

REPORT

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

Parties: **NSAC/NWWAC FG members**

Date and time: **3 March 2023**

Location: **MS Teams**

Chair: **Kenn Skau Fischer**

Rapporteur: **Tamara Talevska**

1. Welcome and introduction

The Chair welcomed the participants to the third joint NWWAC/NSAC meeting under NSAC facilitation.

Apologies were received for Alexandra Philippe (EBCD), David Curtis (EAA), Bruno Dachicourt (ETF) and Mo Mathies (NWWAC).

The Chair confirmed that the Danish expert on vessel safety will be invited to the next meeting to present Danish best practice and thereby contribute to the draft advice. Ment van der Zwan confirmed that the Danish system with one of the lowest incident rates is impressive.

The 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

Ment van der Zwan called for amendments to the report of the previous meeting which were approved and are now reflected in the final report.

Patrick Murphy apologized about his absence from previous meeting and queried about the statements on AIS legal requirements in Ireland. Norah Parke responded that after the meeting she sought clarity around this and indeed the AIS is a legal requirement, however its functioning might be compromised at times due to low power and output. She further explained that AIS runs in parallel with oversight of fishing activities by authorities such as SFPA, which in an event of non-compliance would contact the vessel immediately.

Johnny Woodlock further explained that in Ireland there was an issue where the AIS system light was not indicating properly whether the system was on or not, hence the skipper could not know if it was working. It was later resolved that a working system would normally be indicated with a dashboard light on, which was not the case for these specific vessels.

The Chair added that AIS is obligatory for vessels above a certain length, but that there are ongoing discussions as to what it means to have the AIS on and in what circumstances.

Michael O'Brien explained that the motivation to bring it up in the previous meeting was that while dealing with wage related complaints in the labour court in Ireland, he reviewed historic data on vessels and realized that there were significant AIS data gaps. It was later confirmed by the Irish Minister of Transport that the AIS was mandatory, however there had been no prosecution for incompliance. He stressed that in view of safety considerations, the ACs should express a firm line on this, noting that excess hours and fatigue posed the greatest danger for the seafarers.

The Chair agreed that more nuance should be reflected in the advice in terms of safety, but also control aspects, relating to AIS obligation.

Patrick Murphy maintained that any statements related to AIS need to be credible and reflect the purpose and specific use of AIS.

Talevska reviewed actions agreed at the meeting on 20 February 2023:

Action	Responsible	Status
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	<i>Ongoing, to be followed up after Inter-AC</i>
NSAC Secretariat to look into previous meeting reports where the vessel safety was discussed to see whether any information could be reused.	NSAC Secretariat	<i>Complete</i>
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	<i>Complete</i>
The first draft of the Advice to be developed by Friday, 24 February 2023, for FG review.	NSAC Secretariat	<i>Complete</i>
The next Social Aspects FG is to take place on Friday, 3rd March 2023, at 10.00 CET, online	NSAC Secretariat, all	<i>Complete</i>

3. Evaluation of Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 meters in length and over

Ment van der Zwan proposed some changes to wording of the draft advice which were applied and are now reflected in the current version of the advice.

Johnny Woodlock noted that it was important to express the need to include vessels under 24m in length in view of the fact that more than 80% of the EU fleet is comprised of small scale vessels. He also made a point that the issue of MS ratification of the Directive is rather pointless considering the nature of the legislative act (directive) which makes it immediately applicable to all EU MS.

Tamara Talevska noted that the part on the number of incidents in the fishing fleet needs to be reviewed as it was impossible to discern from the graphs which numbers apply to fishing vessels. It was agreed that the Secretariat contacts EMSA with a request for provision of fisheries-related data on the number and causes of fisheries accidents. The Chair also volunteered to check the accurate numbers with the Danish expert. **(Action)**

Patrick Murphy felt it was necessary to determine whether these accidents were down to the crews, procedures, conditions and/or failures on vessels. It needs to be clear whether what is being asked is modernization of vessels for improved safety. He expressed concern that it might be perceived as if the crews are not undertaking the necessary safety precautions and implementing procedures, which is not the case.

Ment van der Zwan commented that a large majority of fishing accidents reported were due to human failure i.e. reduced consciousness, falling asleep, inadequate safety procedures etc. The number two reason was vessel stability and general construction and design, which is not fishers' fault.

Patrick Murphy agreed that fishing was a dangerous profession despite of all the standards and procedures applied and inspections imposed on the fisheries. He felt that this should be reflected in the advice with caution not to demonize hardworking and complying crews.

Johnny Woodlock commented that in light of this it should not be contentious for the fishers to agree to more frequent examination of vessels for seaworthiness, including stability. He also noted that the reporting on the incident causes may not always be accurate. If the safety of fishers is priority, which it is, increased number of inspections should not be perceived as problematic.

The Chair invited members to incorporate these observations in draft advice. He went on to report on the two accidents with fatalities that happened in DK where one of the fishers fell into the harbour trying to get to the vessel and the other one drowned while trying to do maintenance on gear. The point of this intervention was to give nuance to the nature of accidents and to underline that the very nature of the sector implies such hazards.

Michael O'Brien agreed that the discussion on seaworthiness is valid but felt that the Directive evaluation survey puts too much emphasis on technical and structural aspects and neglects

human dimension. He felt that the AC advice should make this distinction clear and point to various human factors at play, such as injuries, back problems, fatigue etc. Patrick Murphy echoed this and agreed to contribute to advice in writing. The Chair supported this and agreed to dedicate part of the advice to these aspects while also report on the number and reasons for accidents in the EU fleet. **(Action)**

Johnny Woodlock called for strengthening of the regulation regarding reporting of fishing accidents. The Chair noted that this was already in the recommendations but agreed to expand on it. **(Action)**

The Chair concluded that the latest version of the advice shall be put for consultation and members to contribute in writing on identified aspects by 10 March 2023. **(Action)** He also suggested to include a paragraph on the use of AIS and refer to previous NSAC advice on AIS/VMS. **(Action)**

Norah Parke explained that AIS and VMS have different legal backgrounds and are placed under different authorities. She suggested to call for improved interaction between these authorities. **(Action)** Johnny Woodlock added that while VMS is confidential, AIS is publicly available.

Flemming Christensen, Danish expert on vessel safety regime in DK, will be invited to present at next meeting. **(Action)**

4 AOB & date and time of next meeting

The next Social Aspects FG is to take place on **Monday, 27 March 2023, at 14.00 CET, online.**

5 Actions

Action	Responsible
The Secretariat to contact EMSA with a request for provision of fisheries-related data on the number and causes of fisheries accidents. The Chair to verify the accurate numbers with the Danish expert.	NSAC Secretariat, Chair
The draft advice to include the distinction between structural and technical issues, and human factors compromising safety. In addition, the advice shall report on the number and reasons for accidents in the EU fleet.	NSAC Secretariat, members
Expand the section on accident reporting obligation in the draft advice.	NSAC Secretariat, members



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<p>The latest version of the advice shall be put for consultation and members to contribute in writing on identified aspects by 10 March 2023. The advice should include a paragraph on the use of AIS, including the call on improved cooperation between authorities overseeing both monitoring systems, and refer to previous NSAC advice on AIS/VMS.</p>	<p>NSAC Secretariat, members</p>
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6 Participants

First Name	Last Name	Organisation
Gerald	Hussenot	Blue Fish
Michael	O'Brien	ITF
Ment	Van der Zwan	Cornelis Vrolijk
Norah	Parke	KFO
Kenn Skau	Fischer	NSAC
Johnny	Woodlock	ISS
Tamara	Talevska	NSAC