the maritime sector, and which carried out their functions mostly under the scope of coastal and port State responsibilities (their role is further explained in the relevant parts of the report - sections nine and ten), were:

- .1 Radio Communications Agency Netherlands;
- .2 Meteorological Services Netherlands;
- .3 KIWA Register;
- .4 Port Authorities;
- .5 Royal Netherlands Sea Rescue Institution (Koninklijke Nederlandse Redding Maatschappij, KNRM); and
- .6 Public Prosecutor Office.

Curaçao

7.14 The maritime administration of Curaçao was divided between four entities namely:

- .1 the Ministry of Traffic, Transport and Urban Planning (TTUP);
- .2 the Ministry of Health, Environment and Nature (HEN);
- .3 the Ministry of General Affairs (GA); and
- .4 the Ministry of Justice.

Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.15. TTUP was responsible for all modes of transport (land, air, and water). In relation to maritime activities, TTUP was also responsible for developing national legislation and policies concerning safety issues and managing their implementation and enforcement.

7.16 The Maritime Authority Curaçao (MAC), which operated under the supervision of TTUP, was the primary entity for implementing the mandatory IMO instruments. MAC was the continuation of the Shipping Inspectorate Netherlands Antilles (SINA), which started as a governmental service company to exercise supervision on local vessels and ships registered in the former Netherlands Antilles and flying the flag of the Kingdom of the Netherlands. MAC provided expert advice to TTUP and was responsible for the ship registry, issuing international and national certificates of competency and endorsements to seafarers, port State control

(PSC) and flag State control (FSC) activities, AtoN, accident investigation and pollution response of Curaçao.

7.17 HEN was responsible for the development of legislation concerning environmental issues and supervising their implementation and enforcement. At the time of the audit, the Government of Curaçao had established a new Environment and Nature Inspectorate to implement and enforce the relevant national environmental legislation.

7.18 GA of Curaçao was responsible for the Kingdom affairs, international and regional affairs, legal affairs and disaster management. The Department of Legislation and Legal Affairs (DWJZ), operated under the supervision of GA of Curaçao, and was responsible for developing national legislation. The Risk Management and Disaster Policy Department (DDR), which also operated under GA, had overall responsibility for the coordination of crisis and disaster management and incidents such as oil pollution.

7.19 BT&P operated under the supervision of TTUP, and was responsible for the issuance of licences and inspections concerning radio equipment onboard ships, and the issuance of certificates to seafarers for the operation of Global Maritime Distress and Safety System (GMDSS) and VHF equipment.

7.20 The Ministry of Justice had the overall responsibility for organizing the justice system and overseeing the public prosecutor. It was also responsible for the Curaçao Fire Department, which was in charge of coordinating and managing responses to disasters.

7.21 DCCG, under the supervision of the Council of Ministers of the Kingdom of the Netherlands and the Ministry of Justice, was responsible for enforcing the relevant national legislation in the territorial waters of Curaçao and providing SAR services under its area of responsibility. DCCG was founded in 1996 as the Coast Guard for the Netherlands Antilles and Aruba.

7.22 The Harbour Master (HM), which operated under the supervision of TTUP, was responsible for vessel traffic control, accessibility to port reception facilities, inspections of port facilities, cargo operations and oil spills within the ports.

Aruba

7.23 The maritime administration of Aruba was divided between four main entities, namely:

- .1 the Ministry of Integrity, Nature, Transport, and Elderly Care (INTE);
- .2 the Ministry of General Affairs, Innovation, Government Organization, Infrastructure and Spatial Planning;
- .3 the Ministry of Justice and Social Affairs (JSA); and
- .4 the Ministry of Economic Affairs, Communication, Sustainable Development.

Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.24 The Directorate of Shipping Aruba (DSA) which operated under INTE was the principal entity in Aruba and responsible for the implementation and enforcement of the mandatory IMO instruments and related national legislation. DSA was also involved in the preparation of legislation concerning the implementation of the mandatory IMO instruments and the formulation of policy proposals. DSA was supported by the Directorate of Nature and Environment (DNM) which also operated under INTE on maritime pollution related issues.

7.25 The Maritime Police under JSA, the Public Prosecutors Office (OM), and DCCG were the entities responsible for enforcing national legislation implementing the mandatory IMO instruments.

Sint Maarten

7.26 The maritime administration of Sint Maarten was divided between three main entities,

- .1 the Ministry of Tourism, Economic Affairs, Traffic and Telecommunications (TEATT);
- .2 the Ministry of General Affairs of Sint Maarten;
- .3 the Ministry of Justice (JUS); and
- .4 the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI).

Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.27 The Sint Maarten Maritime Administration (SMMA) operated under TEATT, and was the principal entity in Sint Maarten responsible for the implementation and enforcement of the mandatory IMO instruments and related national legislation. SMMA was also involved in the preparation of legislation concerning the implementation of the mandatory IMO instruments and the formulation of policy proposals. SMMA was supported by VROMI on maritime pollution related issues.

7.28 The Maritime Police under the Ministry of Justice; the Public Prosecutors Office (OM) and DCCG were the entities responsible for enforcing national legislation implementing the applicable IMO instruments.

Strategy

7.29 The Kingdom of the Netherlands developed an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State were met. At the time of the audit, a strategy entitled “Maritime Strategy 2022-2028 – for giving full and complete effect to IMO instruments – Maritime Administration Kingdom of the Netherlands” (Strategy) version 2, dated 19 March 2022, was in effect. The Strategy was developed in addition to the “Dutch Maritime Strategy (MS) 2015–2025” which was a comprehensive framework for government wide policy for the maritime cluster focused on the economic factors and concerned only the Netherlands.

7.30 The Strategy was developed by KMA, a coordinating body comprised of representatives of the Governments of Aruba, Curaçao, the Netherlands (including the islands of Bonaire, Sint Eustatius and Saba (BES)) and Sint Maarten. KMA was established to coordinate wider matters concerning shipping and to ensure effective cooperation within the Kingdom of the Netherlands. The organization and working principles, including governance of KMA were laid out in the Cooperation Protocol Kingdom Maritime Administration (Protocol) which was approved and published in the State gazette of each country as a legally binding instrument.

7.31 KMA had two dedicated committees: the Maritime Cooperation Commission (MOP), the decision-making body and steering committee; and the “Preparatory Maritime Consultations Platform (voorbereidend Maritiem Overleg Platform)” (vMOP), which acted as an executive and advisory body to MOP. vMOP had integrated the Harbor Master’s meetings which took place twice a year.

7.32 In accordance with the adopted Protocol, the members of MOP were:

- .1 on behalf of Aruba: the director of DSA;
- .2 on behalf of Curaçao: the director of the Policy Organization for Traffic, Transport and Spatial Planning; the sector director for Traffic and Transport of TTUP; and the Head of Shipping Inspectorate Curaçao;
- .3 on behalf of Sint Maarten: the director of the Maritime Affairs Directorate;
- .4 on behalf of the Netherlands: the Director of the Maritime Affairs Directorate and the Chief Inspector of the Dutch Shipping Inspectorate BES and representation of the BES islands; and
- .5 on behalf of the Kingdom of the Netherlands: the (deputy) Director General of Aviation and Maritime Affairs, the SPC and the secretary.

7.33 Furthermore, the Protocol specified that the members of vMOP were:

- .1 on behalf of Aruba: a legal adviser from DSA;
- .2 on behalf of Curaçao: a nautical and a legal adviser of MAC, and a legal adviser of the Policy Organization for TTUP;
- .3 on behalf of Sint Maarten: a policy officer and legal adviser to the Maritime Affairs Directorate;
- .4 on behalf of the Netherlands: a policy officer of DGLM, and the Chief Inspector of the Dutch Shipping Inspectorate BES and representation of the BES islands;
- .5 on behalf of the Kingdom of the Netherlands: the SPC for IMSAS, a legal advisor, Audit Team KMA and the secretary;
- .6 on behalf of the DCCG, as advisor and expert in the field of maritime enforcement: the Head of Law Enforcement and Policy and/or Head of Operations; and
- .7 harbour masters and subject matter experts by invitation.

7.34 The Strategy had the following goals:

- .1 the Kingdom of the Netherlands overall organization structure and governance for effective cooperation within KMA and among all entities involved;
- .2 ratification, implementation and promulgation of the mandatory IMO instruments into legislation;
- .3 effective execution and enforcement of the mandatory IMO instruments including adherence to international recommendations, as appropriate; and
- .4 continuous review and verification of the effectiveness of the State in respect of meeting its international obligations and subjects as outlined in the Protocol.

The above-mentioned goals were monitored through key performance indicators (KPIs) and a clearly structured verification mechanism.

7.35 The Strategy adopted a three-step approach for monitoring, evaluation and improvement. The first step determined the obligations of all entities involved and the extent to which these obligations could be met, given the existing available capacity and funds, and established the baseline for improvement. The second step identified the responsibilities directly related to the requirements of the mandatory IMO instruments, and the third step identified room for improvement. The implementation of the Strategy was monitored by MOP through the multi annual plan, the yearly workplans and the annual evaluation reports.

Legislation

The Netherlands

7.36 The Netherlands used civil law and operated on a monist system. Parliament in cooperation with the Government of the Netherlands, operated jointly to create laws. The authority to make new laws could be delegated to lower governments or specific organs of the State, but only for a prescribed purpose. It was a norm for Parliament and the Government to create “framework laws” and to delegate the creation of detailed rules to ministers or lower governments (e.g. a province or municipality).

7.37 The Netherlands was one of the autonomous countries that formed the Kingdom of the Netherlands. In accordance with Article 3 (1)e of the Charter for the Kingdom of the Netherlands, the Kingdom of the Netherlands had an overall responsibility for issues concerning the nationality of ships and the safety and navigation of sea-going ships. Issues related to the protection of the environment and tonnage measurement was the responsibility of the autonomous countries (Aruba, Curaçao, the Netherlands and Sint Maarten).

7.38 The Ministry of Foreign Affairs had the procedural responsibility for the signing and approval of treaties (acceptance, ratification or accession to IMO conventions or protocols and their amendments). The Ministry of Infrastructure and Water Management had overall responsibility as to their content, however, prior to the signing or approval of an IMO convention or protocol, the Minister of Foreign Affairs had to obtain the approval of the Council of Ministers of the Kingdom.

7.39 Most international treaties required parliamentary approval in accordance with Article 91 of the Constitution of the Kingdom of the Netherlands. However, certain categories of treaties did not require parliamentary approval (such as amendments to technical annexes and appendices to IMO conventions and protocols).

7.40 In cases where a treaty required parliamentary approval, the treaty with an explanatory note, was communicated to the Council of State for their advice. The advice of the Council of State was provided typically within two to three months, and often led to the amendment of the explanatory note. In rare cases, it could lead to a decision to not ratify the treaty in question.

7.41 The text of the treaty in the Dutch language, the explanatory note, the report of the Council of State and the Government’s reaction to that report were communicated to Parliament. Parliamentary approval could be obtained through an express procedure (by an Act of Parliament) or a tacit procedure. The tacit procedure was used if the treaty required implementing legislation or parliamentary discussion.

7.42 In the case of a tacit procedure, a treaty was simultaneously submitted to both Houses of Parliament. If Parliament, within the 30-day period, did not decide that express approval was required, the approval was automatically granted after the 30-day period had elapsed. However, it was possible that during the 30-day period, either one or both Chambers could indicate that it wishes to expressly discuss a treaty. In this case, Parliament’s silence would be broken and the tacit approval procedure became an express procedure (by an Act of Parliament) instead.

7.43 In the case of express procedure, Parliament was required to approve the treaty by law. Thus, a treaty was first submitted to the House of Representatives (also known as the Second Chamber) for approval. Upon approval, the Act was submitted to the Senate (also known as the First Chamber) for approval.

7.44 Amendments to the mandatory IMO instruments were implemented through a standardized legislation process. The type of legal instruments used (law, decree or regulation) depended on the impact of the amendments to the Netherlands. In some cases, national legislation required no amendments due to dynamic referencing used in national legislation (SOLAS 1974, MARPOL, LL 1969 and related mandatory codes). The time needed to enact national legislation depended on the type of legal instruments. Amendments to acts took on average two years. Similarly, amendments to decrees could take up to one year; and to regulations about six months.

7.45 All legal instruments were published in overheid.nl via the “Staatsblad” (State Journal containing formal laws and Royal Decrees), the “Staatscourant” (State Gazette, containing Ministerial Decrees and texts) and the “Tractatenblad” (Treaties Bulletin, containing Treaties concluded with other States or international organizations and decisions of international organizations).

7.46 The process of enacting a law or regulation in the Netherlands was thorough and involved multiple stages of consultation, discussion, and voting in both the lower and upper Houses of Parliament. The process was designed to ensure that proposed laws and regulations were thoroughly scrutinized and had the support of the majority of parliamentarians before they become law.

7.47 The process for enacting legislation that required the approval of Parliament was as follows:

- .1 proposal: the process of enacting a law or regulation started with a proposal, which could be initiated by various actors, including the Government, members of Parliament or citizens. The proposal can be for a new law or an amendment to an existing one;
- .2 consultation: once the proposal was formulated, it underwent a consultation process in which stakeholders, such as interested groups, businesses, and citizens were invited to provide feedback on the proposal. The Government considered the feedback and made adjustments to the proposal if necessary;
- .3 drafting: after the consultation process, the proposal was drafted into a bill proposing a law or regulation;
- .4 introduction: the bill was then introduced to the House of Representatives, which was the lower house of the Dutch Parliament. The bill was discussed in the House of Representatives, and members of Parliament could propose amendments to the bill;
- .5 voting: once the bill was discussed and amended, it was put to a vote in the House of Representatives. If the majority of the members of Parliament voted in favour of the bill, it was passed to the Senate;
- .6 Senate: the Senate was the upper house of the Dutch Parliament. The bill was again discussed and amended in the Senate, and if the majority of senators voted in favour of the bill, it was passed back to the House of Representatives;
- .7 Royal Assent: once both houses had approved the bill, it was sent to the monarch for royal assent. When royal assent was granted, the bill became law; and

- .8 publication: once the bill became law, it was published in the Government Gazette, which was an official publication of the Dutch Government. The law came into force on the date specified in the law itself.

7.48 BES islands were special municipalities of the Netherlands and, as such, they were subject to Dutch law, and were represented in the Dutch Parliament by a Member of Parliament. However, there were some laws and regulations that applied specifically to these islands, such as the BES Maritime Management Act. These laws took into account the specific circumstances and needs of the islands. Furthermore, the islands had their own Island Councils, which were responsible for local governance and had a certain extent of power to enact local laws and regulations. However, Island Councils were subject to oversight by the Government of the Netherlands. Matters related to SOLAS 1974 and LL 1966 were regulated by the Kingdom of the Netherlands, but other mandatory IMO instruments were regulated by specific laws applicable only to BES islands.

Curaçao

7.49 As indicated in paragraph 7.37, matters concerning the nationality, safety and navigation of ships were regulated by the Kingdom of the Netherlands, whilst issues regarding the protection of the environment were regulated at the national level. Thus, the mandatory IMO instruments covering those subject matters regulated by the Kingdom of the Netherlands automatically applied to Curaçao. The Government of Curaçao was responsible after a relevant publication had been made in the Dutch Treaty Series to enact applicable national legislation, if required.

7.50 Regarding the mandatory IMO instruments not regulated by the Kingdom of the Netherlands, the Government of Curaçao would decide whether the mandatory IMO instruments should be applied to Curaçao. GA of Curaçao would make relevant recommendations to the Cabinet of Ministers of Curaçao, for them to decide. If the decisions of the Cabinet of Ministers of Curaçao were favourable, the Kingdom of the Netherlands would convey relevant communications to IMO. The Government of Curaçao was responsible for enacting applicable national legislation (ordinances).

7.51 Curaçao's national legislation for implementing the mandatory IMO instruments used "dynamic reference". Thus, when amendments to the mandatory IMO instruments were adopted, the relevant entity reviewed the changes and established actions required to align national legislation with the mandatory IMO instruments. The Government of Curaçao was responsible for reviewing the changes and establishing actions to be taken, if any, for bringing national legislation in line with the mandatory IMO instruments.

7.52 As indicated above, IMO conventions and protocols were incorporated into Curaçao national law through ordinances. The process for enacting ordinances was as follows:

- .1 the Policy Department of TTUP, in cooperation with MAC or the Policy Department of HEN, if it was an environmental issue not directly related to ships, drafted a national ordinance (bill) and communicated it to the Minister of TTUP, who presented it to the Council of Ministers for approval by the Legislation and Legal Affairs Department (DWJZ) of GA of Curaçao;
- .2 if the Council of Ministers supported the proposal, the draft national ordinance was communicated to DWJZ for legal vetting. If the Council of Ministers did not support the proposal, the draft national ordinance was transmitted back to the ministry for amendments and possible re-submission;

- .3 once supported by the Council of Ministers, DWJZ examined and edited the draft national ordinance, as appropriate and prepared a submission to the Ministry of Finance for approval of the financial paragraph of the proposal;
- .4 after receiving the approval of the Ministry of Finance, DWJZ presented the proposal to the advisory bodies or return it to DWJZ for review and amendments;
- .5 the advisory bodies, the Social Economic Council and the Council of Advice gave their opinion and recommendations on the proposal. DWJZ communicates this to the Ministry of TTUP for debate, incorporation (or motivated rejection) and amendment of the proposal. DWJZ would then present the adapted proposal to the Council of Ministers with an advice to present the proposal to Parliament.
- .6 the Cabinet of Ministers reviewed the draft national ordinance and decided whether to communicate it to Parliament or to return it for review and amendments;
- .7 upon communication, the Parliament of Curaçao debated the proposal and voted on the proposed amendments and the final draft ordinance. If approved, the draft national ordinance was communicated to GA of Curaçao for promulgation. Otherwise, the draft national ordinance was returned for review and amendment, as appropriate; and
- .8 GA of Curaçao promulgated the ordinance in the National Gazette.

Aruba

7.53 As indicated in paragraph 7.37, matters concerning the nationality, safety and navigation of ships were regulated by the Kingdom of the Netherlands, whilst issues regarding the protection of the environment were regulated at the national level. Thus, the mandatory IMO instruments regulated by the Kingdom of the Netherlands were automatically applied to Aruba. After an applicable national legislation had been published in the Dutch Treaty Series, the Government of Aruba was responsible for enacting them, if required.

7.54 Regarding the mandatory IMO instruments not regulated by the Kingdom of the Netherlands, it was the Government of Aruba to decide whether they would apply to Aruba. In such cases, the Ministry of General Affairs, Innovation, Government Organization, Infrastructure and Spatial Planning would make a relevant recommendation to the Cabinet of Ministers of Aruba (CM), which was responsible for making the decision. If the decision of CM was favourable, the Kingdom of the Netherlands was responsible for communicating the information to IMO, while the Government of Aruba was responsible for enacting applicable national legislation (ordinances).

7.55 Aruba's national legislation for implementing the mandatory IMO instruments used "dynamic reference" when amendments to the mandatory IMO instruments were adopted, DSA reviewed the changes and established any necessary actions to be taken to bring national legislation in line with the mandatory IMO instruments.

7.56 As indicated above, IMO conventions and protocols were incorporated into Aruba national law by ordinances. Ordinances were decrees that generally contained binding regulations, taken jointly by the Government and Parliament, by a procedure described in the constitution of Aruba.

7.57 The process for enacting ordinances was as follows:

- .1 at the request of a minister, a draft national ordinance (bill) was drawn by government officials and communicated to CM;
- .2 once supported, the draft national ordinance was forwarded to the Advisory Council (AC) for review and advice;
- .3 AC commented on the proposal and communicated its comments to the respective minister;
- .4 the minister responded to 'AC's comments and adjusted the proposal accordingly;
- .5 AC communicated the draft national ordinance to Parliament;
- .6 a parliamentary committee reviewed the draft national ordinance and provided comments to the respective minister;
- .7 the minister responded to the queries of the parliamentary committee and amended the proposal accordingly;
- .8 Parliament discussed the draft national ordinance before a public hearing;
- .9 Parliament debated the proposal and voted on the proposed amendments and the final draft national ordinance;
- .10 the final draft national ordinance was communicated to the governor and the relevant minister for signature
- .11 the Minister of General Affairs, Innovation, Government Organization, Infrastructure and Spatial Planning was responsible for ensuring that the law was published in the National Gazette of Aruba; and
- .12 the law entered into force on the date specified by the ordinance.

7.58 An ordinance may provide for ministerial regulations. Ministerial regulations were developed by the Government of Aruba and were not required to be approved by Parliament.

Sint Maarten

7.59 As indicated above, matters concerning the nationality, safety and navigation of ships were regulated by the Kingdom of the Netherlands whilst issues regarding the protection of the environment were regulated at the national level. Thus, the mandatory IMO instruments regulated by the Kingdom of the Netherlands automatically applied to Sint Maarten. The Government of Sint Maarten was responsible, if required, to enact applicable national legislation after it had been published in the Dutch Treaty Series.

7.60 Regarding the mandatory IMO instruments not regulated by the Kingdom of the Netherlands, it was the responsibility of the Government of Sint Maarten to decide if they would apply to Sint Maarten. In such cases, the Ministry of General Affairs of Sint Maarten would make a relevant recommendation to the Cabinet of Ministers, which was responsible for making the decision. If the decision of the Cabinet was favourable, the Kingdom of the Netherlands was responsible for making the relevant communication to IMO, while the

Government of Sint Maarten was responsible for enacting applicable national legislation (ordinances).

7.61 Pursuant to Article 60(b) of the Charter for the Kingdom of the Netherlands, which entered into force on 16 September 2010, the draft ordinances that have been enacted by the Island Council of Sint Maarten prior to the constitutional reform, gained the status of national ordinances on 10 October 2010.

7.62 SMMA was responsible for reviewing the changes and establishing actions to be taken, if any, for bringing the national legislation in line with the mandatory IMO instruments.

7.63 As indicated above, IMO conventions and protocols were incorporated into Sint Maarten national law by ordinances. The process for enacting ordinances was as follows:

- .1 a draft national ordinance (bill) was drawn by the Policy Department of TEATT, in cooperation with SMMA or the Policy Department of VROMI for cases relevant to the environment, and communicated to an appointed commission, if established;
- .2 if the commission supported the proposal, the draft national ordinance was communicated to the Legal Affairs Department of the Ministry of General Affairs of Sint Maarten. If the commission did not support the proposal, the draft national ordinance was transmitted back to TEATT for amendments and possible re-submission;
- .3 the Legal Affairs Department of the Ministry of General Affairs examined and edited the draft national ordinance as appropriate;
- .4 the Minister of TEATT would review the draft national ordinance and decide if the ordinance was to be communicated to the Council of Ministers or to be returned for further review and amendments;
- .5 once the draft national ordinance reached the Cabinet of Ministers, the minister would review and decide either to communicate it to the Advisory Council or to return it for review and amendments;
- .6 the Advisory Council would review the draft national ordinance taking into consideration external comments and advice. If the Advisory Council agreed with the proposal, it would be forwarded, via the Governor, to the, Legal Affairs Department of the Ministry of General Affairs. The Legal Affairs Department would then communicate the draft national ordinance to Parliament;
- .7 Parliament would debate the proposal and vote on proposed amendments and the final draft ordinance. If the majority of parliamentarians voted in favour of the final draft ordinance, it would then be communicated to the Ministry of General Affairs for legal vetting. If there was not a majority vote, the draft national ordinance was returned for review and amendment, as appropriate;
- .8 following the legal vetting by the Legal Affairs Department of the Ministry of General Affairs, the draft national ordinance was communicated back to Parliament for a final examination. Once Parliament was satisfied, the law was communicated to the Ministry of General Affairs for promulgation;
- .9 the Ministry of General Affairs promulgated the ordinance in the National Gazette.

7.64 At the time of the audit, the Kingdom of the Netherlands had a mechanism in place to monitor amendments to the mandatory IMO instruments that had already entered into force, as well as any future amendments. However, not all amendments to the applicable mandatory IMO instruments had been implemented and enforced through the issuance of legislation in all autonomous countries. **(See FD-1)**

Records and improvement

7.65 The various government entities involved in the implementation and enforcement of the mandatory IMO instruments in the Netherlands maintained their records in accordance with the Archive Act (Archiefwet 1995). Additionally, entities such as ILT and KNMI maintained quality management systems (QMS) which included a documented procedure for the identification, storage, protection, retrieval, retention time and disposition of records.

7.66 With regard to Curaçao, the various government entities involved in the implementation and enforcement of the mandatory IMO instruments maintained their records in accordance with the Archive National Ordinance (OJ 2008, No. 7).

7.67 At the time of the audit, the Governments of Aruba and Sint Maarten were at different stages of developing national legislation covering record keeping and maintenance of archives. The entities involved in the implementation and enforcement of the mandatory IMO instruments in these countries had not implemented a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. **(See FD-3)**

7.68 The Kingdom of the Netherlands had a mechanism in place to communicate mandatory information to IMO, and responsibilities had been assigned to individuals to communicate information. However, there was evidence to indicate that some required information had not been transmitted to the Organization. **(See FD-2)**

7.69 The Kingdom of the Netherlands had implemented several initiatives to improve the adequacy of measures taken to give effect to the applicable mandatory IMO instruments through KMA. It was noted that some entities maintained QMS certified under the ISO 9001 standards for their operations. Additionally, in the Netherlands, several initiatives were implemented, such as the “Werkprogramma Maritime Strategy” and the “Green Deal”, which focused on environment and sustainability; the “Havennota”, which focused on maritime safety and security; and the “Goederenvervoeragenda” which focused on logistics and economics and digitalisation of the logistic process.

7.70 Findings (FD)

- .1 The provisions of amendments to the mandatory IMO instruments had not been consistently implemented and enforced through appropriate national legislation in Aruba, Curaçao, Sint Maarten and the special municipalities of Bonaire, St Eustatius and Saba. Additionally, the pollution prevention ordinance of Curaçao did not accurately reflect the requirements of MARPOL concerning the application of MARPOL to ships of non-Parties to ensure that no more favourable treatment was given to such ships. Additionally, Curaçao did not fully reflect the requirements of the IMDG Code, as amended in its national legislation. (SOLAS 1974, article I; MARPOL, article 1; MARPOL, article 5(4); STCW 1978, article I; III Code, paragraph 8). See Form A, FD-1**

Corrective action

Root cause

FD

- .2 The Kingdom of the Netherlands had not communicated all information to IMO as required by the relevant IMO instruments to which it was a Party, including the communication to IMO of the independent evaluation report for the maritime administration of Curaçao as required by STCW 1978, regulation I/8 (SOLAS 1974, article III; MARPOL, article 11; MARPOL, Annex VI, regulation 18.9.6; LL 1966, article 26; TONNAGE 1969, article 15; STCW Code, section A-I/7, paragraph 3.3; STCW 1978, regulation I/8.3; III Code, paragraph 9). See Form A, FD-2**

Corrective action

Root cause

FD

- .3 The relevant entities of Aruba and Sint Maarten did not have a documented procedure in place to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10). See Form A, FD-3**

Corrective action

Root cause

7.71 Observations

None.

8 Flag State activities

8.1 In the Kingdom of the Netherlands, ships were registered in the Netherlands flying the flag of the Government of the Netherlands or registered in Curaçao flying the flag of the Government of Curaçao.

The Netherlands

8.2 In the Netherlands, the Human Environment and Transport Inspectorate (ILT), under the Minister of Infrastructure and Water Management (I&W), was primarily responsible for implementing and enforcing the mandatory IMO instruments relating to flag State activities. ILT was composed of three main departments dealing with flag State related activities. Namely Surveillance Safe Mobility; the Surveillance Chains Hazardous Substances and Organisms Department; and the Surveillance Public Institutions Departments. Different departments were individually tasked for certification, investigation and enforcement activities, respectively.

8.3 The predecessor of ILT was established by the Ships Act in 1909. ILT received its current mandate from several shipping laws such as the Pollution Prevention Act, the Port State Control Act and the Act on Ships Equipment.

8.4 The main responsibilities of ILT included:

- .1 flag State control;
- .2 keeping the ships register;
- .3 delegation of authority to, and monitoring of recognized organizations (ROs)
- .4 approval of exemption requests;
- .5 safe manning of ships;
- .6 investigation of marine incidents (for disciplinary sanctions);
- .7 tonnage measurement of certain ships;
- .8 certification services for fishing and certain ILT-classed vessels;
- .9 development, in close cooperation with the Policy Department, of policies and administrative instructions; and
- .10 issuance of liability certificates.

8.5 Requirements concerning ship safety, construction, equipment and ship surveys emanating from SOLAS 1974, LL 1966 and COLREG 1972 were regulated through the Kingdom Ships Act (Schepenwet). Surveys and certifications related to MARPOL were regulated through the Act on the Prevention of Pollution from Ships (Wet voorkoming verontreiniging door schepen), while tonnage measurements and relevant certification were regulated through the Tonnage Certificate Act (Meetbrievenwet).

8.6 At the time of the audit, the fleet flying the flag of the Government of the Netherlands was composed of 1,409 ships, of which 967 were subject to the SOLAS 1974 Convention. Ship types included, among others, general cargo ships, passenger ships, roll-on/roll-off ships, tankers, bulk carriers, dredgers, tugs, pontoons, supply and fishing vessels.

Curaçao

8.7 In Curaçao, the Maritime Authority Curaçao (MAC) was primarily responsible for implementing and enforcing the mandatory instruments relating to flag State activities. MAC was composed of two main divisions: the Manning and Registration Department and the Expertise and Measurement Department.

8.8 Shipping Inspection was established by National Decree of 30 March 1998, concerning the formalization of the Shipping Inspectorate Netherlands Antilles (SINA), and its responsibilities were placed within MAC.

8.9 The responsibilities of MAC included, among others, maintaining the ships and seafarers registers (including endorsements) and carrying out pre-investigations of marine accidents and incidents. Whilst most statutory certificates and surveys were delegated to ROs, MAC issued safe manning documents and continuous synopsis records.

8.10 At the time of the audit, Curaçao counted a fleet of 36 ships in total of which 27 were subject to the SOLAS 1974 Convention. The majority of these ships were reefers.

Implementation

8.11 The legal basis for the implementation of SOLAS 1974, COLREG 1972 and LL 1966 was defined at Kingdom level. Further regulations and organization of the statutory activities were dealt with on a country level. For MARPOL, the legal basis, further regulation and organization were defined at country level. However, in Curaçao, national legislation to assist in the implementation and enforcement of the applicable IMO instruments was found incomplete, as an example, no national legislation was available with regard to the requirements and approval of safety equipment onboard ships flying the flag of Curaçao. **(See related FD-1)**

The Netherlands

8.12 Within the Netherlands, ILT was the entity responsible for the implementation and enforcement of the mandatory instruments relating to flag State activities. ILT delegated, to a large extent, activities related to the surveys and certification of ships to ROs and the KIWA Register for activities related to the STCW 1978 Convention.

8.13 Safe manning provisions were regulated through the Seafarers Act (Wet zeevarenden). For ships flying the flag of the Government of the Netherlands, ILT assessed manning proposals submitted by the ship owners and issued minimum safe manning documents.

8.14 Whereas preparatory work could be carried out by ROs, requests for exemptions and equivalent arrangements required ILT approval.

8.15 Through the implementation of the European Union Maritime Equipment Directive 2014/90/EU, there was evidence to demonstrate that the ship's equipment met the performance and testing standards stemming from the mandatory IMO instruments. Six notified bodies had been accredited by the Dutch National Accreditation Board for this purpose. The Dutch Authority for Digital Infrastructure was responsible for the type approval of radio equipment placed onboard ships flying the flag of the Netherlands.

8.16 At the time of the audit, the Netherlands had put in place an audit and inspection programme which consisted of an ISO certification for all flag State related activities and a flag State supervision system and tool, named e-Flag. The supervision system included documentary checks, surveys and audits, carried out by the department responsible for flag State control, which was independent from the department issuing safe manning documents and exemptions.

8.17 For those requirements stemming from the mandatory IMO instruments that were left "to the satisfaction of the Administration", the Netherlands had a four-tiered approach, which included interpretations given in IMO circulars and IACS guidelines. For the remaining provisions, certain interpretations had been provided through an Information to Shipping (ItoS) published on the Netherlands Regulatory Framework (NeRF). However, at the time of the audit, it was established that not all interpretations left "to the satisfaction of the Administration" have been addressed. **(See FD-4)**

8.18 STCW related flag State activities in the Netherlands were regulated through the Seafarers Act, Seafarers Decree and Seafarers Regulation.

Curaçao

8.19 MAC was the entity responsible for the implementation and enforcement of the mandatory IMO instruments relating to flag State activities. MAC had, to a large extent, delegated activities related to the surveys and certification of ships to ROs.

8.20 MAC issued safe manning documents, the continuous synopsis records, as well as exemptions. Safe manning requirements were regulated through the flag of the Government of Curaçao. MAC assessed manning proposals submitted by the ship owners and issued minimum safe manning documents. However, Curaçao did not have an independent audit and inspection programme in place for those certificates issued by the flag State. (see FD-8)

8.21 For those requirements stemming from the mandatory IMO instruments that were left "to the satisfaction of the Administration", Curaçao applied a four-tiered approach as set out in the Netherlands. Certain interpretations had been given through Notices to Shipping (NTS)

published on MAC's website. In case new interpretations had been issued by the Netherlands, Curaçao would follow suit and publish the same. However, at the time of the audit, it was established that not all relevant interpretations left "to the satisfaction of the Administration" have been addressed. **(See FD-4)**

8.22 Curaçao only issued endorsements attesting to the recognition of certificates of competency issued by other Parties to the STCW 1978 Convention. The relevant entities of Curaçao did not issue certificates of competency. Curaçao concluded Memoranda of Understanding (MoUs) with a number of countries, partly through MoUs concluded by the Netherlands, which were extended to Curaçao. An independent evaluation pursuant to regulation I/8 of the STCW Code for Curaçao was not carried out or communicated to IMO. **(See related FD-2)**

8.23 At the time of the audit, there was evidence to demonstrate that the Administration of Curaçao had not taken measures to establish and enforce national policies and requirements related to fitness for duty and watchkeeping arrangements, fatigue prevention and rest periods, and prevention of drug and alcohol abuse. **(See FD-7)**

Delegation of authority

8.24 The legal basis for the delegation of authority was stipulated in Article 6 of the Ships Act and Article 30 of the Act on the Prevention of Pollution from Ships. The requirements for an RO to be authorized were regulated at the Kingdom level. However, the conclusion of agreements with ROs and the oversight of ROs were dealt with at the country level.

The Netherlands

8.25 The Netherlands authorized the following ROs to carry out statutory activities on their behalf:

- .1 American Bureau of Shipping (ABS);
- .2 Bureau Veritas (BV);
- .3 DNV;
- .4 Lloyd's Register (LR);
- .5 Nippon Kaiji Kyokai (ClassNK);
- .6 RINA Services S.p.A (RINA); and
- .7 Indian Register of Shipping (IRCLASS).

8.26 Formal written agreements between the Netherlands and ROs, dated 3 April 2014, were in place. The abovementioned agreements were updated through a standard letter on 20 September 2018.

8.27 The Netherlands only authorized ROs that were recognized and monitored by the European Commission. The oversight programme of the Netherlands was revised, and a new programme for the period 2022 to 2027 was adopted. The programme included, among others, audits of RO offices in the Netherlands and "reality checks" on board ships flying the flag of the Netherlands. Some audits and reality checks of certain ROs were carried out between 2018 and 2019. However, at the time of the audit, no audits or reality checks had been carried out from 2020 till the end of February 2023. **(See FD-6)**

Curaçao

8.28 Curaçao recognized the following ROs to carry out statutory activities on its behalf:

- .1 American Bureau of Shipping (ABS)

- .2 Bureau Veritas (BV)
- .3 DNV
- .4 Lloyd's Register (LR);
- .5 Nippon Kaiji Kyokai (ClassNK); and
- .6 RINA Services S.p.A (RINA).

8.29 At the time of the audit, formal written agreements between Curaçao and ROs were in place. The RO office in the Netherlands was the focal point for Curaçao.

8.30 Curaçao had developed a programme for monitoring ROs, however, it was stated during the audit that, due to lack of resources, the programme was not systematically implemented. The last supplementary survey was carried out in 2020. **(See FD-6)**

Enforcement

8.31 The legal basis for enforcing SOLAS 1974, COLREG 1972 and LL 1966 was defined at the Kingdom level. Further regulations and organization of the statutory enforcement activities were dealt with at the country level. For MARPOL, the legal basis and statutory activities related to enforcing the mandatory IMO instruments were regulated and organized at the country level.

The Netherlands

8.32 For ships flying the flag of the Government of the Netherlands, ILT was the entity responsible for its enforcement and at the time of the audit, had put in place a flag State supervision system with an information-driven and risk-based planning tool, named e-Flag. Supervision comprised of digital inspections, different types of physical inspections, as well as company and ship audits.

8.33 As per the provisions in the relevant acts, ILT inspectors were authorized to detain a ship found unfit to proceed to sea. Furthermore, the agreement with ROs stipulated actions to be taken by ROs if a ship was found unfit to proceed to sea, including communication with ILT for the withdrawal of certificates and the necessary measures to be taken for a ship to proceed to a port for repair.

8.34 In the case of a port State control (PSC) detention of a ship flying the flag of the Government of the Netherlands, supervision of the ship was strengthened through an adjusted risk profile, which would incur an investigation to be carried out on the detention, which could take place after the ship had been released. However, ILT did not oversee that appropriate corrective measures were taken to bring the ship into immediate compliance. **(See FD-5)**

8.35 ILT conducted investigations and reported to the Public Prosecutor's Office for further proceedings. Furthermore, police officers had the authority to investigate violations, incidents, and accidents and provisions for fines and penalties were included in the relevant acts.

Curaçao

8.36 For ships flying the flag of the Government of Curaçao, MAC was responsible for enforcing the applicable requirements emanating from national legislation. MAC developed a programme for monitoring these ships, however, the programme was not systematically implemented due to a lack of resources. The last reality check carried out under the programme on board a ship was in 2018, and the last additional company audit was conducted in 2019. **(See FD-8)**

8.37 In accordance with the provisions in the relevant acts and the pollution prevention ordinance, MAC inspectors were authorized to detain a ship found unfit to proceed to sea. Furthermore, agreements with ROs stipulated the actions to be taken by ROs in the event that a ship was found unfit to proceed to sea, which included communication with MAC for the withdrawal of certificates and for the necessary measures to be taken for a ship to proceed to a port for repair.

8.38 The relevant acts and ordinances provided for fines, penalties and disciplinary measures to be taken by the Government of Curaçao. The level of the fines was updated by the ordinance on the new Penal Code. Investigations could be carried out by MAC, DCCG and the Harbour Safety Inspectors and reported to the public prosecutor for further proceedings.

Flag State surveyors

8.39 The recruitment, qualifications and training processes were handled at the individual country level.

The Netherlands

8.40 In the Netherlands, all statutory surveys were delegated to ROs. Thus, the majority of flag State activities were related to implementation and enforcement inspections. The recruitment of flag State inspectors was in line with the recommendations of the III Code. Furthermore, as most flag State inspectors were also performing port State control (PSC) inspections, the criteria for port State control officers (PSCOs) were observed, which were defined by the Paris MoU for inspectors based in the Netherlands and by the Caribbean MoU for inspectors based in the BES islands.

8.41 Recruits were enrolled in a one-year training programme, which included online and in-person learning programmes, as well as field training by accompanying senior colleagues. The training programme was tailor made, taking into account former experiences and education, and ended with an assessment before obtaining the qualifications of an inspector.

8.42 The training needs for continuously updating the inspectors' knowledge included explanatory guidance notes on new items to be inspected ("What's cooking") and training courses. Further training needs could also be identified as part of the yearly evaluations.

8.43 At the time of the audit, ILT had one dedicated flag State inspector. All the other inspectors were engaged in both flag State and PSC inspections. All inspectors were equipped with an identification document.

8.44 The mandates of ILT and inspectors were defined in the relevant acts. Further specifications were provided in the instructions.

Curaçao

8.45 For Curaçao, the recruitment of flag State surveyors was performed based on criteria issued by the Policy on Recruitment Document, which defined the procedure for hiring government employees. MAC and the HRM Department of TTUP then published the position with the specific qualification requirements, which were in accordance with the recommendations of the III Code. Recruited flag State surveyors received practical familiarization and on the job training, however, while the existence of a structured training programme for recruits was observed during the audit, it was noted that it was not in use at the time of the audit. **(See FD-9)**

8.46 During the audit, it was verified that flag State surveyors were issued an identification document (ID) card to carry when performing their tasks.

8.47 At the time of the audit, the Administration of Curaçao only had one flag State surveyor. During the audit, it was stated that the Administration of Curaçao faced challenges in maintaining adequate numbers of surveyors to discharge its obligations under the mandatory IMO instruments due to limited financial resources and that the Government of Curaçao approved the employment of two additional flag State surveyors in 2017, but the recruitment was delayed due to budgetary restrictions. It was further stated that the recruitment process for the two additional surveyors was progressing and that the process was expected to be finalized a few months after the audit.

8.48 Updating and refresher training courses for surveyors were provided through CMOU, IMO (via the Regional Maritime Safety Advisor) and were based on needs evaluated annually and submitted to the organizations. Training was also sourced through the US Coast Guard, Regional Marine Pollution Emergency, Information and Training Centre – Caribe (RAC/REMPEITC-Caribe) (for MARPOL in general, particularly waste reception facilities), EMSA (RO auditing and IMSAS), as well as ROs.

8.49 It was stated that evaluation and assessments of individual training needs were also carried out, however, there were challenges regarding the funding of the training programme planned by MAC. During the audit, it was evidenced that the training programme was not documented and that personnel files had not been updated to reflect the requisite training. **(See FD-9)**

8.50 Additionally, during the audit, it was stated that the flag State surveyor also carried out PSC inspections when deemed essential due to the resignation of a PSCO in mid-2022.

Evaluation and review

The Netherlands

8.51 Within the Netherlands, ILT maintained a QMS in accordance with ISO 9001 standards for all flag State related activities and was also subject to the programme of mock audits within the structure of the Maritime Administration of the Kingdom of the Netherlands (KMA) in order to evaluate its performance. As a result of the mock audit in 2020, a new flag State supervision system was developed and implemented, which included various performance indicators for flag State evaluation.

Curaçao

8.52 Curaçao was also subject to the programme of mock audits within the structure of KMA. However, there was no evidence to indicate that the flag State conducted an evaluation and review of its performance using the criteria and performance indicators, in accordance with the III Code to determine that staffing, resources and administrative procedures were adequate. **(See FD-13)**

Investigation of maritime accidents

8.53 The Dutch Safety Board (DSB) was established in 2004 by the Kingdom Act and was authorized to investigate marine accidents and casualties of ships flying the flags of the Governments of the Netherlands and Curaçao, subject to an agreement with the maritime administration of Curaçao, in any waters, as well as of foreign ships in waters under the jurisdiction of the Netherlands and the Caribbean.

The Netherlands

8.54 For the Netherlands, a decree stipulated further obligations for investigations to be carried out onboard ships flying the flag of the Government of the Netherlands and in the waters under its jurisdiction. Those investigations were carried out taking into account the Casualty Investigation Code.

8.55 At the time of the audit, DSB had five investigators with a maritime background. Investigators with more general backgrounds could also be involved, if needed, and additional experts were hired for support in specific areas. Investigators and hired experts had to undergo a background screening to ascertain their impartiality and objectivity.

8.54 DSB investigated all very serious accidents and serious personal injuries (necessitating absence from duty of three days or more) and published the results to the public in the Shipping Occurrences Report. Investigations of very serious accidents were reported to IMO through the European Marine Casualty Information Platform (EMCIP).

Curaçao

8.56 In Curaçao, in accordance with the Regulation Institution of the Commission of Investigation, 25 June 1953 (article 26bis of the Ships Act.), the Commission on Accident Investigation (CAI) was the competent body to conduct investigations into maritime accidents/incidents and the submission of reports to IMO.

8.57 According to the Kingdom Shipping Act and Shipping Decree, all incidents were reported to MAC. The reporting requirements could be verified during flag State inspections. The verification process was part of the flag State supervision programme onboard ships flying the flag of the Government of Curaçao. The aforementioned law also regulated the composition of CAI, including the number and competencies required.

8.58 In accordance with the established mechanism, MAC was responsible for conducting a “pre-investigation” which entailed the collection of data and conducting interviews of the relevant personnel involved in the casualty, and usually indicating some basic findings to the investigator. Pre-investigations were carried out based on the criteria stipulated in the Casualty Investigation Code (i.e. very serious marine casualties and other marine casualties and incidents considered likely to provide information that could be used to prevent future accidents). After reviewing the results of a pre-investigation, MAC would decide whether to recommend CAI to conduct a full investigation.

8.59 During the audit, it was evidenced that CAI ceased functioning in 2014. This led to very serious marine casualties not being investigated, reports not being submitted to IMO, and lessons learned not being promulgated to the shipping industry and to the public in general to prevent a possible recurrence. For example, the fatality of the bosun on the **M/V Nova Florida**, on 23 July 2021, was not investigated. **(See FD-10)**

8.60 At the time of the audit, the Government of Curaçao was considering concluding an agreement with the Dutch Safety Board (DSB) of the Netherlands to conduct maritime investigations on behalf of Curaçao, a similar agreement to aviation-related investigations.

8.61 Regarding access to additional experts, it was stated that cooperation with Aruba and Sint Maarten previously existed in the conduct investigations. Where additional expertise was needed, this could be provided by DSB, however, whether it was provided or not was at the discretion of DSB.

8.62 Additionally, it was noted that to ensure the impartiality of investigations, the current legislation would need to be reviewed to eliminate the involvement of the Inspector General in determining whether CAI should carry out an investigation.

8.63 Furthermore, it was noted that the number of pre-investigations conducted by MAC was significantly reduced due to limited resources. At the time of the audit, only one flag State surveyor was employed at MAC, who was also required to carry out pre-investigations.

8.64 Findings (FD)

- .1 Although the Administrations of the Netherlands and Curaçao developed a four-tiered approach to deal with the requirements left "to the satisfaction of the Administration" in the mandatory IMO instruments, not all relevant requirements were addressed (SOLAS 1974, regulation II-2/13.3.2.6.2; LSA Code, paragraph 6.1.2.9; III Code, paragraph 16.5). See Form A, FD-4**

Corrective action

Root cause

FD

- .2 In case of detention of a ship entitled to fly the flag of the Government of the Netherlands, the Administration had not overseen that appropriate corrective measures were taken to bring the ship into immediate compliance with the applicable mandatory IMO instruments (III Code, paragraph 25). See Form A, FD-5**

Corrective action

Root cause

FD

- .3 The oversight programme established by the Administrations of the Netherlands and Curaçao for monitoring and communicating with its ROs had not ensured that its international obligations were fully met (III Code, paragraph 20). See Form A, FD-6**

Corrective action

Root cause

FD

- .4 The Administration of Curaçao had not taken measures to establish and enforce requirements related to fitness for duty and watchkeeping arrangements. This included the prevention of drug and alcohol abuse, as well as fatigue prevention and rest periods (STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3). See Form A, FD-7**

Corrective action

Root cause

FD

- .5 The Administration of Curaçao had not established resources and processes capable of administering a safety and environmental protection programme consisting of an independent audit and inspection programme for the entity that issued the required certificates and documentation to ships entitled to fly the flag of the Government of Curaçao, in order to ensure compliance with the requirements of the applicable mandatory IMO instruments (III Code, paragraph 16.2). See Form A, FD-8**

Corrective action

Root cause

FD

- .6 The Administration of Curaçao had not implemented an adequate documented system for the qualification of surveyors and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake (III Code, paragraph 35). See Form A, FD-9**

Corrective action

Root cause

FD

- .7 The Administration of Curaçao had not investigated the very serious marine casualty that occurred on 3 July 2021 on board the ship M/V NOVA FLORIDA (SOLAS 1974, regulation I/21; MARPOL, article 12(1); Casualty Investigation Code, paragraph 6.1; III Code, paragraph 41). See Form A, FD-10**

Corrective action

Root cause

FD

- .8 Although the Administration of Curaçao was subject to a programme of audits within the structure of the maritime administration of the Kingdom of the Netherlands and monitored some aspects of its performance through the KPI, established by the Kingdom of the Netherlands, the performance of the Administration was not evaluated using, inter alia, PSC detention rates, flag State inspection results, casualty statistics, communication and information processes and annual loss statistics excluding constructive total losses (III Code, paragraph 42; III Code, paragraph 43). See Form A, FD-13**

Corrective action

Root cause

8.64 Observations

None.

9 Coastal State activities

Implementation

The Netherlands

9.1 The Ministry of Infrastructure and Water Management (I&W) was primary responsible for the coordination of coastal State activities. The Netherlands was fulfilling its coastal State functions through the Netherlands Coast Guard (NLCG), by regulation “Organisation Coast Guard Netherlands” approved by the board of Ministers on the 1 July 2019. The Ministry of Defence oversaw the Coast Guard and Hydrographic Office of the Royal Netherlands Navy (NLHO). The Council for the Coast Guard (consisting of representatives of each ministry) was established for the coordination and execution of the Coast Guard activities.

9.2 Other entities engaging with coastal State activities were, amongst others, the Directorate-General for Public Works and Water Management (Rijkswaterstaat-RWS), the Bureau Telecommunication and the Royal Dutch Meteorological Institute (KNMI). The Directorate-General Aviation and Maritime Affairs (DGLM), under I&W, was responsible for aids to navigation (AtoN), Ships’ Routeing and Reporting Systems and Vessel Traffic Services (VTS).

9.3 The responsibilities for the Coast Guard services within the Kingdom of the Netherlands were split both geographically and organizationally. In the Netherlands, NLCG provided services derived from the international obligations and the Dutch Caribbean Coast Guard (DCCG) was responsible for providing services in the Caribbean region.

9.4 NLCG was an independent organization with its tasks, competencies and responsibilities managed by the Coast Guard Fourmanship (KW4). NLCG was responsible for SAR operations in the Netherlands, monitoring responsible use of the North Sea and upholding national and international laws and duties. The Director of the Coast Guard was an officer of the Royal Netherlands Navy. Chairman of the KW4 was the Director North Sea of RWS within the Ministry of Infrastructure and the Environment (the coordinating Ministry for Coast Guard affairs). Other members included the Chairman of the Law Enforcement Committee North Sea, the Director of Planning and Control of the Royal Netherlands Navy (operational administrator of Netherlands Coast Guard), and the Director Netherlands Coast Guard.

9.5 In addition to KW4, there was a Coast Guard Council. Members of this Council were directors general of the participating departments and acted as a front office to the Council of Ministers of the Netherlands. This Council approved the yearly Activity Plan and Budget (APB) and the annual Coast Guard report.

9.6 The operational centre of the Coast Guard was located in Den Helder. Policy coordination was primarily made at an inter-departmental level in the Hague. The Coast Guard centre was also a Joint Rescue Coordination Centre (JRCC) which dealt with communication on any emergency and safety related matters within its area of jurisdiction.

Curaçao

9.7 For countries of the Kingdom of the Netherlands located in the Caribbean region, the Dutch Caribbean Coast Guard (DCCG) provided services similar to its Dutch counterpart.

Furthermore, DCCG was responsible for two main tasks: counter drug operations; and the prevention of illegal migration. DCCG was a collective effort between all island constituent countries within the Kingdom of the Netherlands. DCCG headquarters, which was also a JRCC, was located at the Parera Naval Base, Curaçao, and its responsibilities covered the Leeward Islands, including Sint Maarten and their surrounding waters.

9.8 Within Curaçao, the State was performing Coastal State functions through the Dutch Caribbean Coast Guard (DCCG), Maritime Authority Curaçao (MAC), Harbour Safety Inspection (HSI), Ministry of Defence (The Netherlands), Bureau Telecommunication and Post (BT&P), Curaçao Meteorological Services (MSC) and Risk Management and Disaster Policy Department (DDR).

9.9 Additional entities such as the Ministry for Health, Environment and Nature, the Ministry of General Affairs and the Ministry of Justice supported the State in the implementation and enforcement of the requirements stemming from the applicable IMO instruments in coastal State areas of responsibility. Furthermore, Citizens Rescue Organisation (CITRO) was a volunteering organization for search and rescue (SAR) services and operating in close coordination with DCCG.

Radiocommunication services

The Netherlands

9.10 The Dutch Authority for Digital Infrastructure (an agency of the Ministry of Economic Affairs and Climate Policy) was responsible for all examinations related to GMDSS certificates, as well as the issuance of permits and inspections on radio-electric transmitting and receiving devices onboard ships and the issuance of certificates of approval thereof. The Agency was also the responsible authority for registering GMDSS identities.

9.11 Waters under the jurisdiction of the Netherlands were designated as sea areas A1 and A2. NLCG was responsible for evaluating radio transmissions' coverage and establishing new stations, as needed.

Curaçao

9.12 Responsibilities for the provision of radiocommunication services were shared between the Bureau Telecommunication and Post (BTP) and the Dutch Caribbean Coast Guard (DCCG). BTP was established by the National Ordinance Bureau of Telecommunications and Post (P.B. 2006, 69). The mandate of BT&P for all aspects of communication was based on the National Ordinance on Telecommunications Facilities (P.B. 2011 No. 37), and the corresponding national decrees. Regarding shipping telecommunication BTP was responsible for the following:

- .1 issuing permits for radio-electric transmitting and receiving devices on board ships;
- .2 inspection of radio-electric transmitting and receiving devices on board ships and the issuance of certificates of approval thereof;
- .3 issuance of General Operators Certificates, Restricted Operators Certificates and VHF Certificates; and
- .4 registration of Call Signs and the issuance and registration of MMSI numbers.

Call Signs were issued by MAC.

9.13 DCCG was responsible for shore-based facilities, providing radio communication services via MF, HF, VHF, UHF, DSC and satellite communication installations. The equipment

was provided and maintained by the Defence Department based on an agreement with DCCG and the Netherlands Navy.

9.14 Curaçao was part of NAVAREA 4 and operated two coastal stations at Ronde Klip (TX) and Sint Joris (RX) for Sea Areas A1 and A2.

Meteorological services and warnings

The Netherlands

9.15 The Royal Netherlands Meteorological Institute (KNMI) was responsible for providing meteorological services and was also the national research and information centre for climate, air quality, and seismology.

9.16 KNMI also provided gust and gale warnings (a minimum of twice per day) to, amongst others, the Hydro Meteorological Centre and to NLCG continuously, following the guidance on the IMO/IHO World-Wide Navigational Warning Service adopted by the Organization through resolution A.706(17)/MSC.1/Circ.1310, as amended. KNMI also provided NAVTEX warnings for the Dutch continental shelf (wind and waves).

9.17 KNMI and RWS, in cooperation with oil exploration companies and the wind power industry on the North Sea, serviced offshore meteorological observation stations on the Dutch continental shelf. KNMI meteorologists used this information to provide relevant weather forecasts in the North Sea which was also publicly available. Observation information was shared through the World Meteorological Organization (WMO) and widely used within weather models. KNMI also provided contractual services with ports (e.g. Amsterdam and Rotterdam), including detailed port forecasts.

9.18 KNMI exchanged information with the countries of the Kingdom of the Netherlands and BES islands on a frequent and consistent basis.

9.19 KNMI provided the Voluntary Observations Ships (VOS) fleet with the software programme called Turbowin, which was also used by VOS ships reporting to other national weather authorities. Shortly preceding the audit, KNMI started a programme to modernize its observation infrastructure. It also actively participated in the EUCAWS project (European Common Automatic Weather Station of EUMETNET), experimenting with several EUCAWS systems on VOS participants.

Curaçao

9.20 The Curaçao Meteorological Service (MDC) of TTUP and the Dutch Caribbean Coast Guard provided meteorological and warning services. The mandate of MDC was provided in the National Ordinance on Meteorological Services (Landsverordening meteorologische dienst, P.B. 2003, no. 59). Under Articles 8 and 9, the responsibility of MDC extended to the provision of meteorological services for the territorial seas of Curaçao. While the U.S. National Oceanic and Atmospheric Administration (NOAA - METAREA IV) was responsible for the high seas.

9.21 MDC collected and distributed national and regional meteorological data on a daily basis to the maritime authorities and DCCG. This information was available to third parties via websites and apps in real-time. DCCG was responsible for transmitting via NAVTEX meteorological and warning information to ships. Maritime Safety Information forecast products (including wind information, sea state and reduced visibility) were issued by MDC.

9.22 There were no offshore meteorological observation stations in the Caribbean area. Additional meteorological information was gathered, especially on the Windward islands, during the hurricane season from the National Hurricane Centre NOAA website (<https://www.nhc.noaa.gov/>).

9.23 MDC provided mariners with weather forecasts and information about sea conditions in coastal waters of Curaçao, which was particularly important to small vessels going to Aruba, Bonaire, San Andres and the Venezuelan islands for fishing, and charters going to Klein Curaçao for recreational activities. MDC provided information to the public thrice per day in total.

Search and rescue (SAR) services

The Netherlands

9.24 SAR services were performed or coordinated by NLCG in accordance with the 1994 SAR Service regulation. All services were provided in accordance with the Operational Plan for Search and Rescue (OPLAN-SAR) which was developed and implemented in accordance with the above regulations.

9.25 At the time of the audit, NLCG had an agreement with the Royal Netherlands Sea Rescue Institution (Koninklijke Nederlandse Redding Maatschappij, KNRM). KNRM was a voluntary organization in the Netherlands aimed at saving lives at sea. KNRM carried out SAR services under the leadership of NLCG. KNRM maintained several lifeboat stations along the Dutch coast of the North Sea, the Wadden Sea, and on the IJsselmeer.

9.26 NLCG used the International Search and Rescue Incident Database (ISRID) from the United Kingdom for cooperation with passenger ships. There was also cooperation between NLCG and the seagoing ferry companies.

9.27 SAR exercises were conducted by NLCG with assistance from KNRM's and SAR helicopters/aircraft. Roles and procedures for maritime distress communication, monitoring and coordination were described in the OPLAN-SAR handbook.

9.28 The islands of Saba and Sint Eustatius were with the rescue region of the Maritime Rescue Co-ordination Centre (MRCC) Fort de France, whilst the island of Bonaire was within the rescue region of JRCC Curaçao.

9.29 DCCG had sub-centres on the island of Bonaire and Sint Maarten. The Islands of Saba and Sint Eustatius had no DCCG personnel and/or ships permanently based on their islands but were visited/patrolled by DCCG on a regular basis, at least ten days per month. MRCC Fort de France continuously maintained a listing watch on VHF but lacked a Digital Selective Calling (DSC) scanning system. The JRCC Curaçao continuously maintained a listing watch on VHF, including a relay station for Bonaire and a DSC watch scanning system.

Curaçao

9.30 SAR activities were carried out by DCCG, which also included Aruba, Sint Maarten and the Municipalities of Bonaire, Sint Eustatius and Saba, in accordance with Kingdom Act Coast Guard 2010.

9.31 SAR services were provided at all times. In addition to VHF channel 16, an emergency line (913) was used to receive distress communication and mobile applications for persons on land. Various assets supported SAR activities, including one Cutter, four Metal Shark Interceptors, two Boston Whalers, two Dash-8 patrol aircraft and two helicopters to cover the Curaçao SAR area. Additionally, DCCG had an agreement with a volunteering organization

(CITRO) with two boats and two jet skis available for rescue activities in near coastal waters. CITRO provided assistance under the coordination of DCCG and medical advice for the region.

9.32 Manuals and procedures were in place to conduct SAR services, and exercises were performed between DCCG and Coast Guards of adjacent countries. The last exercise was conducted in 2017 with Dominica Republic. Not many exercises were carried out at an island level, however, the personnel, equipment and procedures were tested regularly through numerous real-life cases that they responded to almost on a daily basis. There was evidence of exercises being carried out from 2019 to 2022. During the audit, a debrief from an exercise dated February 2021 was provided indicating what went wrong and the lessons learned.

9.33 Curaçao JRCC was responsible for SAR services in the Leeward Islands, including Sint Maarten. DCCG had an up-to-date SAR plan for the region for which JRCC on Curaçao was responsible. The Curaçao SAR plan reflected the recommendations and agreements made by the Government of Curaçao and the Government of Aruba with representatives of the International Civil Aeronautical Organization (ICAO) and IMO. Manuals and procedures were in place to conduct SAR services, and exercises were performed between DCCG and Coast Guards of adjacent countries and/or CITRO.

9.34 DCCG had several Memoranda of Understanding (MoUs) with countries (e.g. Venezuela, Colombia, Jamaica, Haiti and the Dominican Republic) adjacent to the DCCG SAR Region. At the time of the audit, an initiative was in progress to establish MoUs with the French Caribbean and the United States of America, which also had Rescue Coordination facilities in the region.

9.35 Citizens Rescue Organisation (CITRO) was a volunteering organization for SAR services operating closely with DCCG. CITRO could decide to start a rescue operation independently and had a written agreement with DCCG specifying their duties, restrictions and responsibilities.

9.36 DCCG established a mechanism to access the SAR plans of passenger ships calling at the ports of Curaçao. DCCG used the International Search and Rescue Incident Database (ISRID) maintained by the United Kingdom. However, the local authorities had not participated in either its development in cooperation with the passenger ship and the company (SOLAS 1974, regulation IX/1) or drills with the ship in order to test its effectiveness, as required by SOLAS Chapter V Regulation 7.3. **(See FD-12)**

Hydrographic services

9.37 The Hydrographic Office of the Royal Netherlands Navy (NLHO) was responsible for providing hydrographic services to the entire Kingdom. NLHO conducted hydrographic surveys in the estuaries, approaches to ports and other coastal waters in cooperation with the Directorate-General for Public Works and Water Management (Rijkswaterstaat-RWS) and Navy, which engaged the ships under their management. In addition, NLHO published charts and other nautical information covering the Dutch Continental Shelf, its adjacent waters, and the waters in the countries of the Kingdom of the Netherlands the Caribbean region.

9.38 At the time of the audit, NLHO had established formal and informal channels to receive data from other sources. Survey planning and execution were carried out in cooperation with Rijkswaterstaat-RWS. The ports were responsible for guaranteeing the safe access of the port via water and the management and storage of soils. This was usually executed via long-term contracts with third-party dredging companies.

9.39 To ensure that hydrographic and nautical information was made available worldwide in a timely, reliable and unambiguous manner, NLHO coordinated its activities by establishing

a range of national, European (EMODNet), Caribbean and worldwide partnerships with other hydrographic organizations and other partners.

9.40 NLHO visited BES islands and the countries of the Kingdom in the Caribbean region at least once a year to coordinate their relevant activities. Surveys were performed, as needed, by hydrographic survey vessels of the Royal Netherlands Navy. The respective port authorities were responsible for conducting surveys and communicating the relevant information to NLHO on the updates of nautical charts, as appropriate. The Harbour Masters in the BES islands monitored and maintained the minimal charted depths.

9.41 The Kingdom of the Netherlands was a member of the International Hydrographic Organization (IHO), and hydrographic services were carried out in accordance with international standards. In addition, NLHO had an agreement with the United Kingdom Hydrographic Office (UKHO) to produce charts based on data provided by NLHO.

Ships' routing, ship reporting systems and vessel traffic services

9.42 At the time of the audit, the Kingdom of the Netherlands had several internationally adopted traffic routing systems, restricted areas and other routing measures within its exclusive economic zone (EEZ).

9.43 Traffic Separation Schemes (TSS) were monitored by NLCG using surface and air assets deployed over scheduled periods. Most of the traffic lanes were covered by AIS receivers and radar coverage. Violations were reported to the responsible policy department for investigation and action in consultation with the Public Prosecutor's Office. All information was available in the operations room at the NLCG operation centre in Den Helder.

9.44 At the time of the audit, it was noted that several ports had VTS in place that complied with IMO resolution A.1158(20), as amended. They offered port-VTS, including coverage of the approaches to the ports and anchor areas. Furthermore, VTS offered traffic information and the organization of ship traffic related to the harbour entrance policy. Additionally, VTS offered an anchor watch to prevent the collision of ships in the anchor areas.

Aids to navigation (AtoN)

The Netherlands

9.45 Rijkswaterstaat-RWS, under the responsibility of the Ministry of Infrastructure and Watermanagement, had overall responsibility to establish and administer physical AtoN along the coast (for example lighthouses, leading lights, signs), as well as the buoyage and beaconage in the Dutch part of the North Sea and all other national waters including the waters surrounding the BES islands. At the time of the audit, RWS administered more than 17,000 fixed and floating AtoN.

9.46 The buoyage and beaconage department (Verkeer en Water Management – VWM) of Rijkswaterstaat-RWS was the executive body responsible for regular maintenance and repair issues and for informing the relevant authority on planning. The competent regional authority in the area assigned was accountable for the functionality of lights and buoys and sending functional requests to VWM for establishing, removing, replacing, maintaining and repairing issues.

9.47 NLHO was responsible for publishing notices to mariners in case of any changes or failures in the list of lights. The notices to mariners were published in cooperation with Rijkswaterstaat-RWS.

9.48 There were three differential GPS (DGPS) shore stations located in Hoek van Holland, Vlieland and Gilze-Rijen to monitor the accuracy and reliability of GPS signals and send a correction signal for position improvement in the Dutch area of jurisdiction of the North Sea. The department was also responsible for any maintenance of buoyage and beacons.

9.49 At the time of the audit, Rijkswaterstaat-RWS was a member of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) and complied as much as possible with their recommendations and guidelines.

Curaçao

9.50 At the time of the audit, Curaçao had three lighthouses, at Klein Curaçao, East Point and West Point, which were under the responsibility of MAC. For the maintenance of the lighthouses, MAC had an agreement with Alphatron Marine Curaçao (AMC), who carried out monthly checks of the lights and batteries and reported to MAC. Curaçao was not a member of IALA, however AMC applied the international standards and regulations for the lights. The lighthouses were included on the nautical maps of the Hydrographical Service. If lighthouses were out of service, MAC informed the ships via the Harbour Master and JRCC.

9.51 All other AtoN were under the responsibility of the Curaçao Port Authority, who's technical department had spare parts available and had developed and implemented a procedure for notification of and response to malfunctioning AtoN.

Oil spill response

The Netherlands

9.52 Within the Netherlands, Rijkswaterstaat-RWS was responsible for the timely response to marine pollution at sea, coastal areas, and ports. This responsibility was laid out in Article 8.3 of the Water Act (Waterwet). Rijkswaterstaat-RWS relied on several other entities to discharge its obligations, such as the Departmental Crisis Management Coordination Centre (DCC), the State Supervision of Mines (SodM), the operational emergency services of the (coastal) safety regions (fire brigade, medical services), police, KNRM and municipalities.

9.53 NLCG, in cooperation with Rijkswaterstaat-RWS, developed an incident mitigation plan (IBP Northsea). This incident response plan (IBP) determined the organization and coordination of incident response in the North Sea. The plan provided details on who was responsible, in which area, and in what scenario.

9.54 In the Waddensea area, roles and procedures were described in the Wadden Sea and North Sea Canal incident response plan (Incidentbestrijdingsplan Waddenzee en Noordzeekanaal). The plan provided procedures for all involved entities and identified equipment required in case of pollution.

9.55 There were several drills and exercises performed and evaluated and real incidents were also evaluated.

9.56 Rijkswaterstaat-RWS was also responsible for BES islands, and provided oil absorbent materials, booms, busters and skimmers and conducted training with the key personnel.

9.57 The use of dispersants to combat pollution was an option only viable in the Caribbean region due to the shallow waters of the North Sea.

Curaçao

9.58 The Risk Management and Disaster Policy Department (DDR) operating under the Ministry of General Affairs (GA) was responsible for the legislation and policies on oil spill response. The National Ordinance on Disaster Management provided the primary legal basis for oil spill response.

9.59 Oil spill incidents were reported to the Harbour Master, the operational leader coordinating the response to oil spills in port and coastal waters. Other entities involved were, amongst others, MAC, HEN, and DCCG, as well as privately owned companies. They cooperated under the Ministerial Council decision from 2020 and implemented the 2022 to 2027 national contingency plan, even though the plan was subject to the approval of the Council of Ministers. A tabletop exercise was carried out in September 2022. Both DRR and the Harbour Master's office participated in the exercise of Bonaire and Saint Eustatius.

9.60 The port of Willemstad had an inflatable boom to close off the port waters. The contingency plan contained a list of oil response equipment and material from both government and private entities available in Curaçao. The audit included a visit to see the oil response equipment of the company Curoil, which was stored in two containers. At the time of the audit, Curoil had a contract with three towage companies for fast transport of the containers.

Enforcement

The Netherlands

9.61 The Ships Act (Schepenwet) and the Act on Prevention of Pollution provided the legal basis for enforcing national legislation relevant to coastal State activities.

9.62 NLCG and the Maritime Police Enforcement were the primary entities in the Netherlands responsible for enforcing national legislation concerning coastal state activities. In particular, the Maritime Police, under the authority of the Ministry of Justice, had a significant role in enforcing the relevant national legislation. The criminal law empowered the District Attorney's Office to initiate proceedings and direct the application of fines. In addition, the maritime administration had in place processes to investigate pollution incidents.

Curaçao

9.63 The legal basis for enforcement of the provisions related to pollution, such as oil spills and discharge of hazardous or noxious chemicals and solid waste, was provided by the Pollution Prevention Ordinance. Provisions for fines, penalties and disciplinary measures were included in the relevant acts and ordinances. The ordinance on the new Penal Code updated the level of penalties.

Evaluation and review

The Netherlands

9.64 The Kingdom of the Netherlands adopted several actions to improve the adequacy of the measures taken to give effect to the applicable IMO instruments. National consultative meetings were organised regularly (three to four times a year) concerning different management levels within the participating entities. The abovementioned meetings involved all interested parties from the public and private sectors.

9.65 Incident statistics were maintained, and each involved authority performed its analyses. During semi-annual meetings between Kings Harbour Masters under the chairmanship of the Minister of I&W, several topics such as developments in international fora

(IMO, ITU, IALA, CEPT), policy, operational issues, incident investigation, VTS-performance, quality management, risk analysis and audit planning were addressed. Individual evaluations and observations were used to amend the action plans as appropriate. It was established that, in several instances, these evaluations improved the implementation of the applicable IMO instruments.

9.66 Rijkswaterstaat-RWS periodically executed a network analysis based on AIS information from all shipping movements in the Netherlands. The review included analyses of traffic patterns of TSS-es and indicated areas with high priority. Risk analyses were conducted in areas with the highest priority using bow-tie analysis. The Kings Harbour Masters informed the stakeholders, and feedback was requested on the efficiency and functionality and whether TSS was still considered appropriate or whether changes in design or conditions would be necessary. The abovementioned matters were also discussed during regional nautical meetings with users (shipping companies, pilots, captains etc.), Scheepvaart Adviesraad Noordzee (SAN), Kings Harbour Masters meetings and interdepartmental meeting boards.

9.67 Additionally, all elements of AtoN were evaluated during the above process, and any necessary changes in design or conditions were also considered. On-site visits were conducted to confirm the process of the digital support systems (the database) and the Nautical Marking Administration and physical IALA-compliant objects. The visits also evaluated and took appropriate actions, including gathering data for statistical purposes.

9.68 KNMI was optimizing its measuring network and refining its weather and climate models, which ran on KNMI's supercomputer. KNMI maintained a quality management system (QMS), in accordance with ISO-9000 standard.

Curaçao

9.69 Curaçao was subject to the programme of mock audits within the structure of the Maritime Administration of the Kingdom of the Netherlands.

9.70 Additionally, the national oil response plan included provisions for five yearly evaluations and reviews following exercises.

9.71 MDC had developed QMS for all meteorological services provided. Although it was not certified, internal audits were conducted to monitor performance and recommendations made. Additionally, monthly monitoring meetings were held where performance against key performance indicators (KPIs), such as timeliness, availability of products, etc., was assessed, and recommendations for adjustments were agreed upon. The audit reports of internal audit and monitoring meetings were provided, although it was indicated that the monthly monitoring reports were not maintained due to staff resource issues.

9.73 Finding

- .1 The Dutch Caribbean Coast Guard (DCCG) had not put in place a mechanism for cooperation between national SAR services, passenger ships regularly calling at ports under the jurisdiction of Curaçao and their companies in developing plans for cooperation in the event of an emergency (SOLAS 1974, regulation V/7.3; III Code, paragraph 47). See Form A, FD-12**

Corrective action

Root cause

9.73 Observations

None.

10 Port State activities

The Netherlands

10.1 The legal basis for the exercise of port State control (PSC) activities in the Netherlands was laid down in Article 67 of the Ships Act (Schepenwet), Article 14 of the Pollution Prevention Act (Wet voorkoming verontreiniging door schepen) and Article 3 of the Port State Control Act (Wet Havenstaatcontrole).

10.2 Within the Netherlands, Article 1 of the Port State Control Act listed the instruments under which PSC activities were carried out and provided for updating the legislation to include any new instruments. Articles 3 and 4 authorized the officers of the Human Environment and Transport Inspectorate (ILT) to carry out PSC inspections on behalf of the Netherlands on foreign ships in waters under its jurisdiction, including ships flying the flag of a State not a Party to the mandatory IMO instruments. The Port State Control Regulations 2011 set out the inspection obligations of ILT, including inspection targets, classes of ships that had priority for inspection, and types of inspection.

10.3 The Netherlands was a member of the Paris Memorandum of Understanding (Paris MoU) and the Caribbean Memorandum of Understanding (CMoU) on PSC. The European part of the Netherlands performed PSC inspections in accordance with the procedures of the Paris MoU while the BES islands performed PSC inspections in accordance with the procedures of the CMoU.

10.4 At the time of the audit, ILT had 23 port State control officers (PSCOs) assigned to carry out PSC activities and had established procedures for conducting PSC activities based on the Paris MoU/EU Directives on PSC which were aligned with the applicable IMO resolution on PSC. The procedures and instructions utilized by PSCOs were incorporated in the quality system (MAVIM) of ILT and references to the PSCO manual from the Paris MoU. This included procedures to follow in the case of the detention of non-compliant ships and parties to be notified when a ship was detained.

10.5 The qualification requirements for PSCOs were established based on the requirements of the Paris MoU, which were more stringent than those stipulated in the relevant IMO resolution on PSC. The relevant job description specified the qualifications and seagoing experience requirements for the post of PSCO. Marine personnel with seagoing experience were recruited and underwent a one-year training and apprenticeship supervised by an assigned mentor. A training programme was developed and implemented for each recruit which considered knowledge and experience gaps vis-a-vis specific job requirement. During the one-year training and apprenticeship, the recruit carried out supervised inspections. At the end of the period, the trainees had to conduct several inspections by themselves, which were assessed. After successfully completing the training programme, the trainees received formal authorization to perform PSC inspections.

10.6 PSCOs were also required to complete an integrity course applicable to all civil servants and swear an oath to uphold the relevant values, including independence. The PSCOs were also required to declare their continued independence in their yearly evaluation. PSCOs also followed the Code of Conduct for PSCO and adhered to its fundamental principles of integrity, professionalism and transparency.

10.7 The relevant Paris MoU guidelines and the EU Directive on PSC were employed as a guide for updating the knowledge and proficiency of PSCOs, which included a specific number of inspections to be completed by each PSCO and mandatory training. Additionally, individual training needs were identified based on the yearly staff evaluations. There were also monthly PSCO meetings where in-house training could be conducted on topical areas. For example, in-house training on scrubbers and cargo-securing manuals had been conducted over the last few years. The identification of training needs was based on a review of developments in the industry (for example, energy efficiency, CII). Staff were also encouraged to identify and pursue training for self-development. Refresher training was also carried out by European Maritime Safety Agency (EMSA) every five years. PSCOs in the BES islands were a part of ILT and followed the same procedures and instructions as PSCOs in the Netherlands.

10.8 In 2022, ILT conducted 1,164 PSC inspections, compared to the target number of 1,349. During the audit, it was indicated that the shortfall was due to the continued effects of the pandemic in the first months of the year and the war in Ukraine, which deployed some PSCO resources to other inspection requirements. The target for 2023 was 1,410 PSC inspections.

10.9 ILT, through a cooperation agreement, delegated to inspectors employed by the port authority in the port of Rotterdam to carry out specific tasks concerning enforcement of some provisions of MARPOL Annexes I, II, and V under the Pollution Prevention Act. These were, however, not PSC inspections, but supplementary inspections about pre-wash, endorsement of cargo record books, and verifying that discharges were in accordance with MARPOL. In this regard, PSCOs were not authorized to detain ships but had to inform/consult with ILT of any detected violations. Outside office hours, the emergency number was utilized to facilitate consultations with ILT.

10.10 During the audit, although the port authority inspectors were well trained and carried out their tasks professionally, the procedures and work instructions used for the specific tasks under MARPOL were those of the particular port authority. This did not ensure the standardization of procedures across the ports in the Netherlands. This was acknowledged as an area for further development under section 11 of this report, and consideration was given to sharing ILT procedures and work instructions in relation to these tasks with the port authority inspectors.

10.11 The port authority established training and qualification requirements for Port Authority inspectors. The Port Authority required one-year on-the-job training with a senior inspector, followed by an examination. ILT was also involved in the training and assessment process of the inspectors.

10.12 The same legal basis for the conduct of PSC in the Netherlands applied to the BES islands, namely article 67 of the Ships Act, Pollution Prevention Act and the Port State Control Act (articles 14a to 14i).

10.13 PSCOs for the BES islands were recruited and trained by ILT and posted in the Caribbean region. The procedures for conducting PSC activities followed the IMO Guidelines on PSC adopted by the CMoU and included the Code of Conduct for PSCOs. Three PSCOs were assigned to the BES islands, of which there was one vacancy at the time of the audit.

10.14 PSCOs in the BES islands were required to inspect 15% of the ships that call at their ports under the CMoU. At the time of the audit, no PSC activities were carried out on the island of Saba as there was no PSCO assigned to the island. It was stated, however, that the ships which called at Saba ports also visited Sint Eustatius and Bonaire, and they were inspected there. Non-convention ships were also included in the PSC activities conducted in the BES

islands utilizing the Caribbean Cargo Ship Safety (CCSS) Code and the Small Commercial Vessel (SCV) Code.

Curaçao

10.15 Within Curaçao, article 67 of the Ships Act (Schepenwet) and article 19 of the Ordinance on Prevention of Pollution by Ships (Landsverordening voorkoming verontreiniging door schepen) provided the legal basis for PSC. PSC activities were the responsibility of MAC.

10.16 Although the legal basis to perform PSC inspections and detentions was provided for, the national legislation to further implement its policies and procedures on implementation and enforcement was still in draft and therefore not in force. (see FD-11)

10.17 Curaçao was a member of CMoU on PSC and the instructions and guidance issued by the CMoU were followed by PSCOs, including Code of Good Practice and inspection procedures.

10.18 PSCOs were qualified in accordance with the requirements of CMoU and received continuous updating of their knowledge through the Caribbean Ship inspector training courses (CASIT) and annual PSC seminars provided by CMoU.

10.19 CMoU had an inspection target (15%) for its Member States. However, systematic PSC inspections had declined significantly since the summer of 2022, when the sole PSCO left MAC. At the time of the audit, PSC inspections were conducted only after a notification was received concerning a specific ship. During the audit, it was stated that MAC intended to employ one of the two PSCOs before the end of the year.

10.20 The procedures applied by MAC in relation to the detention of a foreign flag ship in its ports for non-compliance was in accordance with the procedures laid out in the CMoU procedure manual and resolution A.1155(32).

Reception facilities

10.21 The Kingdom of the Netherlands was Party to MARPOL Annexes I to VI. However, at the time of the audit MARPOL Annex VI was not extended to Curaçao, Aruba and Sint Maarten.

The Netherlands

10.22 The Pollution Prevention Act and Decree and Regulations on Prevention of Pollution from Ships governed establishing and operating port reception facilities (PRF). Article 6 of the Pollution Prevention Act mandated port authorities to ensure the availability of adequate PRF suitable for the receipt of ship generated wastes. At the same time, supervision on implementing the responsibilities regarding PRF was assigned to ILT based on the general supervision provision stipulated in Article 14 of the same act.

10.23 PRF located in the BES islands were regulated through article 7 of the Act on the Prevention of Pollution from Ships BES and the Decree on the execution of article 7, sub 1 and 4, of the Act on the Prevention of Pollution from Ships BES.

10.24 During the audit, it was verified that the ports of the Netherlands had adequate PRF for the different waste streams handled and across the applicable MARPOL Annexes. The ports authorized the operation of PRF, and all facilities were licenced by the local government authorities, which stipulated the conditions for operation and monitoring requirements. Waste was received by barges, collection tanks, or containers through private companies contracted by the port authorities. PRFs were reported through the PRF module in GISIS.

10.25 Each port was required to develop and submit a “Port Waste Management Plan” to ILT for approval, including its provisions, procedures and determination of adequacy. The plans had to be submitted every three years for renewal of approval. ILT also carried out inspections to ensure the waste streams were handled in accordance with the requirements of the applicable IMO instruments. The port authorities, as licensees, also monitored the waste streams based on the monthly reports stipulated in the licence.

10.26 The applicable MEPC circulars relating to handling waste streams incorporated in the relevant EU regulations were mandatory. During the audit, it was established that waste receipts issued to ships (S form) covered the MEPC circulars, although they were not explicitly cited.

10.27 During the audit, a visit was made to the port reception facility for waste regulated under MARPOL Annex V, operated by Bek en Verburg BV in the port of Rotterdam. Waste was collected by barge and trucks (primarily for smaller terminals). The waste handling process was reviewed from the time of receipt of a notice from the ship to the time of receipt and processing of the waste. It was observed that the waste regulated by MARPOL Annex V was sorted into an estimated 180 sub-categories, which were then processed. Some waste was processed at the facility, whilst others were processed elsewhere, sometimes in cooperation with other waste subcontractors. It was stated that approximately 93% of the collected waste under MARPOL Annex V was recycled.

10.28 ILT followed up on reports on the inadequacy of PRFs. Complaints were received via an email provided in GISIS. Upon receiving a complaint, contact was made with the port to investigate and respond accordingly. During the audit, it was stated that complaints of the inadequacies of PRF were rare. The last one was in 2018 concerning wash water under MARPOL Annex V. ILT investigated the complaint, and a response was promptly provided to the flag State.

Curaçao

10.29 Article 7 of the Pollution Prevention Ordinance obliged ports to provide adequate reception facilities. However, no evidence was available to demonstrate that the ports had evaluated the adequacy of PRF provided. Furthermore, while the Ministry of Health, Environment and Nature (HEN) issued environmental permits, not all companies receiving waste from ships held a valid permit. **(See FD-11)**

10.30 The port reception facility that participated in the audit stated that they could accept garbage, sewage and oil residues from ships. Ship generated waste was mainly collected by trucks, and delivery receipts issued by the reception facility did not include indication of the different categories of waste as per the relevant requirements of MARPOL. **(See FD-11)**

10.31 During the audit no evidence was provided to demonstrate which MARPOL waste streams were covered by the permits issued by HEN. **(See FD-11)**

10.32 Furthermore, not all reception facilities in Curaçao had been communicated to IMO. **(See related FD-2)**

Register of fuel oil suppliers

The Netherlands

10.33 The “Air Quality and Emissions” unit of ILT was responsible for supervising and enforcing requirements stemming from the mandatory IMO instruments on fuel quality-related

matters. A list of fuel suppliers was maintained by this unit and was updated at least once every two years or more frequently, depending upon the changes in the bunker market. A list of fuel suppliers was published on ILT's website.

10.34 The fuel quality was regulated by the Act on the Prevention of Pollution from Ships, the Decree on the prevention of pollution by ships and the Regulation for the prevention of pollution by ships of 12 December 2006.

10.35 The "Air Quality and Emissions" unit was performing risk-based inspections of fuel oil suppliers to verify compliance with the relevant provisions of MARPOL Annex VI. During the audit, it was established that on several occasions, ILT confirmed that the fuel oil suppliers violated the provisions of MARPOL Annex VI, regulation 18. Although various actions were taken against the oil suppliers in question, the information was not communicated to IMO as required by MARPOL, Annex VI, regulation 18.9.6. **(See related FD-2)**

Dangerous goods and grain loading

10.36 The Kingdom of the Netherlands implemented the IMDG Code through the Dangerous Goods Transportation Act.

The Netherlands

10.37 Regulations on the transport of dangerous goods by seagoing ships, and the General Administrative Law Act further regulated the dangerous goods. Article 34 of the Dangerous Goods Transportation Act assigned responsibility to ILT for supervision of compliance with the provisions of the Act and its enforcement under article 44.

10.38 The legal basis for transporting grain and bulk cargoes was stipulated in the Law on Loading and Unloading Seagoing Vessels "Wet laden en lossen zeeschepen". In addition, the legal basis for transporting liquid chemicals stemmed from the Regulation on the Transport of Dangerous Goods by Seagoing Vessels "Regeling Vervoer gevaarlijke stoffen met zeeschepen".

10.39 The guidelines specified in MSC.1/Circ.1442 and MSC.1/Circ.1521 concerning inspection programmes for cargo transport units carrying dangerous goods were followed to inspect dangerous cargo. Risk-based inspections were carried out based on information from customs. IMDG inspections were also conducted on board ships, at the premises of consignors and consignees and following incident reports.

10.40 In 2021, 30% of the inspections concerned minor violations of the IMDG Code that did not necessitate the prohibition of shipping. However, 23% of the inspections required the prohibition of shipping. The main area of non-compliance was related to the stowage of dangerous goods inside the container.

10.41 In the BES islands, inspections for the IMDG Code were performed by ILT following the same guidelines.

10.42 The Rotterdam Shortsea Terminal (RST), reportedly Europe's largest short sea terminal, was visited during the audit. Dangerous goods accounted for about 10% of the cargo handled, with 75% transported in tank containers. The latter category was said to have the bigger risk due to the volume in a container. During the audit, it was confirmed that class 1 containers were not stored in the port area.

10.43 Shoreside personnel received training in the handling of dangerous goods in accordance with the applicable IMO instruments. Vessel planners received training in the

segregation and storage of dangerous goods. Staff training was facilitated via a “toolbox”, which detailed procedures to be followed based on “what if” scenarios. Personnel also received training to respond to dangerous goods incidents. Exercises were held with personnel and equipment six times a year to maintain familiarity with the risk at the terminal. Exercises were also conducted with other entities with whom they had cooperation agreements, including the fire department and ambulance services.

Curaçao

10.44 At the time of the audit, it was noted that Curaçao did not export dangerous cargoes by ship. A certain amount of IMDG containers were imported or in transit in the port of Willemstad, and their arrival had to be notified at least 24h in advance.

10.45 The ordinance on explosives regulated the maximum quantity of explosives allowed on the island, as a result of which any ship importing explosives needed a permit from the port authorities. No further national legislation on dangerous goods was in place. **(See FD-1)**

10.46 Despite the absence of national legislation, the container terminal Curaçao Port Services, which was certified in accordance with ISO 9001 standards, had procedures in place concerning the notification, labelling, segregation and storage, as well as the training of shore-based personnel.

Enforcement

10.47 The legal basis for enforcement of the provisions related to port State activities was set out in article 69 of the Ships Act.

The Netherlands

10.48 The Pollution Prevention Act (article 20 and provisions for proceedings and penalties in article 37); articles 6 and 7 of the Port State Control Act and article 33 regarding criminal proceedings included further legal bases for port State activities. These Acts also contained provisions for enforcement in the BES islands.

10.49 The legal basis for enforcing the IMDG Code was stated by article 44 of the Dangerous Goods Transportation Act and the regulations of transporting dangerous goods by seagoing ships. Port authority inspectors also enforced the relevant provisions of the IMDG Code in the ports of Amsterdam and Rotterdam. Procedures and work instructions to undertake these activities were available in the respective port authorities' QMS.

10.50 Where PSC inspection revealed detainable deficiencies, the procedures and work instructions of ILT required PSCOs to contact the office to review the inspection and deficiencies and decide whether to detain the ship. Procedures and work instructions also identified the parties to whom the Notice of Detention should be sent and procedures to follow for appeal against the detention.

Curaçao

10.51 Pollution Prevention Ordinance was the primary legal basis for enforcement of port State activities in addition to the Ships Act.

Evaluation and review

The Netherlands

10.52 ILT maintained a certified QMS under which internal and external audits were conducted to ensure adherence to requirements and necessary actions to improve performance.

10.53 Additionally, the PSC coordinator conducted daily "quality checks" on each PSC inspection. The report of each PSCO was reviewed, and any issues identified were communicated to individual PSCOs. Based on the yearly staff evaluation mentioned above, PSCOs were required to undergo additional training. During the monthly meetings of the PSCOs, the coordinator outlined the trends from the report and subsequently discussed and amended the relevant procedures, as necessary. A similar "quality checks" system was also carried out in the BES islands for PSC inspections.

10.54 Concerning tasks carried out by port authority inspectors, meetings were held every three months between port authority inspectors and ILT, where trends were discussed. Decisions were made on whether procedures needed to be adjusted to strengthen enforcement and harmonize inspection activities.

10.55 Furthermore, KMA performed mock audits to evaluate its overall performance for all obligations stipulated from the III Code, including an evaluation and identification of shortcomings for its flag State-related activities.

Curaçao

10.56 Curaçao was subject to the programme of mock audits within the structure of the KMA. Furthermore, the Harbour Master participated in meetings as part of the Strategy. PSC activities were reviewed as a part of the CMoU programme.

10.57 Finding

.1 The maritime administration of Curaçao had not:

.1 implemented and enforced the national legislation concerning the provision of port reception facilities in accordance with the applicable provisions of MARPOL Annexes I, II, IV, and V;

.2 systematically authorized and monitored the companies providing services as per the relevant MARPOL requirements; and

.3 implemented policies and procedures concerning PSC obligations (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 54.1; III Code, paragraph 56.1). See Form A, FD-11

Corrective action

Root cause

10.58 Observations

None.

11 Comments

11.1 In order to ensure a consistent review of each Member State's activities falling within the III Code, all items from the verification index, which closely follows the requirements of the III Code, have been verified and the outcome provided in appendix 2 to this report.

Areas of positive development

11.2 Areas of best positive development include:

Best practice

The Kingdom of the Netherlands developed a comprehensive maritime strategy for giving full and complete effect to the mandatory IMO instruments through the effective and efficient cooperation of all the autonomous countries that constitute the Kingdom of the Netherlands.

The maritime strategy was developed through the Kingdom Maritime Administration (KMA), established to coordinate matters related to shipping and ensure effective cooperation within the Kingdom of the Netherlands.

The organisation, method of work and governance of KMA were specified in the Cooperation Protocol Kingdom Maritime Administration (Protocol), which was approved and signed by the four responsible ministers of the countries of the Kingdom of the Netherlands and published in each country's official gazette.

The objectives of the maritime strategy were linked to clear and concise key performance indicators (KPI) recorded in a multiannual plan. The Maritime Consultation Platform (MOP), which was the coordinating body of the KMA, was responsible for the implementation of the strategy as well as monitoring and reporting to the responsible Ministers in accordance with the agreed Protocol.

Other areas of positive development

- .1 The Netherlands established a sophisticated information and risk driven fleet monitoring system including a planning tool for the ships flying the flag of the Government of the Netherlands.

Areas for further development

11.3 Areas for further development include:

- .1 Whereas certain port State activities related to MARPOL were delegated to the ports of Rotterdam and Amsterdam, the work instructions used by the port inspectors and the ILT inspectors, carrying out the inspections in other ports, were not fully harmonised.

APPENDIX 1

FINDINGS AND OBSERVATIONS IMO MEMBER STATE AUDIT SCHEME

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: Kingdom of the Netherlands Department: Ministry of Infrastructure and Water Management (Netherlands), Ministry of Integrity, Nature, Transport, and Elderly (Aruba), Ministry of Tourism, Economic Affairs, Traffic and Telecommunications (Sint Maarten) The Ministry of Traffic, Transport and Urban Planning (Curaçao) | Audit period: 13 to 24 March 2023 |
| Finding No.: FD-1 | Observation No.: |
| <p>STATEMENT:</p> <p>The provisions of amendments to mandatory IMO instruments had not been consistently implemented and enforced through appropriate national legislation in Aruba, Curaçao, Sint Maarten and the special municipalities of Bonaire, St Eustatius and Saba. Additionally, the pollution prevention ordinance of Curaçao did not accurately reflect the requirements of MARPOL concerning the application of MARPOL to ships of non-Parties to ensure that no more favourable treatment is given to such ships.</p> <p>EVIDENCE:</p> <p>During the audit, no objective evidence could be provided to demonstrate that:</p> <ul style="list-style-type: none"> .1 all SOLAS 1974, and MARPOL amendments were implemented and enforced through national legislation of Aruba, Sint Maarten and the special municipalities of Bonaire, St Eustatius and Saba; .2 all SOLAS 1974, STCW 1978, Casualty investigation Code and MARPOL provisions and amendments were implemented and enforced through national legislation of Curaçao; and .3 Curaçao pollution prevention ordinance is in full compliance with the requirements of MARPOL Article 5(4). | |

APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:**SOLAS 1974, article I**

"General obligations under the Convention"

MARPOL, article 1

"General obligations under the Convention to be read as : article 1 of MARPOL 73 and article 1 of MARPOL Protocol 78)"

MARPOL, article 5(4)

"With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships"

STCW 1978, article I

General obligations under the Convention

Casualty Investigation Code**III Code, paragraph 8**

"Initial actions - When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State shall have [...]"

Team leader:**Date:** 23 March 2023**Member State:** Kingdom of the Netherlands**Date received:**

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: The Kingdom of the Netherlands | |
| Finding No.: FD-2 | Observation No.: |
| STATEMENT: The Kingdom of the Netherlands had not communicated all information to IMO as required by the relevant IMO instruments to which it was Party. | |
| EVIDENCE: Although the Kingdom of the Netherlands established a mechanism and assigned responsibilities for communicating information to IMO as required by the relevant IMO instruments to which it was Party during the audit, no objective evidence could be provided to demonstrate that the following information was communicated to IMO: <ul style="list-style-type: none">.1 specimen of certificates issued under SOLAS, MARPOL, LL 1966 and TONNAGE 1969;.2 specimen copy of the type of safe manning documents issued to ships employing seafarers holding alternative certificates issued under regulation VII/1 of STCW 1978;.3 exemptions issued by the Maritime Administration of the Netherlands to individual dredgers under article 6, LL 1966;.4 cases where fuel oil suppliers have failed to meet the requirements specified in MARPOL, Annex VI regulations 14 or 18;.5 exemptions issued by the Maritime Administration of Curaçao under various provision such as SOLAS 1974 V/3, SOLAS 1974 III/35, Article 6, LL 1966; and.6 the report of independent evaluation pursuant to STCW regulation I/8 for the Maritime Administration of Curaçao. | |

APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:

SOLAS 1974, article III

"Communication of information"

MARPOL, article 11

"Communication of information"

MARPOL, Annex VI, regulation 18.9.6

"Inform the Organization for circulation to Parties and Member States of the Organization of all cases where fuel oil suppliers have failed to meet the requirements specified in regulations 14 or 18 of this Annex."

LL 1966, article 26

"Communication of information"

TONNAGE 1969, article 15

"Communication of information"

STCW Code, section A-I/7, paragraph 3.3

"Does the Party authorize employment of seafarers holding alternative certificates issued under regulation VII/1 on ships entitled to fly its flag? If yes, has a Copy of the type of minimum safe manning document issued to such ships been provided to the Secretary General?"

STCW 1978, regulation I/8.3

"A report containing the results of the evaluation required by paragraph 2 shall be communicated to the Secretary-General in accordance with the format specified in section A-I/7 of the STCW Code"

Team leader:

Date: 23 March 2023

Member State: Kingdom of the Netherlands

Date received:

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Ministry of Integrity, Nature, Transport, and Elderly (Aruba), Ministry of Tourism, Economic Affairs, Traffic and Telecommunications (Sint Maarten) | |
| Finding No.: FD-3 | Observation No.: |
| STATEMENT: The relevant entities of Aruba and Saint Maarten did not have a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. | |
| EVIDENCE: Although it was stated that records are kept indefinitely, there was no evidence that a documented procedure was in place in Aruba and Saint Maarten to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 10 "Records - Records, as appropriate, shall be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records shall remain legible, readily identifiable and retrievable. A documented procedure shall be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands Department: Ministry of Infrastructure and Watermanagement (the Netherlands) The Ministry of Traffic, Transport and Urban Planning (TTUP) (Curaçao). | Audit period: 13 to 24 March 2023 |
| Finding No.: FD-4 | Observation No.: |
| STATEMENT: Although the Administrations of the Netherlands and Curaçao developed a four-tiered approach to deal with the requirements left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments, not all relevant requirements were addressed. EVIDENCE: During the audit, no objective evidence could be provided to demonstrate that the following provisions were addressed through the four-tiered approach regarding the requirements left "to the satisfaction of the Administration": <ul style="list-style-type: none">.1 LSA Code, paragraph 6.1.2.9 (The lowering speed of a fully equipped liferaft without persons onboard shall be to the satisfaction of the Administration.); and.2 SOLAS regulation II-2/13.3.2.6.2 Escape doors from public spaces that are normally latched shall be fitted with a means of quick release. Such means shall consist of a door-latching mechanism incorporating a device that releases the latch upon the application of a force in the direction of escape flow. Quick release mechanisms shall be designed and installed to the satisfaction of the Administration and, in particular:(Normally locked doors that form part of an escape route). | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: LSA Code, paragraph 6.1.2.9 "Lowering speed of a fully equipped liferaft" SOLAS 1974, regulation II-2/13.3.2.6.2 "Normally locked doors that form part of an escape route – quick release mechanisms" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: Kingdom of the Netherlands Department: Human Environment and Transport Inspectorate (ILT) | Audit period: 13 to 24 March 2023 |
| Finding No.: FD-5 | Observation No.: |
| STATEMENT: In the case of detention of a ship entitled to fly the flag of the Government of the Netherlands, the Administration did not oversee that appropriate corrective measures were taken to bring the ship into immediate compliance with the applicable international instruments. EVIDENCE: During the audit, no objective evidence was provided to demonstrate that in the cases of detention of a ship entitled to fly the flag of the Government of the Netherlands, the Administration oversaw that appropriate corrective measures were taken to bring the ship in question into immediate compliance with the applicable international instruments. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 25 "Enforcement - When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State shall oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments" | |
| Team leader: | Date: 23/3/2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Human Environment and Transport Inspectorate (ILT), the Netherlands Maritime Authority Curaçao (MAC), Curaçao | |
| Finding No.: FD-6 | Observation No.: |
| STATEMENT: The oversight programme established by the Administrations of the Netherlands and Curaçao for monitoring and communicating with its recognized organizations did not ensure its international obligations were fully met. | |
| EVIDENCE: .1 The Administration of the Netherlands established an oversight programme for monitoring and communicating with its recognized organization(s) to ensure its international obligations were fully met was established and revised on 7 November 2022. However, there was no evidence that audits or supplementary surveys were conducted from 2020 up to the end of February 2023. While for the 2018-2019 period, the Administration conducted some audits and supplementary surveys concerning certain ROs. .2 The Administration of Curaçao established an oversight programme for monitoring and communicating with its recognized organization(s) to ensure its international obligations were fully met. However, the oversight programme was not systematically implemented and did not ensure that the international obligations of Curaçao were fully met. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 20 "Delegation of authority - The flag State shall establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by [...]" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: The Ministry of Traffic, Transport and Urban Planning (TTUP) | |
| Finding No.: FD-7 | Observation No.: |
| STATEMENT: The Administration of Curaçao had not taken measures to establish and enforce requirements related to fitness for duty and watchkeeping arrangements. This includes prevention of drug and alcohol abuse, as well as fatigue prevention and rest periods. | |
| EVIDENCE: No objective evidence was provided to demonstrate that the Administration of Curaçao had taken measures to establish and enforce requirements related to fitness for duty and watchkeeping arrangements, including prevention of drug and alcohol abuse and fatigue prevention and rest periods. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: STCW 1978, regulation VIII/2.1 "Watchkeeping arrangements and principles – direction and requirements" STCW 1978, regulation VIII/2.2 "Watchkeeping arrangements and principles – direction and requirements" III Code, paragraph 16.3 "Compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia [...]" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Maritime Authority Curaçao (MAC) | |
| Finding No.: FD-8 | Observation No.: |
| STATEMENT: The Administration of Curaçao had not established resources and processes capable of administering a safety and environmental protection programme consisting of an independent audit and inspection programme for the entity that issued the required certificates and documentation to the ships entitled to fly the flag of the Government of Curaçao, in order to ensure compliance with the requirements of the applicable international instruments. | |
| EVIDENCE: No objective evidence was provided to demonstrate that the Administration of Curaçao had established resources and processes capable of administering a safety and environmental protection programme consisting of an independent audit and inspection programme for the entity that issued the required certificates and documentation to the ships entitled to fly the flag of the Government of Curaçao, in order to ensure compliance with the requirements of the applicable international instruments During the audit, it was established that the Maritime Administration of Curaçao was issuing safe manning documents, continuous synopsis records and exemptions. However, there was no mechanism in place, consisting of an independent audit and inspection programme, to ensure compliance with the requirements of the applicable international instruments Additionally, the Administration of Curaçao had established an oversight programme for monitoring ships flying the flag of the Government of Curaçao. However, the oversight programme was not systematically implemented and did not ensure that the international obligations of the Maritime Administration of Curaçao were fully met. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 16.2 "Compliance with the requirements of the applicable international instruments, using an audit and inspection programme, independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Maritime Authority Curaçao (MAC) | |
| Finding No.: FD-9 | Observation No.: |
| STATEMENT: The Administration of Curaçao had not implemented a complete documented system for the qualification of surveyors and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake. | |
| EVIDENCE: Whilst the recruitment criteria were specified, documented and followed, no objective evidence could be provided to demonstrate that the Administration of Curaçao had implemented a documented system for the initial training of surveyors and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 35 "Flag State surveyors - The flag State shall implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Maritime Authority Curaçao (MAC) | |
| Finding No.: FD-10 | Observation No.: |
| STATEMENT: The Administration of Curaçao did not investigate the very serious marine casualty that occurred on 3 July 2021 on board the ship “ M/V NOVA FLORIDA ”. | |
| EVIDENCE: No objective evidence could be provided to demonstrate that the Administration of Curaçao investigated the very serious marine casualty that occurred on 3 July 2021 on board the ship “ M/V NOVA FLORIDA ”. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation I/21 "Casualties" MARPOL, article 12(1) "Casualties to ships – investigations" Casualty Investigation Code, paragraph 6.1 "Investigation into every very serious marine casualty" III Code, paragraph 41 "Flag State investigations - Ship casualties shall be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands Department: Ministry of Health, Environment and Nature, Curaçao Port Authority, (Curaçao) | Audit period: 13 to 24 March 2023 |
| Finding No.: FD-11 | Observation No.: |
| STATEMENT: The Maritime Administration of Curaçao did not implement and enforce the national legislation concerning the provision of port reception facilities in accordance with the applicable provisions of MARPOL Annexes I, II, IV, and V. In addition the administration did not systematically authorized and monitored the companies providing services as per the relevant MARPOL requirements. EVIDENCE: There was no evidence that the Maritime Administration of Curaçao implemented and enforced the national legislation concerning the provision of port reception facilities providing services as per MARPOL Annexes I, II, IV, and V. No evidence was available that the Government of Curaçao had analysed whether the reception facilities adequately addressed the needed capacity for the receipt of MARPOL Annexes I, II, IV and V wastes. In addition there was no evidence that the administration systematically authorized and monitored the companies providing services as per the relevant MARPOL requirements. | |

APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:

MARPOL, Annex I, regulation 38.1

"Reception facilities outside special areas"

MARPOL, Annex II, regulation 18.1

"Reception facilities and cargo unloading terminal arrangements"

MARPOL, Annex IV, regulation 12.1

"Provision of reception facilities"

MARPOL, Annex V, regulation 8.1

"Reception facilities"

III Code, paragraph 56.1

Port State Implementation – a Port State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities for the provision of appropriate reception facilities to accept all waste streams regulated under the instruments of the Organization.

Team leader:

Date: 23 March 2023

Member State: Kingdom of The Netherlands

Date received:

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Kingdom of the Netherlands | |
| Finding No.: FD-12 | Observation No.: |
| STATEMENT: The Dutch Caribbean Coast Guard (DCCG) had not put in place a mechanism for cooperation between national SAR services and passenger ships regularly calling at ports under the jurisdiction of Curaçao when the ships are developing plans for cooperation. | |
| EVIDENCE: No objective evidence could be provided to demonstrate that the Dutch Caribbean Coast Guard (DCCG) had put in place a mechanism for cooperation between national SAR services and passenger ships regularly calling at ports under the jurisdiction of Curaçao when the ships are developing plans for cooperation. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation V/7.3 "Search and rescue services – Plan for cooperation" III Code, paragraph 47 "Implementation - A coastal State shall ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: Kingdom of the Netherlands | Audit period: 13 to 24 March 2023 |
| Department: Maritime Authority Curaçao (MAC) | |
| Finding No.: FD-13 | Observation No.: |
| STATEMENT: Although the Administration of Curaçao was subjected to a programme of audits within the structure of the Maritime Administration of the Kingdom of the Netherlands and monitored some aspects of its performance through the KPI established by the Kingdom of the Netherlands, the performance of the Administration was not evaluated using, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes and annual loss statistics excluding constructive total losses. | |
| EVIDENCE: There was no evidence to demonstrate that the performance of the Administration of Curaçao was evaluated using port State control detention rates, flag State inspection results, casualty statistics, communication and information processes and annual loss statistics excluding constructive total losses. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 42 "Evaluation and review - A flag State shall, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party" III Code, paragraph 43 "Evaluation and review - Measures to evaluate the performance of flag States shall include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations" | |
| Team leader: | Date: 23 March 2023 |
| Member State: Kingdom of the Netherlands | Date received: |

APPENDIX 2
ASSESSMENT OF AREAS RELATED TO THE III CODE
(VERIFICATION INDEX)

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|--|---|---------------------|
| | | COMMENT |
| COMMON AREAS | | |
| STRATEGY | | |
| 3.1 | An overall strategy exists to ensure that international obligations and responsibilities as a flag, port and coastal State are met | YES |
| 3.2 | Methodology established to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and | YES |
| 3.3 | Continuous review of the strategy undertaken to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State | YES |
| GENERAL | | |
| 4 | Means in place to ensure compliance with relevant international rules and regulations in respect of maritime safety and protection of the marine environment | YES |
| 4 | National legislation exist to give effect to the provisions of relevant IMO instruments | YES |
| INITIAL ACTIONS (NATIONAL LEGISLATION) | | |
| 8 | Capability to implement and enforce the provisions of the applicable IMO instruments through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure | NO (See FD - 1) |
| 8.1 | Capability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag | NO (See FD - 1) |
| 8.2 | A legal basis in place for the enforcement of national laws and regulations, including the associated investigative and penal processes | NO (See FD - 1) |
| 8.3 | Sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions | YES |
| COMMUNICATION | | |
| 9 | Strategy, including information on relevant national legislation, communicated to all concerned | NO (See FD - 2) |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|----------------------------------|---|---------------------|
| | | COMMENT |
| RECORDS | | |
| 10 | Records established and maintained | NO (See FD - 3) |
| 10 | Records are legible, readily identifiable and retrievable | NO (See FD - 3) |
| 10 | Documented procedure defining controls on identification, storage, protection, retrieval, retention time and disposition of records | NO (See FD - 3) |
| IMPROVEMENT | | |
| 11 | Demonstrates continual improvement of measures giving effect to conventions and protocols accepted | YES |
| 11 | Improvement made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance | YES |
| 12 | A culture exists providing opportunities to people for improvement of performance in maritime safety and environmental protection activities | YES |
| 13 | Action taken to identify and eliminate causes of any non-conformities in order to prevent recurrence | YES |
| 13.1 | Non-conformities reviewed and analysed | YES |
| 13.2 | Implementation of necessary corrective actions monitored | YES |
| 13.3 | Reviews of corrective actions taken | YES |
| FLAG STATE SPECIFIC REQUIREMENTS | | |
| IMPLEMENTATION | | |
| 15.1 | Policies implemented through national legislation and guidance | YES |
| 15.2 | Responsibilities within the Administration assigned to update and revise any relevant policies adopted | YES |
| 16 | Resources and processes capable of administering a safety and environmental protection programme in place | YES |
| 16.1 | Administrative instructions to implement applicable international rules and regulations issued | YES |
| 16.2 | Resources in place to ensure compliance with the requirements of IMO instruments, through an independent audit and inspection programme | NO (See FD - 8) |
| 16.3 | An audit and inspection programme independent of any administrative bodies is in place, for requirements of STCW 1978, as amended | NO (See FD - 7) |
| 16.3 | Training, assessment of competence and certification of seafarers are in accordance with the provisions of STCW 1978 | NO (See FD - 7) |
| 16.3.2 | STCW certificates and endorsements accurately reflect the competencies of the seafarers, using the appropriate terminology | YES |
| 16.3.3 | Impartial investigation capabilities ensured | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|---|--|---------------------|
| | | COMMENT |
| 16.3.4 | Ability exists for certificates or endorsements to be effectively withdrawn, suspended or cancelled | YES |
| 16.4 | Resources in place to ensure the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies | YES |
| 16.5 | Resources in place to develop, document and provide guidance of requirements found in relevant mandatory IMO instruments | NO (See FD - 4) |
| 17 | Ships entitled to fly the flag of the State are sufficiently and efficiently manned | YES |
| DELEGATION OF AUTHORITY (as far as applicable) | | |
| 18.1 | The Administration determines that recognized organizations (ROs) have adequate resources | YES |
| 18.2 | Formal written agreements between the Administration and ROs in place | YES |
| 18.3 | Specific instructions issued to ROs detailing action to be followed when a ship is unfit to proceed to sea | YES |
| 18.4 | ROs provided with all appropriate instruments of national law and interpretations thereof | YES |
| 18.5 | ROs required to maintain records and give the Administration access to them | YES |
| 20 | An oversight programme established or participation in such a programme ensured, with adequate resources | NO (See FD - 6) |
| 20.1 | Authority exercised to conduct supplementary surveys | NO (See FD - 6) |
| 20.2 | Supplementary surveys conducted, as necessary | NO (See FD - 6) |
| 20.3 | Staff available with requisite knowledge to carry out effective oversight of ROs | YES |
| 21 | Nominations of surveyor(s) regulated, as appropriate | YES |
| ENFORCEMENT | | |
| 22 | All necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction so as to ensure compliance with their international obligations | YES |
| 22.1 | Legal/administrative mechanism exist to prohibit ships from sailing for non-compliance | YES |
| 22.2 | Periodic inspection of ships entitled to fly the flag of the State to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries | YES |
| 22.3.1 | Surveyors ensure that seafarers assigned to the ships are familiar with their specific duties | YES |
| 22.3.2 | Surveyors ensure that seafarers assigned to the ships are familiar with ship arrangements, installations, equipment and procedures | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|-----------------------------|--|---------------------|
| | | COMMENT |
| 22.4 | Surveyors ensuring that ship's complement, as a whole, can effectively coordinate their activities in an emergency situation and perform functions vital to safety or to the prevention or mitigation of pollution | YES |
| 22.5 | Penalties of adequate severity to discourage violation of international rules and standards exist in national laws and regulations | YES |
| 22.6 | Capability to institute proceedings – after an investigation has been conducted – against ships which have violated international rules and standards, irrespective of where the violation has occurred | YES |
| 22.7 | Penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority exist in national laws and regulations | YES |
| 22.8 | Capability to institute proceedings – after an investigation has been conducted – against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred | YES |
| 23 | Control and monitoring programme developed and implemented | YES |
| 23.1 | Prompt and thorough casualty investigations, with reporting to IMO, provided | YES |
| 23.2 | Statistical data collected and trend analyses conducted | YES |
| 23.3 | Timely response to deficiencies and alleged pollution incidents reported by port or coastal States | YES |
| 24.5 | Training and oversight of the activities of flag State surveyors and investigators ensured | YES |
| 25 | Appropriate corrective measures to bring own ships into compliance with the applicable international conventions can be taken | NO (See FD - 5) |
| 26 | Provision for flag State or RO to determine international certificates only issued to ships meeting all applicable standards | YES |
| 27 | International certificate of competency or endorsement only issued after it has been determined that the person meets all applicable requirements | YES |
| FLAG STATE SURVEYORS | | |
| 28 | Responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention defined and documented | YES |
| 29 | Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant IMO mandatory instruments appropriately qualified | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|----------------------------------|--|---------------------|
| | | COMMENT |
| 32 | Personnel have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes | YES |
| 33 | Personnel assisting surveyors have education, training and supervision commensurate with the tasks they are authorized to perform | YES |
| 35 | Documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake | NO (See FD – 9) |
| 37 | Identification document issued for the surveyor to carry when performing his/her tasks | YES |
| FLAG STATE INVESTIGATIONS | | |
| 38 | Casualty investigations conducted by suitably qualified, impartial investigators, competent in matters relating to the casualty | YES |
| 38 | Qualified investigators provided, irrespective of the location of casualty or incident | YES |
| 39 | Individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties | YES |
| 39 | State has ready access to expertise in listed areas: navigation and the Collision Regulations; flag State regulations on certificates of competency; causes of marine pollution; interviewing techniques; evidence gathering; and evaluation of the effects of the human element | YES |
| 40 | Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties investigated, and the results of such investigations made public | YES |
| 41 | Ship casualties investigated and reported in accordance with the relevant IMO conventions, and the guidelines developed by IMO | NO (See FD - 10) |
| 41 | Investigation reports forwarded to IMO together with the flag State's observations | NO (See FD - 2) |
| EVALUATION AND REVIEW | | |
| 42 | Performance evaluated with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party | NO (See FD - 13) |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|------------------------------------|--|---------------------|
| | | COMMENT |
| COSTAL STATE SPECIFIC REQUIREMENTS | | |
| IMPLEMENTATION | | |
| 46.1 | Policies implemented through issuance of national legislation and guidance | YES |
| 46.2 | Responsibilities assigned to update and revise any relevant policies adopted | YES |
| 47 | Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general; | NO (See FD - 12) |
| 48.1 | For radiocommunication services; | YES |
| 48.2 | For meteorological services and warnings; | YES |
| 48.3 | For search and rescue services; | YES |
| 48.4 | For hydrographic services; | YES |
| 48.5 | For ship routeing; | YES |
| 48.6 | For ship reporting systems; | YES |
| 48.7 | For vessel traffic services; and | YES |
| 48.8 | For aids to navigation | YES |
| ENFORCEMENT | | |
| 49 | All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a coastal State | YES |
| 50 | Control and monitoring programme considered, developed and implemented | YES |
| 50.1 | Statistical data collected and trend analyses conducted | YES |
| 50.2 | Mechanisms for timely response to pollution incidents established | YES |
| 50.3 | Cooperation with flag States and/or port States in investigation of maritime casualties | YES |
| EVALUATION AND REVIEW | | |
| 51 | Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable international instruments | YES |
| PORT STATE SPECIFIC REQUIREMENTS | | |
| IMPLEMENTATION | | |
| 54.1 | Policies implemented through issuance of national legislation and guidance | YES |
| 54.2 | Responsibilities assigned to update and revise any relevant policies adopted | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|------------------------------|--|---------------------|
| | | COMMENT |
| 55 | Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general; | YES |
| 56.1 | For provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization; | NO (See FD - 11) |
| 56.2 | For port State control activities; and | YES |
| 56.3 | For keeping a register of fuel oil suppliers | YES |
| ENFORCEMENT | | |
| 57 | All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a port State | YES |
| 59 | No more favourable treatment put in place when carrying out port State control | YES |
| 60 | Processes to administer a port State control programme established consistent with the relevant resolution adopted by the Organization | YES |
| 61 | Port State control carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization | YES |
| 62 | Port State control officers and persons assisting them free from any commercial, financial and other pressures and have no commercial interest, either in the port of inspection or the ships inspected | YES |
| 62 | Port State control officers and persons assisting them not employed by or undertake work on behalf of recognized organizations or classification societies | YES |
| 62 | Procedures implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection | YES |
| EVALUATION AND REVIEW | | |
| 63 | Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization | YES |

APPENDIX 3

MEMBER STATE'S CORRECTIVE ACTION PLAN

(Forms B)

ANNEX 1

AUDIT PROGRAMME

| Day 1: 13 March 2023 | | | |
|---|--|--------------|---|
| Time | Activity | Participants | Division and Location |
| 09:00-12:00 | Legislation processes [NL incl BES] <ul style="list-style-type: none"> Legal basis for enforcement of IMO instruments through national laws: process for the integration of IMO mandatory instruments and their amendments into Kingdom and national law Promulgation of Kingdom and national laws and amendments (How a treaty is ratified / promulgated / implemented and enforced) Relevant principal legislations in the Netherlands (including BES) and the Kingdom of the Netherlands Interpretations and guidance notes in the Netherlands Investigative and penal process in the Netherlands including COLREG violations Reporting and records: <ul style="list-style-type: none"> Reporting and communication of information to IMO (Netherlands) Records keeping (Netherlands) | | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |
| 12.15 – 13:30 | Lunch break | All auditors | Walk from ZZIIN to Conference Centre New Babylon (200m) Anna van Buerenplein 41, 2595 DA The Hague |
| 13.30 – 14.30 [NL] 08.30-09.30 [Carib] | Opening Meeting [Hybrid meeting] <ul style="list-style-type: none"> Welcome and introduction by SPC Kingdom of the Netherlands Opening word by Minister Opening presentation by ATL | | Conference Centre New Babylon Anna van Buerenplein 41, 2595 DA The Hague Virtual meeting via Webex: Cisco Webex Meetings |

| Day 1: 13 March 2023 | | | |
|---|---|---|---|
| Time | Activity | Participants | Division and Location |
| | | | |
| 14:30 – 14.45 | Break | All auditors | |
| 14.45 – 16.15 09.45 - 11.15 [Carib] | Introduction [Hybrid] <ul style="list-style-type: none"> • Introduction to the Kingdom, KMA and maritime principles • Structure and responsibilities of entity(s) comprising the maritime administration in the Netherlands and independent Caribbean countries Strategy <ul style="list-style-type: none"> • Implementation of the overall maritime strategy • Processes for continual review • Risk analysis and performance measurement/evaluation. Improvement of performances of the State <ul style="list-style-type: none"> • Measures taken to give effect to ratified mandatory IMO instruments • Training programs • National and regional drills • Rewards and incentive mechanisms • Evaluation and review of State's performances • Elimination of identified non-conformities | | Conference Centre New Babylon Anna van Buerenplein 41, 2595 DA The Hague Virtual meeting via Webex Cisco Webex Meetings |
| 16:15 – 16.30 | Break | All auditors | Afternoon snack included |
| 16.30 – 18.30 11.30 – 13.30 [Carib] | Legislation processes [Hybrid] <ul style="list-style-type: none"> • Legal basis for enforcement of IMO instruments through national laws: process for the integration of IMO mandatory instruments and their amendments into [Kingdom and] national law | All auditors All entities from Aruba, Curaçao and Sint Maarten involved in the implementation of the mandatory IMO Instruments | Conference Centre New Babylon Anna van Buerenplein 41, 2595 DA The Hague |

| Day 1: 13 March 2023 | | | |
|----------------------|--|---|---|
| Time | Activity | Participants | Division and Location |
| | <ul style="list-style-type: none"> Promulgation of Kingdom and national laws and amendments (How a treaty is ratified / promulgated / implemented and enforced) Relevant principal legislations in the Netherlands Interpretations and guidance notes in Aruba, Curaçao and Sint Maarten <p>Focus will be mainly on Aruba and Sint Maarten, Curaçao to watch, learn and be ready to answer questions</p> | | Virtual meeting via Webex Cisco Webex Meetings |
| 18.00 – 18.30 | Auditor's private meeting | All auditors | Directorate-General for Civil Aviation and Maritime Affairs Room 12.C.114 Rijnstraat 8 2515 XP The Hague |
| 18.30 – 19.00 | Debriefing | All auditors and SPC / Observer / Audit support | Directorate-General for Civil Aviation and Maritime Affairs Room 12.C.114 Rijnstraat 8 2515 XP The Hague |

| Day 2: 14 March 2023 | | | |
|-----------------------|--|---------------------|--|
| Time | Activity | Participants | Division and Location |
| 09.00 - 10.00 [NL] | Review of policies for the implementation and enforcement of SOLAS 1974: <ul style="list-style-type: none"> • Implementation and enforcement • Safety, design and construction, stability, equipment approval • Survey and certification • Safe manning • Exemptions, equivalent, dispensations • Control measures, FSI, outcome of PSC inspections, review and improvement • Interpretations left to the "satisfaction of the Administration" • Reporting to IMO | | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |
| 10.00 – 10:15 | Break | All auditors | |
| 10:15 – 11:15 | Review of policies for the implementation and enforcement of MARPOL: <p>Ship-Related:</p> <ul style="list-style-type: none"> • Implementation and enforcement • Survey and certification • Exemptions, equivalent, dispensations • Control measures, FSI, review and improvement • Interpretations • Reporting to IMO <p>Environment-Related: Environment protection measures, penal provisions, enforcement (Netherlands)</p> | | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |
| 11:15 – 11.30 | Break | All auditors | |

| Day 2: 14 March 2023 | | | |
|----------------------|--|--------------|--|
| Time | Activity | Participants | Division and Location |
| 11:30 – 12:30 | Review of policies for the implementation and enforcement of STCW 1978: <ul style="list-style-type: none"> • Implementation and enforcement of STCW • Training assessment and certification • Dispensation • Investigation into incompetence • Review and improvement • Reporting to IMO | | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |
| 11:30 – 12:30 | Review of policies for the implementation and enforcement of COLREG 1972, TONNAGE 1969 and Load Lines 1966: <ul style="list-style-type: none"> • Implementation and enforcement • Equipment approval • Exemptions, equivalent, dispensations • Survey and certification • Control measures, FSI, PSC, review and improvement • Interpretations left to the “satisfaction of the Administration” • Reporting to IMO | | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |
| 12:30 – 13:30 | Lunch break | All auditors | |

| Day 2: 14 March 2023 | | | |
|--|--|--------------|---|
| Time | Activity | Participants | Division and Location |
| 13:30 – 15:30 08.30 – 10.30 <i>[Carib]</i> | <p>Review of policies for the implementation and enforcement of SOLAS 1974, COLREG 1972, TONNAGE 1969 and Load Lines 1966: [Hybrid]</p> <ul style="list-style-type: none"> • Implementation and enforcement • Safety, design and construction, stability, equipment approval • Survey and certification • Safe manning • Exemptions, equivalent, dispensations • Control measures, FSI, outcome of PSC inspections, review and improvement • Interpretations left to the “satisfaction of the Administration” • Reporting to IMO <p>Reporting and records:</p> <ul style="list-style-type: none"> • Reporting and communication of information to IMO (independent Caribbean countries) • Records keeping (Aruba and Sint Maarten) <p>Focus will be mainly on Aruba and Sint Maarten, Curaçao to watch, learn and be ready to answer questions</p> | | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague Virtual meeting via Webex Cisco Webex Meetings |
| 15:30 – 15:40 | Break | All auditors | |

| Day 2: 14 March 2023 | | | |
|--|--|--|--|
| Time | Activity | Participants | Division and Location |
| <p>15:40-17:00</p> <p>10.40 – 12.00 <i>[Carib]</i></p> | <p>Review of policies for the implementation and enforcement of MARPOL:</p> <p>Ship-Related:</p> <ul style="list-style-type: none"> • Implementation and enforcement • Survey and certification • Exemptions, equivalent, dispensations • Control measures, FSI, review and improvement • Interpretations • Reporting to IMO <p>Environment-Related:</p> <p>Environment protection measures</p> <p>Focus will be mainly on Aruba and Sint Maarten, Curaçao to watch, learn and be ready to answer questions</p> | | <p>Directorate-General for Civil Aviation and Maritime Affairs</p> <p>Relevant entities from Aruba and St. Maarten</p> <p>ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague</p> <p>Virtual meeting via Webex Cisco Webex Meetings</p> |
| 17:00 – 17:30 | Auditor's private meeting | All auditors | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |
| 17.30 – 18:00 | Debriefing | All auditors and SPC / Observer / Audit support | ZZIIN Central Station Koningin Julianaplein 10 2595 AA The Hague |

| Day 3: 15 March 2023 | | | |
|----------------------|--|--------------|--|
| Time | Activity | Participants | Division and Location |
| 07.54 - 08.45 | Transport to Zwijndrecht | Auditors: | Train [07.54 The Hague Central, track 1 to Dordrecht] |
| 09:00 – 10:00 | Surveyor training and recruitment: <ul style="list-style-type: none"> • Process of recruitment of flag State surveyors • Process of recruitment of port State control officers • Qualification, training and continual improvement | | Human Environment and Transport Inspectorate (ILT) Room 4.02 Parrallelweg 4 3331 EW Zwijndrecht |
| 09:00 – 10:00 | Coastal State activities: <ul style="list-style-type: none"> • VTS, • Ship Reporting, • Ships' Routing | | Directorate-General for Civil Aviation and Maritime Affairs Room X.401 Rijnstraat 8, 2515 XP the Hague Virtual meeting via Webex Cisco Webex Meetings |

| Day 3: 15 March 2023 | | | |
|----------------------|--|--------------|---|
| Time | Activity | Participants | Division and Location |
| 10:00 – 10:15 | Break | All auditors | |
| 10:15 – 12:00 | Introduction to RO monitoring and implementation: <ul style="list-style-type: none"> • Policy • RO agreements • Communication and instructions • Monitoring mechanism and oversight program • Resources • Evaluation and review | | Human Environment and Transport Inspectorate (ILT) Room 4.02 Parrallelweg 4 3331 EW Zwijndrecht |
| 10:15 – 12:00 | Coastal State activities: <ul style="list-style-type: none"> • Aids to Navigation (policies) • Hydrographic surveys • Nautical charting | | Directorate-General for Civil Aviation and Maritime Affairs Room X.401 Rijnstraat 8, 2515 XP The Hague Virtual meeting via Webex Cisco Webex Meetings |
| 12.00 – 13.00 | Lunch break | All auditors | Zwijndrecht cantine The Hague Room X.401 |
| 13.00 – 15.00 | Implementation of Port State Control: <ul style="list-style-type: none"> • PSC legislation | | Human Environment and Transport Inspectorate (ILT) |

| Day 3: 15 March 2023 | | | |
|----------------------|---|-----------------|---|
| Time | Activity | Participants | Division and Location |
| | <ul style="list-style-type: none"> • Practical implementation • PSC officers (PSCOs) • Statistical analysis • Records • Reporting on detention • Evaluation and review | | <p>Room 4.02 Parrallelweg 4 3331 EW Zwijndrecht</p> <p>Virtual meeting via Webex Cisco Webex Meetings</p> |
| 13.00 – 15.00 | <p>Meteorological data and services</p> <p>Weather forecast, weather warnings</p> <p>Radiocommunication Services</p> <p>Coastal State activities:</p> <ul style="list-style-type: none"> • Reporting to IMO • Evaluation and review | | <p>Directorate-General for Civil Aviation and Maritime Affairs</p> <p>Room X.401</p> <p>Rijnstraat 8, 2515 XP the Hague</p> |
| 15.00 – 15.15 | Break | Auditors3 and 4 | |
| 15.15 – 17.00 | <p>Implementation of survey, policies for flag State inspections and surveys:</p> <ul style="list-style-type: none"> • Policy on survey and inspection • Type of surveys • Exemption policies • FSI instructions • Certificate Forms • Survey/inspection checklist | | <p>Human Environment and Transport Inspectorate (ILT)</p> <p>Room 4.02 Parrallelweg 4 3331 EW Zwijndrecht</p> |

| Day 3: 15 March 2023 | | | |
|----------------------|---|--------------|---|
| Time | Activity | Participants | Division and Location |
| | <ul style="list-style-type: none"> • IMO guidance • Enforcement of ships, owners, operators (examples) • Statistical analysis • Records • Reporting to IMO Evaluation and review | | |
| 15:15 – 16:00 | Port State activities: <ul style="list-style-type: none"> • Register of fuel oil suppliers • Implementation and enforcement of the requirements on the fuel quality related matters | | Directorate-General for Civil Aviation and Maritime Affairs Room X.401 Rijnstraat 8, 2515 XP The Hague |
| 16:00- 16:10 | Break | | |
| 16:10 – 17:00 | Port State activities: <ul style="list-style-type: none"> • Pollution response (policies) – coastal and inland | | Directorate-General for Civil Aviation and Maritime Affairs Room X.401 Rijnstraat 8, 2515 XP The Hague |

| Day 3: 15 March 2023 | | | |
|--------------------------------------|--|---|---|
| Time | Activity | Participants | Division and Location |
| | | | |
| 17.00 - 18.00 [exact time TBD] | Transport Zwijndrecht – The Hague Auditor's private meeting [Hybrid mode] | Auditors: All auditors | Train Directorate-General for Civil Aviation and Maritime Affairs Room X.401 Rijnstraat 8, 2515 XP The Hague |
| 18.00 – 18:30 | Debriefing | All auditors and SPC / Observer / Audit support | Directorate-General for Civil Aviation and Maritime Affairs Room X.401 Rijnstraat 8, 2515 XP the Hague |

| Day 4: 16 March 2023 | | | |
|----------------------|--|--------------|---|
| Time | Activity | Participants | Division and Location |
| 07.19-09.26 | Transport to Den Helder | Auditors: | Train [07.19 The Hague Central, track 9 to Amsterdam Central Station] Transport in Den Helder arranged by Coast Guard |
| 10:00 – 12:00 | Visit to Den Helder Coast Guard centre <ul style="list-style-type: none"> • SAR Service • Investigation reported incidents of pollution • Pollution response [at sea] • COLREG violations | | Coast Guard Centre Navy base Rijkszee- en Marinehaven 6/7, 1781 CA Den Helder |
| 12.00-12.50 | Lunch Break | | Witte Raaf Navy base Rijkszee- en Marinehaven 6/7, 1781 CA Den Helder |
| 12.50 – 13.00 | Transport from Witte Raaf to RWS dependance | | Car – arranged by Coast Guard |
| 13.00-13.50 | <ul style="list-style-type: none"> • Aids to Navigation (ATONs) [site visit] • Oil pollution response materials | | Rijkswaterstaat dependance Navy base Rijkszee- en Marinehaven 6/7, 1781 CA Den Helder |

| Day 4: 16 March 2023 | | | |
|----------------------|---|---|---|
| Time | Activity | Participants | Division and Location |
| | | | |
| 13.50-14.00 | Transport from RWS dependance to VTS Den Helder | | Car – arranged by Coast Guard |
| 14.00-15.00 | <ul style="list-style-type: none"> VTS Den Helder [site visit] | | VTS Den Helder Harssens peninsula Bevesierweg 5 1781 CA Den Helder |
| 15.04 – 17.11 | Transportation from Den Helder to The Hague | Auditors: | Train [15.04 Den Helder, track 2 to Nijmegen] |
| 17:00 – 17:30 | Auditor's private meeting [possible during travelling via virtual meeting] | All auditors | Directorate-General for Civil Aviation and Maritime Affairs Room 12.A.118 Rijnstraat 8, 2515 XP The Hague |
| 17.30 – 18:00 | Debriefing | All auditors and SPC / Observer / Audit support | Directorate-General for Civil Aviation and Maritime Affairs Room 12.A.118 Rijnstraat 8, 2515 XP The Hague |
| 08.15 – 10.00 | Transportation from The Hague to Traffic Centre Botlek | Auditors: | Car |

| Day 4: 16 March 2023 | | | |
|----------------------|---|--------------|--|
| Time | Activity | Participants | Division and Location |
| 10:00 – 12:00 | Port of Rotterdam <ul style="list-style-type: none"> • Interview with PSCOs/Agreement ILT-PoR • Interview with port authority inspectors (relevant tasks) • Port reception facilities • Grain Code and IMSBC Code | | Port of Rotterdam Location Traffic Centre Botlek Meeting room 1st floor Oude Maasweg 3 3197 KJ Rotterdam |
| 12:00 – 12:45 | Lunch Break | | VTs Botlek |
| 12.45 - 13.00 | Transport to a Port reception facility [site visit] | | Approx 15 min by car |
| 13.00 - 14.00 | Port reception facility [site visit] | | 2 cars available Bek en Verburg Montrealweg 140 Havennr. 4250 3197 KH Rotterdam-Botlek |

| Day 4: 16 March 2023 | | | |
|----------------------|---|---|--|
| Time | Activity | Participants | Division and Location |
| | | | Bek & Verburg Collecting and handling shipping waste (bek-verburg.nl) |
| 14.00 – 14.30 | Transport to container terminal | | Max 30 min by car |
| 14:30 – 15:30 | Container terminal [site visit] Dangerous goods handling (e.g. IMDG) | | Rotterdam Shortsea Terminals Reeweg 35 3089 KM Rotterdam Port Number 2750 Terminal - Rotterdam Shortsea Terminals - RST (rstshortsea.nl) |
| 15.30 – 17.00 | Transportation from Rotterdam [Schiedam] to The Hague | Auditors: | ILT car |
| 17:00 – 17:30 | Auditor's private meeting [possible during travelling via virtual meeting] | All auditors | Directorate-General for Civil Aviation and Maritime Affairs Room 12.A.118 Rijnstraat 8, 2515 XP The Hague |
| 17.30 – 18:00 | Debriefing | All auditors and SPC / Observer / Audit support | Directorate-General for Civil Aviation and Maritime Affairs Room 12.A.118 Rijnstraat 8 2515 XP the Hague |

| Day 5: 17 March 2023 | | | |
|----------------------|---|---|---|
| Time | Activity | Participants | Division and Location |
| 08:45 – 09:00 | Break/ Transportation | All Auditors | Walk to DSB |
| 09:00 – 11:00 | Casualty Investigation: <ul style="list-style-type: none"> Casualty investigation activities Reporting to the Organization and other Administrations Training and qualification | | Dutch Safety Board 4th floor Lange Voorhout 9 2514 EA Hague |
| 11:00 – 11:15 | Break/ Transportation | All auditors | Walk |
| 11:15 - 12:30 | Outstanding issues <ul style="list-style-type: none"> General/flag/coastal/port functions | All auditors Member State representatives/ bodies TBD – mainly virtual attendance | Directorate-General for Civil Aviation and Maritime Affairs Room X.403 Rijnstraat 8 2515 XP The Hague Virtual meeting via Webex Cisco Webex Meetings |
| 12.30 – 13.30 | Lunch break | All auditors | Room X.403 |
| 13:30 - 14:30 | Outstanding issues | All auditors Member State representatives/ bodies TBD – mainly virtual attendance | Directorate-General for Civil Aviation and Maritime Affairs Room X.403 Rijnstraat 8 2515 XP The Hague Virtual meeting via Webex Cisco Webex Meetings |

| Day 5: 17 March 2023 | | | |
|---|---|---|--|
| Time | Activity | Participants | Division and Location |
| 08:45 – 09:00 | Break/ Transportation | All Auditors | Walk to DSB |
| 14:30 – 15:30 | Auditor's private meeting | All auditors | Directorate-General for Civil Aviation and Maritime Affairs Room X.403 Rijnstraat 8 2515 XP Hague |
| 15:30 – 16:00 | Debriefing | All auditors and SPC / Observer / Audit support | Directorate-General for Civil Aviation and Maritime Affairs Room X.403 Rijnstraat 8 2515 XP Hague |
| 16:00 – 17:30 [NL] 11.00 – 12.30 [Carib] | Presentation of the draft findings for the first five days of the audit | | Directorate-General for Civil Aviation and Maritime Affairs Room X.403 Rijnstraat 8 2515 XP Hague Virtual meeting via Webex Cisco Webex Meetings |

Day 6: 20 March 2023

| Time [local] | Activity | Participants | Division and Location |
|----------------------|---|---------------------|---|
| 11:00 – 11:30 | Opening Meeting | | <p>All entities involved in the implementation of the mandatory IMO Instruments</p> <p>Maritime Authority Curaçao (MAC)</p> <p>Media room Kaya Afido Willemstad</p> |
| 11:30 – 11:40 | Break | All auditors | |
| 11:40 – 12:30 | Legislation processes (outstanding issues) <ul style="list-style-type: none"> • Legal basis for enforcement of IMO instruments through national laws: process for the integration of IMO mandatory instruments and their amendments into national law • Promulgation of national laws • Relevant principal legislations in Curaçao • Interpretations and guidance notes in Curaçao • Investigative and penal process in Curaçao | | <p>Maritime Authority Curaçao (MAC)</p> <p>Media room Kaya Afido Willemstad</p> |
| 12:30 – 13:00 | Lunch Break | All auditors | |
| 13:00 – 14:00 | Legislation processes (outstanding issues) <ul style="list-style-type: none"> • Legal basis for enforcement of IMO instruments through national laws: process for the integration of IMO mandatory instruments and their amendments into national law • Promulgation of national laws • Relevant principal legislations in Curaçao • Interpretations and guidance notes in Curaçao • Investigative and penal process in Curaçao | All Auditors | <p>Maritime Authority Curaçao (MAC)</p> <p>Media room Kaya Afido Willemstad</p> |
| 14:00 – 14:10 | Break | All auditors | |

| Day 6: 20 March 2023 | | | |
|----------------------|---|----------------------|--|
| Time [local] | Activity | Participants | Division and Location |
| 14:10 – 16:30 | Review of policies for the implementation and enforcement of SOLAS 1974, MARPOL, STCW 1978, COLREG 1972, TONNAGE 1969 and Load Lines 1966 | | Maritime Authority Curaçao (MAC) Media room Kaya Afido Willemstad Maritime Authority Curaçao (MAC) |
| 16:30 – 17:00 | Auditor's private meeting | All auditors | |
| 17.00 – 17:30 | Debriefing | All auditors and SPC | |

Day 7: 21 March 2023

| Time | Activity | Participants | Division and Location |
|----------------------|--|---------------------|--|
| 08:30 - 09:30 | Surveyor training and recruitment: <ul style="list-style-type: none"> • Process of recruitment of flag State surveyors • Process of recruitment of port State control officers • Qualification, training and continual improvement | | Maritime Authority Curaçao (MAC) Media room Kaya Afido Willemstad |
| 09:30 – 09:40 | Break | All auditors | |
| 09:40 - 10:40 | Coastal State activities: <ul style="list-style-type: none"> • Aids to Navigation | | Maritime Authority Curaçao (MAC) Media room Kaya Afido Willemstad |
| 10:40 – 10:50 | Break | All auditors | |
| 10:50 - 12:30 | Implementation of survey, policies for flag State inspections and surveys: <ul style="list-style-type: none"> • Policy on survey and inspection • Type of surveys • Exemption policies • FSI instructions • Certificate Forms • Survey/inspection checklist • IMO guidance • Enforcement of ships, owners, operators (examples) • Statistical analysis • Records • Reporting to IMO • Evaluation and review | | Maritime Authority Curaçao (MAC) Media room Kaya Afido Willemstad |
| 12:30 – 13:30 | Lunch break | All auditors | |
| 13:30 – 14:30 | Casualty Investigation: | All Auditors | Maritime Authority Curaçao (MAC) |

| Day 7: 21 March 2023 | | | |
|----------------------|--|----------------------|--|
| Time | Activity | Participants | Division and Location |
| | <ul style="list-style-type: none"> Casualty investigation activities Reporting to the Organization and other Administrations Training and qualification | | Media room Kaya Afido Willemstad |
| 14:30 – 14:40 | Break | All auditors | |
| 14:40 – 15:40 | Implementation of Port State Control: <ul style="list-style-type: none"> PSC legislation Practical implementation PSC officers (PSCOs) Statistical analysis Records Reporting on detention Evaluation and review | | Maritime Authority Curaçao (MAC) Media room Kaya Afido Willemstad |
| 15:40 – 15:50 | Break | All auditors | |
| 15:50 – 16:30 | Introduction to RO monitoring and implementation: <ul style="list-style-type: none"> Policy RO agreements Communication and instructions Monitoring mechanism and oversight program Resources Evaluation and review | | Maritime Authority Curaçao (MAC) Media room Kaya Afido Willemstad |
| 16:30 – 17:00 | Auditor's private meeting | All auditors | |
| 17:00 – 17:30 | Debriefing | All auditors and SPC | |

| Day 8: 22 March 2023 | | | |
|----------------------|--|---|---|
| Time | Activity | Participants | Division and Location |
| 08:30 - 11:50 | Visit to the port of Willemstad: interviews at CPS [08.30-10.00] <ul style="list-style-type: none"> Port reception facilities Dangerous goods handling (e.g. IMDG) Site visit CPS [10.00-10.45] <ul style="list-style-type: none"> Bus tour on container and cargo terminal Seperation of DG (onshore) Light lunch during ferry tour [10.45-11.45] <ul style="list-style-type: none"> Pollution response [check equipement on site with ferry tour] Aids to Navigation (ATONs) [floating marks during ferry tour] | | Curaçao Port Services Meeting room Bus tour on CPS container terminal Ferry tour through Annabaai incl lunch port of Willemstad |
| 11:50 – 12:00 | Transportation | All auditors SPC – audit support | From CPS to JRCC by car |
| 12:00 – 13:15 | Visit to JRCC Curaçao <ul style="list-style-type: none"> SAR services Radio communication (SOLAS Chapter IV) | | Dutch Caribbean Coast Guard (DCCG) Naval base Parera Willemstad |
| 13:15 – 13:45 | Transportation | All auditors | |
| 13.45 - 14.45 | <ul style="list-style-type: none"> Pollution response [at sea] | | Maritime Authority Curaçao (MAC) Auditors meeting room 1 st floor |

| Day 8: 22 March 2023 | | | |
|----------------------|---|----------------------|--|
| Time | Activity | Participants | Division and Location |
| | | | Kaya Afido Willemstad |
| 14:45 – 15:45 | <ul style="list-style-type: none"> Meteorological services | | Curaçao Meteorological Service (MDC) Location MAC 2nd floor Kaya Afido Willemstad |
| 15:45 – 15:55 | Break | All auditors | |
| 15:55 - 16:30 | Outstanding issues <ul style="list-style-type: none"> General/flag/coastal/port functions | | Maritime Authority Curaçao (MAC) Kaya Afido Willemstad |
| 16:30 – 17:00 | Auditor's private meeting | All auditors | MAC |
| 17.00 – 17:30 | Debriefing | All auditors and SPC | MAC |

| Day 9: 23 March 2023 | | | |
|----------------------|---|--------------|--|
| Time | Activity | Participants | Division and Location |
| 09:00 – 18:00 | Drafting of findings, observations and consolidation of the draft audit interim report (DIR). | All Auditors | Avila Beach resort Boardroom Curaçao |

| Day 10: 24 March 2023 | | | |
|-----------------------|---|--------------|---|
| Time | Activity | Participants | Division and Location |
| 10:00 – 12:00 | <p>Closing Meeting [Hybrid]</p> <p>Submission of draft interim report including findings and observations, and draft executive summary report.</p> | | <p>All entities involved in the implementation of the mandatory IMO Instruments in Curaçao</p> <p>Maritime Authority Curaçao (MAC)</p> <p>Media room Kaya Afido Willemstad</p> <p>Virtual meeting via Webex: Cisco Webex Meetings</p> |

| Day 10: 24 March 2023 | | | |
|-----------------------|----------|--------------|-----------------------|
| Time | Activity | Participants | Division and Location |
| | | | |

ANNEX 2

LIST OF ATTENDEES TO THE OPENING MEETING

List of Attendees at the Opening Meeting at Netherlands (13 March 2023)

Names deleted prior to public publication

List of Attendees to the Opening Meeting at Curaçao (24 March 2023)

Names deleted prior to public publication

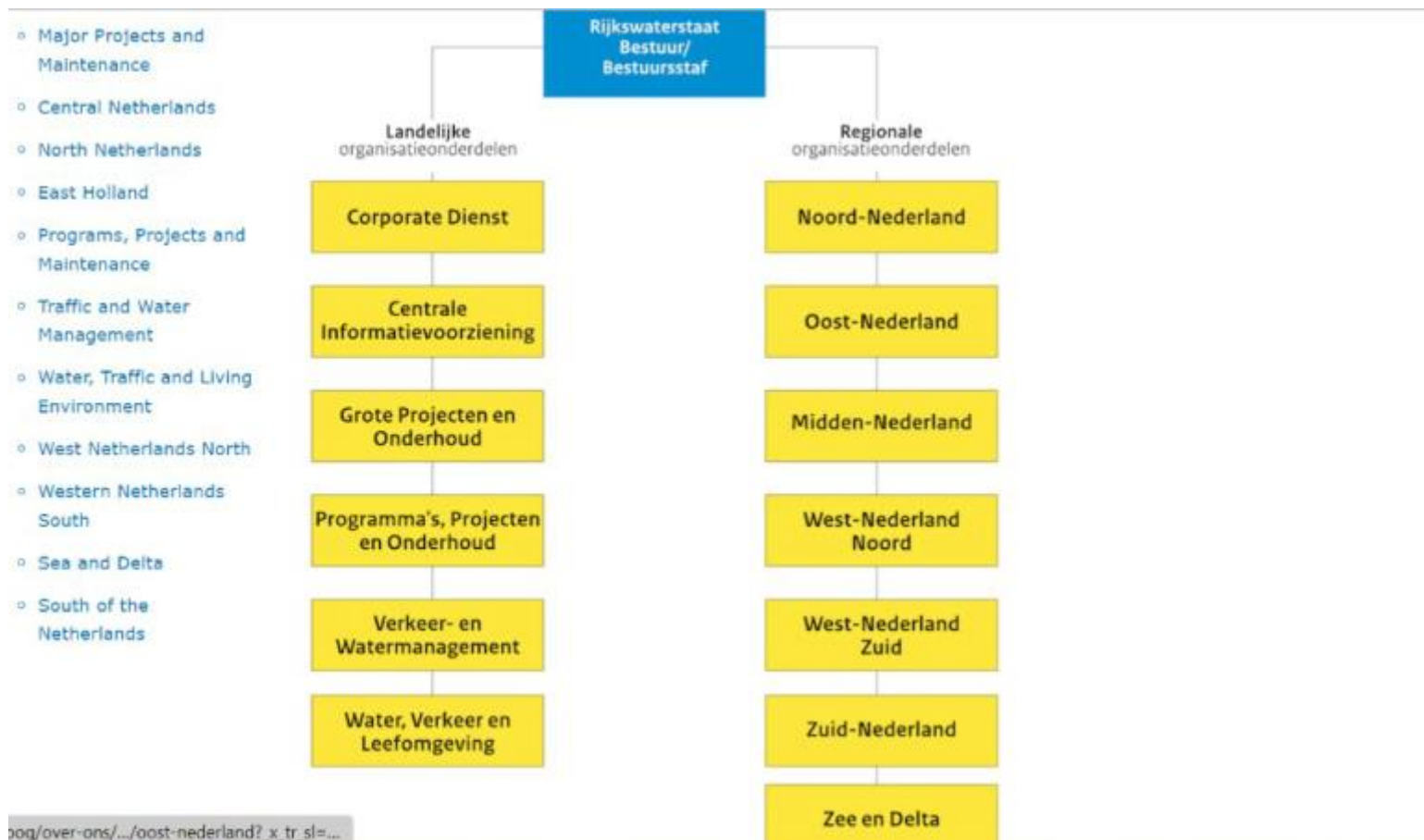
ANNEX 3

STRUCTURE OF THE MARITIME ADMINISTRATIONS

The Netherlands

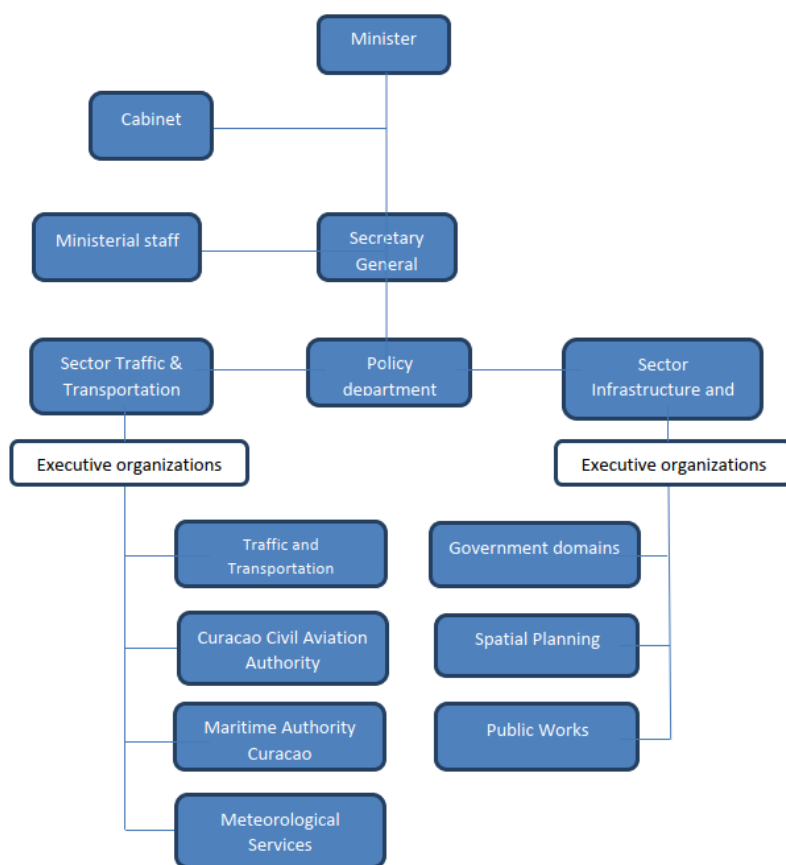
Version October 2002



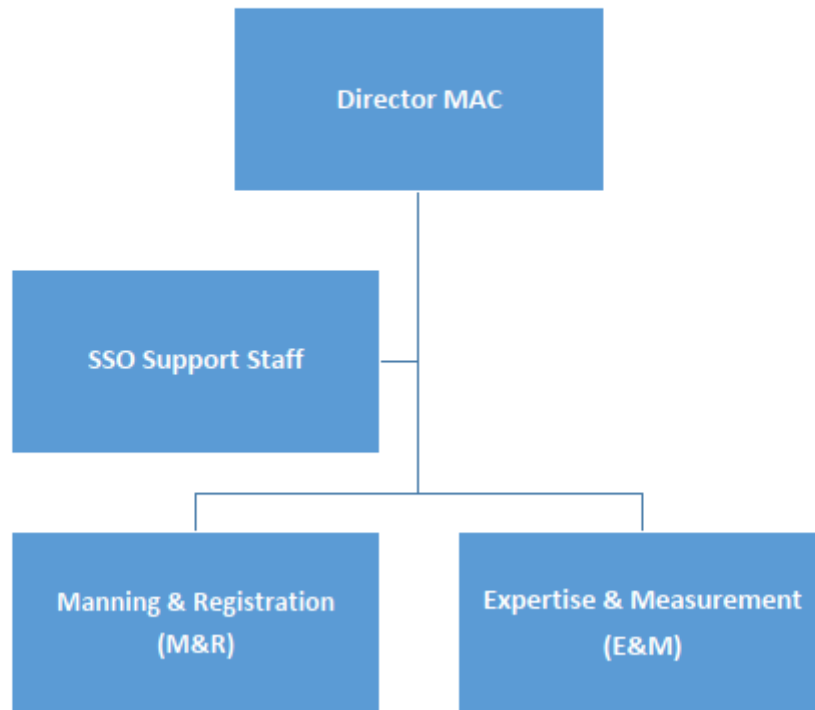


Curaçao

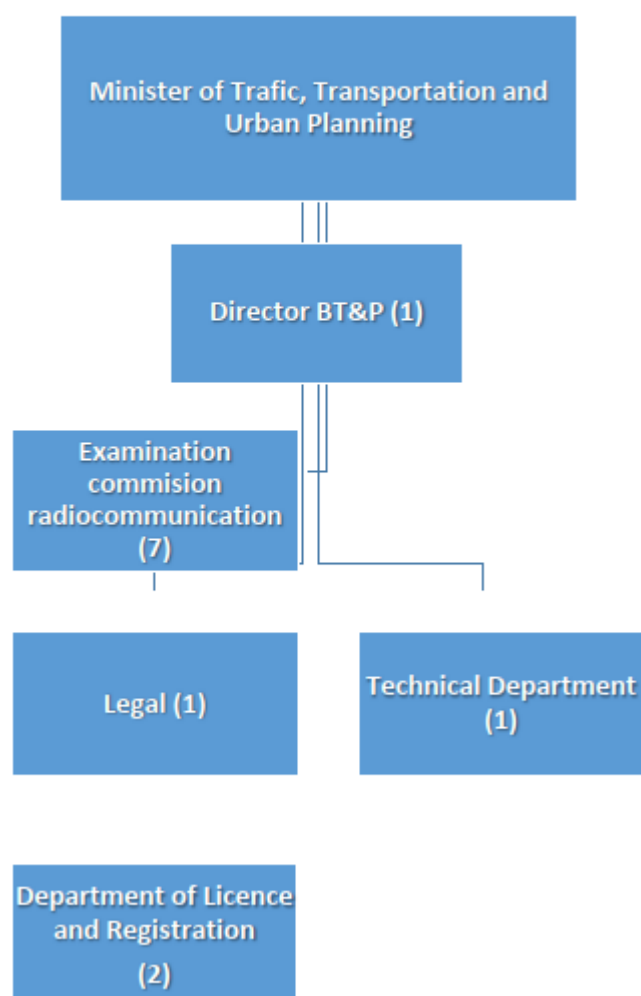
Ministry of TTUP – Overall supervision and policy



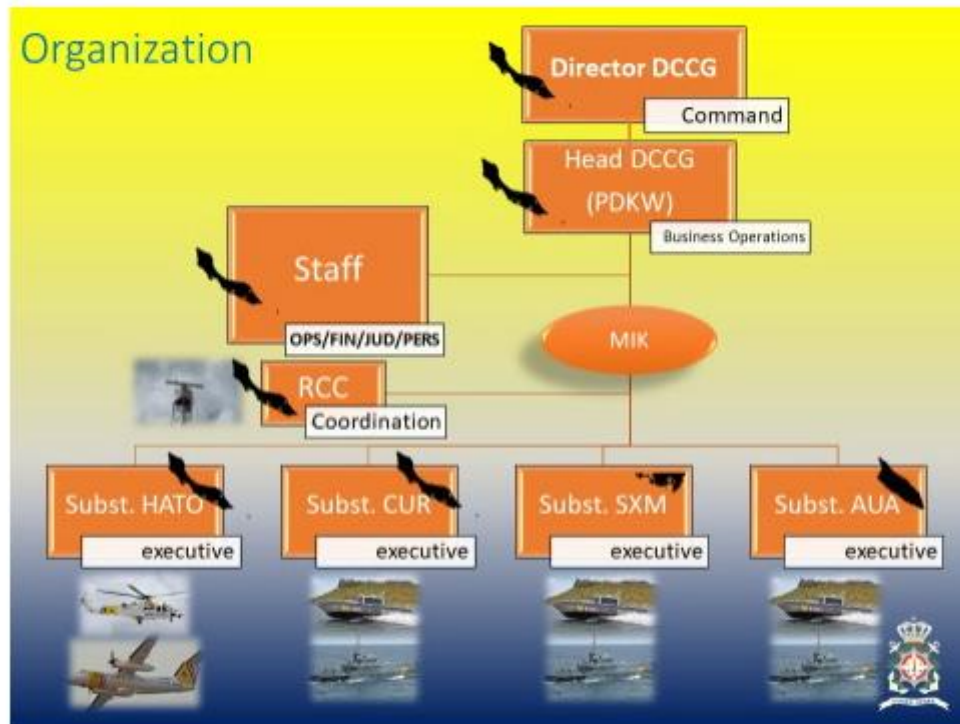
Maritime Authority of Curacao – Flag/Port/Coastal State Control



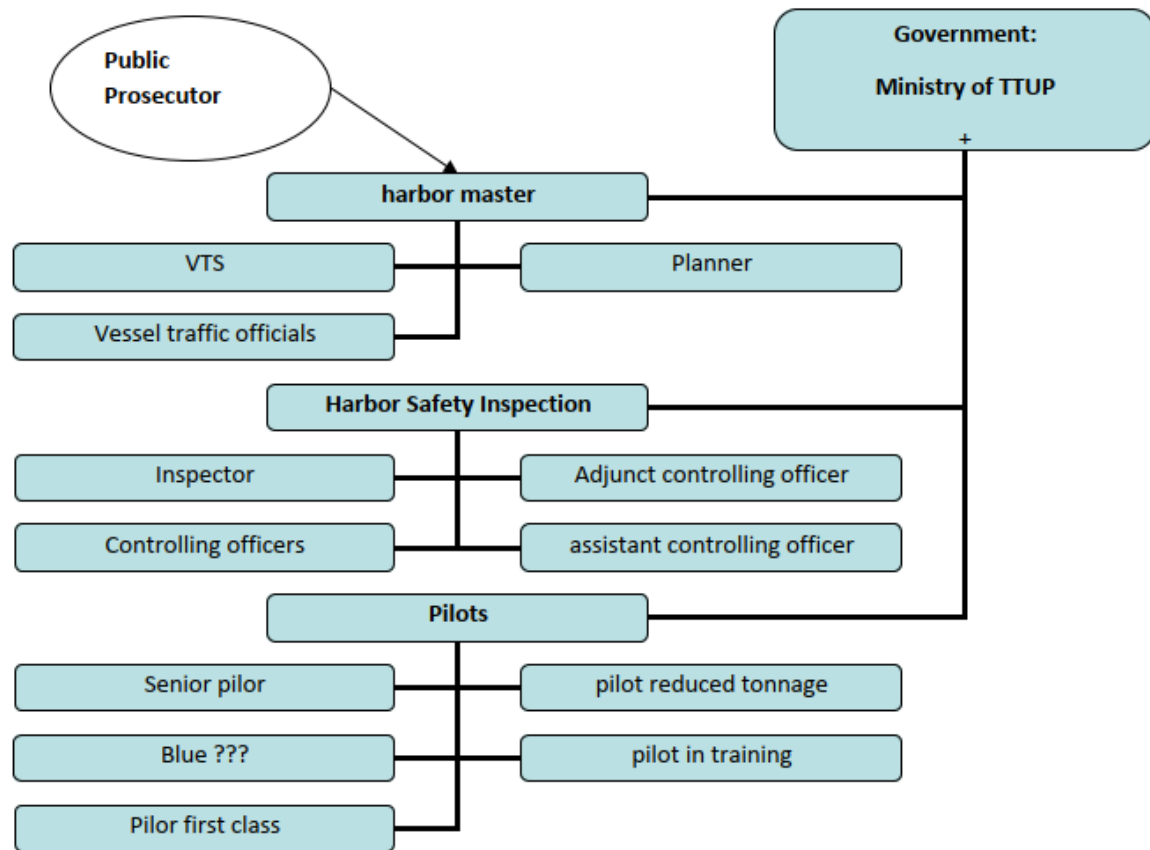
Bureau of Telecommunication & Post – Flag State Control (communication)



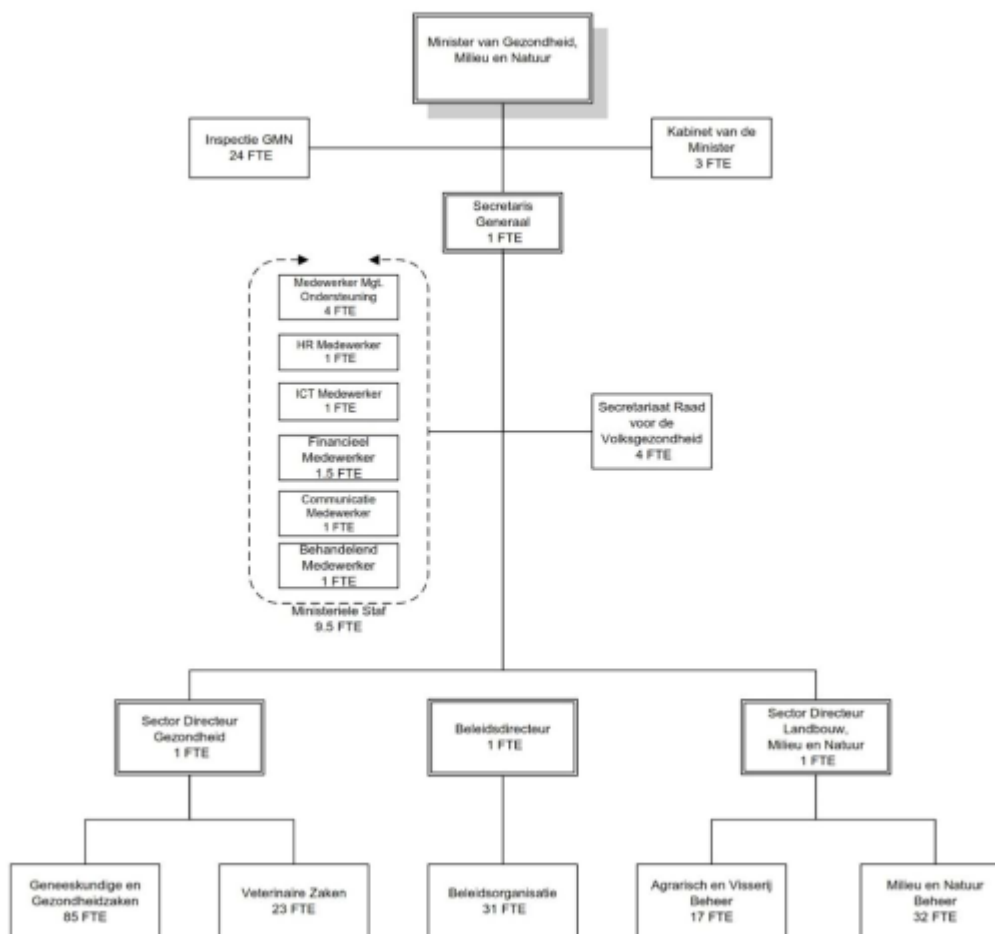
Dutch Caribbean Coast Guard - Coastal/Port State Control

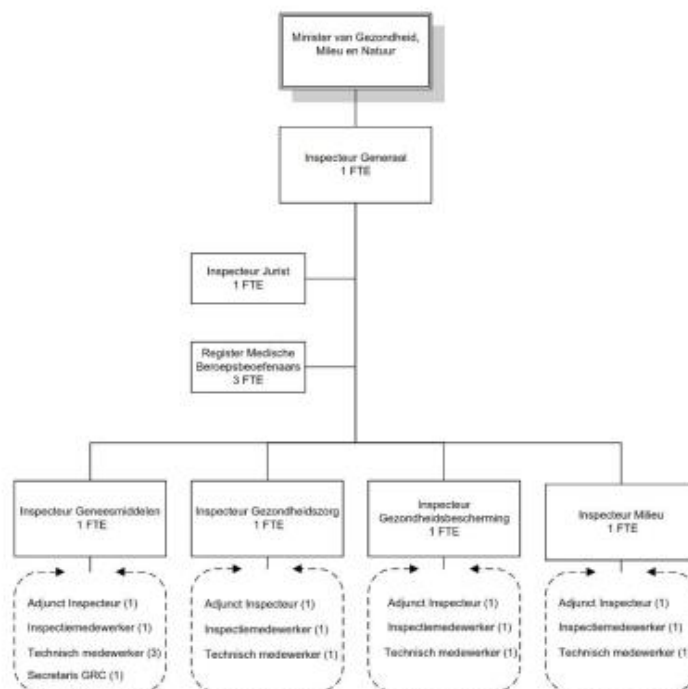


Harbour Safety Inspection – Port State Control/Harbour Safety



Bijlage 8: Organogrammen

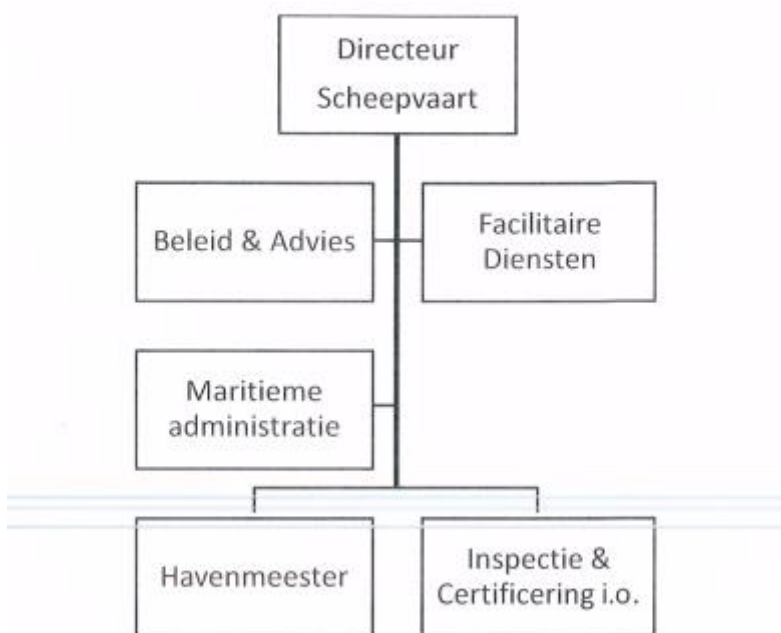




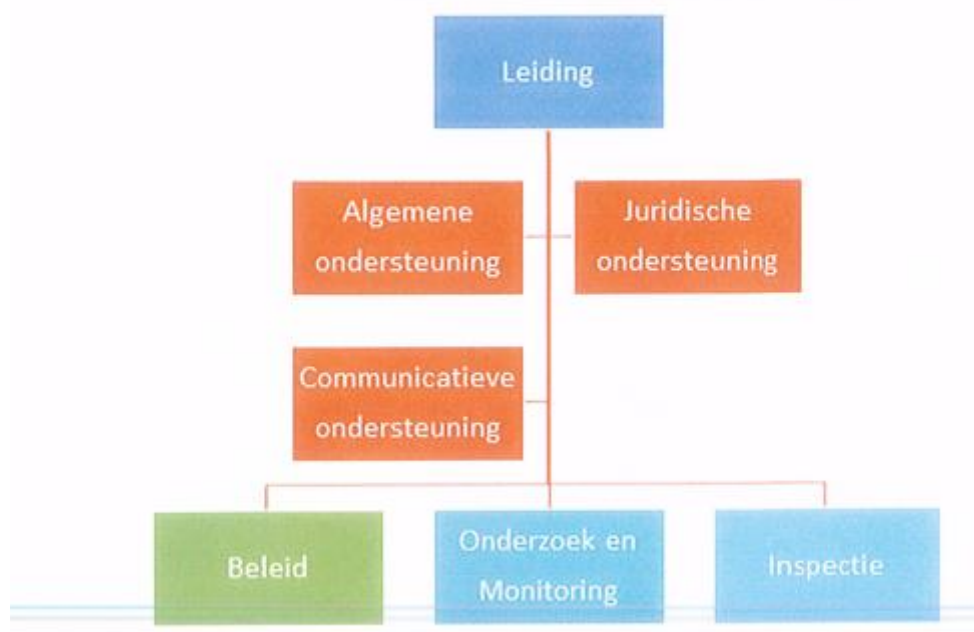
Organisatieleiding Inspectie

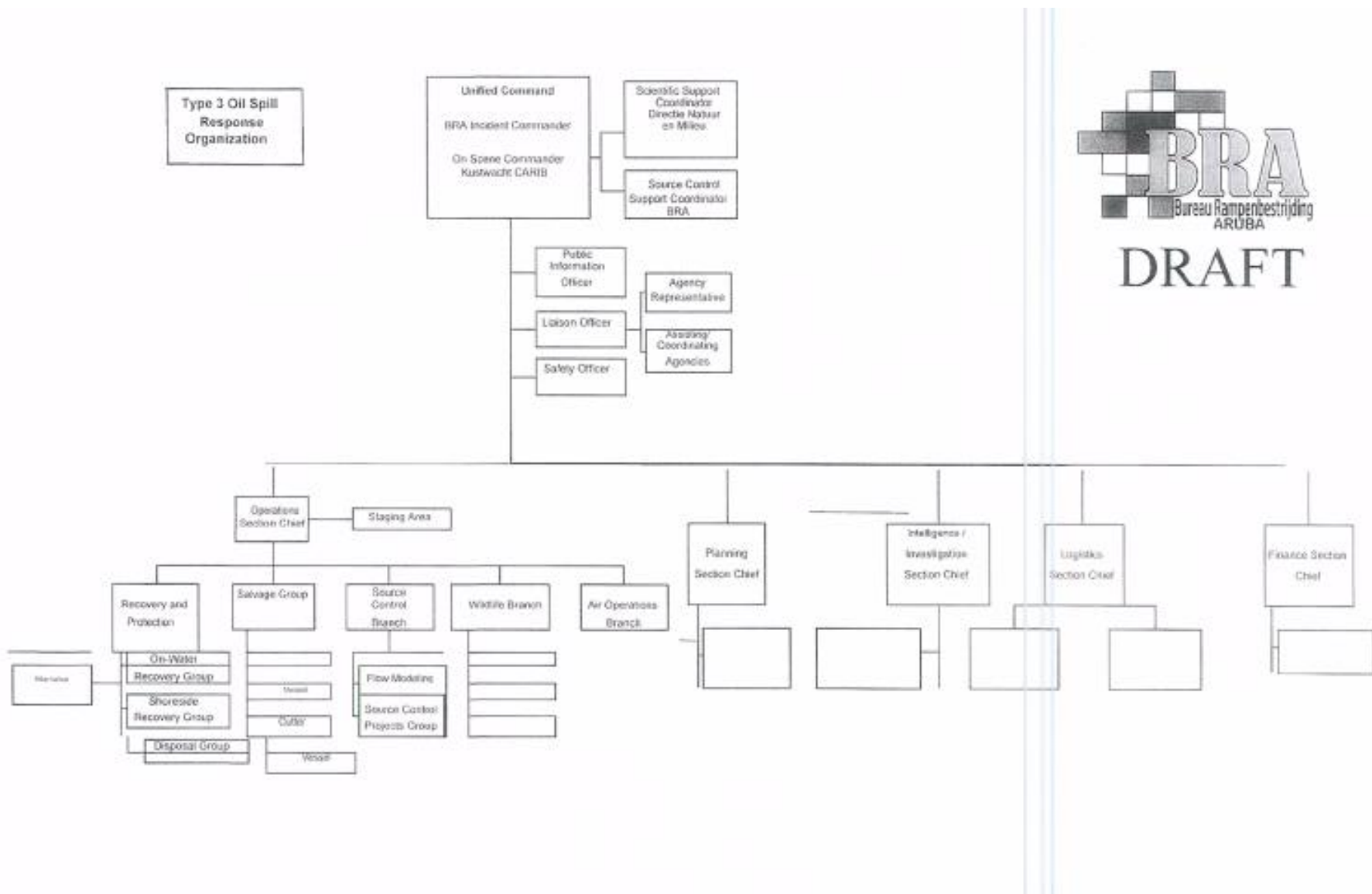
Aruba

Organogram Directie Scheepvaart



Organization Chart Directie Natuur en Milieu DNM





Sint Maarten

