

REPLIES BY THE ITALIAN MARITIME LAW ASSOCIATION TO THE

CMI QUESTIONNAIRE OF 30 SEPTEMBER 2015

**“PANDEMIC RESPONSE - THE EFFECT ON SEAFARERS AND PASSENGERS
AT SEA”**

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

Yes, Italy is a member of WHO since 11th April 1947.

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

Yes, the IHRs (2005) have been enforced by Italy on 15th June 2007 as amended version of IHRs (1969) previously enforced by Law No. 106 dated 9th February 1982.

3. Has your jurisdiction ratified the ILO-MLC 2006 Convention?

Yes, Italy ratified ILO-MLC 2006 Convention on 19th November 2013 and the Convention entered in force in Italy a year later, namely on 19th November 2014.

4. What steps have been taken within your jurisdiction to give effect to the ILO-MLC 2006 Convention?

With the law ratifying the ILO MLC 2006 (Law 113/2013) the Parliament abolished/amended the provisions of the Italian Code of Navigation that did not comply with the provisions of the Convention. So far there is no other intervention from the Government on this issue.

5. Has your jurisdiction ratified the IMO Facilitation on Maritime Traffic Convention 1965 (FAL Convention)?

Yes, FAL Convention 1965 has been ratified by Italy with law 8th May 1971 No. 831.

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

First, by decree 24th December 2004 No. 335 Italy enforced the Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the

Community. As a result, Articles 179 and 180 of Italian Code of Navigation have been amended accordingly.

Secondly, the Directive 2010/65/EU repealed the Directive 2002/6/CE in order to simplify and harmonize the administrative procedures applied to maritime transport by establishing a standard electronic transmission of information and by rationalizing reporting formalities for ships arriving in and ships departing from European Union (EU) ports. EU countries are called to accept FAL forms for the fulfilment of reporting. As a result, Section 179 of Italian Navigation Code has been amended again by decree 18th October 2012 No. 179, expressly adopting FAL forms and setting up the Port Management Information System (PMIS) as National Maritime Single Window.

7. 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?

Yes, Harbour Master Offices denied the free pratique to some vessels that called one of the ports interested by a pandemic event.

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?

Yes, since 2010 Italy has got a national public health emergency response plan that complies with the WHO International Health Regulations of 2005.

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

As far as the port activity is concerned, the Italian Ministry of Health gave specific instructions to the Harbour Master Offices recalling a circular of 8.4.2014 in which the Ministry ordered to release the free pratique to ships that called a port interested by Ebola Outbreak in the previous 21 days only after a sanitary inspection on board. The ships that called one of those ports have been informed by the Harbour Master on UHF/VHF of the suspension of the free pratique once in the Italian national waters.

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

The competent offices responsible for implementing the measures were the local Harbour Master Offices and the USMAF (ports and borders sanitary offices).

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

Yes. The Italian Ministry of Health consulted the Maritime Authority for the enforcement of the rules stated in the Circular of 8.4.2014.

- (d) Were those who took decisions in your jurisdiction during the Ebola outbreak aware of requirements of**
- (i) International Health Regulations 2005; and**
 - (ii) The FAL Convention 1965 (As Amended); and**
 - (iii) The ILO MLC 2006 Convention?**

In the different circulars issued by Italian Ministry of Health during the Ebola outbreak there were specific references to IHRs 2005 and FAL Convention 1965 requirements. However, no reference to ILO MLC 2006 Convention requirements has been noted.

- (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?**

It is rather doubtful that Italian Ministry of Health and Italian Coast Guard were duly aware of the potential conflict in the requirements regarding seafarers' health between those Regulations and Conventions. Anyway, no specific reference and/or mention have been noted in occasion of the issuing of the different circulars concerning the Ebola outbreak.

Genoa, 4 August 2016