

## REPORT

*Draft*

Meeting: **NSAC/NWWAC Social Aspects FG**

Parties: **NSAC/NWWAC FG members**

Date and time: **20 February 2023**

Location: **MS Teams**

Chair: **Kenn Skau Fischer**

Rapporteur: **Tamara Talevska**

### 1. Welcome and introduction

The Chair welcomed the participants to the second joint NWWAC/NSAC meeting under NSAC facilitation. He noted that it has been difficult to agree on a date after last year's final meeting on 16 November after which a comprehensive Framework advice was submitted on 20 December. New TOR has been circulated by the Secretariat with a number of advice papers identified, however the work on these will need to be prioritized.

The Chair suggested that the work on fuel prices should be put on hold for the time being, until further developments arise and/or if the rather stable conditions should change. This also in light of extensive efforts in compensation schemes by the Commission in 2022.

Apologies were made for David Curtis (EAA) and Alexandra Philippe (EBCD).

Agenda was adopted without amends and the Chair invited Tamara Talevska to report on the report of the previous meeting.

### 2. Report of the previous meeting

Talevska reviewed actions as were agreed on the meeting on 16 November:

Action	Responsible party	Status
A further look to be taken into the figures on economic and social values of recreational fisheries. The EP report should be looked into to ensure consistency in reporting figures.	NWWAC Secretariat	<i>Complete</i>



The current advice paper to be finalized by the FG Chair and the NWWAC Secretariat and sent for consultation in the FG via written procedure, followed by a consultation in horizontal WG (for NWWAC) and finally by respective ExCOMs.	NSAC Chair, NWWAC/NSAC Secretariats	<i>Complete, advice submitted on 20 December 2022</i>
Enquire with the Commission concerning the ESG (environmental and social governance finance products) at the next Inter-AC, or else before the next FG meeting. A discussion to be tabled at the next meeting.	Peter Breckling, NSAC Secretariat	<i>Ongoing; raise at national level</i>
The new TOR to be reviewed and adopted at the next FG meeting.	NSAC Secretariat, FG members	<i>Pending</i>
Table a presentation of socio-economic data collection and practical application/implications by STECF. A point to be raised: the price level of fuel that would imply difficulties for fisheries, as proposed by STECF.	NSAC Secretariat, FG members	<i>Ongoing</i>
The NSAC Secretariat to circulate a doodle to determine the date and time of the next meeting (in January).	NSAC Secretariat	<i>Complete</i>

Concerning the action “*Enquire with the Commission concerning the ESG (environmental and social governance finance products) at the next Inter-AC, or else before the next FG meeting. A discussion to be tabled at the next meeting.*” Peter Breckling provided a follow up by saying that DG FISMA is dealing with the issue of taxonomy on the EU level, however called for raising the action at national level. He noted that the German Ministry of Agriculture raised some of the same problem as did fisheries with regards to Taxonomy Regulation, and added that expert groups had been set up to work on the file. It was observed that the current Taxonomy Regulation sets some new unknown standards for sustainability in fisheries, which, according to the German Environmental Minister’s written statement are not in line with the CFP, particularly in terms of certain terminology applying to these standards. Breckling advised to bring this point up at the national level of all relevant MSs to review this, and to spur reaction on all levels. He urged the members of the FG to take this matter seriously and bring it up in the agenda with respective administrations, as this might have further implications for the financing of environmentally questionable sectors, as perceived by the legislators. He asked the members to contact their ministries to ask them for a report on the state of the art and position at national level and report this back to ACs at next meeting **(Action)**.

The Chair enquired whether it would it make sense to raise this at the Inter-AC meeting on 9 March and Breckling confirmed, noting that last time Commission’s response to this was not satisfactory. **(Action)**

The Chair informed that new Terms of Reference had been circulated with additional item on evaluation of the directive on vessel safety. The updated TOR were adopted unanimously.

### 3. Evaluation of Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (Ment van der Zwan, Cornelis Vrolijk)

Tour de table was conducted at this point, before the floor was passed to Ment van der Zwan, the employers' spokesperson in the Social Dialogue Committee on sea fisheries and representative of Cornelis Vrolijk to present his observations regarding the Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.

Van der Zwan informed that the said Directive is about fishing vessel safety. The question the evaluation is trying to answer is whether it should be updated.

Van der Zwan presented historic timeline by saying that it all started with the UN Convention on the law of the sea UNCLOS in 1982, stipulating that:

*"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 convention was updated in 1998 to take legal actions to ensure safety at sea with regards to construction, equipment and seaworthiness of ships.

He also explained that the International Maritime Organization (IMO) sets international standards for ships' safety. The IMO is a specialized agency of the United Nations.

He went on to present the International Convention for the Safety of Life at Sea (SOLAS), 1974, in force since 25 May 1980. SOLAS applies to merchant shipping, but not to fishing, except the Chapter V on safety of navigation, which also applies to fishing. Originally SOLAS was adopted in 1914 after the Titanic disaster (1912), and later it was renewed in 1929, 1948, 1960 and in 1974, often after a shipping disaster. Since 1974 it is almost annually updated through tacit amendment: Amoco Cadiz (1978), Herald of Free Enterprise (1986) and Estonia (1994).

Fishing began to be considered in Torremolinos International Convention for the Safety of Fishing Vessels 1977, currently not in force. In 1993 Torremolinos protocol was adopted to improve implementation. It applies to 24m and over vessels and is currently also not in force.

Further, the 2012 Cape Town Agreement 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'), also applies to 24m and over and is not in force.

The Torremolinos Declaration on the Cape Town Agreement from 21 October 2019 has so far not produced the desired effect due to lack of ratification and vessel coverage.

The 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 calls for the Implementation of the

Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. The evaluation report on implementation was to be published by end of 2021. The related public consultation<sup>1</sup> runs from 22 December 2022 to 16 March 2023, and so the evaluation is not finalised yet.

The main differences between the EU-fleet between Cape Town Agreement and Directive 97/70/EC include:

- More comprehensive Annual periodic surveys;
- Additional intermediate surveys are no longer optional.

Van der Zwan noted that science and technology have not stood still since 1993. In his view, 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. He added that at least since 1977, it has 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. Furthermore, the SOLAS Convention has been updated almost yearly and is therefore much more up-to-date than the Directive 97/70/EC. The question is therefore whether the Directive should be aligned with the SOLAS Convention where possible and justified.

Van der Zwan went on to inform that in the Dutch beamer fleet of vessels <24m there were in the last three decades two severe accidents with 34 casualties due to stability deficiencies, which constitutes a 50 times higher risk per capita than for professionals ashore. Similar is true for DE, BE, UK, where accidents have as well to do with stability deficiencies.

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. The questions arise:

- Should the differences between Cape Town Agreement and the Directive 97/70/EC be addressed?
- Should the Directive 97/70/EC 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

---

<sup>1</sup> [Evaluation of fishing vessel safety Directive](#)

The answer to this should be 'yes', Despite the risk of not realizing a level playing field with the rest of the world (which is deemed insufficient or non-existent in current stage).

Ment van der Zwan concluded with: "Fishers provide for healthy food. Let's protect their lives better! Fishers' Lives Matter."

The Chair thanked van der Zwan and opened the floor for discussion.

Peter Breckling, German Fisheries Association, asked van der Zwan what his take is on the quality of data and statistics on accidents. In Breckling's experience the social security data is not sufficient, particularly on reasons and circumstances of such accidents. He believed that this is key for further improvements. Stability considerations are not enough. Moreover, it costs up to 10.000 EUR to evaluate stability of small vessels, making it less feasible for such vessels, especially considering the consequence of the recent increase in fuel prices and other economic problems. He underlined that availability of social data is a problem.

Ment van der Zwan responded that a potential update of the Directive 97/70/EC will apply to newly built fishing vessels, as old vessels are difficult to retrofit. On the collection of data he agreed that it is a fair point, but believed it will not improve. In his view, the problem with the fishing accidents is that the reporting tool (of EMSA and flag states) it is not efficient. He added that the rate of accidents and the risks involved are so obvious that no further data is needed. Furthermore, he added that it all starts with the fishers: they must report accidents accurately and in a timely fashion, the companies must receive accident reports in good order and time, and governments and EMSA should ensure compilation of such reports at EU-level.

Norah Parke, KFO, noted that the tightening of relevant laws and regulations usually comes after the accidents had happened. She believed that a strong campaign is needed to improve safety and raise awareness about the risks. Her intervention was endorsed by van der Zwan.

Michael O'Brien, International Transport Workers Federation, endorsed that the scope of vessels should encompass vessels smaller than 24m. He mentioned that ETF is currently working on its own submission to this process where they advocate for inclusions of vessels of 15m and up. He noted that this would correspond with existing statutory requirements.

O'Brien further queried about the AIS and the requirement of vessels to have monitoring facilities on board switched on. He admitted that outside the EU switching off of AIS was quite common and noted that this is widespread in the Irish context as well. He added that there is no history of prosecution for not complying with such requirements which poses a question of enforcement.

O'Brien added that adequately crewed vessels are an essential factor to combat accident rate as there are significant safety issues with regards to fatigue etc. Undercrewing and excess of hours are important to consider. With regards to the AIS he asked to what degree this issue is harmonised in the EU legislative framework.

Norah Parke responded that the AIS, while providing useful data, is not a legal requirement for fishing vessels. Legally required are the constant overview of the fishing activities by the fishing authorities.



Michael Andersen, Danish Fishers PO, agreed that vessel safety is in everybody's interest and reiterated Breckling's point that there is general reluctance in having a (new) set of rules that does not de facto improve the vessel safety. Having regular control and inspection of vessels with no safety benefits but at expense to the fishing industry is therefore not desirable. He concluded that in general he is in favour of updating rules, but that it remains difficult to determine the benefits of such an update.

Ment van der Zwan responded that there is no paper yet indicating an update as we are currently in evaluation stage. On the AIS he noted that there is an obligation for its use under SOLAS Chapter V which applies to fishing as well. He was not sure to what extent this is applied, or whether all fishing vessels are included.

In the Teams chat Michael O'Brian posted: *6) All vessels of length 18m and over shall be fitted with an automatic identification system (AIS), which shall meet the performance standards drawn up by the IMO, not later than 1 January 2009.*

The Chair informed that he has been interviewed on the evaluation of the Directive a while ago. He reported that in DK there are low cases of death and accidents and noted that strong care is placed in this work, and that it is important for fisheries to remain socially sustainable – this is significant element and it is crucial that the working conditions in the EU set the standard globally. He agreed that the directive should be updated.

Concerning the questionnaire pertaining to evaluation the Chair noted that it is difficult for ACs to respond in such format. He therefore urged individual members to respond to the questionnaire. At the same time Advice should be produced within the present FG. He queries whether extension of deadline for ACs could be requested to the Commission. Talevska confirmed that this would normally be granted.

While observing the questionnaire some general comments were made in terms of the lack of baseline to determine the efficacy and effectiveness of the Directive. It was also noted that safety management is lacking. While regulations are necessary, they will not improve safety if no management is in place. Furthermore, mandatory reporting and data collection are essential to determine the risks and improve safety. Raising awareness and fishing safety campaigns are another important factor.

Peter Breckling pointed out that data are needed to come up with legislative proposals for improvement. He mentioned an example in Germany where one volunteer organisation tried to look at occurring accidents which determined that shoes on slippery surfaces are one of the major sources of injury. This data came in in the context of reparations and insurance payments that need to be made in relations to these accidents. He stressed that further investments need to be made in data collection to draw any conclusions.

To assist with the drafting of the advice, Mo Mathies, NWWAC Secretariat, suggested to look into previous meeting reports where the item was discussed to see whether any information could be reused. **(Action)**

It was agreed that the Advice should focus on flagging the issues from the Directive that pose an issue for fisheries. Further to this, a chapter on education and training should be developed.

In this respect, Ment van der Zwan mentioned recent developments in the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), which is set to be adopted shortly. A chapter should be dedicated to this aspect. **(Action)**

#### 4 Identification of further work and timelines

The NSAC Secretariat agreed to prepare the first draft advice by Friday, 24 February 2023, for FG review.

#### 5 AOB & date and time of next meeting

The next Social Aspects FG is to take place on **Friday, 3<sup>rd</sup> March 2023, at 10.00 CET, online.**

#### 6 Actions

Members to raise the issue of ESG (environmental and social governance finance products) with their respective national authorities. The NSAC to raise this at the Inter-AC level on 9 March 2023.	FG Members, NSAC Chairs
NSAC Secretariat to look into previous meeting reports where the vessel safety was discussed to see whether any information could be reused.	NSAC Secretariat
The draft Advice to include provisions identified during the FG meeting, including items on education and International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel.	NSAC Secretariat
The first draft of the Advice to be developed by Friday, 24 February 2023, for FG review.	NSAC Secretariat
The next Social Aspects FG is to take place on Friday, 3 <sup>rd</sup> March 2023, at 10.00 CET, online	NSAC Secretariat, all



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

**NORTH WESTERN  
WATERS**  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES



## 7 Participants

First Name	Last Name	Organisation
Peter	Breckling	German Fisheries Association
Bruno	Dachicourt	ETF
Gerald	Hussenot	Blue Fish
Michael	O'Brien	ITF
Ment	Van der Zwan	Cornelis Vrolijk
Norah	Parke	KFO
Kenn Skau	Fischer	NSAC
Johnny	Woodlock	ISS
Jasmine	Vlietinck	Rederscentrale
Mo	Mathies	NWWAC
Tamara	Talevska	NSAC