
Fra: Guido Hollaar | KVNR <Hollaar@kvnr.nl>
Sendt: 31. august 2022 09:50
Til: Postmottak NFD
Kopi: Annet Koster | KVNR
Emne: Norwegian wage on foreign flagged vessels in Norwegian waters and the Norwegian Continental Shelf – public consultation

Norwegian wage on foreign flagged vessels in Norwegian waters and the Norwegian Continental Shelf – public consultation

Dear sirs,

The Koninklijke Vereniging van Nederlandse Reders (Royal Association of Netherlands' Shipowners, KVNR) is a Dutch trade organization established in Rotterdam, The Netherlands, Boompjes 40, 3011 XB, www.kvnr.nl, representing the interests of Dutch shipowners.

We have come across the law bill issued by the Ministry in May 2022. As an organization representing shipowners operating in areas covered by the law bill, we are deeply concerned about the proposal.

We would like to underline that all seafarers on board the ships operated by our members, are covered by collective bargaining agreements (CBA's) based on international level and principles and agreed with both the Dutch national seafarers' union Nautilus and the seafarer's union in the country of residence of the seafarer. We do not accept any allegations that the wage and working conditions are considered unfair or indecent.

Norway is bound by EU law in the EEA Agreement between The Kingdom of Norway and EU. We believe that many aspects of the proposal are problematic and most likely infringing several provisions in this respect. We are not able to go into all the details in the proposals, but we want to bring the Ministry's attention to some of the aspects which are of outmost importance for us.

Firstly, for ships operation on the coast the Cabotage regulations art 3 states very clearly that "For vessels carrying out mainland cabotage and for cruise liners, all matters relating to manning shall be the responsibility of the State in which the vessel is registered (flag state), except for ships smaller than 650 gt, where host State conditions may be applied." Due to this Norway is not entitled to introduce this kind of legislation on ships more than 650 gt.

Secondly, the provisions in the proposal are obviously restrictions which are infringing the freedom to provide services in the internal European market. We find it hard to understand how the restrictions are justifiable based on the principals of overriding public interest, taking into account that the seafarers are covered by valid CBAs and many of the foreign vessels are visiting the areas covered by the scope of the proposal for a very limited period of time. At the Norwegian Continental Shelf some ships might not even visit Norwegian ports/the territory.

Thirdly, we understand that ships flying foreign flags will be subject to inspection from The Norwegian Port State Authorities and even unions. We have strong concerns about this. Our understanding is that The Port State Directive and the Paris MOU have exhaustive regulations of which circumstances should be subject to inspection by the port state. Leaving such authority to

unions is a completely new thing in international law. Have the Ministry considered whether this is in line with eg. The International Labour Convention (MLC) 2006?

We took notice of the reaction of the Swedish Shipowners Association. We strongly support their position.

Your sincerely,

Annet Koster
Managing Director



KONINKLIJKE
VERENIGING VAN
NEDERLANDSE
REDERS