Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

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on the minimum safety and health requirements for improved medical treatment on board vessels

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118a thereof,

Having regard to the proposal from the Commission[(1)], drawn up after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

In cooperation with the European Parliament[(2)],

Having regard to the Opinion of the Economic and Social Committee[(3)],

Whereas the Commission communication on its programme concerning safety, hygiene and health at work[(4)] envisages measures to ensure medical treatment at sea;

Whereas the safety and health of workers on board a vessel, which constitutes a workplace involving a wide range of risks, bearing in mind, inter alia, its geographical isolation, where appropriate, require special attention;

Whereas vessels should have adequate medical supplies, kept in good order and checked at regular intervals, so that workers can obtain the necessary medical treatment at sea;

Whereas, in order to ensure appropriate medical treatment at sea, training and information of seafarers should be encouraged as regards the use of medical supplies;

Whereas the use of long-distance medical-consultation methods constitutes an efficient way of contributing to the protection of the safety and health of workers,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Definitions

For the purposes of this Directive, the following terms shall have the following meanings:

(a) *vessel:* any vessel flying the flag of a Member State or registered under the plenary jurisdiction of a Member State, seagoing or estuary-fishing, publicly or privately owned, excluding:

— inland navigation vessels,

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— warships,
— pleasure boats used for non-commercial purposes and not manned by professional crews,
— tugs operating in harbour areas.

Vessels shall be classed in three categories in accordance with Annex I;

(b) *worker:* any person carrying out an occupation on board a vessel, including trainees and apprentices, but excluding port pilots and shore personnel carrying out work on board a vessel at the quayside;

(c) *Owner:* the registered owner of a vessel unless that vessel has been chartered by demise or is managed, either wholly or in part, by a natural or legal person other than the registered owner under the terms of a management agreement; in that case the owner shall be construed as the demise charterer or natural or legal person managing the vessel as appropriate;

(d) *medical supplies:* medicines, medical equipment and antidotes, a non-exhaustive list of which is given in Annex II;

(e) *antidote:* a substance used to prevent or treat a harmful effect or effects, direct or indirect, of one or more substances included on the list of dangerous substances in Annex III.

Article 2

Medicines and medical equipment — Sick-bay — Doctor

Each Member State shall take the measures necessary to ensure that:

1. (a) every vessel flying its flag or registered under its plenary jurisdiction always carries on board medical supplies which meet at least, in terms of quality, the specifications of Annex II sections I and II for the category of vessel to which it belongs;

(b) the quantities of medicinal products and medical equipment to be carried depend on the nature of the voyage — in particular ports of call, destination, duration — the type or types of work to be carried out during the voyage, the nature of the cargo and the number of workers;

(c) the content of the medicines and medical equipment included in the medical supplies shall be detailed on a checklist corresponding at least to the general framework laid down in Annex IV, sections A, B and C II 1 and II 2;

2. (a) for each of its life-rafts and life-boats, every vessel flying its flag or registered under its plenary jurisdiction carries a watertight medicine chest at least containing the medical supplies specified in Annex II, sections I and II, for category C vessels;

(b) the content of these chests is also detailed on the checklist referred to in paragraph 1 (c);

3. every vessel flying its flag or registered under its plenary jurisdiction, of more than 500 gross registered tonnes, with a crew of 15 or more workers and engaged on a

voyage of more than three days, has a sick-bay in which medical treatment can be administered under satisfactory material and hygienic conditions;

4. every vessel flying its flag or registered under its plenary jurisdiction, with a crew of 100 or more workers and engaged on an international voyage of more than three days, has a doctor responsible for the medical care of the workers on board.

Article 3

Antidotes

Each Member State shall take the measures necessary to ensure that:

1. any vessel flying its flag or registered under its plenary jurisdiction and carrying any of the dangerous substances listed in Annex III carries on board medical supplies including at least the antidotes listed in Section III of Annex II;

2. any ferry-type vessels flying its flag or registered under its plenary jurisdiction, whose conditions of operation do not always allow it to know well enough in advance the nature of the dangerous substances being transported, has on board medical supplies including at least the antidotes listed in section III of Annex II.

   However, on a regular where the crossing is due to last less than two hours, the antidotes may be limited to those which have to be administered in cases of extreme emergency within a period of time not exceeding the normal duration of the crossing;

3. the contents of the medical supplies, as regards antidotes, shall be detailed on a check list corresponding at least to the general framework laid down in Annex IV, sections A, B and C, II 3.

Article 4

Allocation of responsibilities

Each Member State shall take the measures necessary to ensure that:

1. (a) the provision and replenishment of the medical supplies of any vessel flying its flag or registered under its plenary jurisdiction are undertaken on the exclusive responsibility of the owner, without any expense to the workers;

   (b) the management of the medical supplies is placed under the responsibility of the captain of the vessel; he may, without prejudice to this responsibility, delegate the use and maintenance of the medical supplies to one or more workers specially designated by reason of their competence;

2. the medical supplies are maintained in good condition and replenished and/or replaced as soon as possible, and in every case as a priority part of normal revictualling procedures;

3. in an emergency established by the captain as far as possible after having obtained a medical opinion, the required medicines, medical equipment and antidotes which are not available on board are made available as soon as possible.

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Article 5

Information and training

Each Member State shall take the measures necessary to ensure that:

1. medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III;

2. all persons receiving professional maritime training and intending to work on board ship have been given basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency;

3. the captain and any worker or workers to whom he delegates the use of the medical supplies pursuant to Article 4 (1) (b) have received special training updated periodically, at least every five years, taking into account the specific risks and needs connected with the different categories of vessel and in accordance with the general guidelines set out in Annex V.

Article 6

Medical consultations by radio

1 To ensure better emergency treatment for workers, each Member State shall take the measures necessary to ensure that:

a one or more centres are designated to provide workers with free medical advice by radio;

b some of the doctors providing their services for the radio consultation centres have been trained in the special conditions prevailing on board ship.

2 In order to optimize the advice given, the radio consultation centres may keep personal medical records, with the agreement of the workers concerned.

Such records shall remain confidential.

Article 7

Inspection

1 Each Member State shall take the measures necessary to ensure that a competent person or a competent authority carries out an annual inspection to check that on board all vessels flying its flag:

— the medical supplies meet the minimum requirements of this Directive;

— the checklist provided for in Article 2 (1) (c) confirms that the medical supplies comply with those minimum requirements;

— the medical supplies are correctly stored;

— any expiry dates have been respected.

2 Inspections of the medical supplies stored on life-rafts shall be carried out in the course of those life-rafts' annual maintenance.

Those inspections may exceptionally be postponed for up to five months.

[F1 Article 8

Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 8a to make strictly technical amendments to the Annexes, in order to take account of technical progress or changes in international regulations or specifications and new findings concerning medical treatment on board vessels.

Where, in duly justified and exceptional cases involving imminent, direct and serious risks to workers' and other persons' physical health and safety, imperative grounds of urgency require action in a very short timeframe, the procedure provided for in Article 8b shall apply to delegated acts adopted pursuant to this Article.**]**

Textual Amendments

F1 Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

[F2 Article 8a

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(5)].

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the