Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

28 May 2019 [shall come into force from 31 May 2019].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 811

Adopted 20 December 2016

**Regulations Regarding the Recognition of Medical Practitioners of Seafarers**

*Issued pursuant to*

*Section 29, Paragraph four of the Maritime Administration and Marine Safety Law*

**I. General Provisions**

1. This Regulation prescribes the criteria and procedures for recognizing medical practitioners of seafarers, the procedures for cancelling the recognition of medical practitioners of seafarers, as well as duties of the medical practitioners of seafarers.

2. An opinion on the medical fitness of seafarers for the work on a ship (hereinafter – the opinion) in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (hereinafter – the STCW Convention) and the Maritime Labour Convention, 2006, shall be provided by a medical practitioner of seafarers recognized by the Registry of Seamen of the State joint stock company Maritime Administration of Latvia (hereinafter – the Registry of Seamen).

3. The Registry of Seamen shall maintain and update the list of recognized medical practitioners of seafarers and publish it on the website of the State joint stock company Maritime Administration of Latvia (www.lja.lv), as well as notify it to the International Maritime Organization.

**II. Criteria and Procedures for Recognition**

4. In order for a medical practitioner of seafarers to be recognized as such, the medical practitioner shall submit an application (Annex 1) and the following documents to the Registry of Seamen:

4.1. a copy of a valid certificate of a medical practitioner in occupational health and occupational diseases;

4.2. one of the following documents certifying the work experience:

4.2.1. documentary evidence that the medical practitioner has work experience of at least one year in the position of ship’s doctor;

4.2.2. documentary evidence that the medical practitioner has experience of at least two years in providing opinions in conformity with the requirements laid down in the STCW Convention;

4.2.3. if the medical practitioner is an individual member of the International Maritime Health Association – documentary evidence that the medical practitioner has work experience of at least five years as a medical practitioner in occupational health and occupational diseases;

4.3. a medical practitioner who submits a document certifying work experience in accordance with the requirements laid down in Sub-paragraph 4.2.1 or 4.2.3 of this Regulation – certification of a recognized medical practitioner of seafarers that the medical practitioner has practiced under the supervision of the recognized medical practitioner of seafarers for at least two months;

4.4. samples of the signature and seal impression of the medical practitioner in two copies;

4.5. descriptions of the quality management system procedures referred to in Sub-paragraph 8.6 of this Regulation.

5. In the application the medical practitioner shall certify that:

5.1. the information indicated in the application and other documents is true and is not misleading;

5.2. when providing the opinion, he or she is professionally and financially independent from the seafarer, the applicant for the qualification of a seafarer, the employer of the seafarer, and seafarer employers’ organisations;

5.3. he or she is familiar with the requirements of the national laws and regulations and the international laws and regulations binding to Latvia which are related to medical examinations of a seafarer and an applicant for the qualification of a seafarer, and has become acquainted with the publication of the International Labour Organisation and International Maritime Organisation *Guidelines on the medical examinations of seafarers* which has been posted on the website of the State joint stock company Maritime Administration of Latvia (www.lja.lv) in Latvian, its subsequent issues and other applicable international guidelines issued by the International Labour Organisation, the International Maritime Organisation, or the World Health Organisation;

5.4. he or she is familiar with the specific nature of the work of a seafarer, living and working conditions on a ship;

5.5. he or she has access to all necessary resources (for example, premises, medical equipment) to assess the health condition of a seafarer and an applicant for the qualification of a seafarer in accordance with the requirements of the national laws and regulations and the international laws and regulations binding to Latvia which are related to medical examinations of a seafarer and an applicant for the qualification of a seafarer;

5.6. he or she is informed that the Registry of Seamen performs the processing of his or her personal data in connection with the fulfilment of the duties thereof;

5.7. in his or her professional activity complies with the requirements of the laws and regulations governing the field of health care.

*[28 May 2019]*

6. The Registry of Seamen shall, within one month after receipt of the documents referred to in Paragraph 4 of this Regulation, check the information indicated and certified therein and assess the medical practitioner of seafarers in accordance with the requirements of this Regulation. The Registry of Seamen, where necessary, shall request the responsible State authorities to provide information or, if the State authorities do not have such information at their disposal, request that the medical practitioner, within the time period specified by the Registry of Seamen, submits additional information or updates the information submitted.

7. If non-conformities are not detected in the assessment of the recognition of a medical practitioner of seafarers (Annex 2), the Registry of Seamen shall recognize the medical practitioner of seafarers for the term of validity of the certificate of speciality of a medical practitioner in occupational health and occupational diseases issued to the medical practitioner. If even one non-conformity is detected in the assessment of the recognition of a medical practitioner of seafarers, the medical practitioner shall not be recognized as a medical practitioner of seafarers. The assessment of the recognition of a medical practitioner of seafarers shall be notified to the medical practitioner in accordance with the procedures laid down in the Law on Notification.

**III. Duties of a Medical Practitioner of Seafarers**

8. A medical practitioner of seafarers has the following duties:

8.1. to be familiar with and observe the national laws and regulations and the international laws and regulations binding to Latvia, and international guidelines related to the medical examinations of a seafarer and an applicant for the qualification of a seafarer;

8.2. within two working days from the moment of changes, to inform the Registry of Seamen in writing about the following changes in their activities by submitting documents confirming the changes where necessary:

8.2.1. a change in the registered place of practice;

8.2.2. a change in the contact information;

8.2.3. a change in the seal impression or signature;

8.2.4. a suspension or cancellation of the operation of the certificate of a medical practitioner in occupational health and occupational diseases;

8.2.5. the termination of activities of the medical practitioner of seafarers;

8.3. to conform to the instructions of the Registry of Seamen regarding the implementation of such national laws and regulations and international laws and regulations binding to Latvia which are related to the medical examinations of a seafarer and an applicant for the qualification of a seafarer;

8.4. upon a request, to provide information to the interested parties on the authenticity of the opinion;

8.5. not less than once every two years, to improve his or her professional competence in the field of the health of seafarers, by participating in training courses and seminars;

8.6. to introduce and use a quality management system in his or her activities by ensuring continuous control and supervision of the process of medical examinations of a seafarer and an applicant for the qualification of a seafarer and of provision of the opinion. The quality management system shall incorporate the descriptions of at least the following procedures in the official language:

8.6.1. the procedures for the course of a medical examination;

8.6.2. the procedures for the provision and notification of the opinion;

8.7. to ensure a possibility for the representative of the Registry of Seamen to visit the medical practitioner of seafarers at his or her place of practice in order to ascertain conformity with the requirements of this Regulation;

8.8. to request the Registry of Seamen to provide information, according to its competence, on employment and professional qualification of the seafarer if it is necessary for the provision of the opinion;

8.9. to ensure conformity of his or her professional activity with the requirements of the laws and regulations governing the field of health care.

**IV. Cancellation of Recognition of a Medical Practitioner of Seafarers**

9. The Registry of Seamen shall take a decision to cancel the recognition of a medical practitioner of seafarers if:

9.1. the medical practitioner of seafarers does not comply with the requirements of this Regulation;

9.2. the medical practitioner of seafarers has violated the requirements of the national laws and regulations and international laws and regulations binding to Latvia which are related to the medical examinations of a seafarer and an applicant for the qualification of a seafarer;

9.3. the certificate of a medical practitioner in occupational health and occupational diseases of the medical practitioner of seafarers is cancelled or its operation is suspended;

9.4. the medical practitioner of seafarers has provided false or misleading information;

9.5. the medical practitioner of seafarers has discontinued or terminated his or her professional activity or requested to cancel the recognition.

10. When taking the decision to determine a ban in accordance with the requirements of Section 29, Paragraph four of the Maritime Administration and Marine Safety Law, the Registry of Seamen shall take into account the nature of the case and explanations of the medical practitioner.

**V. Closing Provisions**

11. Cabinet Regulation No. 185 of 20 March 2012, Procedures for the Recognition of Medical Practitioners of Seafarers (Latvijas Vēstnesis, 2012, No. 47; 2016, No. 67), is repealed.

12. This Regulation shall come into force on 1 January 2017.

**Informative Reference to the European Union Directive**

The Regulation contains norms arising from Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers.

Prime Minister Māris Kučinskis

Minister for Transport Uldis Augulis

**Annex 1**

Cabinet Regulation No. 811

20 December 2016

*[28 May 2019]*

**Application for the Recognition of a Medical Practitioner of Seafarers**

To the Registry of Seamen

of the State joint stock company

Maritime Administration of Latvia

1. Submitter:

|  |  |
| --- | --- |
| given name, surname, personal identity number |   |
|   |
|   |
| name and address of the registered place of practice |   |
|   |
|   |
| address for the receipt of correspondence |   |
|   |   |
| telephone and fax number |   |
|   |   |
| mobile telephone number |   |
|   |   |
| e-mail address |   |

2. Documents appended to the application (mark as appropriate with an x):

 a copy of a valid certificate of a medical practitioner in occupational health and occupational diseases;

 documentary evidence of work experience of at least one year in the position of a ship’s doctor or experience of at least two years in the provision of opinions in conformity with the requirements of the STCW Convention, or work experience of at least five years in the position of a medical practitioner in occupational health and occupational diseases, if the medical practitioner is an individual member of the International Maritime Health Association;

 the certification of a recognized medical practitioner of seafarers that the medical practitioner has practiced under the supervision of the recognized medical practitioner of seafarers for at least two months;

 samples of the signature and seal impression of the medical practitioner in two copies;

 descriptions of the quality management system procedures referred to in Sub-paragraph 8.6 of Cabinet Regulation No. 811 of 20 December 2016, Regulations Regarding the Recognition of Medical Practitioners of Seafarers.

3. I hereby acknowledge that:

3.1. the information indicated in the application and other documents is true and is not misleading;

3.2. when providing the opinion, I am professionally and financially independent from the seafarer, the applicant for the qualification of seafarer, the employer of the seafarer, and seafarer employers’ organisations;

3.3. I am familiar with the requirements of the national laws and regulations and the international laws and regulations binding to Latvia which are related to medical examinations of a seafarer and an applicant for the qualification of a seafarer, and has become acquainted with the publication of the International Labour Organisation and International Maritime Organisation *Guidelines on the medical examinations of seafarers*, its subsequent issues and other applicable international guidelines issued by the International Labour Organisation, the International Maritime Organisation, or the World Health Organisation;

3.4. I am familiar with the specific nature of the work of a seafarer, living and working conditions on a ship;

3.5. I have access to all necessary resources (for example, premises, medical equipment) in order to assess the health condition of a seafarer and an applicant for the qualification of a seafarer in accordance with the requirements of the national laws and regulations and the international laws and regulations binding to Latvia which are related to medical examinations of a seafarer and an applicant for the qualification of a seafarer;

3.6. I am informed that the Registry of Seamen of *valsts akciju sabiedrība “Latvijas Jūras administrācija”* [State joint stock company Maritime Administration of Latvia] performs the processing of my personal data in connection with the fulfilment of the duties thereof;

3.7. in my professional activity I comply with the requirements of the laws and regulations governing the field of health care.

Appended documents on \_\_\_ pages in total.

|  |  |  |
| --- | --- | --- |
| Signature of the medical practitioner\* |   |   |
| Date\* |   |   |

Note. \* The details of the document “signature” and “date” shall not be completed if the electronic document has been drawn up in accordance with the laws and regulations regarding drawing up of electronic documents.

Minister for Transport Uldis Augulis

**Annex 2**

Cabinet Regulation No. 811

20 December 2016

|  |  |
| --- | --- |
|  |  |
|  | (given name, surname of the medical practitioner) |
|  |  |
|  |  |
|  | (name and address of the registered place of practice) |

**Assessment of the Recognition of a Medical Practitioner of Seafarers**

**No. \_\_\_\_\_\_\_\_\_\_**

|  |  |
| --- | --- |
| 1. Date of the assessment |  |
|  | (from/to) |

2. Objective of the assessment: to assess the medical practitioner in accordance with the requirements of Cabinet Regulation No. 811 of 20 December 2016, Regulations Regarding the Recognition of Medical Practitioners of Seafarers (hereinafter – the Regulation).

3. Assessment of the medical practitioner in conformity with the following criteria (mark as appropriate with an x):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Assessment criteria | Yes | No | Not applicable |
| 3.1. | Has a copy of a valid certificate of a medical practitioner in occupational health and occupational diseases been submitted |   |   |   |
| 3.2. | Has a document certifying the work experience corresponding to Sub-paragraph 4.2 of the Regulation been submitted |  |  |  |
| 3.3. | Has a certification of a recognized medical practitioner of seafarers that the medical practitioner has practiced under the supervision of the recognized medical practitioner of seafarers for at least two months been submitted |   |   |   |
| 3.4. | Have the samples of the signature and seal impression of the medical practitioner been submitted in two copies |   |   |   |
| 3.5. | Have the descriptions of the quality management system procedures referred to in Sub-paragraph 8.6 of the Regulation been submitted |   |   |   |
| 3.6. | Do the submitted documents conform to the requirements of the Regulation |  |  |  |
| 3.7. | Is the medical practitioner familiar with the requirements of the national laws and regulations and the international laws and regulations binding to Latvia which are related to medical examinations of a seafarer and an applicant for the qualification of a seafarer, and has become acquainted with the publication of the International Labour Organisation and International Maritime Organisation *Guidelines on the medical examinations of seafarers*, its subsequent issues and other applicable international guidelines issued by the International Labour Organisation, the International Maritime Organisation, or the World Health Organisation |   |   |   |
| 3.8. | Is the medical practitioner familiar with the specific nature of the work of a seafarer, living and working conditions on a ship |   |   |   |
| 3.9. | Has the medical practitioner of seafarers complied with the requirements of the national laws and regulations and international laws and regulations binding to Latvia which are related to medical examinations of a seafarer and an applicant for the qualification of a seafarer, during the previous period of recognition |   |   |   |
| 3.10. | Does the professional activity of the medical practitioner comply with the requirements of the laws and regulations governing the field of health care |   |   |   |

4. Notes regarding the assessment process

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|   |

5. Non-conformities detected during assessment

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|   |

6. Opinion of the assessor

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| --- |
|   |

7. The assessment may be contested by submitting a relevant submission to the Director of the State joint stock company Maritime Administration of Latvia in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the Director of the State stock company Maritime Administration of Latvia may be appealed before a court.

8. Assessment performed by

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   |   |   |   |   |
| (position) | (given name, surname) | (signature\*) |

9. I hereby certify the assessment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   |   |   |   |   |
| (position) | (given name, surname) | (signature\*) |
| Date\* |  |  |

Note. \* The details of the document “signature” and “date” shall not be completed if the electronic document has been drawn up in accordance with the laws and regulations regarding drawing up of electronic documents.

Minister for Transport Uldis Augulis