

DRAFT Minutes

Joint NWWAC/NSAC Focus Group Social Aspects

Virtual meeting via Zoom

15 February 2022

Participants

Name	Organisation
Peter Breckling	Deutscher Fischerei Verband
Dr Iliana Christodoulou-Varotsi	Lloyd's Maritime Academy
David Curtis	EAA
Bruno Dachicourt	ETF
Tracey Floyd	Skippers Mate
Gerald Hussenot	Blue Fish
Mo Mathies	NWWAC Secretariat
Norah Parke	KFO
Tamara Talevska	NSAC Secretariat
Matilde Vallerani	NWWAC Secretariat
Jasmine Vlietinck	Rederscentrale
Johnny Woodlock	ISS

1. Welcome and introductions

The Chair Bruno Dachicourt welcomed all the participants to the meeting. Apologies were received by Kenn Skau Fischer in advance of the meeting. The agenda was adopted as drafted and minutes from the last meeting (11 January 2022) were approved.

2. Safety and social aspects of commercial fishing: an overview of applicable international and EU legal regime - Dr Iliana Christodoulou-Varotsi

Dr Iliana Christodoulou-Varotsi thanked the group for the invitation and introduced herself as a Greek Cypriot consultant, jurist and industry trainer based in Athens. Her experience lies mainly in shipping law, but she has interfaced with the fisheries industry among others on the occasion of law drafting work for a major maritime country and in her profession as a trainer, as well as observing developments around the fishing industry in view of the anticipated entry into force of the Cape Town agreement. "I hope that my exposure to the fishing industry will be beneficial to this discussion."

In her presentation Dr Christodoulou-Varotsi aims to reflect on the current situation concerning safety and social aspects of the fishing industry in view of future actions/initiatives, in order to identify what should be prioritised, what is feasible, and what is the best way to move forward?

Dr Christodoulou-Varotsi identified an interesting resolution from the EP from 16 September 2021 including an overview of concerns around the fishing industry at present: resolution on fishers for the future, which could be an important document for this Focus Group to consider.

“Reiterates that working and living conditions on board cannot be seen separately from safety conditions; takes the view that good working and living conditions on vessels and the suitable modernisation thereof improve the safety conditions in which fishing operations are carried out, as does time to rest for fishers, with direct implications for their safety, as a large percentage of accidents and incidents on fishing vessels continue to be linked to human error, whether caused by lack of knowledge or training or by fatigue”.

The above clearly links working and living conditions to safety in fisheries, and also shows the perspective taken when it comes to living and working conditions of fishers.

“European fleets meet among the highest standards in the world in terms of safety, working conditions, skilled jobs, the protection of the environment and biodiversity, and minimising their environmental footprint”

Challenges for the fisheries sector:

- Commercial fishing constituting one of the most dangerous professions
- Minimum 24.000 deaths annually on commercial fishing vessels
- Illegal, unreported and unregulated fishing threatens sustainability and the well-being of people
- Low levels of ratification of IMO instruments impacting on safety and well-being
- Fishers covered by fragmented regimes which do not interphase smoothly
- Working conditions need improvement
- Challenges concerning generational renewal
- Gender equality
- Better training

Building on earlier treaties which had not been effective, the IMO Cape Town agreement was adopted in 2012 and includes safety standards on fishing vessels of 24 meters in length and over. Its entry into force requires 22 ratifications plus tonnage requirements. Dr Christodoulou-Varotsi stated that it was likely to become effective in the near future though it has yet to be ratified by the required number of states (current status: 16 states with 5.57% of world tonnage). “As long as this has not been ratified and has not come to force, there are no mandatory global safety regulations for fishing vessels.”

The STCW-F figures do not suggest that this convention, which has been effective since 29 Sept 2012, is implemented at the global level. It has been ratified by 33 States representing 8.64% of world tonnage, and sets out certification and minimum training requirements for fishing vessel personnel.

The ILO 188 was adopted in 2007 taking into account the need to revise the previous ILO convention on fishers. It entered into force internationally on 16 Nov 2017 and has been ratified by 20 states so far. Initially, the Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations with protection provided in the Convention for fishers working on vessels of 24m and over, though after consultation, Member States may extend this in whole or in part to fishers working on smaller vessels. Dr Christodoulou-Varotsi felt it was important to place this instrument in the wider context and that “comparisons with shipping industry can help understand and identify challenges for fishing industry.”

Council Directive 2017/159 is implementing the agreement concerning the implementation of the Work in Fishing Convention of the ILO, concluded on 21 May 2012 between Cogeca, ETF and Europeche. Its objectives include improving living and working conditions and protecting health and safety of workers in the sea fishing sector. MS may adopt more favourable provisions (minimum standards in directive and agreement) and shall determine the penalties. They are held to meet the aims of the directive and are called upon to ratify the ILO C 188. As per the legal system, Directives need to be harmonised and introduced into national legislation. As long as MS have not transposed them in their systems, the aims of the directives are not met which makes it important to enquire about and identify the degree of implementation in each MS.

The EP Resolution Sept 2021 sets out what is needed to attract a new generation of workers into the fishing industry and for generating employment in coastal communities:

- Better information and profiling of the active population in the fisheries sector
- Better working and living conditions on board to improve safety
- Better training and ensuring that training is recognised at EU level
- Ensuring gender equality in access and employment in this sector
- Promoting professional fishing activity and generational renewal

The Resolution *“calls on the Commission and the Member States to support efforts to promote social dialogue between the parties, concerning the following in particular: (a) training for young entrepreneurs in the fisheries sector; (b) professional updating and skills development for sustainable fisheries; (c) raising awareness of good fishing practices; (d) safety and protection of human life at sea; (e) on-board health and safety of workers”*.

The European Economic and Social Committee opinion 25 Sept 2019 on the social dimension of fisheries recommends, amongst others, the integration of IMO STCW-F within EU law via a directive. It calls on MS to ratify ILO C188 and reminds them of the importance of the transposition of Directive 2017/159. It also suggests adopting a directive on control and enforcement.

Dr Christodoulou-Varotsi closed her presentation by asking “What should be prioritised at present? What would be meaningful and realistic for the EU fishing industry?”

Peter Breckling observed that a real level playing field in the EU has not yet been reached, not even in the North Sea, when looking at safety on board and especially at the number and ratio of incidents. His organisation also observes that there are different social safety systems in EU having received data on accidents in fisheries for 20 years which clearly identify fisheries as a high risk profession. An interesting development has taken place in Denmark, which as a country has made very good progress in decreasing the number of accidents below average of all normal professions in DK. The two key elements to this development are the construction of new vessels with high safety standards, and risk analyses carried out on board of each vessel to reduce the number of accidents. This could be a priority for the Focus Group to bring forward. He enquired if Dr Christodoulou-Varotsi might see this as a best practice example for whole EU, and if she had any statistics regarding the occurrence of accidents? Breckling also pointed out that he felt that there was no level playing field regarding the funding for improve safety of vessels. While in one country, funding for this was available, for example in Belgium, other countries, such as Germany, left the owners to carrying the cost of safety features on new builds.

Dr Christodoulou-Varotsi responded that dissemination of good practice is a very powerful tool having “no doubt that similar issues exist in other countries and that an exchange of information and good practices is vital”. In

relation to statistics she identified that the EU Parliament resolution mentioned in her presentation is the most recent document, dated in 2021, though additional information may be available online from the Torremolinos IMO meeting. The discussion concerning funding and state subsidies for improving safety is difficult, and unfair conditions may increase competitive disadvantages. Nevertheless, in the same manner that favourable tonnage regimes exist in commercial shipping, the ACs could explore a dialogue with the EU on structuring this topic which appears to lack in uniformity. “I suggest dialogue with EC to ensure equal treatment in the same way we have favourable regimes in commercial shipping.” However, a situation where sectors become dependent on money coming from institutions should be avoided. She also agreed that “we are far from having the best possible conditions for ensuring safe commercial fishing at EU level”, but that the legal element is important. As long as important conventions and instruments are not widely implemented, safety continues to be an area of concern. In relation to social security, even for shore-based sectors no social security harmonisation exists at EU level with each MS free to shape its schemes. The EU provides a way for these social security systems to communicate, so as to avoid a gap in the protection of the persons concerned, specifically migrant workers moving inside the EU. She questioned if these mechanisms are flexible and effective enough from the stance of bureaucracy needed.

Gérald Hussenot felt it was interesting to see how far the conventions have been applied and to have an overview regarding their ratification. He pointed to the inconsistency in EU policy where a Directive is in place which all MS are expected to implement, but at the same time when it comes to ongoing discussion in at the WTO in Geneva the EU position has the opposite effect. He wondered about improving and updating fisheries vessels, what about upscaling? The sector wants to attract younger generations, but there are no public instruments that can improve the situation.

Dr Christodoulou-Varotsi identified that the EU Directive is transposing some aspects from the ILO C188 into EU legislation, though the extent of qualitative implementation is not easy to assess. Importantly, following the introduction of the Directive into national systems and ensuring it works together with the rest of the national legislative instruments, an enforcement mechanism is needed. She pointed that there is room for improvement between actors and actions and the different bodies which are supposed to support each other – ILO, EU, IMO – and that indeed gaps concerning construction and safety standards, including new vessels, persist. She felt that the modern agenda (generational renewal, gender equality, better training, sustainability) includes very important questions and that at present more questions than answers remain.

The Chair commented that in France studies and statistics exist regarding accidents in fishing sector. However, he identified a communication issue between the observatory at EU level to gather statistics of all MS and draw conclusions. Training for seafarers provided by other MS is recognised in France.

Dr Christodoulou-Varotsi informed the group of the EMSA annual overview of marine casualties and incidents 2021 ([link](#)) which identified that the fishing vessels occurrence indicator continued to increase. This could be an additional resource for the FG.

3. Finalisation Draft Terms of Reference

Mo Mathies circulated the updated ToR including the changes the FG had discussed the last time.

David Curtis apologised for missing the last meeting but feels that he had flagged that recreational fishing is not really represented in the document. He identified the need for this, as otherwise there seems to be an implicit assumption that this work is about commercial fishing only, though recreational fishing is a major stakeholder in

our fisheries. “Most of the issues that we are currently discussing in context of commercial fishing apply to recreational as well”, and recreational fisheries should not be overlooked in terms of social aspects.

Mathies identified that all comments made by Curtis in previous discussions had been included in the new draft and invited Curtis and all other members to send in their suggestions for review by the FG members prior to the next meeting.

Norah Parke suggested removing “conflict” and use “lack of cooperation” (page 2, background). She also suggested that in support of objective one the BIM health guide booklet could be used as a guide published 22 March 2019 (<https://bim.ie/publications/fisheries/>). Johnny Woodlock supported this proposal

ACTION: Members to review the draft ToR and submit all comments on suggestions to the NWWAC Secretariat.

4. Review and discussion of questionnaire

Curtis identified that the questionnaire is solely focused on commercial fishing and yet there are also people employed in the recreational sector, so amendments are needed.

Mathies explained that the current draft was developed from the BIM survey carried in Ireland. As agreed at the last meeting Norah Parke (KFO) and the NWWAC Secretariat met to develop a new version to meet the FG’s aim of gathering people’s views on barriers to employment in the fisheries sector to be distributed to all NWWAC and NSAC members. The possibility of doing this as an online survey should be explored.

The Chair felt that the team had done a good job in summing up the BIM questionnaire and making this draft not too long. He agreed that recreational fishing was possibly not covered enough and is looking forward to David’s suggestion. In his opinion another plus is that the questionnaire is directed to all fishers whichever country they might be in, and that they would be able to identify with the questions. He agreed that using survey monkey is definitely a possibility. “As Chair and also as trade union representative in France I would like to make sure that a maximum number of people have the opportunity to answer to have a solid survey.”

Mathies asked members regarding the number of languages the questionnaire should be available in and if it is to be sent to POs only or also to fishers for direct responses.

Parke felt that for an organisation such as the KFO it would not be difficult to get each member of the organisation to complete this but could be more difficult for other POs. She also wondered if the group should look for input from unaffiliated fishers.

Tracey Floyd commented that she felt having views from fishers and crew would be very important. While this might not be easy to achieve in all MS, in Ireland it could be quite easy.

Hussenot stated that in his opinion if the AC members filled in the survey it would be quite complete as the AC member organisations represent everyone.

In Jasmine Vlietinck’s opinion the advantage for the Rederscentrale is that they are the only PO in Belgium representing all the vessel owners, however, they do not have direct contact with fishers. Ahe was unsure if the Rederscentrale would receive many contributions from fishers directly but that another Belian association may be able to assist.

Breckling cautioned that if the EU's interest in small scale vessels is taken into account, that there are numerous shipowners that are employers but have no employees which could make answering the survey difficult. Things could get even more complicated as some of these "vessel owner occupiers" are for taxation reasons employed by their wives. A definition for employees, employers should be included and as well as of the group overall. Most organisations in Germany are shipowner organisations and employees may not be organised in unions, apart from those involved in deep sea fisheries. He felt that employment of foreign workers should also be taken into account.

ACTION: All members to review the current draft questionnaire and send their comments and suggestions to the NWWAC Secretariat.

5. Next steps

The date of the next meeting will be agreed via a Doodle poll.

6. Action Points

1	Members to review the draft ToR and submit all comments on suggestions to the NWWAC Secretariat.
2	All members to review the current draft questionnaire and send their comments and suggestions to the NWWAC Secretariat.
3	NWWAC Secretariat to create Doodle for next meeting