

**Replies of the Malta Maritime Law Association to the**

**CMI Questionnaire – Pandemic Response –**

**The effect on Seafarers and Passengers at Sea**

1. **Is your jurisdiction a member of the World Health Organization?**

Yes

1. **Has your jurisdiction given effect under its domestic law to the International Health Regulations (2005)?**

Yes. Malta adopted the Public Health (Ships) Regulations (Subsidiary Legislation 465.10) back in 2008. These aforementioned domestic regulations were promulgated to implement the International Health Regulations of 2005.

1. **Has your jurisdiction ratified the IMO-MLC 2006 Convention?**

Yes. Malta deposited the instrument of ratification with the ILO on the 18th January 2013.

1. **What steps have been taken within your jurisdiction to give effect to the IMO-MLC 2006 Convention?**

The MLC Convention entered into force in Malta on the 20th August 2013 and the provisions therein were transposed into the Laws of Malta through the Merchant Shipping (Maritime Labour Convention) Rules of 2013.

On the 20th February 2013, the Merchant Shipping Directorate published *The Guidelines for the Implementation of the Maritime Labour Convention, 2006* (published as Merchant Shipping Notice 105) whereby it briefly outlined what changes will be brought about as a result of the MLC Convention when the said instrument came into force in Malta.

On the 10th of May 2013, our legislators adopted the Merchant Shipping (Maritime Labour Convention) Rules, which gave effect to the MLC 2006 Convention under Maltese law.

The ratification and transposition process also entailed the replacement and/or revocation and/or amendment of a number of existing Maltese legislation. Upon the coming into force of the Merchant Shipping (Maritime Labour Convention) Rules, 2013, the following legislation was revoked automatically:

* The Merchant Shipping (Distressed Seaman) Regulations of 1973 [Subsidiary Legislation 234.02]
* The Merchant Shipping (Provisions and Water) Regulations of 2001 [Subsidiary Legislation 234.03]
* The Merchant Shipping (Medical Stores) Regulations of 2002 [Subsidiary Legislation 234.05]
* The Merchant Shipping (Medical Examination) Regulations of 2001 [Subsidiary Legislation 234.24]
* The Merchant Shipping (Minimum Wage) Regulations of 2002 [Subsidiary Legislation 234.26]
* The Merchant Shipping (Hours of Work) Regulations of 2002 [Subsidiary Legislation 234.27]
* The Merchant Shipping (Protection of Seamen) Regulations of 2003 [Subsidiary Legislation 234.28]
* The Merchant Shipping (Safe Manning and Watchkeeping) Regulations of 2003 [Subsidiary Legislation 234.31]
* The Merchant Shipping (Crew Accommodation) Regulations of 2004 [Subsidiary Legislation 234.39]

Furthermore, on the 25th November 2016, Malta adopted the *Merchant Shipping (Maritime Labour Convention) (Amendment) Rules 2016,* which incorporated the 2014 amendments to the Maritime Labour Convention (MLC), which predominantly relate to financial security of seafarers in cases of abandonment and contractual claims for compensation in the event of a seafarer’s death or long term disability due to an operational injury, illness or hazard.

1. **Has your jurisdiction ratified the IMO Facilitation of Maritime Traffic Convention 1965 (FAL Convention)?**

Malta acceded to the FAL Convention on the 24th of September 2002. The said Convention entered into force in Malta on the 23rd November 2002.

1. **What steps have been taken within your jurisdiction to give effect to the FAL Convention?**

The requirements of the FAL Convention have been incorporated into our local legislation, by virtue of the Vessel Traffic Monitoring and Reporting Requirements Regulations of 2004 (Subsidiary Legislation 499.34), the provisions of which relate to the establishment of a maritime information management system, electronic transmissions and exchange of relevant data.

1. **Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following pandemics: Avian flu; SARS; Chikungunya or MERS?**

We are not aware of any incidents relating to the Avian flu, SARS, Chikungunya or MERS. That said, in September of 2014, Malta refused entry to the vessel M.V. Western Copenhagen, a Hong Kong registered bulk carrier which was enroute from Guinea to Ukraine, on the grounds that one of the crew members, a Filipino national, was showing symptoms which were similar to those attributed to the Ebola virus.

The decision taken was a direct consequence of the fact that the Maltese authorities felt that at the time it lacked the adequate facilities to treat an Ebola patient locally.

The vessel then proceeded to Sicily where the patient was disembarked and treated. The vessel eventually resumed her journey to Ukraine. It later transpired that the respected seafarer was actually suffering from severe malaria.

1. **Are you aware if your jurisdiction has taken any steps to establish the core capacities identified in Sections A and B of Annex 1 of the International Health Regulations, and in particular a “national public health emergency response plan” in compliance with the International Health Regulations?**

Unfortunately, this information could not be disclosed. However following its accession to the International Health Regulations (2005) on 15th June 2007, Malta has introduced National IHR Focal Points. National IHR Focal Points maintains continuous communication between Malta and WHO and ensures the analysis of public health risks, the implementation of WHO recommendations, advise health and government officials amongst other functions. Malta is also part of the EpiSouth Plus project, which was founded to increase health security in the Mediterranean area and South-East Europe by strengthening the preparedness for common health threats and bio-security risks at national as well as at regional levels in the countries forming part of the EpiSouth Network, and within the context of the International Health Regulations.

1. **(a) What measures were taken by your jurisdiction during the recent Ebola outbreak?**

At the beginning of the Ebola outbreak (back in 2014), a special monitoring committee was set up to aid with the coordination of the disease control sector in Malta. Various authorities and bodies are responsible for the different aspects of the implementation of the Ebola action plan – these include the health authorities, the Civil Protection Department, the Armed Forces as well as the Ministry of Health.

A set of guidelines was circulated to all healthcare professionals, civil protection police and armed forces personnel. Particular focus was placed on the education and training in various areas of the health care system in order to ensure awareness and familiarization with the Ebola virus and the relevant symptoms. This included the distribution of educational posters in clinics, airports, ports and pharmacies.

The monitoring committee also evaluated various possible threat scenarios in order to develop a plan of action in case of a local outbreak of Ebola.

All local health care centres were provided with necessary materials such as infrared thermometers and protective clothing and isolation rooms were set up in most hospitals in the Maltese Islands.

In light of the above, the Maltese authorities took a number of precautionary measures to minimize the risk of an Ebola outbreak. These measures included the screening of persons travelling to Malta from affected countries. With regards to migrants, those arriving from affected countries, namely West African countries, were kept in quarantine for a number of days and those working in detention centres were given training on how to spot and deal with the Ebola virus.

1. **Which department of state or organisation in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?**

The Health Department and the Infectious Disease Prevention and Control Unit are the main two departments responsible for implementing the relevant measures related to this matter. A special monitoring committee was also set up by the CEO of the Primary Health Care Department in 2014, which was responsible for the implementation of all measures concerned with the Ebola disease action plan. One of the main actors throughout the implementation of the necessary procedures and measures is the Minister of Health. Also in 2014, the Chief Medical Officer was appointed as the National Ebola Coordinator.

1. **Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?**

The responsible departments also worked in close collaboration with the maritime authorities in regard to communication between vessels and the Valletta Port Control.

1. **Were those who took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of**
2. **International Health Regulations 2005**
3. **The FAL Convention 1965 (as Amended)**
4. **The ILO MLC 2006 Convention**

Given the numerous governmental divisions, entities and bodies involved, we are not able to reply to this question. That said, as the above international instruments have all been incorporated into our domestic legislation, one can assume that the local authorities concerned were aware of the requirements laid out therein.

1. **Were those making the decisions in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions?**

Similar to the above question, due to the different authorities involved, it was not possible to confirm whether all entities involved were aware of the potential conflict which could exist between the provisions of the Regulations and those under the Conventions.

March 2017