

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Directive on the minimum health and safety requirements for improved medical treatment on board vessels***COM(90) 272 final — SYN 278**(Submitted by the Commission)**(90/C 183/04)*

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 Commission's proposal drawn up after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Commission communication on its programme concerning safety, hygiene and health at work <sup>(1)</sup> envisages measures to ensure medical treatment at sea;

Whereas a vessel is a workplace which requires special attention on account of its mobility, its geographical isolation, and the potentially high risks to the safety and health of the workers on board;

Whereas there is a need for vessels to have on board adequate medical equipment and medicines, properly maintained and checked at regular intervals, to permit the effective treatment of the crew and, in certain cases, avoid disembarkations at sea or diversions of vessels, which are not only costly but can also delay treatment;

Whereas, in order to improve medical treatment at sea, it is desirable to promote training in and information on the use of medical supplies and of the various remote medical consultation facilities;

Whereas there is a need to provide for additional measures for medical assistance at sea in order to take account of technological and medical progress and thus ensure better protection of the health and safety of the workers,

HAS ADOPTED THIS DIRECTIVE:

**Definitions***Article 1*

For the purposes of this Directive, the following terms have the meanings hereafter assigned to them:

— *vessel*:

any vessel flying the flag of a Member State, which is operated at sea or in adjacent waters accessible to sea-going vessels and is publicly or privately owned, excluding warships and pleasure boats used for non-commercial purposes. Vessels fall into four categories in accordance with Annex I;

— *worker*:

any person who is employed or retained in whatever capacity on board a vessel, including trainees and apprentices, but excluding pilots;

<sup>(1)</sup> OJ No C 28, 3. 2. 1988, p. 3.

— *medical supplies:*

medical equipment and medicines, including any antidotes that may be required under the terms of Article 3 (1);

— *antidote:*

a substance or means used to prevent or treat a harmful effect or effects, direct or indirect, of one or more substances included in the list of dangerous substances in Annex III.

**Medical supplies***Article 2*

Member States shall take the measures necessary to ensure that the vessels under their jurisdiction always have at least one medicine or one item of medical equipment in each of the categories set out in Annex II for the category of vessel to which they belong.

The quantities to be carried must take account of the nature and destination of the trip and the number of crew members.

The contents of the medical supplies shall be detailed on a checklist as shown in Annex V.

**Dangerous substances***Article 3*

Member States shall take the measures necessary to ensure that:

1. any vessel under their jurisdiction carrying any of the dangerous substances listed in Annex III has medical supplies, including the appropriate antidotes listed in Annex II, and that to this end its captain is kept informed of the dangerous substances loaded on board, in order to protect the health and safety of the workers;
2. for ferry-type vessels, whose conditions of operation do not always allow them to know well enough in advance the nature of the dangerous substances being transported, all the antidotes listed in Annex II are carried on board. However, on a regular route where the crossing is due to last less than two hours, the antidotes may be limited to those which have to be administered within a period of time not exceeding the duration of the crossing.

**Allocation of responsibilities***Article 4*

Member States shall take the measures necessary to ensure that:

1. the provision and replenishment of all the medical supplies of any vessel under their jurisdiction are undertaken at the responsibility and exclusively at the expense of the owner, without any expense to the workers; these supplies are to be placed under the responsibility of the captain of the vessel who may, without prejudice to this responsibility, delegate the use and maintenance of the supplies to one or more workers specially designated by reason of their competence;
2. the medical supplies are maintained in good condition and replenished where necessary, as soon as port conditions permit.

**Information and training***Article 5*

Member States shall take appropriate measures to ensure that:

1. the medical supplies are accompanied by a guide to their use, including instructions for the use of the antidotes required pursuant to Article 3;
2. during their professional maritime training all persons intending to work on board are given instruction in the medical and emergency measures to be taken immediately in the event of an accident or serious emergency;
3. the captain and the worker or workers to whom he delegates the use of the ship's medical supplies pursuant to Article 4 of this Directive have received special training, taking into account the specific risks and needs connected with the different categories of vessels and in accordance with the general guidelines set out in Annex IV.

*Article 6*

The Member States shall designate one or more centres to provide any data which may be required to improve emergency treatment for crew members. The transmission system used must ensure that such data remain confidential.

## Inspection

### Article 7

Member States shall take appropriate measures to ensure that a competent authority carries out annual checks on all vessels under their jurisdiction to determine whether the medical supplies carried correspond to the checklist provided for pursuant to Article 2.

## Adaptation of the Annexes

### Article 8

For the purpose of making technical changes to the Annexes of this Directive in the light of technical progress, changes in international regulations or specifications and new findings in this field, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken.

The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter.

The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

## Final provisions

### Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary for compliance with this Directive by 31 December 1993. They shall immediately notify the Commission thereof.

The provisions adopted pursuant to the first subparagraph shall make express reference to this Directive.

2. Member States shall notify the Commission of the text of the regulations under national law which have already been adopted or will be adopted in the area governed by this Directive.

### Article 10

This Directive is addressed to the Member States.

## ANNEX I

## CATEGORIES OF VESSEL REFERRED TO IN ARTICLE 1

- A. Sea-going or sea-fishing vessel, with no limitation on length of trips.
- B. Sea-going or sea-fishing vessel, making trips of between 100 and 200 nautical miles from the nearest port.
- C. Sea-going or sea-fishing vessel making trips of less than 100 nautical miles from the nearest port (\*).
- D. Harbour vessels, boats and craft staying very close to shore or with no cabin accommodation other than a wheelhouse.

(\*). This category may be extended to vessels of less than 50 gross register tons or to those which remain continuously within range of helicopter rescue services.

## ANNEX II

## MEDICAL SUPPLIES REFERRED TO IN ARTICLE 2

## I. Medicines

## 1. Cardiovascular medicines

— Circulatory analeptic .....	+	+	+	
— Anti-angina .....	+	+	+	
— Diuretic .....	+	+		
— Anti-haemorrhagic .....	+	+		

## Categories of vessel (\*)

	A	B	C	D
	+	+	+	
	+	+	+	
	+	+		
	+	+		

## 2. Gastrointestinal system

— Medicines for gastric and duodenal disorders .....	+	+	+	
— Antiemetic .....	+	+	+	+
— Laxatives .....	+	+		
— Anti-diarrhoeal .....	+	+	+	+
— Intestinal antiseptic .....	+	+		
— Haemorrhoid preparations .....	+	+		

	A	B	C	D
	+	+	+	
	+	+	+	+
	+	+		
	+	+	+	+
	+	+		
	+	+		

(\*). + indicates that this type of medicine must be carried on board the category of vessel in question.

	A	B	C	D
<b>3. Analgesics</b>				
— Analgesics, antipyretics and anti-inflammatory .....	+	+	+	+
— Morphine analgesics .....	+	+	+	
<b>4. Nervous system</b>				
— Anxiolytic .....	+	+		
— Neuroleptic .....	+	+		
— Antihistaminic H1 .....	+	+	+	
<b>5. Hormone system</b>				
— Glucocorticoids .....	+	+	+	
<b>6. Respiratory system</b>				
— Medicines used in cases of bronchospasm .....	+	+	+	
— Antitussives .....	+	+	+	
— Medicines used for colds and sinusitis .....	+	+	+	
<b>7. Anti-infection</b>				
— Antibacterial antibiotics and sulphamides .....	+	+	+	
— Urinary antiseptics .....	+	+		
— Antiparasitics .....	+	+	+	
— Vaccines, anti-tetanus gammaglobulins .....	+	+		
<b>8. Compounds promoting rehydration and caloric or mineral salt intake .....</b>	+			
<b>9. Medicines for external use</b>				
— Skin medicines .....	+	+	+	
— Eye medicines .....	+	+	+	
— Ear medicines .....	+	+		
— Medicines for oral and throat infections .....	+	+	+	
— Local anaesthetics .....	+	+		

**II. Medical equipment and dressings**

	A	B	C	D
1. Resuscitation equipment .....	+	+	+	
2. Dressings .....	+	+	+	+
3. Instruments .....	+	+	+	+
4. General medical equipment .....	+	+	+	
5. Immobilization equipment .....	+	+	+	+
6. Disinfection — disinsectization — protection .....	+	+	+	

**III. Antidotes**1. *Medicines*

- General
- Anti-infective
- Cardiovascular
- Respiratory system
- Gastrointestinal system
- Nervous system
- For external use

2. *Equipment*

- Necessary for the administration of oxygen

*ANNEX III***DANGEROUS SUBSTANCES REFERRED TO IN ARTICLE 3**

- Explosive substances and objects
- Gases: compressed, liquefied or dissolved under pressure
- Inflammable liquids
- Inflammable solids
- Inflammable solids, substances liable to spontaneous combustion
- Inflammable solids, substances which, on contact with water, give off inflammable gases
- Combustible substances
- Organic peroxides
- Toxic substances
- Infectious substances
- Corrosive substances
- Various dangerous substances, i. e. any other substances which experience has shown or may show to be dangerous, so that the provisions of Article 3 need to be applied.

*ANNEX IV*

**MEDICAL TRAINING OF THE CAPTAIN AND OTHER PERSONS, AS REFERRED TO IN ARTICLE 5 (3)**

Basic understanding of physiology, symptomatology and therapeutics.

Detailed knowledge of how to use the various remote medical consultation facilities.

Ability to perform basic types of treatment and supervise emergency disembarkation at sea.

The abovementioned training should take account of the programmes of instruction detailed in relevant recent international documents.

*ANNEX V*

**CHECKLIST FOR VESSELS' MEDICAL SUPPLIES AS REFERRED TO IN ARTICLE 7**

**1. Details of the vessel**

Name: .....

Flag: .....

Home port: .....

**2. Medical supplies**

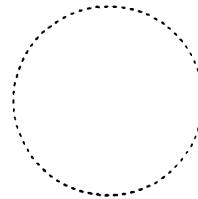
	yes	no
<b>2.1. Medicines</b>		
— cardiovascular .....	<input type="radio"/>	<input type="radio"/>
— gastrointestinal system .....	<input type="radio"/>	<input type="radio"/>
— analgesics .....	<input type="radio"/>	<input type="radio"/>
— nervous system .....	<input type="radio"/>	<input type="radio"/>
— hormone system .....	<input type="radio"/>	<input type="radio"/>
— respiratory system .....	<input type="radio"/>	<input type="radio"/>
— anti-infection .....	<input type="radio"/>	<input type="radio"/>
— rehydration .....	<input type="radio"/>	<input type="radio"/>
— external use .....	<input type="radio"/>	<input type="radio"/>
— other .....	<input type="radio"/>	<input type="radio"/>
<b>2.2. Antidotes</b>		
— general .....	<input type="radio"/>	<input type="radio"/>
— anti-infection .....	<input type="radio"/>	<input type="radio"/>
— cardiovascular .....	<input type="radio"/>	<input type="radio"/>
— respiratory system .....	<input type="radio"/>	<input type="radio"/>
— gastrointestinal system .....	<input type="radio"/>	<input type="radio"/>
— nervous system .....	<input type="radio"/>	<input type="radio"/>

- |  | yes                   | no                    |
|--|-----------------------|-----------------------|
| — external use .....                               |                       |                       |
| — other .....                                      | <input type="radio"/> | <input type="radio"/> |
| — necessary for the administration of oxygen ..... | <input type="radio"/> | <input type="radio"/> |
| <b>2.3. Equipment</b>                              |                       |                       |
| — resuscitation equipment .....                    | <input type="radio"/> | <input type="radio"/> |
| — dressings .....                                  | <input type="radio"/> | <input type="radio"/> |
| — instruments .....                                | <input type="radio"/> | <input type="radio"/> |
| — general medical equipment .....                  | <input type="radio"/> | <input type="radio"/> |
| — immobilization equipment .....                   | <input type="radio"/> | <input type="radio"/> |
| — disinfection; disinsectization; protection ..... | <input type="radio"/> | <input type="radio"/> |
| — other equipment .....                            | <input type="radio"/> | <input type="radio"/> |

.....  
(Date)

.....  
(Signature of captain)

Stamp of the competent authority



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