



2023/0164(COD)

19.9.2023

DRAFT OPINION

of the Committee on Fisheries

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector (COM(2023)270 – C9-0194/2023 – 2023/0164(COD))

Rapporteur for opinion: Niclas Herbst

PA_Legam

SHORT JUSTIFICATION

Fishing plays a crucial role in employment and economic activity in several EU regions – in some European coastal communities the fishing sector accounts for as many as half the local jobs. In 2022, direct employment generated by the sector, amounted to 124 636 fishers¹ and the sector also generated a large number of jobs in the processing industry and services. Fisheries, however, remains one of the sectors with the highest risk of accidents. In 1997, the International Labour Organization² estimated that 24,000 fatalities occur worldwide per year in fisheries. At EU level, the risk of being killed or injured while fishing is also high. At present, the EU has two Directives in force which concern safety in the fisheries sector (Directives 93/103/EC³ and 97/70/EC⁴). However, these directives only concern larger vessels, i.e. approximately 10% of EU vessels.

Substance of the Proposal

The proposal amends Directive 2009/18/EC whose purpose is to improve maritime safety and the prevention of pollution by ships, and so reduce the risk of future marine casualties, by facilitating the expeditious holding of safety investigations and proper analysis of marine casualties and incidents in order to determine their causes, and ensuring the timely and accurate reporting of safety investigations and proposals for remedial action. Fishing vessels less than 15 metres in length are at present excluded from the scope of Directive 2009/18/EC, and therefore the conduct of maritime accident investigations involving such fishing vessels is non-systematic and non-harmonised. Such vessels are more prone to capsizing and members of the crew falling overboard is relatively common. Therefore, there is a need to protect those fishing vessels, fishers and the environment by introducing a preliminary assessment of very serious marine casualties involving fishing vessels less than 15 metres long to determine whether the authorities should open a safety investigation. The proposal therefore, in point 2, extends the scope of the Directive to all fishing vessels including those of less than 15 meters in length.

The definition of the length of a fishing vessel should also be set out especially when there is a distinction on the approach and the obligations of the marine safety investigation authorities based on the length of the fishing vessel. Therefore, in point 3, the length of a fishing vessel is specified as the length overall in accordance with Article 2 of Regulation (EU) 2017/1130⁵.

Point 5 makes changes to the obligation to investigate and provides that, in relation to a very serious marine casualty (loss of the vessel and/or a fatality) involving a fishing vessel of less than 15 metres in length, Member States are obliged to at least carry out a preliminary assessment to determine if a safety investigation should be carried out.

¹ The 2022 annual economic report on the EU fishing fleet (STECF 22-06)

² ILO, Safety and Health in the Fishing Industry, Geneva, 1999, p.19

³ Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels; OJ L 307, 13.12.1993, p. 1–17

⁴ 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; OJ L 34, 9.2.1998, p. 1–29

⁵ Regulation (EU) 2017/1130 of the European Parliament and of the Council of 14 June 2017 defining characteristics for fishing vessels; OJ L 169, 30.6.2017, p. 1–7

Point 14 relates to the reporting obligations of Member States as regards the European Maritime Casualty Information Platform (EMCIP). The proposal specifies Member States' obligations regarding very serious marine casualties involving fishing vessels of less than 15 metres in length.

Position of the Rapporteur

It is not sufficient to limit safety investigations to serious accidents ('very serious casualties') involving the loss of the vessel or human lives. These investigations should also be carried out when there are cases of personal injuries of fishers with the risk of disability or impairment. Given the importance of these investigations, should the investigation authority decide not to undertake a safety investigation in cases of a very serious marine casualty or any other marine casualty or incident, then it should justify its decision.

Furthermore, since the aim of the safety investigations is the prevention of future marine casualties and incidents, it is crucial to quickly and efficiently gather and analyse the data relating to maritime safety. The investigation authority should therefore also be tasked with the gathering and systematic analysis of data relating to maritime safety, in particular for prevention purposes.

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Fishing vessels less than 15 metres in length are at present excluded from the scope of Directive 2009/18/EC, therefore the conduct of maritime accident investigations involving such fishing vessels is non-systematic and non-harmonised. Such vessels are more prone to **capsizing and members of the crew** falling overboard is relatively common. Therefore, there is a need to protect those fishing vessels, **their crew** and the environment by introducing a preliminary assessment of very serious marine casualties involving fishing vessels less than 15 metres long to determine whether the authorities should open a safety

Amendment

(7) Fishing vessels less than 15 metres in length are at present excluded from the scope of Directive 2009/18/EC, therefore the conduct of maritime accident investigations involving such fishing vessels is non-systematic and non-harmonised. Such vessels are more prone to **accidents and fishers** falling overboard is relatively common. Therefore, there is a need to protect **fishers, as well as** those fishing vessels and the environment by introducing a preliminary assessment of very serious marine casualties involving fishing vessels less than 15 metres long to determine whether the authorities should open a safety investigation.

investigation.

Or. en

Amendment 2

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Some definitions provided in Directive 2009/18/EC are not clear. The definition of the length of a fishing vessel should be set out especially when there is a distinction on the approach and the obligations of the marine safety investigation authorities based on the length of the fishing vessel.

Amendment

(8) Some definitions provided in Directive 2009/18/EC are not clear. ***In particular***, the definition of the length of a fishing vessel should be set out ***and aligned with existing legislation***, especially when there is a distinction on the approach and the obligations of the marine safety investigation authorities based on the length of the fishing vessel.

Or. en

Amendment 3

Proposal for a directive Article 1 – paragraph 1 – point 2 – point a Directive 2009/18/EC Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) ships not propelled by mechanical means, wooden ships of primitive build, ***pleasure yachts and pleasure craft unless they are used for commercial purposes.***

Amendment

(b) ships not propelled by mechanical means ***and*** wooden ships of primitive build.

Or. en

Amendment 4

Proposal for a directive Article 1 – paragraph 1 – point 5

Directive 2009/18/EC
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

In the case of any other marine casualty or incident involving a fishing vessel of less than 15 metres in length, the investigative body shall decide whether or not a safety investigation is to be undertaken.

Or. en

Amendment 5

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2009/18/EC
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

Where the investigation authority decides not to undertake a safety investigation of a very serious marine casualty involving a fishing vessel of less than 15 metres the reasons for that decision shall be recorded and notified in accordance with Article 17(3).

Where the investigation authority decides not to undertake a safety investigation of a very serious marine casualty ***or any other marine casualty or incident***, involving a fishing vessel of less than 15 metres, the reasons for that decision shall be recorded and notified in accordance with Article 17(3).

Or. en

Amendment 6

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2009/18/EC
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

3. The activities entrusted to the investigation authority ***may be extended to*** the gathering and analysis of data relating

3. The activities entrusted to the investigation authority ***shall also include*** the gathering and analysis of data relating

to maritime safety, in particular for prevention purposes, insofar as these activities do not affect its independence or entail responsibility in regulatory, administrative or standardisation matters.

to maritime safety, in particular for prevention purposes, insofar as these activities do not affect its independence or entail responsibility in regulatory, administrative or standardisation matters.

Or. en

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point a

Directive 2009/18/EC

Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that safety recommendations made by the investigation authorities are duly taken into account by the addressees and, where appropriate, are given an adequate follow-up in accordance with Union and international law.

Amendment

1. Member States shall ensure that safety recommendations made by the investigation authorities are duly taken into account by the addressees, ***in particular with a view to preventing future accidents,*** and, where appropriate, are given an adequate follow-up in accordance with Union and international law.

Or. en

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point b

Directive 2009/18/EC

Article 15 – paragraph 2

Text proposed by the Commission

2. ***Where appropriate, an*** investigation authority or the Commission shall make safety recommendations on the basis of an abstract data analysis and of the overall results of safety investigations carried out.

Amendment

2. ***The*** investigation authority or the Commission shall make safety recommendations on the basis of an abstract data analysis and of the overall results of safety investigations carried out.

Or. en

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 14 – point a a (new)

Directive 2009/18/EC

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

(aa) paragraph 1 is replaced by the following:

1. Data on marine casualties and incidents and any relevant lessons drawn from safety investigations shall be stored and analysed by means of a European electronic database to be set up by the Commission, which shall be known as the European Marine Casualty Information Platform (EMCIP).

Or. en