

DRAFT MINUTES

Joint NWWAC/NSAC Focus Group Social Aspects /

Virtual meeting via Zoom

23 May 2022

Participants

Name	Organisation
Rosa Caggiano	MEDAC
Daniela Costa	CCRUP
Bruno Dachicourt (Chair)	ETF
Linette de Swart	Ecorys
Katia Frangoudes	MEDAC
Mark Hafner	COWI
Gerald Hussenot	Blue Fish
Mo Mathies	NWWAC Secretariat
Norah Parke	KFO
Marzia Piron	MEDAC
Chloé Pocheaux	SWWAC
Kenn Skau Fischer	Danmarks Fiskeriforening
Matilde Vallerani	NWWAC Secretariat
Jasmine Vlietinck	Rederscentrale
Johnny Woodlock	ISS

1 Welcome and introductions

The Chair welcomed all participants. The agenda was approved. Apologies were received from Tamara Talevska (NSAC Secretariat).

2 Evaluation of EU Directive concerning fishing vessels over 24 m

Linette de Swart, project leader, introduced the consortium running the evaluation on the Directive 97/70/EC.

Commercial fishing is a very important activity for the EU. Catches by EU flagged vessels are ranked 4th in the world. Many of the fish consumed in the EU are caught by EU fishers. Commercial fishing is also one of the most dangerous occupations in the world, however, accident facts and figures are difficult to find. Figures that can be found come from the late 1990s and show that the fatality rate is 80 per 100.000 each year.

European Maritime Safety Agency figures show that during the period 2009 – 2017, 1,718 incidents involving fishing vessels occurred, of which 956 incidents involved crew member(s). 9% of all incidents were classified as very serious accident.

Background

The IMO's Torremolinos Convention of 1977 and its 1993 Protocol provide the necessary safety framework for FVs, but never entered into force globally due to different reasons. Within the EU safety legislation was introduced in 1997 with Directive 97/70/EC which was amended numerous times in the following years. In 2012, the Cape Town Agreement was adopted with the aim to introduce a global safety regime. Might enter into force within the coming years.

Scope of the Directive

The Directive applies to FVs of 24 metres and over:

- Flying the flag of a Member State and registered in the Community, or
- Operating in the internal waters or territorial sea of a Member State, or
- Landing their catch in the port of a Member State.
 - Recreational craft engaged in non-commercial fishing are excluded from the scope of this Directive.
- The main difference between the 1993 TP and the Directive is that the latter provides safety rules from 24 m L for all chapters while in the 1993 TP several chapters apply to L from 45 m (e.g. Ch. IV, V, VII, IX)
- The Directive has been amended by Directives 2002/35/EC 25 April 2002, 2002/84/EC 5 Nov 2002, Regulation EC 219/2009 11 March 2009 and Decision 2014/195/EU of 17 February 2014 (CTA 2012 related) – COM asking whether with the upcoming Cape Town agreement it needs to be amended

The aim of the evaluation is to provide the Commission with a robust, objective evidence base in support of the Commission's (ex-post) evaluation of Council Directive 97/70/EC.

Criteria / questions

- Effectiveness: did the Directive reach its objectives?
- Efficiency: did the Directive reach its objectives in the most cost-efficient manner?
- Relevance: is the Directive still relevant today?
- Coherence and consistency: is the Directive in line with other legislation and policies? Most important one is the Cape Town agreement and look also at UN SDG goals
- EU added value: could similar results have been achieved without EU intervention?

Time: 29 February 1998 until 31 December 2021

Geographical scope: EU-27 + selected third countries, especially United Kingdom, Norway and Iceland

The project started in January 2022 with a 12-month duration. The team collected evidence for the first few months to inform the survey. Desk research is ongoing, and the targeted stakeholder survey is scheduled for launch before the end of May. Fishing associations, Ministries, shipbuilders and other actors in the fishing sector will be interviewed in the course of the work, and expert meetings are envisaged. The Commission is likely to launch a public consultation.

Timeline of the stakeholder consultation

- Targeted survey
 - Launch by the end of May
 - Open until 24 June 2022
 - Online participation appreciated (pdf available)
- Interviews
 - Planned for June 2022
 - Online meeting of 30 to 60 minutes
- Other inputs, e.g. written sources, are also welcome!

Members wishing to participate in the survey will be contacted by Mark Hafner from COWI.

The Chair thanked de Swart for the presentation and opened the floor for questions.

Peter Breckling thanked de Swart and queried the fact regarding availability of information on accidents at sea. He felt that it would be important to collect this information which in many EU countries is available via different accident insurance companies. In Germany all employees and employers are covered by accident insurance and sometimes it is only a question of capacity to analyse the numbers regarding accidents at sea. “The data is there.” Examples from Denmark are very relevant providing an insight on how safety at sea could be improved. Adding views in the evaluation on how to develop measures to reduce the number of accidents on vessels would be useful. The Danish reduced the level of accidents on fishing vessels to the average of that of other commercial sectors. “It would be very interesting to find out how this was achieved.” This included the building of new and more safety-oriented fishing vessels for example, as well as risk analyses jointly carried out for each vessel between employer and employee. It would be worthwhile not only to introduce new legislation but to bear in mind that the fishers wish to reduce the number of accidents. The transport sector’s “Vision Zero” may be useful to consider, and there are also other good data sources available regarding safety on fishing vessels.

De Swart thanked Breckling for the suggestions and agreed that a follow up with Danish authorities and fisheries organisations would be useful to find out about why they are so successful.

The Chair stated that the fisheries association in France collects data on accidents at sea and would be able to share this information.

Johnny Woodlock asked if there might be plans to implement a slightly less robust version of the Directive for vessels under 24m, as the Directive only applies to vessels over 24m which only make up 3% of the EU fleet.

De Swart stated that the consortium is collecting evidence to see if there is possibly a need to extend the scope of the Directive. The results of the study form input to the Commission. Currently there is also the accident investigation directive, and fishing vessels over 15m are also included so fatal accidents must be investigated by all Member States. This is slightly in contradiction to the fact that there are no official safety requirements for vessels from 15 to 24m.

Kenn Skau Fischer stated that the Danish Fishermen’s Occupation Health Services was established approx. 30 years ago by fishers and social unions, and the Danish are very proud of their work in this area. It covers all fisheries in Denmark, and the system has managed to reduce fatal and serious incidents to a minimum compared to the rest of the industries in Denmark. Fatal incidents nowadays are not necessarily related to the fishing activity

itself any longer. He offered to bring a presentation on this work to the Focus Group to which members expressed an interest in.

Norah Parke added that in Ireland the Marine Survey Office as part of the Department of Transport deals with this issue

The Chair stated that in France an office exists that investigates any accidents on fishing vessels. He wondered when it comes to the evaluation, “is the Commission only interested in finding out about incidents on vessels over 24m or will this include information on incidents on all vessels?”

3 Discussion

De Swart introduced the Slido survey to the participants.

1: To what extent has Directive 97/70/EC contributed to reducing the number accidents of fishing vees of 24m or more?

Most participants did not know.

2: To what extent has Directive 97/70/EC contributed to reducing the number of fatalities on board fishing vessels of 24m or more?

Most participants did not know.

Katia Frangoudes stated that it is difficult to respond to these questions as some MS had rules in place on safety prior to the coming into force of the Directive. She suggested that the ILO should be added as part of the evaluation as some MS have signed the Convention and the safety and working conditions are adhered to already under this, for example in France.

3: How did the Directive contribute to the establishment of common safety standards within the EU for fishing vessels of 24m or more?

Most participants did not know. Some felt that safety standards had become more harmonised, and others felt they had diverged.

The Chair explained though various norms are in place, but there are a minimum number of requirements that are harmonised across MS, for example regarding clothing.

4: To what extent has the Directive contributed to introducing a common enforcement regime across MS?

Some members felt that enforcement became more harmonised though others did not know.

The Chair stated that regarding inspection of vessels, in France colleagues from other MS were met to learn from their examples. This related only to some areas of this issue.

5: to what extent has the Directive facilitated a single market for fishing vessels in the EU?

Some members did not feel that the Directive contributed, though many did not know.

6: Are the additional requirements for the Northern and Southern regional zones still appropriate for the current climatic conditions? (Safety requirements are higher for vessels operating in the northern regional zones than in southern regional zones.)

Most members did not know though some felt these requirements were no longer appropriate.

Breckling felt that this was a very interesting exercise having been involved in fisheries' safety aspects for many years. He felt that as a result from this short survey it was apparent that "the main message seems to be that the Regulation is not visible as a driving force." There are a lot of activities at national levels, for example in relation to ILO and IMP, and this Directive does not appear to be driving force. This should be reflected in future communications on EU activities within this scope.

De Swart thanked Breckling for this conclusion and agreed that this Directive seems not to be a very visible piece of legislation.

The Chair thanked de Swart for her presentation and added that members of the FG as well as the wider ACs would like to participate in the study.

ACTION: Members to contact the consortium directly if they wish to participate in the study

4 Minutes from the last meeting

The minutes from the previous meeting were approved.

5 Next steps

Mathies informed the participants that an email had been received from the EAA member of this group who chose not to attend this meeting due to discussions via email regarding the FG's Terms of Reference. Following their approval at the last meeting, concerns were raised regarding the extent of inclusion of recreational fisheries in the ToR which seemed to be outside the scope of the ACs. The ToR were amended and the inclusion of recreational fisheries in the definition of "sector" removed. The EAA is understandably unhappy about this and pointed to the work of the BSAC and MEDAC. It is felt that this FG does not have the mandate to decide to include recreational fisheries to the extent suggested, and the ExComs should decide this. A proposal was made that the EAA present an approach to both NWWAC and NSAC ExComs on how best to include representation of recreational fisheries in the work of the ACs.

Skau Fischer stated that from the NSAC there would be no issue to venture into a broader discussion into the matter, but this would need to be passed through the Executive Committee. He would be happy to discuss this in the upcoming meeting of the NSAC Executive Committee in June

Woodlock stated that when the ACs were established discussions were held as to where recreational fisheries should sit. As they are not an extractive fishery the decision was made to place them in the OIGs. However, he would have no objection that this proposal would be made to the Executive Committee. He added that the Directive was very restrictive if it only applied to 3% of the fleet as accidents occurred across all fishing vessels.

Parke agreed that this topic would need to be discussed at ExCom level before this could be taken any further. She also agreed with Woodlock that an amendment of the Directive might be needed to include smaller vessels as the risk for accidents is higher.

The Chair repeated that the EAA would have to address its concern to the ExCom and that the FG cannot act as the deciding forum. Regarding the Directive, MS already have safety standards in place in every county, but the structures differ regarding the lengths of vessels.

ACTION: Secretariat to reiterate the invitation for presentation of proposal by EAA to the NWAC and NSAC ExComs regarding inclusion and representation of recreational fishing in the ACs work

Mathies asked the members if the group would like to address the evaluation from an FG point of view of if they wished and produce a joint AC submission.

The Chair felt that each member and each country have their own ways of managing accidents, feedback and regimes for seafarers so that a joined response may be too complicated.

Mathies suggested that an official AC response could be made via the public consultation later in the year that could combine the overall remarks made today.

Members agreed with this proposal.

ACTION: FG to contribute to public consultation on evaluation of Directive

6 Summary of actions agrees and decisions adopted by the Chair

Mathies reminded members of the actions agreed at the previous meeting and asked that members reviewed same to identify contributions they wish to make.

The Chair remarked that the ETF will hold its congress at the end of May. He proposed that if the group agreed, he could bring the work of the discussion group to the attention of the management of the ETF fisheries section and perhaps submit draft texts on one or two themes which could shed light on the work of the ACs.

Actions

1	Members to contact the consortium directly if they wish to participate in the study
2	Secretariat to reiterate the invitation for presentation of proposal by EAA to the NWAC and NSAC ExComs regarding inclusion and representation of recreational fishing in the ACs work
3	FG to contribute to public consultation on evaluation of Directive
4	Secretariat to circulate the action points from the last meeting again for members' follow up

Skau Fisher requested that the EAA include a proposal on the resources to be used in the work that they wish to be carried out.