



STATUTORY INSTRUMENTS.

S.I. No. 258 of 2020

EUROPEAN COMMUNITIES (MINIMUM SAFETY AND HEALTH
REQUIREMENTS FOR IMPROVED MEDICAL TREATMENT ON
BOARD VESSELS) (AMENDMENT) REGULATIONS 2020

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EUROPEAN COMMUNITIES (MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR IMPROVED MEDICAL TREATMENT ON BOARD VESSELS) (AMENDMENT) REGULATIONS 2020

I, Eamon Ryan, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Council Directive 92/29/EEC of 31 March 1992¹ on the minimum safety and health requirements for improved medical treatment on board vessels, and for the purpose of giving effect to Article 28(b) of the Annex to Council Directive (EU) 2017/159 of 19 December 2016², hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Minimum Safety and Health Requirements for Improved Medical Treatment on Board Vessels) (Amendment) Regulations 2020.

(2) These Regulations shall come into operation on 1 August 2020.

2. The European Communities (Minimum Safety and Health Requirements for Improved Medical Treatment on Board Vessels) Regulations 1997 (S.I. No. 506 of 1997)

are amended –

(a) in Regulation 3(3)(a), by the substitution of “over 500” for “of 500 or more”,

(b) by the insertion of the following Regulation after Regulation 8:

“8A. (1) The owner of a vessel shall ensure that the captain of the vessel-

(a) has attended an approved medical training course relating to the category of vessel concerned, and

(b) undertakes an approved updated medical training course within-

(i) a period of 2 years commencing on the date on which this Regulation comes into operation, and

(ii) each 5 year period thereafter, each such 5 year period commencing on the date the last approved updated medical training course was undertaken by the person.

¹ OJ No. L 113, 30.4.92, p.19.

² OJ No. L 25, 31.1.17, p.12.

(2) For the purposes of this Regulation, an approved medical training course is one-

- (a) completed as part of the requirements for obtaining a certificate of competency, or
- (b) specified for the time being by the Marine Survey Office as being approved, being a course which-
 - (i) takes into account the specific risks and needs connected with the category of vessel concerned,
 - (ii) is in accordance with the general guidelines set out in Annex V of the Council Directive, and
 - (iii) takes into account, where the vessel is a fishing vessel that has fishermen on board, the number of fishermen on board, the area of operation of the vessel and the length of the voyage.

(3) For the purposes of this Regulation, an approved updated medical training course is a course specified for the time being by the Marine Survey Office as being such a course.

(4) In this Regulation-

“certificate of competency” means a certificate of competency-

- (a) issued under the Regulations of 1988,
- (b) deemed, in accordance with Regulation 8 of the Regulations of 1988, to be a certificate of competency issued under those Regulations, or
- (c) issued under the European Union (Training, Certification and Watchkeeping for Seafarers) Regulations 2014 (S.I. No. 242 of 2014);

“commercial fishing” means all fishing operations with the exception of subsistence fishing and recreational fishing;

“fisherman” means a person who works in any capacity under a contract of employment or in an employment relationship on board a fishing vessel, including any other person engaged in activities relating to fishing who is present on the same vessel in order to protect the overall health and safety of the persons on board, but does not include-

- (a) a person who is a pilot within the meaning of the Harbours Act 1996 (No. 11 of 1996), or
- (b) a shore person carrying out work on board a fishing vessel at the quay side;

“fishing vessel” means any ship or boat registered in the State, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for commercial fishing;

“Regulations of 1988” means the Fishing Vessels (Certificate of Deck Officers and Engineer Officers) Regulations 1988 (S.I. No. 289 of 1988).”,

(c) in Regulation 9(1), by the substitution of “shall” for “may”, and

(d) in Regulation 10(1) –

(i) in subparagraph (d), by the substitution of “Regulation 7,” for “Regulation 7, or”,

(ii) in subparagraph (e), by the substitution of “Regulation 8, or” for “Regulation 8.”, and

(iii) by the insertion of the following subparagraph after subparagraph (e):

“(f) Regulation 8A(1).”



GIVEN under my Official Seal,

22 July, 2020.

EAMON RYAN,

Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations make provision for Article 5.3 of Council Directive 92/29/EEC of 31 March 1992 relating to medical training requirements for the Captain of a vessel. They also make provision for Article 28 (b) of the Annex to Council Directive (EU) 2017/159 of 19 December 2016, implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organization, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union.

The Regulations amend the European Communities (Minimum Safety and Health Requirements for Improved Medical Treatment on Board Vessels) Regulations, 1997 (S.I. No. 506 of 1997) and in particular:

- make typographical changes in Regulations 3(3) and 9; and
- insert a new provision to ensure that the captain of vessel who is in charge of maintaining and using the medical equipment on board undertakes a medical training course at least every five years.

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