

## Questionnaire Pandemic Response – The effect on Seafarers and Passengers at Sea

### NMLA of Belgium

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**Question 1.** Belgium is a member of the World Health Organisation following signature and acceptance of the Constitution of the World Health Organization, as entered into force on 7 April 1948.

Belgium acceded to the Convention on the Privileges and Immunities of the Specialized Agencies and its Annex VII on 14 March 1962.

**Question 2.** The 2005 International Health Regulations, as adopted by the Fifty-eighth World Health Assembly on 23 May 2005 were published in the *Official Journal (OJ)* of 18 June 2007, stipulating entry into force as of 16 June 2007.

**Question 3.** *Nota bene*, it is being assumed that reference is made to the Maritime Labour Convention as (ILO-MLC 2006 Convention) instead of the IMO-MLC 2006 Convention.

In view of the various competences at stake within the Belgian state structure, the MLC Convention is ratified by the federal State, as well as by the federated Regions (Flemish Region, Walloon Region, Brussels-Capital Region) and Communities (Flemish Community, French Community, German-speaking Community). This was done by means of the following legislation:

- Law of 17 August 2013 on approval of the Convention on Maritime Labour, done in Geneva on 23 February 2006 at the 94<sup>th</sup> Session of the International Labour Conference, *OJ* 8 August 2014;
- Ordonnance of the Brussels-Capital Region of 26 July 2013 on approval of the Convention on Maritime Labour, done in Geneva on 23 February 2006 at the 94<sup>th</sup> (maritime) Session of the International Labour Conference, *OJ* 3 September 2013;
- Decree of the Walloon Region of 10 July 2013 on approval of the Convention on Maritime Labour, done in Geneva on 23 February 2006 by the General Conference of the International Labour Organisation, *OJ* 31 July 2013, and – as far as it concerns matters within the competence of the French Community as transferred to the Walloon Region, Decree of the Walloon Region of 10 July 2013, *OJ* 1 August 2013;
- Decree of the French Community of 4 July 2013 on approval of the Convention on Maritime Labour, done in Geneva on 23 February 2006 by the General Conference of the International Labour Organisation, *OJ* 17 July 2013;
- Decree of the German-speaking Community of 24 February 2013 on approval of the Convention on Maritime Labour, done in Geneva on 23 February 2006; *OJ* 20 March 2013;
- Decree of the Flemish Region of 4 May 2012 on approval of the Convention on Maritime Labour, done in Geneva on 23 February 2006 at the 94<sup>th</sup> Session of the International Labour Conference, *OJ* 29 May 2012.

**Question 4.** To date, effect to the 2006 MLC Convention is given through the following set of legislative and regulatory measures:

- Law of 15 May 2014 implementing the Pact for Competitiveness, Employment and Relance measures (esp. Title VII on seafarers' employment agreement modifying the Law of 3 June 2007 on various employment provisions), *OJ* 22 May 2014;
- Law of 13 June 2014 on giving effect to and control of the application of the Convention on Maritime Labour 2006, *OJ* 11 July 2014;
- Royal Decree of 21 July 2014 modifying the Royal Decree of 22 December 2010 on Port State Control, *OJ* 12 August 2014;
- Royal Decree of 4 August 2014 establishing model of the Maritime Labour Certificate and model of the Declaration of Maritime Labour Compliance, as referred to in Title 2 of the Law of 13 June 2014 on giving effect to and control of the application of the Convention on Maritime Labour 2006, *OJ* 18 August 2014;
- Royal Decree of 4 August 2014 designating government officials having power to control compliance with the Law of 13 June 2014 on giving effect to and control of the application of the Convention on Maritime Labour 2006 and its executive orders, *OJ* 18 August 2014;
- Royal Decree of 4 August 2014 establishing complaint procedures on board ships under Belgian flag and establishing model of on-board complaint form, *OJ* 18 August 2014;
- Royal Decree of 30 September 2014 modifying various royal decrees giving effect to the Convention on Maritime Labour 2006 and implementing the Agreement of 19 May 2008, as concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, 9 October 2014;
- Royal Decree of 7 May 2015 on transposition of Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention 2006, *OJ* 8 May 2015;
- Law of 25 December 2016 on the establishment of administrative fines applicable in case of infringements on shipping legislation [including infringements on the Law of 13 June 2014 on giving effect to and control of the application of the Convention on Maritime Labour 2006], *OJ* 19 January 2017;
- Law of 6 March 2017 modifying the Law of 3 June 2007 on various labour law provisions and modifying the Law of 13 June 2014 on giving effect to and control of the application of the Convention on Maritime Labour 2006, *OJ* 11 April 2017, aiming at the implementation of the 2014 amendments relating to the abandonment of seafarers (financial security) and to claims for compensation in the event of a seafarer's death or long-term disability due to an occupational injury, illness or hazard (shipowners' liability).

**Question 5.** The Convention on Facilitation of Maritime Travel and Transport, done in London on 9 April 1965 and entered into force on 5 March 1967 was signed by Belgium on 9 September 1965 and adopted on 4 January 1967 (*OJ* 24 February 1967).

**Question 6.** Nowadays, further effect to the FAL Convention is mainly been given through transposition of Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC.

Under Directive 2002/6/EC of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community Member States were already required to accept certain standardised forms (FAL forms) in order to facilitate traffic, as defined by the IMO Convention on Facilitation of International Maritime Traffic (FAL Convention), adopted on 9 April 1965, as amended.

Based on Directive 2010/65/EU, the formalities to be reported electronically through the *Maritime Single Window* are divided into:

(i) Reporting formalities resulting from legal acts of the Union, including Notification for ships arriving in and departing from ports of the Member States; Border checks on persons; Notification of dangerous or polluting goods carried on board; Notification of waste and residues; Notification of security information, and Entry summary declaration (Customs code);

(ii) FAL forms and formalities resulting from international legal instruments, including FAL form 1: General Declaration; FAL form 2: Cargo Declaration; FAL form 3: Ship's Stores Declaration; FAL form 4: Crew's Effects Declaration; FAL form 5: Crew List; FAL form 6: Passenger List; FAL form 7: Dangerous Goods, and the Maritime Declaration of Health;

(iii) Any relevant information provided in accordance with national legislation of the Member State.

**Question 7.** Information not freely available

**Question 8.** Are you aware if your jurisdiction has taken any steps to establish the care 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?

A "national public health emergency response plan" in compliance with the International Health Regulations was developed at the occasion of various pandemic outbreaks, such as the SARS and the H1N1 influenza epidemics.

The governmental service Saniport Seaports (a corollary to Saniport Airports) is responsible of for the Ship Sanitation Certificate (SSC).

In case of events with possible impact for public health (such as SARS or the H1N1 influenza epidemics), Sanitation Police – acting in continuous collaboration with European and international actors – is one of the main actors within the Public Health

Emergency Response Plans, as established by the Federal Public Service Health, Food Chain Safety and Environment. Saniport will coordinate the hosting of travellers and animals, based on agreements with medical and veterinary services so as to separate them (or put them in quarantine), to give them treatment or to taking other necessary measures. They equally apply necessary measures for disinsection, deratification, disinfection of luggage, cargo, transport means, goods and postal packages.

Saniport is competent for controlling travellers at arrival and departure<sup>1</sup>.

### **Question 9.**

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

Cfr. infra, sub b).

*(b) Which Department of State or organisation in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?*

#### National coordination

The Federal Council of Ministers has appointed Dr. Erika Vlieghe as **national Ebola coordinator**. Her assistant coordinator is Dr. Daniel Reynders of the federal public service (FPS) Health, Food chain safety and Environment. They are both in charge of the global management of actions on Ebola in Belgium and of the coordination of the information flow to professionals and the general public.

When a threat for public health such as Ebola arises, health authorities must take measures enabling to keep the risk for the Belgian population as low as possible. This is the task of the **Risk Management Group**. This group is composed of all health authorities deciding together what measures need to be taken in order to protect public health in Belgium. Decisions are taken on the basis of the advice of the **Risk Assessment Group**. The Risk Assessment Group analyses the risk of Ebola for the Belgian population on the basis of epidemiologic and scientific data. The Risk Assessment Group consists of:

- physician epidemiologists from the Scientific Institute for Public Health (known as "WIV-ISP")
- the federal and regional authorities competent for health
- experts with specialized knowledge of Ebola

Within the FPS Health, Food chain safety and Environment, a **departmental crisis cell** has been created. The crisis cell is responsible for all operational aspects relating to the preparation to a possible Ebola case in Belgium. Working groups are active within this crisis cell, in which actors of public health, government partners from other fields and experts collaborate on the development of procedures, forms and the communication to citizens and professionals.

#### Saniport

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<sup>1</sup> [www.health.belgium.be/en/node/27146](http://www.health.belgium.be/en/node/27146).

Saniport is the sanitary police of international traffic. The Saniport agents ensure the health of passengers and crew of aircraft and ships. Saniport is based at Brussels National Airport and in the ports of Antwerp, Ghent, Ostend and Zeebrugge. If a pilot or a captain reports a possible case of Ebola on board, Saniport is present 24/7 in order to take the necessary measures.

### The health authorities of the Belgian communities and regions

Infectious diseases that (can) form a threat to public health, like Ebola, have to be reported to the physician responsible for infectious disease control of the health authority of the Belgian community or region in question. The health authorities are:

- *Agentschap Zorg en Gezondheid* (the Agency for Care and Health of the Flemish Community)
- the Common Community Commission of the Region of Brussels-Capital
- the Walloon Region
- the German-speaking Community

All general practitioners and other physicians, clinical laboratories, hospital physicians, care facilities, prevention services and the medical service of the airport have to report suspected Ebola infections immediately to the physician responsible for infectious disease control. The aim of this reporting obligation is to be able to take the necessary measures in time in order to prevent Ebola from spreading.

Any reported case of Ebola will be assessed by the physician responsible for infectious disease control, in consultation with several colleague physicians, like the treating physician, the infectiologist and the Ebola coordinator. In the event of a possible Ebola infection, the national Ebola procedure will be started. This implies that:

- the other Belgian health authorities will be informed.
- the transport of the patient to a referral hospital for Ebola will be organised.
- the patient's diagnosis and treatment will be followed up.
- the patient's contacts will be mapped out and followed up if the patient is found to have Ebola.

### Reference hospitals for Ebola in Belgium

Every hospital in Belgium is equipped to detect Ebola infection and to place the patient in quarantine. In Belgium, a patient suspected or proven to have been infected with the Ebola virus is treated in one of three reference hospitals:

- the Saint-Peter's Hospital in Brussels
- the Antwerp University Hospital
- the Leuven University Hospital

All three hospitals closely cooperate with the Belgian health authorities to ensure the safe treatment of the patient.

See further information on [www.info-ebola.be](http://www.info-ebola.be).

*(c) Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?*

Yes, all maritime administrations represented in the Coast Guard Agency were consulted and established a specific procedure, in close collaboration with the National Ebola Coordinator and Saniport (*see above*).

More specifically, the Coast Guard secretariat, in close cooperation with the Health & Safety Officer of the Maritime and Coastal Services Agency (MDK), organised a meeting on the Ebola subject on November, 28<sup>th</sup> 2014 in order to tackle concerns of a number of Belgian coast guard partners on the possible danger of contamination when boarding ships coming from countries affected by ebola. To minimise the danger of contamination as much as possible, a specific procedure was adopted and clarified. The Belgian national ebola coordinator assisted at this meeting to address any specific concerns<sup>2</sup>.

*(d) Were those who took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of:*

*(i) International Health Regulations 2005; and*

*(ii) The FAL Convention 1965 (As Amended); and*

*(iii) The ILO MLC 2006 Convention?*

Information not freely available

*(e) 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?*

Information not freely available

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<sup>2</sup> Source: [www.kustwacht.be](http://www.kustwacht.be), News, 2 december 2014.