



Fishing Vessel Safety

Directive 97/70/EC to be updated?

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- **United Nations Convention on the Law of the Sea (UNCLOS), 1982**
 - It is a flag State's duty:
 - to take legal measures to ensure safety at sea with regard to
 - construction, equipment and seaworthiness of ships
 - which conform to generally accepted international regulations, procedures and practices
- **The International Maritime Organization (IMO) sets international standards for ships' safety**
 - IMO is a specialized agency of the United Nations



- **International Convention for the Safety of Life at Sea (SOLAS), 1974**
 - In force since 25 May 1980
 - Applies to merchant shipping, not to fishing
 - Except Chapter V on safety of navigation, which also applies to fishing
 - Originally adopted in 1914 after the *Titanic* disaster (1912)
 - Renewed in 1929, 1948, 1960 and in 1974
 - Often after a shipping disaster
 - Since 1974 almost annually updated through tacit amendment
 - *Amoco Cadiz* (1978)
 - *Herald of Free Enterprise* (1986)
 - *Estonia* (1994)



- **Torremolinos International Convention for the Safety of Fishing Vessels, 1977**
 - Applies to fishing vessels of 24 meters in length and over
 - Not in force
- **Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977**
 - Applies to fishing vessels of 24 meters in length and over
 - Concerns an update of the earlier Convention
 - Not in force



- **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 ('Cape Town Agreement')**
 - Applies to fishing vessels of 24 meters in length and over
 - EU gave its Member States permission to ratify in 2014
 - Not in force
- **Torremolinos Declaration of 21 October 2019 on the Cape Town Agreement**
 - 51 States solemnly declared they would ratify/accede to the Agreement
 - So far without the desired effect
 - Still not enough ratifications/accessions and not enough vessels covered



- **Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over**
 - Implementation of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977
 - Evaluation report on implementation and enforcement should have been published by the end of **2021**
 - Evaluation not finalized yet
 - Public consultation from 22 December 2022 to 16 March 2023
 - [Evaluation of fishing vessel safety Directive](#)



- **Main differences for the EU-fleet between Cape Town Agreement and Directive 97/70/EC**
 - Annual periodic surveys are more comprehensive
 - Additional intermediate surveys are no longer optional



- Science and technology have not stood still since 1993
 - The question is, whether the European Union should take this, together with the differences with the Cape Town Agreement, into account in the interest of safety at sea in fishing if the Directive is to be revised
- At least since 1977, it did become clear that many sea-fishing accidents occur on and with fishing vessels smaller than 24 meters in length
 - It is therefore legitimate to ask whether the scope of the directive should be extended to those smaller vessels
- The SOLAS Convention has been updated almost yearly and is therefore much more up-to-date than the Directive
 - That's why it is the question whether the Directive should be aligned with the SOLAS Convention where possible and justified



SECTORRAAD VISSERIJ

- Dutch beamer fleet of vessels <24 m
 - Last three decades, 34 casualties due to stability deficiencies
 - That's a 50 times higher risk per capita than for professionals ashore
- Same sort of fisheries (and accidents?) in Germany, Belgium, and the UK
- The problems with regulations on fishing vessel stability for different types of fishing – especially when fishing and returning to port with catches – have been known for decades, but have never been properly solved
- Safety management is not common in fishing and lacks an international code – like the one for merchant shipping, the International Safety Management Code (ISM-Code), which is attached to the SOLAS Convention
 - The FISH Platform is currently finalizing a fishing safety management code



- **Should the differences between the Cape Town Agreement and the Directive be addressed in an update of the Directive?**
- **Should the Directive be further updated, while ignoring the reluctant international community?**
 - Consider further developed science and technology
 - Consider inclusion of small fishing vessels (0-12 m, 12-24 m)
 - Consider alignment with SOLAS where possible and justified
 - Solve stability issues
 - Consider introduction of a fishing safety management code
- **The answer can only be: YES**
 - Despite the risk of not realizing a level playing field with the rest of the world (that isn't there anyway)



**Fishers provide for healthy food
Lets protect their lives better!
Fishers' Lives Matter**