

Italy (ratification: 2002)

Article 1, paragraph 2, of the Convention. Application to fishing. The Government indicates that relevant national laws and regulations usually cover both ships engaged in commercial maritime navigation and ships engaged in commercial maritime fishing in international waters. ***The Committee asks the Government to indicate precisely to what extent the relevant national laws and regulations concerning health protection and medical care of seafarers apply to ships engaged in commercial maritime fishing in international waters. Please also provide information on the consultations which have taken place in this regard.***

Article 4(a). General provisions. ***In the absence of relevant information, the Committee requests the Government to indicate the general provisions on occupational health protection and medical care applicable to all workers, including seafarers.***

Article 5, paragraph 3. National provisions on medicines and medical equipment on board. ***The Committee asks the Government to indicate whether, in adopting or reviewing the national provisions concerning the contents of the medicine chest and the medical equipment carried on board, the competent authority takes into account international recommendations in this field, in particular the International Medical Guide for Ships (third edition of 2007) and the List of Essential Drugs (updated in 2007) published by the World Health Organization, as well as advances in medical knowledge and methods of treatment.***

Article 5, paragraph 4. Inspection of medicine chest and medical equipment on board. Section 5 of Ministerial Decree 279/1988 on medication and medical equipment on board requires that the Maritime Authority and the Maritime Health Authority annually inspect vessels of 10 to 200 GT with respect to the medicines and medical equipment carried on board. According to sections 20 and 21 of Legislative Decree 271/99 on occupational safety and health on board merchant ships, inspections are carried out on a regular (every two years) or occasional basis. The Government indicates that inspections include the control of medicine chests and medical equipment. ***The Committee requests the Government to indicate by what means it is ensured that medication and medical equipment on board all ships (not only ships between 10 and 200 GT) are checked at regular intervals not exceeding 12 months, and that the relevant inspections include the checking of expiry dates and conditions of storage of all medicines.***

Article 5, paragraph 5. Listing and labelling. According to section 3 of Ministerial Decree 279/1988, a register “IN” and “OUT” with respect to the medicines on board shall be maintained on board ships required to carry certain medication and medical equipment. This does not, however, give effect to the requirement to list the contents of the medicine chest. ***The Committee asks the Government to indicate by what means it is ensured that the medicines***

contained in the medicine chest are listed and are labelled with generic names in addition to any brand names used, expiry dates and conditions of storage.

Article 5, paragraph 6. Dangerous cargo. The Committee requests the Government to specify how it is ensured that, where a cargo which is classified dangerous has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods published by the IMO, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes is made available to the master, seafarers and other interested persons, and that such specific antidotes and personal protective devices shall be on board.

Article 5, paragraph 7. Replenishment of medicine chest in urgent cases. According to section 24(1) of Legislative Decree 271/1999, the shipowner shall be responsible for the supply of the medicines and medical equipment to be carried on board, taking into account such factors as the type of the ship, the number of persons on board and the nature and duration of the voyage. The Committee asks the Government to indicate by what means it is ensured that, in cases of urgent necessity, and when a medicine prescribed by qualified medical personnel for a seafarer is not available in the medicine chest, the shipowner takes all necessary steps to obtain it as soon as possible.

Article 6. Medical guide. According to section 27(4) of Legislative Decree No. 271/99, the “Practical Medical Guide for Medical Assistance and First Aid aboard Ships” or another similar publication shall be supplied by shipowners at their own cost and made available on board for prompt consultation by the crew members. While the explicit reference to a guide in national legislation may be considered as an endorsement by the competent authority, the guide mentioned above has not been supplied by the Government. Instead, the 2004 guide “Call the CIRM (International Centre for Medical Advice by Radio and Satellite Communication) – Manual for First Aid and Medical Care for Seafarers” has been annexed to the Government report. This medical guide, which appears to fulfil the requirements of paragraph 2, has, however, neither been adopted by the competent authority nor appears to have been endorsed by it. The Committee asks the Government to supply a sample copy of the medical guide adopted or approved by the competent authority. The Committee also asks the Government to specify how it is ensured that, when adopting or reviewing the ship’s medical guide used nationally, the competent authority takes into account international recommendations in this field, including the International Medical Guide for Ships (third edition, 2007) and the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (most recent edition).

Article 7, paragraph 2. Free onward transmission of medical advice. According to the Government’s report and the CIRM pamphlet, the CIRM, a non-profit association, supplies to all ships, irrespective of flag, and to seafarers of every nationality free medical advice via radio or satellite communications in case of need or emergency. The Committee asks the Government to indicate whether,

in addition to the medical advice, the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, is also free of charge.

Article 7, paragraph 3. Lists of stations providing medical advice. The Government has supplied a list of coastal radio stations through which medical advice can be obtained. The Government has also attached to its report a list of the main telecommunication systems used by ships using CIRM's medical service, and a list of medical radio centres and European Medical Rescue Coordination Centres. *The Committee requests the Government to specify how it is ensured that: (a) ships equipped with radio installations are required to carry on board the list of radio stations through which medical advice can be obtained; (b) ships equipped with a system of satellite communication are required to carry on board a complete list of coast earth stations through which medical advice can be obtained; and (c) those lists are kept up to date and in the custody of the person on board responsible for communication duties. Please also supply a sample copy of the list of coast earth stations through which ships equipped with a system of satellite communication can obtain medical advice.*

Article 8. Doctor on board. According to section 20 of the Royal Decree of 1897 concerning passenger ships, national and foreign passenger steamships engaged in long voyages, where the number of passengers and crew members is more than 150, are obliged to have a doctor on board. The limitation of the requirement to have a doctor on board, to passenger steamships that are engaged on long voyages is not in conformity with the Convention. *Article 8* refers to all ships to which this Convention applies, regardless of type, and international voyages of more than three days' duration may not necessarily be considered long voyages. With the coming into force of the Ministerial Decree of 13 June 1986 on Introduction of Medical Care on Board Ships Belonging to the Italian Merchant Navy and Navigating in the Mediterranean Sea (sections 1 and 2), the medical service on board has also become compulsory for the following Italian merchant ships navigating in the Mediterranean Sea: (i) large ships providing cruises for the public; or (ii) ships transporting 500 or more passengers as part of a ferry service lasting six or more hours. The limitation of the requirement to have a doctor on board to ships navigating in the Mediterranean Sea runs against this Article of the Convention, which refers to all ships engaged in international voyages of more than three days' duration, without restriction as to the region of navigation. *The Committee requests the Government to take the necessary measures to ensure that all ships to which this Convention applies carrying 100 or more seafarers and ordinarily engaged on international voyages of more than three days' duration, irrespective of type of ship or area of operation, shall carry a medical doctor on board. Please also supply the text of the provisions concerning the scope of application and definitions of the Royal Decree No. 187 of 20 May 1897.*

Article 9. Persons in charge of medical care as part of their regular duties. Section 7(1) of Presidential Decree No. 620/80 on health assistance to navigating personnel provides that all Italian ships engaged in transport or fishing beyond the

straits shall employ a crew member who has satisfactorily completed first aid courses approved by the Ministries of Health and Education. The expression “beyond the straits” appears to imply a limitation as to the region of navigation. The requirement in the Convention applies, however, to all ships covered by the Convention, regardless of their area of operation. ***The Committee asks the Government to indicate by what means it is ensured that all ships to which this Convention applies which do not carry a doctor, shall, irrespective of the area of operation, carry as crew members one or more specified persons in charge of medical care and administering of medicines. Please also specify how it is ensured that the courses in first aid and in medical care are based on the contents of the International Medical Guide for Ships (third edition, 2007), the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (most recent edition), the Document for Guidance – An International Maritime Training Guide (most recent edition), and the medical section of the International Code of Signals as well as similar national guides.***

Article 11, paragraph 1. Hospital accommodation. According to section 50 of Act 1045/1939 on health and accommodation conditions on board, hospital accommodation is only required on ships of more than 3,000 GT engaged on voyages of more than five days’ duration. Section 46(1) provides that national merchant ships of 200 GT or more, which engage in voyages of more than 48 hours without stopovers and employ more than ten crew members, shall have a first aid room (*locale di medicazione or ambulatorio*). The provision of first aid rooms on ships between 200 and 3,000 GT engaged on voyages of two to five days’ duration does not give effect to the requirement, for hospital accommodation on ships of 500 GT or more carrying 15 or more seafarers and engaged on a voyage of more than three days’ duration. In this context, the Committee notes that, according to section 34(1) of Legislative Decree 271/1999, special regulations shall be adopted defining technical standards for ship construction and work environment in conformity with Conventions Nos 92, 133 and 134. According to section 34(2), the entry into force of these regulations would entail the abrogation of Act 1045/1939. The regulations to be issued under section 34 are still at the drafting stage. Sections 36 and 37 of the draft regulations as communicated to the Office in 2002 under Convention No. 133 dealt with hospital accommodation and would give effect to the above requirement of Convention No. 164. ***The Committee urges the Government to take all necessary measures to ensure that provisions giving effect to Article 11(1) will soon be adopted.***

Article 12, paragraphs 1 and 3. Medical report form. The Government has supplied a model of a medical report form that is used aboard cruise ships and is designed to be used both on board and ashore by doctors, masters etc. It remains, however, unclear whether this is a standard form approved by the competent authority. ***The Committee asks the Government to indicate whether the supplied medical report form used on cruise ships is a standard medical report form, used also on ships other than cruise ships, and has been adopted by the competent authority as a model for use by ships’ doctors, masters or persons in***

charge of medical care on board and hospitals or doctors ashore. Please also specify by what means it is ensured that the information contained in the medical report form is kept confidential and is used for no other purpose than to facilitate the treatment of seafarers.

Article 13. International cooperation. The Committee notes the detailed information provided by the Government on international measures to promote health care and medical treatment on board ship. The Government indicates that it will soon transmit copies of agreements on international cooperation relating to this Article. *The Committee looks forward to receiving copies of any bilateral or multilateral agreements concluded by Italy with other members on international cooperation in the field of health protection and medical care for seafarers.*

Part III of the report form. Supervision and enforcement. The Ministry of Health is the competent authority entrusted with the application of the relevant national legislation implementing the Convention. *The Committee asks the Government to describe by what methods application is supervised and enforced.*

Part IV of the report form. Court decisions. *The Committee asks the Government to state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention, and, if so, supply the text of these decisions.*

Part V of the report form. Practical application. *The Committee requests the Government to give a general appreciation of the manner in which the Convention is applied in Italy, and to attach information on the number of seafarers covered by the measures giving effect to the Convention, the number and nature of the contraventions reported, etc.*