



**CMI International Working Group on
Epidemics and Pandemics
Revised Questionnaire to National Maritime Law Associations
Venezuela Submission**

For the Venezuelan Maritime Law Association [Asociación Venezolana de Derecho Marítimo - AVDM]: María Grazia Blanco with collaboration by Dr. Maite Duque and Dr. David Martín.

PART 1
THE CURRENT COVID-19 PANDEMIC

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

Reply: The National Government issued a Decree by which it declared a 'State of Alarm' in all of the country to attend the sanitary emergency and with the aim of mitigating and eradicating the risks of COVID-19. The referred decree was issued on 13 March 2020 and has been extended each month. To this date the decree is still in force. There were several measures taken as a consequence.

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

Reply: The Maritime Authority on 17 March 2020, suspended until further notice all boarding and disembarking in Venezuelan ports.

In regards to ferries, the local inter-Venezuelan routes were suspended following the Decree of State of Alarm. The local route La Guaira-Margarita received a special permit by the Maritime Authority to resume operations, but some restrictions have applied to it, such for returning residents only. Said route has been suspended in August 2020 with the rise of COVID-19 cases in Venezuela.

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

Reply: Currently, Venezuela is not a destination for Cruise lines. However, Maritime Authorities suspended the arrival of Cruise ships in Venezuela since 13 March 2020. The air space has also been restricted, subject to certain exceptions, for international flights.



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

Reply: Since the beginning of the pandemic, the Maritime Authority has allowed import, export and transit of cargo, and kept ports operative under controlled sanitary protocols.

In regards to merchant vessels Venezuelan Maritime Authorities have also imposed the following measures: (i) The Master of the Vessel to report the last three ports called; (ii) Sanitary inspection; (iii) The whole vessel to a quarantine determined area if any crew member has any symptoms; (iv) Control and restrictions for disembarking of foreign crew members; (v) Mandatory use of face masks on board vessels and in ports.

On 27 April 2020, following the IMO's recommendation, Maritime Authorities set new rules for mobilization of the seafarers and ship/port-related personnel and recognized crewmembers as Key Workers of the industry. Therefore, while some industries in the country were in lockdown and under restrictions, crewmembers were authorized transit through Venezuela with a 'safe passage' document issued by the Maritime Authorities. Its aim was to allow crew change and disembarking of domestic and foreign crew for medical reasons. In practice, the first foreign crew change was not done until mid-September 2020 as a special procedure in coordination between Maritime and Air Authorities.

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

Reply: Operations to trucks and its drivers from roll-on-roll-off domestic ferries has been permitted. The prevention criteria used has been quick tests to drivers prior to boarding.

- B. Which authority (Department of State or Organization) 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?

Reply: (i) The National Government, (ii) the Ministry of Health, and (iii) the Maritime Authorities (National Institute of Aquatic Spaces – Instituto Nacional de los Espacios Acuáticos (INEA)).

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

Reply: The entity in charge of providing expert advice has been the Ministry of Health, and the Maritime Authorities along with the latter.



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

Reply: Yes. The National Government appointed via the Decree of State of Alarm the Ministry of Health as the authority to provide and receive expert advice.

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

Reply: No. The Venezuelan State implemented a national plan for prevention and contention of COVID-19, which included sanitary control on the entry points, implementing clinical management protocols for suspected and confirmed COVID-19 cases.

Once the State of Alarm was enacted on March 13, 2020, the whole country underwent a mandatory quarantine by Presidential order.

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

Reply: Yes. While there was no actual pre-existing plan, the National authorities changed the actions that were initially applied at the beginning of the mandatory lockdown. These measures, generally are, relaxing lockdown in certain states and raising quarantine in others, mandatory hospitalization of all cases whether asymptomatic or not, implementing the so called "7x7", i.e.: quarantine for 7 days and working for 7 days, after which the quarantine is mandatory again for 7 days, etc. As days go by some new measures are taken and some relaxation of measures is also achieved.

On its part, to this date, the Maritime Authorities kept their course, only deviating to relax measures to allow crew changes.

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

Reply: There were no official measures taken to achieve herd immunity. On the contrary, since the first cases were detected the whole country underwent a mandatory lockdown, including suspension of flights and closure of borders, all of which to some extent still applies.

- 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?

Reply: Under the Presidential State of Alarm, the free movements between States was restricted. Similarly, maritime air and land borders with other countries were closed. Starting 1 June 2020, a plan to relax the new normal under supervision was

implemented. Due to growth in infections this was modified. To this date, international borders remain closed, with exceptions to humanitarian and cargo flights. However, cargo and exchange of goods and services has been allowed since day 1, which includes maritime cargo, food, first-need services, etc.

- I. Which authority or authorities was or were responsible for enforcing the various measures?

Reply: The National Government through the Presidential Commission for Prevention of COVID-19, and the Ministry of Health. Also, the Public Administration at a Regional and Local levels provided support to implementation of the measures.

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

Reply: We are not in knowledge of any consultation being made.

- 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?

Reply: Yes. The Health Authority considered the regulations contained in the International Health Regulations 2005, as has followed the provisions stated therein.

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

Reply: Yes. The Maritime Authority has tried to comply with FAL65 as amended, with the aim of allowing the facilitation of the ship-shore interface. However, we must state that connectivity issues have been an obstacle in certain cases for exchanging documents and data.

- (iii) The IMO-MLC Convention?

Reply: No. Unfortunately, Venezuela is not a party to MLC 2006, which is why it follows the STCW Convention as amended in Manila 2010.

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

Reply: No. Free pratique has not been denied as per the reports and sources we consulted.



PART 2
THE MOST RECENT EBOAL OUTBREAK

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

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

Reply: In Venezuela the first official information issued by the governmental entity through the Ministry of Health regarding the outbreak of Ebola in Western Africa were oriented to prevent a limit the eventual transmission of Ebola in our country. Therefore, since the movement of travelers between the continents is dynamic, the Ministry of Health established a Contingency Plan that incorporated the recommendations of the PanAmerican and World Health Organizations.

According to the Ministry of Health, these recommendations include measures for preventing and containing the Ebola virus for passengers, crew on board as well as for port facilities, as recommended by the World Health Organization and under the International Health Regulations (IHR) 2005.

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

Reply: The entity responsible in Venezuela is the National Liaison Center as provided in the IHR 2005.

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

Reply: There is no information available for the most recent Ebola outbreak on this.

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? ***Reply: Yes.***
- (v) The FAL Convention 1965 (as amended)? ***Reply: Yes.***
- (vi) The IMO-MLC Convention? ***Reply: No.***

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

Reply: No. the information available shows free pratique has not been denied at any time.



PART 3

GENERAL QUESTIONS RELATING TO THE WHO AND YOUR ADMINISTRATION FROM THE IMLA 2015 QUESTION. (IF YOU ANSWERED THESE QUESTIONS IN 2015, PLEASE IGNORE THEM UNLESS YOU WOULD LIKE TO UPDATE WHERE FURTHER INFORMATION HAS COME TO KNOWLEDGE).

Q1. Is your jurisdiction a member of the World Health Organization?

Reply: Yes. Since 7 June 1948, Venezuela is a Member of the WHO.

Q2. Has your jurisdiction given effect under its domestic law to the International Health Regulations 2005?

Reply: Yes. Indeed, the National Authorities have complied with the provisions in the International Health Regulations 2005.

Q3. Has your jurisdiction ratified the ILO-MLC 2006 Convention?

Reply: No. Unfortunately, Venezuela is not a party to this International Convention.

Q4. What steps have been taken within your jurisdiction to give effect to the ILO-MLC 2006 Convention?

Reply: As stated above, Venezuela is not a party to this Convention, mainly due to legal reservations in the UNCLOS Convention. The National Maritime Associations such as the Venezuelan Maritime Law Association and the Iberoamerican Institute of Maritime Law (Venezuelan Branch) have expressed in writing their recommendations and proposals in respect of this matter. However, to this date have not received a satisfactory answer that shows clear and concrete actions towards a solution. Venezuela is a Member State to the International Labour Organization, but has not ratified MLC 2006.

Q5. Has your jurisdiction ratified the IMO Facilitation of Marine Traffic Convention 1965 (FAL Convention)?

Reply: Yes. Venezuela is a signatory to the FAL 65 Convention since 2000.

Q6. What steps has been taken within your jurisdiction to give effect to the FAL Convention?

Reply: The Maritime Authorities often refer to the provisions in FAL 65 as legal basis for the Regulations issued by them. Specifically, during COVID-19 measures, it used FAL 65 (as amended) to determine a clear path forward and continue maritime activities in regards to cargo and port activity (with due attention to the health restrictions ordered by the National Government).



Q7. Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following epidemics or pandemics?

- AVIAN FLU? **Reply: Not denied.**
- SARS-1? **Reply: Not denied.**
- CHIKUNGUNYA? **Reply: Not denied.**
- MERS? **Reply: Not denied.**
- EBOLA? **Reply: Not denied.**

Q8. Are you aware if your jurisdiction has taken any steps to establish care capacities identified in Sections A or B of Annex 1 of the International Health Regulations?

Reply: Yes. The National Liaison Center according to the provisions in the basic requirement capacity states that the International Health Regulations in Sections A and B has put in place several plans for notification of events of Public Health importance.

Q9. Has your jurisdiction prepared a “national public health emergency health plan” in compliance with the International Health Regulations?

Reply: Yes.

Q.10. Can you provide the postal address, email address, and/or world wide web address where the pratique requirements and quarantine requirements of your jurisdiction can be obtained?

**Reply: Ministerio del Poder Popular para la Salud. [Ministry of Health]
Address: Dirección de Vigilancia Epidemiológica. Unidad de Alerta Temprana y Respuesta Inmediata. Av. Baralt, Centro Simón Bolívar, Edif. Sur, piso 7 oficina 733, el Silencio, Caracas-Venezuela.
Contact: Dr. Francisco Larrea. flarrea@mpps.gov.ve +58.212.4080184**

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