

# ASSOCIAZIONE ITALIANA DI DIRITTO MARITTIMO



## Epidemics and Pandemics revised Questionnaire

### PART 1

#### THE CURRENT COVID-19 PANDEMIC

##### **A. What measures were taken by your jurisdiction during the current COVID-19 Pandemic:**

It is important to highlight that the evolution of the pandemic countermeasures taken by domestic legislation moved according with the different approach from the initial stage (March-May) with a total lockdown and onward (May-current) with the adoption of specific measures for the containment of the health emergency and freedom of movements as well. In order to cope with the following questions and also with regard to measures still valid and applicable at transport by sea, we then consider only those that are currently in force and which, as said, are balancing the necessity to fight the pandemic and to leave people free of movement and then to use vessels for their own purposes.

In any case it is also important to point out that the specific measures applicable to transport by sea in Italy are those contained in the "Protocol for the Transport and Logistic" adopted with Ministry of Transport Decree the 20<sup>th</sup> March 2020 and confirmed with the Decree of the President of the Council of Ministers of 07<sup>th</sup> August 2020.

##### **a. In relation to the landing of passengers and crew members from ferries?**

As a general measure, all passengers and crew members must wear the mask and personal protective devices. According to articles 7 and 9 of the Decree of the President of the Council of Ministers of 07<sup>th</sup> August 2020 and also in view of the above mentioned Protocol, passengers and crew members disembarking from ferries must follow the signage for disembarking also keeping the physical distance one from the other of at least 1 mt. They also have to use the specific door for disembarking keeping the physical distance.

Where it is not possible to maintain the physical distance it is mandatory for the crew members and passengers to wear personal protection devices (e.g. gloves).

##### **b. In relation to the landing of passengers and crew from Cruise ships?**

According to Annex 17 to the Decree of the President of the Council of Ministers of 7<sup>th</sup> August 2020, Italy has adopted a specific and vast Protocol for cruise ships.

For the disembarkation phase said Annex 17 foresees that shipowners are to monitor the

health of passengers and crew members before disembarkation to ensure that, whenever reasonable and practicable, they are healthy enough to disembark and travel for repatriation. This by means of scanning temperature measurement. Further indications for the management companies on the disembarkation of seafarers are provided in P7 and P8 of the IMO Circular letter n. 4204 / Add.14 of 5 May 2020. Attachment 6, on the other hand, is the poster that can be used to inform the crew members how to protect their health during the traveling to and from their ship.

IMO Circular letter IMO 4204/Add. 16 is applicable.

Also, Annex 17 provides that when disembarking a suspected or confirmed COVID-19 case, as requested or suggested by local health authorities, the following precautions should be taken:

- disembarkation must be controlled to avoid any contact with other people on board;
- the patient (suspected or confirmed by COVID-19) must wear a surgical mask during disembarkation;
- on-board personnel accompanying the patient (suspected or confirmed by COVID-19) during disembarkation must wear appropriate protective devices, which may include a face mask, apron or raincoat (if available), gloves and eye protection (goggles or visor).

The shipowner must guarantee all useful support to all persons on board (passengers and crew), in the event of disembarkation, through the provision of:

- adequate reception services in the port or in neighboring places deemed suitable;
- adequate assistance and transport services, for the purpose of transferring the relevant persons to their respective places of origin, based on the assessments and indications provided by the Ministry of Health;
- any accommodation or accommodations, deemed suitable by the Regional Crisis Unit, for persons subject to quarantine measures.

**c. In relation to restricting or allowing the import, export or transit of cargo?**

No restriction to import, export or transit of cargo.

**d. In relation to restricting or allowing the landing of drivers and their trucks from roll-on, roll-off ferries?**

No restriction but the truck driver who comes from abroad must have a declaration about his personal data and a follow up regarding his voyage.

According to Annex 14 of the Decree of the President of the Council of Ministers of 7<sup>th</sup> August 2020, for truck drivers is mandatory to stay in the cabin of the truck if they do not have mask and gloves as protection devices to wear up. In any case the truck can reach the landing point even if the driver does not have mask and gloves but he must respect the physical distance from others.

**B. Which authority (Department of State or Organisation) in your jurisdiction was responsible for implementing those measures during the current COVID - 19 Pandemic?**

**e. Which authority was responsible for deciding on the measures?**

The measures were adopted by Decrees and under the political responsibility of the Government, with subsequent conversion into law by the Parliament. Measures by the Regional Governments were added to these acts, although they did not significantly affect sea transport.

**f. Which authority was responsible for providing expert advice on the measures?**

*Istituto superiore della sanità* (the Italian National Health Body) acted in coordination with the Department of Civil Protection, but it appears that the Government made use of medical experts of its choice, in addition to the intervention of *Istituto superiore della sanità*. The Regional Governments similarly availed themselves of experts of their choice. *Istituto superiore della sanità* is the body responsible for dealing with epidemic problems. The Civil Protection Department is an administrative structure placed within the Presidency of the Council of Ministers.

**g. Was there a formally established authority or committee for receiving and giving of expert advice?**

*Istituto superiore della sanità* and the Department of Civil Protection.

**h. Did the authority implement a pre-existing plan to deal with the pandemic?**

There was no structured plan or a plan for sea transport issues. The press said that partial plans were prepared in January, but it appears that the measures adopted are not the related result.

**i. Did the authority deviate from the pre-existing plan when dealing with the pandemic and why and when did it do so?**

There was no pre-existing plan.

**j. Did your authority implement measures to achieve so-called herd immunity while avoiding overwhelming your hospitals, or did your authority seek to suppress the virus ab initio or otherwise?**

From 7 March 2020, after a period of uncertainty lasting about fifteen days, Italy tried to contain the spread of the virus, limiting professional and leisure activities until 18 May 2020, when the restrictions were partially lifted, as is still the case today.

**k. To what extent did your authority override health consideration in order to maintain the exchange of goods and services and the free movement of persons between your State and other states.**

Only public services have been safeguarded, albeit with measures interpreted with a certain breadth, i.e. those necessary to maintain a reasonable functionality of the public systems and the production system in the areas essential for civil coexistence.

**l. Which authority or authorities was or were responsible for enforcing the various measures?**

All public institutions at various levels have been involved, with a priority role for the police

forces and the structures of the National Health Service, as well as the municipalities and Regional Governments. Moreover, given the complexity of the measures, the entire public system has overseen their implementation.

**B. Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the current COVID 19 Pandemic?**

The Ministry of Infrastructures and Transport has put forward the measures relating to the maritime area and, therefore, they derive from an initiative of the bodies which, by tradition, are responsible for the regulation of maritime traffic. As a matter of fact, the Ministry of Infrastructures and Transport is in charge; it is not possible to know in what way the various bodies have been involved within it.

**C. Were those who took decisions in your jurisdiction during current COVID 19 Pandemic aware of the requirements of:**

**(i) The International Health Regulations 2005?**

Yes. it is mentioned in the relevant Decrees (e.g. Decree of the President of Council of Ministers 7 August 2020)

IHRs entered into force in Italy the 15 June 2007 as an amended version of IHRs (1969) previously enforced by Law No. 106 dated 9 February 1982.

**(ii) The FAL Convention 1965 (as amended)?**

Yes. It is also expressly mentioned in the relevant documents, (e.g. Ministry of Infrastructures and Transport Circular no. 4/2020 Coronavirus (Cov-2019) - on Flag State Control (FSC) .

FAL Convention 1965 was ratified in Italy by Law 8 May 1971 No. 831.

**(iii) The IMO-MLC Convention?**

Yes. It is mentioned in the relevant documents (e.g. Protocol on measures for the management of the epidemiological emergency from COVID on board cruise ships; Ministry of Infrastructures and Transport Italian, Coast Guard Headquarters, Safety of Navigation and Maritime Security Department Circular Letter No.4231/Add.9 of 8 August 2020)

Italy ratified ILO-MLC 2006 Convention the 19 November 2013 and the Convention entered in force in Italy a year later.

**D. Are you aware if your jurisdiction has denied free pratique to any vessel during the current COVID-19 pandemic?**

Yes. Certain general temporary restrictions were enacted. In particular Italy denied port access to all cruise ships (e.g. Ministry of Infrastructures and Transport and Ministry of Health joint decree No. 125 of 19 March 2020, Ministry of Infrastructures and Transport Decree No. 207 of 17 May 2020).

All vessels calling at Italian ports must ask for Sanitary Free pratique. The said request for Sanitary Free pratique must include: Maritime declaration of health; copy of SSECC; passenger list and crew list; list of the port of calls over the previous 14 days.

It is reported that the 4 March 2020 the Italian Ministry of Health - Health Port Authority (ports and borders sanitary offices/"Ufficio Sanità Marittima-USMAF") of Genoa decided to detain the m/v "GNV Rhapsody" for a period of ten days.

The decision was allegedly related to the fact that one of its passengers, a Tunisian disembarked in the port of La Goulette, tested positive to Covid 19.

The 65 seafarers which were on board spent the isolation period on land.

## **PART 2**

### **THE MOST RECENT EBOLA OUTBREAK**

**(ongoing in the Democratic Republic of the Congo since August 2018)**

#### **A. What measures (if any) were taken by your jurisdiction during the *most recent Ebola outbreak*?**

The Italian Ministry of Health gave specific instructions in relation to the new Ebola outbreak and enacted related Circulars. It also updated the General Protocol on infectious diseases.

In particular it enacted the Circular 43595146 of 19 July 2019 and the Circular 0026116 of 4 September 2019 updating the Protocol on the Ebola epidemic management, containment and control (which substitutes the former Circular No. 26377 of 1 October 2014 as amended by Circular No. 26708 of 6 October 2014 previously in force).

In case of suspected cases on board vessels sailing in the Italian territorial waters, the Ports and Border Sanitary Offices ("Uffici di Sanità Marittima-USMAF") are in charge of activating the controls as provided by the Protocol.

Specific standards apply to humanitarian personnel, which is subject to more specific controls, according to the Circular No. 5569 of 21 February 2019.

#### **B. Which Department of State or Organisation in your jurisdiction was responsible for implementing those measures (if any) during the *most recent Ebola outbreak*?**

The competent offices responsible for implementing the measures were the local Harbour Master Offices and the Health Port Authority (ports and borders sanitary offices/"Ufficio Sanità Marittima-USMAF").

**C. Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction (if any) during the *most recent* Ebola Outbreak?**

Our country has not been affected by Ebola outbreak.

**D. Were those who took decisions (if any) in your jurisdiction during the most recent Ebola Outbreak aware of the requirements of:**

iv) The international Health Regulations 2005?

v) The FAL Convention 1965 (as amended)?

vi) The IMO-MLC Convention?

All answers must be negative since, as mentioned above sub C, our country has not been affected by Ebola outbreak.

**E. Are you aware if your jurisdiction has denied free pratique to any vessel during the most recent Ebola outbreak?**

No. The same as above.

6 October 2020