Evaluation of the Fishing Vessel Safety Directive

Fields marked with * are mandatory.

Public Consultation on the evaluation of the Fishing Vessel Safety Directive (Directive 97/70/EC)

The European Commission is currently carrying out an evaluation of Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over. The objectives of the Directive are firstly to establish a common safety level for fishing vessels throughout the EU and secondly to avoid distortions of competition. It does so primarily by incorporating international standards for fishing vessel safety in the form of the 1993 Torremolinos Protocol relating to the 1977 Torremolinos International Convention for the Safety of Fishing Vessels. The Directive also sets out additional common safety provisions as well as regional requirements for vessels operating in specific geographical locations.

The aim of this consultation is to ensure that, in addition to the organisations and individuals directly involved in the implementation or subject to the safety requirements of Directive, wider stakeholder groups and the general public are provided with the possibility to express their opinion about the topic.

The survey contains six sections:

- A. About you
- B. Introduction
- C. Related Documents // Context and purpose of the consultation
- D. Respondent's experience of the Directives
- E. Evaluation Questions
- F. Further information (File Upload // Additional Comments)

Related documents as well as **more information** regarding the context and purpose of the consultation is provided on the **2nd page of this survey**.

Target Audience of the Evaluation

All citizens and organisations are welcome to contribute to this consultation.

The **main stakeholder groups** that may be interested in this initiative include:

 EEA Member States plus UK (administrations and inspectorates) in their capacity as flag State and coastal State;

- Social partners in sea fisheries at EU and national level;
- EU fisheries advisory councils;
- Classification societies;
- Fishers' associations;
- Shipbuilders and equipment manufacturers;
- Academics and Research institutes

How to submit your response

You can contribute to this public consultation by filling out the online questionnaire.

- It will take approximately 15-20 minutes to complete the survey.
- The questionnaire is accessible in all official EU languages and replies may be submitted in any of these languages as well. Given possible delays in translating replies submitted in some languages, c ontributions in English are welcome, as they will help to process the survey more swiftly.
- You may pause at any time and continue later. Once you have submitted your answers, you can
 download a copy of your completed responses.
- You can also **upload documents**, such as position papers, or send them to the contact e-mail.
- Most of the questions have multiple choice answers.
- Fields marked with * are **mandatory**.

Additional information

In the interest of **transparency**, organizations are invited to provide the public with relevant information about themselves by <u>registering in the transparency register</u> and subscribing to its code of conduct. If the organization is not registered, the submission is published separately from the registered organizations.

All contributions that are received may be published on the internet. It is important that you read the specific **privacy statement** attached to this consultation for information on how your personal data and contribution will be dealt with.

The policy on "Protection of individuals with regard to the processing of personal data by the Community institutions" is based on <u>Regulation (EC) No 45/2001</u> of the European Parliament and of the Council of 18 December 2000.

Contact details

If you have any questions or problems regarding this public consultation, please contact MOVE-OPC-FVS@ec.europa.eu

About you

Czech
Danish
Dutch
English
Estonian
Finnish
French
German
Greek
Hungarian
Irish
Italian
Latvian
Lithuanian
Maltese
Polish
Portuguese
Romanian
Slovak
Slovenian
Spanish
Swedish
*I am giving my contribution as
Academic/research institution
Business association
Company/business organisation
Consumer organisation
EU citizen
Environmental organisation
Non-EU citizen
Non-governmental organisation (NGO)

*Language of my contribution

Bulgarian

Croatian

Public authority
Trade union
Other
* First name
*Surname
*Email (this won't be published)
*Scope
International
© Local
National
Regional
*Level of governance
© Local Authority
© Local Agency
Lood, Agonoy
*Level of governance
Parliament
Authority
Agency
Introduction
*Organisation name
* Organisation name 255 character(s) maximum

*Organisation size

Medium (50 to 249 employees) Large (250 or more) Transparency register number 255 character(s) maximum Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making. *Country of origin Please add your country of origin, or that of your organisation. This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices. Afghanistan Djibouti Saint Martin Libya Åland Islands Saint Pierre and Dominica Liechtenstein Miguelon Albania Dominican Lithuania Saint Vincent Republic and the Grenadines Algeria Luxembourg **Ecuador** Samoa American Samoa Egypt Macau San Marino Andorra El Salvador São Tomé and Madagascar **Príncipe** Equatorial Guinea® Angola Malawi Saudi Arabia Anguilla Senegal Eritrea Malaysia Antarctica **Maldives** Serbia Estonia Antigua and Seychelles Eswatini Mali Barbuda Argentina Ethiopia Malta Sierra Leone Armenia Falkland Islands Marshall Islands Singapore Aruba Faroe Islands Martinique Sint Maarten Fiji Australia Mauritania Slovakia Austria **Finland** Mauritius Slovenia Azerbaijan Solomon Islands France Mayotte

Micro (1 to 9 employees)

Small (10 to 49 employees)

	Bahamas	0	French Guiana	0	Mexico	0	Somalia
	Bahrain	0	French Polynesia	0	Micronesia	0	South Africa
	Bangladesh	0	French Southern	0	Moldova		South Georgia
			and Antarctic				and the South
			Lands				Sandwich
							Islands
	Barbados	0	Gabon	0	Monaco	0	South Korea
	Belarus	0	Georgia	0	Mongolia		South Sudan
0	Belgium	0	Germany	0	Montenegro	0	Spain
	Belize		Ghana		Montserrat	0	Sri Lanka
	Benin	0	Gibraltar	0	Morocco	0	Sudan
	Bermuda	0	Greece	0	Mozambique	0	Suriname
	Bhutan	0	Greenland	0	Myanmar/Burma	0	Svalbard and
							Jan Mayen
	Bolivia	0	Grenada	0	Namibia		Sweden
	Bonaire Saint	0	Guadeloupe	0	Nauru		Switzerland
	Eustatius and						
	Saba						
	Bosnia and	0	Guam	0	Nepal		Syria
	Herzegovina						
	Botswana	0	Guatemala	0	Netherlands	0	Taiwan
	Bouvet Island	0	Guernsey	0	New Caledonia		Tajikistan
	Brazil	0	Guinea		New Zealand		Tanzania
	British Indian	0	Guinea-Bissau	0	Nicaragua	0	Thailand
	Ocean Territory						
	British Virgin		Guyana		Niger	0	The Gambia
	Islands						
	Brunei	0	Haiti	0	Nigeria	0	Timor-Leste
0	Bulgaria	0	Heard Island and	0	Niue	0	Togo
		_	McDonald Islands	3			
0	Burkina Faso	0	Honduras	0	Norfolk Island	0	Tokelau
	Burundi		Hong Kong	0	Northern		Tonga
		_		_	Mariana Islands		
	Cambodia	0	Hungary		North Korea	0	Trinidad and
							Tobago

Cameroon	lceland	North Macedonia Tunisia
Canada	India	Norway Turkey
Cape Verde	Indonesia	Oman Turkmenistan
Cayman Islands	© Iran	Pakistan Turks and
odyman lolando	nan	Caicos Islands
Central African	Iraq	Palau Tuvalu
Republic		
© Chad	Ireland	Palestine Uganda
Chile	Isle of Man	Panama Ukraine
China	Israel	Papua New United Arab
		Guinea Emirates
Christmas Island	Italy	Paraguay United Kingdom
Clipperton	Jamaica	Peru United States
Cocos (Keeling)	Japan	Philippines United States
Islands	•	Minor Outlying
		Islands
Colombia	Jersey	Pitcairn Islands Uruguay
Comoros	Jordan	Poland US Virgin Islands
Congo	Kazakhstan	Portugal Uzbekistan
Cook Islands	Kenya	Puerto Rico Vanuatu
Costa Rica	Kiribati	Qatar Vatican City
Côte d'Ivoire	Kosovo	Réunion Venezuela
Croatia	Kuwait	Romania Vietnam
Cuba	Kyrgyzstan	Russia Wallis and
		Futuna
Curação	Laos	Rwanda Western Sahara
Cyprus	Latvia	Saint Barthélemy Yemen
Czechia	Lebanon	Saint Helena Zambia
		Ascension and
		Tristan da Cunha
Democratic	Lesotho	Saint Kitts and Zimbabwe
Republic of the		Nevis
Congo		
Denmark	Liberia	Saint Lucia

^{*}Which of the following categories best describes your organisations' main activity?

Social partner in sea fisheries (EU/national)
EU Fisheries Advisory Council
Fishers Associations
Classification Society/Recognised Organization
Shipbuilder
Equipment Manufacturer
Consultancy
Occupational Health and Safety
Company active in the sea fisheries sector other than above
Other
Please specify if you selected "company" or "other" 100 character(s) maximum
The Commission will publish all contributions to this public consultation. You can choose whether you

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. Fo r the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published. Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

*Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

The type of respondent that you responded to this consultation as, your country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself.

Public

Your name, the type of respondent that you responded to this consultation as, your country of origin and your contribution will be published.

*Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

■ I agree with the personal data protection provisions

C. Related Documents // Context and purpose of the consultation

Related documents

- Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (Fishing Vessel Safety Directive)
- 1993 Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977
- Cape Town Agreement of 2012 on the implementation of the provisions of the Torremolinos Protocol
 of 1993 relating to the Torremolinos International Convention for the safety of fishing vessels 1977
- Fisheries Fishing Vessel Safety Directive (evaluation) (europa.eu)

Context and purpose of the consultation

The Union has a number of specific legislative instruments, which deal with the health and safety of fishers and fishing vessel safety. **Directive 97/70/EC sets up a harmonised safety regime for fishing vessels of 24 metres in length and over and applies the technical requirements of an international instrument, the 1993 Torremolinos Protocol**, to 'new' fishing vessels (i.e. fishing vessels of 24 m and over built after 1 January 1999) and for certain aspects to existing fishing vessels (pre-1999) of 45m and over in length. This international instrument, the 1993 Torremolinos Protocol, has however never entered into force.

On a global level, the UN specialised agency, the International Maritime Organization (IMO), has attempted repeatedly to ensure an international legal instrument covers the safety of the fishing sector fleet. IMO's most recent attempt is the **2012 Cape Town Agreement** ("the Agreement"), to establish an international

instrument. This Agreement introduces broader exemptions and allows a phased implementation of the Protocol's technical requirements. While the Agreement introduces a stricter survey regime, it leaves the rest of the 1993 Protocol's technical requirements mostly in place. The entry into force requires ratification by 22 IMO member states, of which the aggregate number of fishing vessels is 3,600. To date (September 2022), **17 IMO Member States have ratified the Agreement**, with a total of 2,000 fishing vessels.

The EU registered fishing fleet has already been implementing the 1993 Torremolinos Protocol technical requirements for at least 20 years. However, over the last 27 years, the technical requirements for the merchant fleet under the **Convention on the Safety of Life at Sea (SOLAS)** have undergone considerable upgrades in every aspect, including construction, stability, fire safety, navigation and voyage planning and it is therefore worthwhile to identify those elements that may have a potential read-across for fishing vessels. Similarly, there have also been progressive improvements in environmental standards. **Identifying those aspects which could be applied to the fishing sector to make its contribution to reducing GHG emissions would be important.**

The Directive currently has specific additional provisions for the 'Northern Region' (which includes Polar waters) and the 'Southern Region (which deals with Mediterranean waters). IMO has developed guidelines for fishing vessels operating in polar waters and, in the light of this, the validity of the Directive's objectives, measures and scope may be evaluated.

Finally, as Directive 97/70/EC only applies to vessels of 24 metres in length and over, which currently corresponds to 4% of the EU fishing fleet, in terms of number of vessels, comparing the safety record of this group of vessels with those outside the Directive's remit (i.e. smaller vessels) might be instructive to gauge the Directive's effectiveness and relevance.

The evaluation will assess the period from the entry into force of the Directive until today. As part of the evaluation, the Commission will seek stakeholders' views on effectiveness, relevance, efficiency, coherence/complementarity and EU-added value of the Directive. The results of this public consultation will contribute to the evaluation of the Directive.

D. Respondent's experience of the Directive

Are you familiar with the Directive on Fishing Vessel Safety?

- Yes, I am familiar with the Directive on Fishing Vessel Safety
- No, I am not familiar with the Directive on Fishing Vessel Safety

Do you work in the context of sea fisheries activities?

- Regularly (every day or almost every week)
- Sometimes (approximately once a month)
- Rarely (about once a year or a few times a year)
- Never

E. Evaluation Questions

E.1 Questions on effectiveness: Contribution of the Directive towards reaching the policy objectives

To what extent has the Directive **contributed to enhance** fishing vessel **safety** on vessels of over 24 metres in length?

	To a large extent	To some extent	To a small extent	Not at all	Do not know
* Decreased number of accidents (ships lost or materially damaged)	0	0	0	0	0
* Reduced number of lives lost / people injured in accidents	0	0	0	0	0
* Raised the national fishing vessel safety standards	0	0	0	0	0
* Addressed specific geographic safety concerns, e.g., in Polar regions	0	0	0	0	0
* Required investment in better safety equipment	0	0	0	0	0

What aspects of fishing vessel safety did the Directive address that are particularly important?

Construction, watertight integrity and equipment
Stability and associated seaworthiness
Machinery and electrical installations and unattended machinery spaces
Fire protection, fire detection, fire extinction and fire fighting
Specific geographical requirements
Do not know
None
Other

Please **specify which other aspects of fishing vessel safety** the Directive did address that are of particularly important.

5	00 character(s) maximum							

What other aspects in terms of fishing vessel safety should have been addressed in the Directive?

Training/awareness-raising measures	
Health and Safety issues	
Improvement of monitoring/controls/compliance measures	
Safety improvements in fishing equipment/assets/production are	eas
Crew accommodation	
Other	
Please specify which other aspects should have been addressed i 500 character(s) maximum	n the Directive.
To what extent has the Directive contributed to a level playing field third country 24m+ fishing vessels operating in EU waters?	d for EU and
Significantly positive	
Slightly positive	

To what extent do the following problems remain despite the Directive at EU Level?

No change

Do not know

Slightly negative

Significantly negative

	To a large extent	To some extent	To a small extent	Not at all	Do not know
Different national safety requirements across the EU	0	0	0	0	0
Differing enforcement and penalties across the EU	0	0	0	0	0
Insufficient cross-border cooperation between EU Member State authorities	0	0	0	0	0
Insufficient support at EU level for cross-border cooperation between Member States	0	0	0	0	0

Besides the problems mentioned above, do **any other problems** remain despite the Directive at **EU Level**?

- Yes, there are other problems that remain despite the Directive at EU Level
- No, there are no other problems that remain despite the Directive at EU Level

Do not know

Please describe	any other إ	problem that	remain	despite t	he [Directive	at E	U L	evel
as accurate as	possible.								

500 cha	00 character(s) maximum								

To what extent do the following problems remain despite the Directive at International Level?

	To a large extent	To some extent	To a small extent	Not at all	Do not know
Lack of specialisation and training of inspectorates /enforcement authorities	0	0	0	0	0
Insufficient allocation of financial and human resources to inspect/survey vessels	0	0	0	0	0
Lack of inspection of third country vessels operating in coastal waters of landing their catch in ports	0	0	0	0	0
Responsibilities for dealing with fishing vessel safety split between different authorities	0	0	0	0	©
Lack of systematic data collection and information sharing between different relevant authorities.	0	0	0	0	0
Complexity of enforcement of the Directive	0	0	0	0	0

Besides the problems mentioned above, do **any other problems** remain despite the Directive at **International Level**?

- Yes, there are other problems that remain despite the Directive at Internationa
 I Level
- No, there are no other problems that remain despite the Directive at International Level
- Do not know

Please **describe any other problem that remain** despite the Directive at International Level as accurate as possible.

500 character(s) maximum

Has the Directive led to any unexpected or unintended effects on fishing vessel safety within the fishing sector?
Yes, the Directive has led to unexpected or unintended effects on fishing vessel safety
No, the Directive has not led to unexpected or unintended effects on fishing vessel safety
Do not know
Please describe any unexpected or unintended effects of the Directive on fishing vessel safety as accurate as possible. 500 character(s) maximum
E.2 Questions on effectiveness: Relationship between the costs and benefits generated by the Directive In your opinion, what are the key benefits that the Directive has provided?
500 character(s) maximum
The Directive introduced a requirement for a national safety certification regime based on common standards. Has this requirement resulted in any excessive
The Directive introduced a requirement for a national safety certification regime based on common standards. Has this requirement resulted in any excessive costs/negative impacts?
The Directive introduced a requirement for a national safety certification regime based on common standards. Has this requirement resulted in any excessive costs/negative impacts? Yes, this requirement resulted in excessive costs/negative impacts No, this requirement did not result in excessive costs/negative impacts

Has the Directive resulted in any **excessive costs/negative impacts** regarding the establishment of **uniform construction and equipment requirements**, particularly regarding fire protection, lifesaving appliances, crew protection and radio communications?

- Yes, the Directive resulted in excessive costs/negative impacts regarding the establishment of uniform construction and equipment requirements
- No, the Directive did not result in excessive costs/negative impacts regarding the establishment of uniform construction and equipment requirements
- Do not know

Please **specify any excessive costs/negative impacts** regarding the establishment of uniform construction and equipment requirements as accurate as possible.

5	500 character(s) maximum								

Is there a potential for simplification and reduction of regulatory burden caused by the Directive, for instance through further **digitalisation** or introducing the **survey and certification** regimes set out in the 2012 Cape Town Agreement or aligning with requirements used for merchant shipping?

- Yes, there is a potential for simplification and reduction of regulatory burden caused by the Directive
- No, there is no potential for simplification and reduction of regulatory burden caused by the Directive
- Do not know

Please **specify the potential for simplification and reduction** of regulatory burden caused by the Directive as accurate as possible.

50	00 charac	ter(s) maximu	um				

E.3 Questions on relevance: Articulation of the Directive with the need to ensure the safety of fishing vessels

Do the objectives and requirements in the Directive remain valid today?

Yes, the objectives and requirements in the Directive remain valid today

Please specify your selected answer regarding to what extent provisions of the
Directive are coherent and consistent with one another. 500 character(s) maximum
300 Character(s) maximum
To what extent are the provisions of the Directive coherent and consistent with
other EU instruments (e.g. Directive 2009/18/EC on marine accident
investigations, Directive 2002/59/EC on vessel traffic monitoring and information
systems)? Consider whether there are any overlaps, contradictions or
inconsistencies.
Completely coherent
Largely coherent
To some extent coherent
Largely incoherent
Completely incoherent
Do not know
Directive are coherent and consistent with other EU instruments (e.g. Directive 200 /18/EC on marine accident investigations, Directive 2002/59/EC on vessel traffic monitoring and information systems). 500 character(s) maximum
Are there any inconsistencies/gaps/overlaps between the Directive and other
requirements at international level (such as the Cape Town Agreement, FAO
Guidelines and the UN Sustainable Development Goals) which have similar
objectives?
Yes , there are inconsistencies/gaps/overlaps between the Directive and other
requirements at international level
No, there are no inconsistencies/gaps/overlaps between the Directive and
other requirements at international level
Do not know

Please **specify the inconsistencies**/**gaps**/**overlaps** between the Directive and other requirements at international level which have similar objectives.

500 character(s) maximum	

E.5 Questions on EU added-value: The need of EU action to stimulate and/or complement actions by Member States

To what extent do you agree with the following?

	To a large extent	To a some extent	To a small extent	Not at all	Do not know
If there had been no Directive on fishing vessel safety, Member States would have reached the same objective of a common safety level through national legislation	0	0	0	0	0
The Directive is important to have a framework for a common safety standard for all EU Member States	0	0	0	0	0
It is important to ensure that all fishing vessels of 24m and over operating in EU waters abide by the same rules	0	0	0	0	0
The Directive is important to ensure that survey and enforcement provisions are in place in all EU Member States	0	0	0	0	0

F. Further information (File Upload // Additional Comments)

Please feel free to **upload a relevant document**, such as additional evidence supporting your responses or a position paper. The maximum file size is **1MB**.

Please note that the uploaded document will be published alongside your response to the questionnaire, which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Are there **any other issues** with regard to the Directive to which you would like to draw our attention?

<i>300</i>	000 character(s) maximum								