



POLISH MARITIME LAW ASSOCIATION

Plac Rodla 8/XII floor, 70-419 Szczecin, Poland
tel.: +48 91 359 44 30; fax: +48 91 359 44 32; e-mail: biuro@pmla.org.pl

Szczecin (Poland), 30th May, 2016

Mr Stuart Hetherington
President
Comite Maritime International

by e-mail (swb@cbp.com.au) only

Dear Sir,

re.: Questionnaire – Pandemic Response – The Effect on Seafarers and Passengers at Sea.

We refer, with thanks, to your e-mail of 30th September, 2015, attaching the questionnaire.

Please find below responses of the Polish MLA to the questionnaire.

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

Yes. Poland is a member of the World Health Organization since its foundation.

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

According to information provided by the Polish government, Poland has given effect under its domestic law to the International Health Regulations (2005) [IHR]. The Polish government established the National IHR Focal Point within the structures of the International Institute of Public Health, which is designated to fulfill provisions of IHR. Moreover, part of the obligations stipulated in the IHR, especially referring to “Points of entry” – pursuant to Part IV of IHR – is executed by the State Sanitary Inspection.

The Polish MLA does not possess detailed information referring to procedures and forms of fulfillment by the Polish government of the obligations stipulated in IHR.

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

Yes, the Polish government has ratified the IMO-MLC 2006 Convention. The Convention has been in force under Polish jurisdiction since 20th August, 2013.

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

On 05th August, 2015, the Polish Parliament passed the Act on Labour at Sea. The Act implements to Polish system of law regulations stipulated in the IMO-MLC 2006 Convention, as well as other European Union directives referring to work of seafarers.



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

Yes, the Polish authority ratified the IMO Facilitation of Maritime Traffic Convention 1965 with its amendments till the amendment of 2002 (FAL.7(29)).

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

First of all, the FAL Convention, as a ratified international agreement, binds Poland and, as a consequence, applies directly. Thus, regulations stipulated in the FAL Convention has effect on Polish jurisdiction without prior whatsoever implementation. According to Polish system of law, should there occur any conflict between regulations of ratified international agreements and domestic statute, regulations of ratified international agreements would prevail.

Regardless to the above, the Polish authority establishes domestic statutes in compliance with regulations of the FAL Convention. The FAL Convention regulations are followed by numerous domestic acts of law as well as numerous European Union acts of law, the latter either implemented or directly applying into Polish jurisdiction.

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?

According to information provided by the Chief Sanitary Inspectorate, the Polish authority did not deny free pratique to any vessel during any of the abovementioned pandemics.

8. Are you aware if your jurisdiction has taken any steps to establish in 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?

According to information provided by the Chief Sanitary Inspectorate, each vessel arriving to any port in Poland is being controlled in accordance with the International Health Regulations.

Moreover, in the term of duration of any pandemics, the State Border Sanitary Inspectors evaluates risks related to onset of any pandemics on the territory of Poland in case of arrival of each vessel from the territory recognized by the WHO as affected with the pandemic. Subsequently, if necessary, the State Border Sanitary Inspectors undertake proper actions described in recommendations of the National IHR Focal Point and the Chief Sanitary Inspectorate, which complies with the schemes of crisis response system in the scope of public health established in the International Health Regulations.

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

The Polish MLA does not possess information about any actions taken by Polish jurisdiction in reference to recent Ebola outbreak.



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

Although the Polish MLA does not possess information about any actions taken by Polish jurisdiction in reference to recent Ebola outbreak, we indicate that the authority, which most likely would be responsible for implementing measures related to Ebola outbreak, is the State Sanitary Inspection.

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

According to information provided by the Chief Sanitary Inspectorate, the State Sanitary Inspection permanently cooperates with maritime administrations to comply with the International Health Regulations and other regulations. However, the Polish MLA does not possess information about any decisions taken in reference to recent Ebola outbreak.

d) Were those who took decisions in you jurisdiction during Ebola outbreak aware of:

- (i) International Health Regulation 2005; and**
- (ii) The FAL Convention 1965 (As Amended); and**
- (iii) The ILO MLC 2006 Convention?**

According to information provided by the Chief Sanitary Inspectorate, the State Sanitary Inspection is aware of each of the abovementioned regulations, however in practice, performing its statutory obligations, the State Sanitary Inspection mainly applies the International Health Regulation 2005. The FAL Convention 1965 and the ILO MLC 2006 Convention are being applied only supplementary.

e) Were those making decision in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions?

The Polish MLA has no information about the awareness of the State Sanitary Inspection of the potential conflict in requirements between the abovementioned Regulations and Conventions.

The responses were contributed by: Mr Krzysztof Wiszniewski – the Member of the Polish MLA.

In case of any doubts or questions, please feel free to ask anytime.

With Best Regards,



MAREK CZERNIS
Vice-President



PAWEŁ MICKIEWICZ
Secretary