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## REPORT

on Fisheries: safety and causes of accidents  
(2000/2028(INI))

Committee on Fisheries

Rapporteur: Rosa Miguélez Ramos



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## PROCEDURAL PAGE

At the sitting of 17 March 2000 the President of Parliament announced that the Committee on Fisheries had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on Fisheries: safety and causes of accidents and the Committee on Employment and Social Affairs and the Committee on Regional Policy, Transport and Tourism had been asked for their opinions.

The Committee on Fisheries appointed Rosa Miguélez Ramos rapporteur at its meeting of 23 March 2000.

It considered the draft report at its meetings of 22 January and 6 March 2001.

At the last meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Daniel Varela Suanzes-Carpegna, chairman; Hugues Martin, vice-chairman; Rosa Miguélez Ramos, vice-chairman and rapporteur; Elspeth Attwooll, Niels Busk, Carlos Candal, Paulo Casaca, Ilda Figueiredo, Carmen Fraga Estévez, Pat the Cope Gallagher, Ian Stewart Hudgton, Heinz Kindermann, Brigitte Langenhagen, Albert Jan Maat, John Joseph McCartin, Patricia McKenna, James Nicholson, Camilo Nogueira Román, Neil Parish, Fernando Pérez Royo, Struan Stevenson and Catherine Stihler.

The opinion of the Committee on Regional Policy, Transport and Tourism is attached; the Committee on Employment and Social Affairs decided on 28 March 2000 not to deliver an opinion.

The report was tabled on 12 March 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## MOTION FOR A RESOLUTION

### European Parliament resolution on Fisheries: safety and causes of accidents (2000/2028(INI))

*The European Parliament,*

- having regard to Article 137 of the Treaty on European Union and the text of the European Social Charter and of the Charter of Fundamental Rights,
- having regard to the 1982 United Nations Convention on the Law of the Sea,
- having regard to the 1974 International Convention for the Safety of Life at Sea (SOLAS),
- having regard to the 1993 Torremolinos Protocol,
- having regard to the 1995 IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F),
- having regard to the 1995 FAO Code of Conduct for Responsible Fisheries,
- having regard to the Framework Directive 89/391/EEC<sup>1</sup> on the introduction of measures to encourage improvements in the safety and health of workers at work,
- having regard to Directives 92/29/EEC<sup>2</sup> on medical treatment, 89/655/EEC<sup>3</sup> on the use of work equipment and 90/269/EEC<sup>4</sup> on the handling of loads,
- having regard to Directive 93/103/EEC<sup>5</sup> concerning the minimum safety and health requirements for work on board fishing vessels, Directive 97/70/EC<sup>6</sup> setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, and Directive 92/29/EEC on the minimum safety and health requirements for improved medical treatment on board vessels,
- having regard to Directive 93/104/EEC<sup>7</sup> concerning certain aspects of the organisation of working time, amended by Directive 2000/34/EC<sup>8</sup> of the European Parliament and the Council,
- having regard to its resolution of 15 April 1988 on the social aspects of fisheries policy<sup>9</sup>,
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Fisheries and the opinion of the Committee

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<sup>1</sup> OJ L 183, 26.6.1989, p. 1-8.

<sup>2</sup> OJ L 113, 30.4.1992, p. 19-36.

<sup>3</sup> OJ L 393, 30.12.1989, p. 13-17.

<sup>4</sup> OJ L 156, 21.6.1990, p. 9-13.

<sup>5</sup> OJ L 307, 13.12.1993, p. 1.

<sup>6</sup> OJ L 34, 9.12.1998, p. 1.

<sup>7</sup> OJ L 307, 13.12.1993, p. 18.

<sup>8</sup> OJ L 195, 1.8.2000, p. 41.

<sup>9</sup> OJ C 122, 9.5.1998.

on Regional Policy, Transport and Tourism (A5-0087/2001),

- A. whereas according to estimates from the International Labour Office some 24 000 fishermen die each year at world level, and the risk of being killed or injured while fishing is also high in the EU (160 deaths and 2527 injuries in 1998), making fishing a highly dangerous profession and high-risk sector,
- B. whereas the EU figures both for accidents on board vessels and accidents to vessels themselves are highly worrying and unacceptable, and they would be reduced considerably through the rigorous application by administrations and the industry itself of the safety rules in force,
- C. whereas, despite the Council recommendation of 23 September 1980 and the joint appeal by the ILO, IMO and FAO, it has still not been possible for the Torremolinos Protocol to enter into force owing to the low number of ratifications of that legal instrument, while other conventions drawn up by these international organisations on safety in the fisheries sector have also not entered into force, such as the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel of 1995 (STCW-F),
- D. mindful of the interventions necessary within a preventive framework in order to prevent accidents from occurring, i.e.:
  - direct legislation in the area of safety for seafarers and safety at work in order to improve living and working conditions,
  - ship design and the inclusion of requirements relating to vessel equipment and structure in order to reduce the physical impact,
  - the introduction of resource management rules which will have an impact on human safety (e.g. MAGPs),
- E. whereas Directive 93/103/EEC concerning the minimum safety and health requirements for work on board fishing vessels with a length of 15-18 metres or over, and Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over affect only 8% and 3% respectively of vessels in the European fishing fleet,
- F. whereas the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work fully applies in the fishing industry,
- G. whereas the social aspects, including safety and working conditions, must be taken into account with a view to the future reform of the CFP,
- H. whereas work in this sector is not carried out in proper conditions owing, in part, to economic and competition pressures which compel fishermen and shipowners to take more risks, such as cutting crews and increasing working hours, leading to accidents due to extreme fatigue,
- I. whereas weather conditions have an enormous influence on fishing activities, not only determining whether or not it is possible to go on fishing trips but also having an impact on accidents on board and the number of accidents,
- J. whereas working conditions for fishermen have a direct impact on the number and severity

of accidents in the sector and, in this sense, Council Directive 93/104/EEC on certain aspects of the organisation of working time, amended by Directive 2000/34/EC of the European Parliament and the Council, does not guarantee the necessary rest nor adequate organisation of work,

- K. whereas the majority of Community fishing vessels lost at sea exceeded the maximum recommended limit of 20 years of age and were also inadequately maintained,
- L. whereas on-board monitoring to establish whether the requirements laid down by Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work have been met is not being carried out, even though a large number of bodies and institutions have been calling for such action for many years,
- M. whereas inspections of vessels and workers vary substantially from one Member State to another and in some Member States strict inspections are carried out only on high-tonnage vessels and recently constructed boats,
- N. whereas there are a substantial number of fishing vessels belonging to joint ventures within the EU, or flying a flag other than that of the state of origin of the venture,
- O. whereas it is impossible to obtain a full and reliable description of accidents in the European Community owing to the lack of comparable statistics in the 15 Member States,
- P. whereas it would be desirable to carry out information campaigns on safety measures in the fishing industry with the aim of heightening awareness among fishermen and shipowners,
- Q. whereas the low level of trade union membership in the industry leads to inadequate protection for fishermen's labour rights, including aspects relating to safety and working conditions, and there is a need to build on the social dialogue between shipowners and fishermen and to establish more collective agreements developing a safety culture,
- R. whereas it is important to extend and improve vocational training in order to reduce the large number of occupational accidents occurring on board, chiefly due to the dangerous nature and complexity of the machinery used and of fishing gear itself, as well as the handling of heavy loads,
- S. whereas cooperation between the Commission, international bodies, national and regional administrations and the industry itself needs to be improved in order to make the application of safety measures more effective,
- T. whereas a unified system of rules is necessary which would be applicable to all fishing vessels in the EU,
- U. whereas safety and working conditions, including wage conditions, need to be improved in order to make it possible for young seafarers to enter the industry and allow the very survival of the European fishing industry,
- 1. Urges those Member States which have not yet done so to ratify the Torremolinos Protocol and the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), both drawn up by the International Maritime

Organisation, and the ILO and FAO conventions on fishing safety and working conditions, so that their entry into force can help to increase safety in the fishing industry throughout the world;

2. Calls on the Commission to put forward a proposal for a directive with a view to drawing up a Community legislative framework to regulate and guarantee safety conditions for vessels which are excluded from Directives 93/103/EC and 97/70/EC;
3. Urges the Council to promote greater coverage of fishermen in Council Directive 93/104/EEC on certain aspects of the organisation of working time, amended by Directive 2000/34/EC of the European Parliament and the Council, so as to improve their protection;
4. Calls for a gradual ban on fishing to be applied to vessels older than 20 years, except for those proven to be in perfect condition;
5. Urges the fishing industry to cooperate with the Member States and the Commission in recognising the need to establish and maintain a safety culture where safety is given the highest priority and to ensure that existing safety rules are properly implemented;
6. Calls on the Commission to continue co-financing the replacement of fishing vessels older than 20 years that do not meet minimum standards with regard to safety and the health of workers on board;
7. Calls on the Council to entrust the Commission with the task of coordinating all efforts made both by the Commission and the Member States and by international organisations and to consult with the industry itself and Member States' training providers on means to promote and strengthen preventive and safety measures in relation to fishing;
8. Calls for a common European system which takes into account the differences between fishing fleets, which will make stricter and more systematic checks possible as regards the technical inspection of vessels, including smaller vessels and the oldest vessels, and as regards inspections relating to working conditions, so as to ensure compliance with rules on safety, compulsory annual inspections which include checks on the regulation safety equipment, the application of penalties and checks on communication equipment on board;
9. Calls on the European Commission to unambiguously clarify and publicise the responsibilities of skipper/owners for the safety of their crew in the light of existing European directives;
10. Calls for the introduction of certification and practical tests as appropriate for deck officers, engineers and skippers on small fishing vessels that currently do not require Certificates of Competency in those Member States where this is not currently required;
11. Calls for the enactment of European Community and Member State standards to introduce mandatory basic safety training for all crewmembers on EU fishing vessels and to ensure the revalidation of safety training at regular intervals in those Member States where this is not currently required;



12. Calls on the Commission to finance a tender for EU safety equipment manufacturers to design different models of personal flotation device for fishermen that are capable of being used in the different working conditions on fishing vessels and with the objective of promoting their use;
13. Calls on the Commission to compel Member States to establish a computerised liferaft service database to ensure that all fishing vessel owners are automatically notified to service their liferafts on an annual basis as well as a similar reminder system for EPIRB and SART batteries;
14. Calls on Member States to ensure that all fishing vessels are inspected annually to ensure that their obligatory lifesaving equipment is on board and in date;
15. Calls on the Commission to devise strategies to ensure the overall standard of fisheries training qualifications is enhanced in the interest of vessel and occupational health and safety and to fast-track the harmonising of qualifications between the fishing industry and merchant marine;
16. Urges Member States to provide tax incentives for seafood companies, employees and self-employed fishermen to overcome access barriers to vocational training courses that enhance safety as well as work skills;
17. Calls on the Commission to speed up the process of harmonising statistical data and concepts relating to occupational accidents with a view to establishing uniform criteria which will make it possible to identify the causes of fishing accidents and developments in that field;
18. Urges the Commission to require transparency as regards the information provided by Member States on ships and their operation so that it can be incorporated into the real-time information system EQUASIS now being set up by the Commission;
19. Calls on the Commission to take account of the issue of the safety of fishermen in each of the actions which it undertakes in the fisheries sector, such as those relating to fleet renewal; calls on shipowners to incorporate technological developments in the construction of vessels and equipment which will make it possible to improve working conditions for fishermen;
20. Calls on the Commission to co-finance, together with the Member States and the fishing industry, the necessary vocational and continuing training campaigns;
21. Denounces the proliferation of vessels flying flags of convenience, which do not provide work and safety guarantees for their crews, entailing serious risks for fishermen working on board those vessels, which in some cases have links with Community ports, firms or shipowners;
22. Urges the International Maritime Organisation and the International Labour Organisation to adopt a general regulatory framework on vessels flying flags of convenience to combat non-compliance with safety-at-work requirements, inter alia;

23. Urges the Council and the Commission to raise this issue in an international context and to draw up proposals geared to the same purpose, and demands that the Member States carry out full checks on safety conditions on board such vessels;
24. Calls on the Commission and the Member States to promote a safety culture among shipowners, salaried and independent fishermen and public administration in the world of fisheries in each phase of their activities, including prevention, which should be reflected in vocational and continuing training and incorporate the most modern technology in localisation and life-saving equipment. Such training must include the improvement and maximisation of safety;
25. Calls on the Member States, in the interests of fishermen's safety, to ensure strict checks on compliance with the provisions contained in the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work, particularly as regards the obligations incumbent on the shipowner to define and assess risks in order to eliminate them at source, adapt the work to the workers, plan work from the accident-prevention angle, ensure the availability of first aid, fire-fighting equipment, and the listing of accidents, as well as the obligation to consult and train workers;
26. Asks that this safety culture should be required, in particular, as part of vocational training for young seafarers preparing to undertake fishing activities;
27. Calls on the Commission to draw up a specific directive for the fishing industry on health and safety at the workplace in accordance with Article 16(1) of the Framework Directive 89/391/EEC;
28. Calls on the Member States, as part of this safety culture, to extend social protection to cover all fishermen, regardless of their nationality;
29. Calls on the Commission to continue to assign resources to promoting the renewal and modernisation of the fleet, with the resources being diverted towards enhancing safety conditions and improving life-saving equipment on board;
30. Calls on the economic and social operators, through the social dialogue, to work towards establishing collective agreements so as to develop aspects relating to safety at work, including vocational and continuing training;
31. Asks that the Commission, within the framework of cooperation with countries with which the Community has signed international fisheries agreements, should consider aid to improve the safety of boats and life-saving equipment, as well as vocational training and should devise a policy for international cooperation in this respect;
32. Urges the Commission to include the social aspects, in particular those relating to safety and working conditions, in the Green Paper on the reform of the common fisheries policy for 2002;

33. Calls for greater coordination between maritime communications centres and services, with the strengthening and modernising of their existing technical and human resources and between European radio-medical centres in order to facilitate the permanent exchange of information in real time regarding medical treatment, as provided for by Directive 92/29/EEC, so as to improve techniques for radio diagnosis and telemedicine as well as sea rescue. This should be carried out through specific pilot plans;
34. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the International Maritime Organisation, the International Labour Organisation and the FAO.

## EXPLANATORY STATEMENT

Fishing is among the sectors with the highest rate of occupational accidents, leading to a high number of deaths. The very nature of fishing, which takes place far away from dry land, which depends on the fragile balance of a boat, at the mercy of difficult environmental and working conditions and in which safety rules are applied in a very relative way, makes it an extremely dangerous profession. Fishing is the sector with the highest risk of accidents. Estimates given by the International Labour Office<sup>1</sup> for 1997 put the number of fisheries workers killed each year at 24 000 worldwide.

A detailed study of the causes of occupational accidents in the EU fishing industry must start with the problem of the heterogeneous nature of statistical data. There are no uniform definitions for each individual concept relating to accidents in the 15 Member States. This is not merely a hindrance but actually makes it impossible to improve our knowledge of causes, trends and the impact of measures which might be adopted throughout the EU. Even though Eurostat is working with the permanent services in the Member States with a view to establishing uniform criteria, there does not appear to be any justification for the fact that this has not yet been achieved.

### 1. SEA FISHING: A DANGEROUS PROFESSION

The available statistics reveal the dangerous nature of this profession and provide the tools for considering how to prevent accidents, both vessel casualties and accidents on board. Nevertheless, these statistics must be handled with care, given that methods for collecting and compiling them vary from one country to another. One fishermen in seven in the EU is involved in an occupational accident in any given year. In Denmark, for example, the fatal accident rate for fishing is 25-30 times higher than the rate for those employed on land.

#### 1.1. Types of casualty involving fishing vessels

The types of casualty affecting fishing vessels can be broken down into eight categories: sinking, grounding, collision, capsizing, fire and explosion, engine failure, leaking and accidents linked to bad weather. This typology allows accidents occurring in 1998 to be classified according to the nature of the accident.

The casualty figure recorded in the countries of the European Union in that year stood at 1347, compared with 1250 in 1996, representing an increase of 3.7%. The highest percentage of accidents involved engine failure (33%), followed by sinkings (9%), groundings (9%) and collisions (7%). The least frequent accidents are those involving leaks (4%), fires and explosions (3%), capsizing (2%) and weather conditions (1%).

It can thus be seen that the number of engine failures remained very high: 445 in 1998 and 437 in 1996. This high figure is due to the poor maintenance of engines and inappropriate training.

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<sup>1</sup> ILO, *Safety and Health in the Fishing Industry*, Geneva, 1999, p. 19.

## 1.2. Accidents on board fishing vessels

Although they do not attract the same degree of public attention, occupational accidents on board fishing vessels are even more common than vessel casualties and may have serious consequences such as inability to work, disability, mutilation or indeed death. The complex and dangerous nature of fishing gear (trawl nets, longlines, etc.) and the fact that fishing is carried out in difficult conditions (leading to more fishermen falling overboard) mean that fishing is the economic sector with the highest number of occupational accidents.

An indirect contribution may also be made by a series of political and administrative decisions such as the need to reduce fleet tonnage, the temptation for undertakings to construct smaller vessels so as to sidestep certain safety or crewing requirements and the need to take catches quickly before the quota is used up. Many fishermen have to work in an extremely confined space, much of which is taken up by equipment, and this complicates their work and leads to increased risks.

Any decision at any level must take account of actual working conditions (ergonomics).

## 1.3. Recurring causes of accidents

Bearing in mind the heterogeneous nature of the criteria used when compiling statistics in the Member States, three generic factors can be identified. Each factor covers several causes rather than any one particular cause:

- **human factors** include: fatigue, stress, poor maintenance, negligence, routine, drug or alcohol abuse, navigational errors, personal relations and working conditions. Incessant noise creates an aggressive climate on board and means that fishermen sleep little and badly, making it difficult for them to obtain the rest they need;
- **technical factors** include: the absence or poor functioning of equipment, in particular alarm and fire-fighting equipment, the use of unsafe fishing gear, inadequate safety or survival equipment, disregard for stability, lack of systematic checks and the inherently complex and dangerous nature of fishing gear;
- **external factors** mainly concern weather conditions, but certain political decisions relating to the management of resources, as well as the economic context, may also be the indirect cause of accidents.

40% of all accidents occurring in 1998 were the result of human error. Technical factors were the cause of 26.98% of accidents, with external factors accounting for 16%. Other accidents involved a combination of different factors.

The figures show that this is a profession which does not yet guarantee appropriate working conditions. Fishermen are subject to economic pressure and competition which lead them to take more risks: reductions in the number of crew and increases in working hours. These situations are extremely frequent and lead to accidents caused by extreme fatigue.

## **1.4. Consequences of accidents**

According to the Occupational Safety and Health Branch of the ILO, fishing has a global fatal accident rate of 80 per 100 000 workers, giving a figure of 24 000 deaths per year. Some 24 million non-fatal accidents are recorded in the sector each year.

A separate topic concerns fishing-related diseases, which are prevalent among fishermen: skin problems, respiratory diseases, musculoskeletal disorders and problems caused by the high level of noise to which fishermen are exposed, which can lead to loss of hearing. Working in low temperatures and falling overboard may lead to frostbite and hypothermia.

Accidents also have huge economic consequences for fishermen, shipowners, insurance companies and taxpayers in general. This leads to the conclusion that investing in safety would be both intelligent and profitable.

## **2. MEASURES TO IMPROVE FISHING SAFETY**

### **2.1. Recommendations made by international organisations**

The International Labour Organisation (ILO) has adopted a number of conventions and recommendations directly or indirectly concerning health and safety in the fishing industry. They are supported by other actions and initiatives such as the safety code for fishermen and fishing vessels, guidelines for the construction and equipment of small fishing vessels and the document for guidance on fishermen's training. At the same time, the ILO organises regular debates as part of tripartite ILO/IMO/FAO activities.

The meeting of 13-17 December 1999 in Geneva was devoted to safety and health in the fishing industry. The participants noted that, despite a panoply of measures, sea fishing remains a highly dangerous profession. They stressed the need to give consideration to human factors and the modernisation of equipment. They also called on governments to ratify and apply international rules on fishing vessel safety.

The International Maritime Organisation (IMO) attaches great importance to the safety of vessels. The main conventions are: the 1974 International Convention for the Safety of Life at Sea (SOLAS), amended in 1978 and in 1988, the Torremolinos Convention of 1977 followed by the 1993 Protocol, and the 1995 International Convention on Standards of Training for Fishing Vessel Personnel. The IMO has also adopted other instruments such as the code for the investigation of marine casualties and incidents, which establishes an investigation procedure for evaluating the circumstances relating to accidents and the causal factors.

Nevertheless, even though these instruments play an essential role in promoting health and safety in the fishing industry, they can be effective only if they are ratified and implemented. In fact, several conventions have not yet been ratified. The Torremolinos Convention (1993), for example, has been ratified by only five Member States, while the 1995 International Convention on Standards of Training has been ratified by only two states.

The contribution made by the United Nations Food and Agriculture Organisation (FAO) as regards safety in the fishing industry is centred on two pillars. The first is the establishment of rules, with the Code of Conduct for Responsible Fisheries being adopted in 1995. That code contains

provisions establishing a clear link between responsible fishing and the health and safety of fishermen. The second pillar corresponds to technical cooperation. It mainly covers the fleets of developing countries, essentially composed of small boats, and led to the publication in 1993 of *A safety guide for small off-shore fishing boats*.

## **2.2. The Community approach**

### **2.2.1. Fishing vessel safety**

In addition to specific legislation, the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work fully applies, and requires shipowners to assess risks in order to eliminate them at source, adapt the work to the workers, plan for prevention and make provision for first aid, information, consultation and training for workers, etc.

Community legislation in the area of fishing vessel safety has passed through two stages. On 23 September 1980 the Council adopted a recommendation calling on the Member States to '*ratify the Torremolinos International Convention (...) or accede thereto as soon as possible and not later than 31 July 1982*'. It was not until 1993 and 1997 that the Council adopted two directives on fishing vessel safety (93/103/EC and 97/70/EC).

The first of these directives, Directive 93/103/EC, concerns minimum safety and health requirements for work on board fishing vessels. It contains prevention and safety measures covering shipowners, workers and equipment. It also lays down obligations relating to life-saving and survival equipment and personal protection equipment. Nevertheless, according to the 1997 figures, this directive affects only +/- 8% of fishing vessels, i.e. around 8000 boats, since it applies only to new vessels with a length of 15 metres or over or existing fishing vessels with a length of 18 metres or over.

Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over is based on the Torremolinos Protocol adopted on 2 April 1993, which itself is based on the International Convention for the Safety of Fishing Vessels. It concerns only a small percentage (3%) of the Community fleet, i.e. around 3000 boats.

The vast majority of Community fishing boats are thus governed by national legislation. The Community should regulate the safety of small boats as well as large ones. This would forestall unwanted effects such as the construction of shorter or smaller boats with the sole purpose of evading certain safety requirements or avoiding the need to take on qualified crew. The study carried out for the Commission by SSPA Maritime Consulting in July 1998 might provide a basis for a new directive.

### **2.2.2. Health and safety of fishermen**

In April 1998 Parliament adopted a resolution<sup>1</sup> in which it recognised the importance of developing the social aspects of the common fisheries policy and, in particular, the need to increase prevention with regard to safety at work on board Community fishing vessels.

In that resolution, bearing in mind the precarious nature of the sector, Parliament took the view that measures should be drawn up and funded in the fields of training, safety, medical assistance, information gathering and monitoring as a matter of priority. It stressed the importance of appropriate vocational training, particularly as regards safety and the use of new technologies, and called for the publication and distribution of a single training manual. It also called for publicity campaigns to be funded in cooperation with fishermen and shipowners to ensure that all those involved were aware of the 'safety aspect' of their activities, in particular through the distribution of the ILO International Medical Guide for Seamen (1965) and of the Code of Practice for Health and Safety on Board Fishing Vessels, approved in 1962 by the ILO, WHO and FAO.

The resolution also called for the development of other types of measure such as the radio advice network, satellite communications and information exchange systems. Finally, Parliament called for a specific budget line to be created to finance research in the field of safety at sea and proposed a tax exemption for life-saving equipment.

Subsequent Community action in relation to the health and safety of fishermen took the form of various directives. Some are general in scope, such as:

- Directive 89/391/EEC, mentioned above, aimed at encouraging improvements in health and safety for all workers,
- Directive 89/655/EEC on work equipment,
- Directive 89/656/EEC<sup>2</sup> on minimum health and safety requirements for the use by workers of personal protective equipment at the workplace,
- Directive 89/269/EEC on the handling of loads, and
- Directive 92/58/EEC<sup>3</sup> laying down the minimum requirements for the provision of safety and health signs at work.

Directive 92/29/EC is specific to the fishing industry. It concerns medical treatment on board fishing vessels and stipulates that all vessels flying the flag of or registered in a Member State must carry medical supplies (Article 2(1)(a)), which are to be inspected annually (Article 7) and must be accompanied by a guide to their use written for fishermen. Those responsible for medical supplies on board must receive special training updated at least every five years. All fishermen should receive basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency.

### **2.2.3. Working time**

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<sup>1</sup> A2-310/87, OJ C 122, 9.5.1988.

<sup>2</sup> OJ L 393, 30.12.1989, p.18-28.

<sup>3</sup> OJ L 245, 26.8.1992, p. 23-42.



The debate on reducing working time is still under way. This is a crucial problem for fishermen given that they have no protection against the risks posed to their health and safety by excessively long working hours. Directive 93/104/EC, which aims to protect workers against adverse effects on their health and safety, did not cover workers in the sea fisheries sector, with the result that such workers suffer from inadequate rest and irregular working patterns. It should be borne in mind that a high percentage of accidents take place after the first eight hours at work.

Employers have put forward a number of reasons to justify their opposition to application of this directive to the fishing industry: the specific nature of the industry, the subsidiarity principle, the large number of self-employed fishermen, the financial consequences for share fishermen and the diverse nature of the industry across the EU. Trade unions, on the other hand, were in favour of the fishing industry's inclusion in the directive.

On 17 May 2000, Parliament approved the joint text submitted by the Council for a directive extending (albeit insufficient) provisions concerning rest periods, breaks, working hours, paid leave and night working to cover certain categories of workers including sea fishermen.

With regard to fishermen, Member States may opt for either:

- a minimum rest period of 10 hours over a period of 24 hours, or 77 hours over a period of 7 days;
- or a maximum number of working hours not exceeding 14 hours over a period of 24 hours or 72 hours over a period of 7 days, or 48 hours over a period of 7 days, spread over a period of 1 year.

These provisions aim to ensure protection for the health and safety of workers at their workplace while allowing for a degree of flexibility, and are in line with the international rules laid down by the ILO.

### **2.3. Vessel inspections**

Annual inspection of vessels is compulsory in half of the Member States. In others, inspections are carried out either every two or four years, five years after construction or on each change of ownership or renovation. Moreover, the types of checks carried out vary from one Member State to another. In some cases, strict checks are carried out only on new or high-tonnage vessels.

It is essential that a common monitoring system be created. Such monitoring should include the following:

- annual inspection of boats and workers;
- verification of compliance with health and safety rules and requirements;
- application of penalties as a means of exerting pressure;
- checks on communication equipment on board.

### 3. RECOMMENDATIONS FOR IMPROVING FISHING SAFETY

#### 3.1. Preventing risks: a necessity

##### 3.1.1. Harmonising accident statistics

The absence of uniform criteria makes it impossible to collect comparable statistics in all the Member States. Moreover, few countries publish annual statistics on casualties and accidents and their causes; some do not even send their data to the Commission. The lack of reliable statistics makes it impossible to form a true and complete picture of the actual situation and results in partial and incomplete interpretations. It is essential to create and apply a uniform method for the collection and compilation of statistical data on accidents involving fishing vessels and accidents on board in all the Member States.

##### 3.1.2. Promoting a safety culture

It is also essential to promote a *safety culture in the world of fishing*, i.e. throughout the chain of activities connected to fisheries: from design and construction, which must tally with the characteristics of the fishing-ground, to the use and maintenance of boats and engines, the renovation of boats and all the equipment used by fishermen, as well as the manufacture and installation of fishing gear.

The entire vessel (including safety, life-saving and anchoring equipment) should be regularly checked by a body authorised to issue the certificate of sea-worthiness. Penalties should be applied where the rules are not complied with.

Improving research into accidents is the best way of discovering, analysing and preventing their main causes. In order to do this, direct and complete information needs to be available on vessels, and there need to be competent organisations and administrations which are in a position to work on this type of information.

Particular importance should be attached to publicity campaigns to make fishermen and shipowners aware of the risks involved and the preventive measures which need to be taken in order to reduce the number and consequences of accidents.

##### 3.1.3. Developing continuing training

Vocational training must be part of the right of workers to effective health and safety protection at work and must also be part of the basic training provided for all workers. Continuing training programmes need to be developed which take into account the constant changes in maritime techniques so that workers can be retrained throughout their working life.

These vocational training courses should cover precise themes, linked to the safety of workers and vessels and their adaptation to new technologies, such as:

- fire-fighting procedures;
- procedures for handling fishing gear, setting/hauling and precautions to be taken;
- procedures for dealing with problems: leaks, flooding, etc.;
- navigation procedures designed to prevent collisions;

- procedures for abandoning ship and the use of life-saving equipment and liferafts;
- anchoring and checking procedures;
- preventing navigation risks, supported by electronic chart systems, and the limitations of such systems;
- risk assessment;
- 'man overboard', action to be taken, etc.

It is still the case that many fishermen cannot swim. Training should also include swimming courses.

#### **3.1.4. The need for a unified system for EU fishing vessels**

Investigations carried out after an accident often reveal numerous faults in vessels which have been classified and certified by top classification societies belonging to the IACS (International Association of Classification Societies).

Information on vessels and their use needs to be made transparent. The following data should be incorporated into the EQUASIS real-time information system on the quality of vessels currently being set up by the Commission:

- identity of the real owner, and not simply vague references to companies registered in one or several tax havens;
- names of the societies which classified the vessel and certified the quality of its marine management (in the ISM sense of the term), including a reference to the certificates issued by the flag state at their request, as well as those issued by the societies themselves;
- name of the third-party insurer and any ceilings applicable to the amounts guaranteed;
- name of the COPRS insurer (insurance for the hull);
- name of the certifying body under the ISM code from whose registered office the vessel is managed, with an explicit reference to the authorisation given by the flag state;
- name of the shipmanager and of any subcontracting crewing agencies.

#### **3.1.5. Improving the match between crew, vessel and equipment**

Compatibility between crew, the vessel and its equipment is essential to ensure optimal functioning and increased safety on board. In fact, a good match is rarely found. In many of the accidents described, the mis-match between the crew, the vessel and its equipment is one of the principal factors contributing to the accident.

The lack of a match between vessel and crew, communication problems between members of mixed crews and difficulties encountered by the crew in adapting to the equipment used, together with the lack of compatibility of the equipment itself, all constitute risk factors in relation to vessel safety.

The heterogeneous nature of crews, either due to the fact that they are of different nationalities or due to differences in training and professional experience, creates considerable communication problems, which are a determining factor in a number of the accidents recorded.

Improving the compatibility of equipment is a real priority, in particular given that, as the vessel becomes older, the equipment which is modified – engine power, arrangement of facilities, etc. – or added may produce unwelcome effects. The introduction of any new technology should be accompanied by serious consideration of how it will be used and what effect it will have on other activities on board.

### 3.2 Improving working conditions: a priority

The main problem in the field of risk prevention in the fishing industry is that of the **long working days**. A lack of administrative control, the distance and isolation involved and catch-share payment are the reasons behind excessively long working days. The average working time is 12 hours, distributed in an uneven manner, reaching peaks of intense hard work leading to fatigue, declining reflexes and the use of stimulants. Such situations are the main causes of accidents on fishing boats. As a result, the directive on working time must be applied to seafarers as soon as possible.

In the fishing industry, moreover, working conditions on board are subject to very little monitoring. In general, inspection visits in the context of risk prevention are practically unheard of. Cooperation between workplace inspectors and the fishing industry is therefore vital: first of all, in order to prevent a feeling of impunity from setting in owing to the lack of monitoring, and secondly so that genuine communication between the administration and the industry can make an effective contribution in preventing and reducing the risk of accidents.

Priority should be given to the quality of accommodation on board, where extreme discomfort is one cause of increased fatigue and, consequently, of accidents. Modern technology would make it possible to cut noise levels on board, which are unpleasantly high on almost all vessels, to a more acceptable level of 60 decibels. In short, humane working conditions need to be established which will offer fishermen quality of life and periods of rest with their families (on some types of vessels, fishermen may not return home for up to six months).

## CONCLUSIONS

As we have seen, the problem of safety in the fishing industry is a very complex one: there are considerable differences between small-scale traditional fishing, deep-sea fishing and industrial fishing. Moreover, the interests of shipowners, salaried fishermen and self-employed fishermen are far from coinciding.

Nevertheless, some possible lines of action can be defined with a view to establishing *a complete framework of prevention/safety measures* including, in particular:

- a guarantee of good living conditions for workers;
- the development of vocational training programmes;
- publicity campaigns on safety matters;
- improvement of the social dialogue;
- the extension of social protection to cover all fishermen;
- risk assessment;
- systematic and regular medical examinations for fishermen;
- the renewal and modernisation of the fleet;

- the construction of vessels from good-quality and resistant materials;
- strict checks on working conditions and vessels themselves, for example through inspections carried out by classification societies;
- improved maintenance of equipment designed to combat and protect against fire and shipwreck, as well as life-saving equipment;
- improved navigational aids;
- greater monitoring of maritime traffic;
- improved meteorological information for fishermen;
- higher safety standards for equipment;
- improved life-saving equipment on board, including personal equipment;
- personal life-saving equipment suited to the different tasks and fishing-grounds;
- a requirement that all appropriate vessel and crew licences must be held;
- improved coordination between rescue and radio-medical assistance services;
- coordination between all bodies associated with health and safety in the fishing industry;
- assessment of the impact on fishermen's safety and working conditions when resource management policy is defined.

Achieving these goals will involve several stages:

- First of all, existing international and Community instruments in the area of health and safety in the fishing industry need to be ratified and applied by the Member States;
- Secondly, in order to make the application of these measures more effective, cooperation between the various bodies involved at national, Community and international level will need to be improved;
- Thirdly, a structure will need to be created to coordinate all the efforts made at both national and Community level with the aim of strengthening prevention and safety measures for the fishing industry. The main aim of this structure will be the establishment of a common database and the exchange of information, experience and best practices. In this sense, the future Maritime Safety Agency will need to address the safety of fishing vessels and work together with accident-prevention bodies to cut the number of fishing vessel casualties and accidents on board.

Such a project will entail the commitment of the necessary financial resources, at an appropriate level, by all those involved (the various administrations, shipowners, fishermen and social operators), matched by the necessary tax incentives. In the same way, appropriate safety obligations should be imposed on those benefiting from both national and Community subsidies for the fishing industry.

13 October 2000

## **OPINION OF THE COMMITTEE ON REGIONAL POLICY, TRANSPORT AND TOURISM**

for the Committee on Fisheries

on Fisheries: safety and causes of accidents  
(2000/2028(INI))

Draftsperson: Marieke Sanders-ten Holte

### **PROCEDURE**

At its meeting of 19 April 2000 the Committee on Regional Policy, Transport and Tourism appointed Marieke Sanders-ten Holte draftsperson.

It considered the draft opinion at its meetings of 13 September and 11 October 2000 .

At the last meeting it adopted the following conclusions by 47 votes to 1, with 0 abstentions.

The following were present for the vote: Konstantinos Hatzidakis, chairman; Helmuth Markov and Emmanouil Mastorakis vice-chairmen; Marieke Sanders-ten Holte, draftsperson; Sir Robert Atkins, Elspeth Attwooll, Emmanouil Bakopoulos, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Felipe Camisón Asensio, Carmen Cerdeira Morterero, Luigi Cocilovo (for Rolf Berend), Carlos Costa Neves, Alain Esclopé, Giovanni Claudio Fava, Markus Ferber (for Martin Callanan), Jacqueline Foster (for Luigi Cesaro), Jean-Claude Fruteau (for Danielle Darras), Mathieu J.H. Grosch, Ewa Hedkvist Petersen, Mary Honeyball, Marie Anne Isler Béguin (for Camilo Nogueira Román), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Hugues Martin (for Francis F.M. Decourrière), Sérgio Marques, Erik Meijer, Reinhold Messner, Francesco Musotto, Juan Ojeda Sanz, Josu Ortuondo Larrea, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Giovanni Saverio Pittella (for Gilles Savary), Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Dana Rosemary Scallon, Ingo Schmitt, Brian Simpson, Renate Sommer, Per Stenmarck (for Ari Vatanen), Ulrich Stockmann, Margie Sudre and Mark Francis Watts.

## **SHORT JUSTIFICATION**

### **Introduction**

Commercial fishing in the European Union is a major economic activity that employs 270,000 fishermen and has an annual catch value of over 8000 million Euros. The total European Union fleet is 100,000 vessels with an estimated gross tonnage of 2 million metric tonnes.

Commercial fishing has risks inherent in its operating conditions which sometimes entail fishing in distant waters and in unfavourable, or even very unfavourable, climatic conditions. Accident and fatality rates in commercial fishing, when compared to other industries, are high although they vary depending on the fishing operation, the area of operation, the vessel size and the equipment carried. The Commission gives a figure of 6.5 fatal accidents per 100,000 employees per annum for the EU fishing industry. ILO statistics show a fishing industry fatality rate in the United Kingdom which is 15 times the national average, 22 times the national average in Sweden, 8 times the average in Spain, 25 times in Denmark and so on.

Foundering, wrecking and stranding are major causes of fatalities. A study of fatal accidents in the Danish industrial fleet for the period 1989 to 1996 reported that half of the losses to drowning or hypothermia were due to vessels sinking.

Non-fatal accident rates are also high. It is estimated by the ILO Occupational Safety and Health Branch that they run at approximately 1000 times the fatality rate. The same source reports that most accidents result from human error.

### **Previous consideration by the Parliament**

Whenever legislation with a bearing on safety in the fishing industry has come before the Parliament its primary concern has been to ensure that measures conducive to safe fishing are adopted and indeed implemented. The Parliament has also been mindful of the need for the industry to remain competitive and for there to be a "level playing field" within the European Union and between the EU and its competitors. Parliament's role in adopting fishing safety legislation is described in greater detail below in the paragraph dealing with EU legislation.

### **The International Context**

The international regulation of matters related to safety in the Fishing industry falls within the remit of the International Maritime Organisation. Measures relating to the safety of large fishing vessels (24 metres in length or over) date back to the 1977 Torremolinos Convention. However this Convention did not come fully into force because of its non-ratification by a number of the leading fishing nations. In 1993 a protocol to the Torremolinos Convention was adopted which restricted certain mandatory provisions to vessels of 45 metres or above. Additional requirements for vessels between 24 and 45 metres in length were left to "regional arrangements". The Convention and Protocol deal in particular with the certification, construction and equipment of fishing vessels; their stability, machinery and installations; fire protection; crew safety; life-saving appliances; emergency procedures; radio communications and life-saving appliances.

## **European Union Legislation**

European Union legislation on Fishing safety has had two geneses. The first has been to improve safety and health on board vessels, the second to establish a regional agreement as foreseen in the context of the Torremolinos convention and protocol.

Council Directive 92/29/EEC applies to all seagoing or estuary fishing vessels and establishes requirements in relation to medicines on board, allocation of responsibilities, information and training and medical consultations by radio.

Council Directive 93/103/EC concerns the minimum safety and health requirements for work on board fishing vessels. It applies to all vessels above 18 metres and from 23 November 2002 will apply to all vessels above 15 metres. It places a broad onus on Member States. Vessels and their equipment are to be technically maintained and defects likely to effect health and safety rectified. Adequate suitable emergency and survival equipment is to be kept on board and a series of minimum safety and health requirements are established.

More recently Council Directive 97/70/EC has been adopted to “plug the gap” left by the Torremolinos Protocol for vessels of 24 metres or more in length. It applies not only to vessels flying an EU flag but also to other vessels operating in the internal waters or territorial sea of a Member State or landing their catch in a port of a Member State. Following the Convention and Protocol the Directive deals with the certification, construction and equipment of fishing vessels, their stability, machinery and safety equipment. Member States are to use surveys and Port State Control to ensure compliance. They may take specific safety measures applicable to vessels operating in areas with distinctive climatic or geographical features. The Parliament adopted the Directive without amendment. The rapporteur for the Transport Committee, Mr Le Rachinel, found that the Commission had “managed to strike a judicious balance, reconciling the requirements of harmonisation of safety standards, fair competition, and the protection of a vulnerable employment sector.”

It should be remembered however that only 3% of the EU fleet is 24 metres or over in length. 77% of the fleet is under 10 metres in length to which neither the provisions of Directive 97/70/EC nor Directive 93/103/EC apply.

## **The Future Development of Legislation**

The Torremolinos Protocol is not static and is subject to amendment as its provisions are updated and ratified. Article 9 of Directive 97/70 sets up a regulatory committee to amend the detailed provisions in the Directive’s annexe to reflect these changes. It is important, nevertheless, that major changes are subject to amending Directives submitted to Parliament and that the Parliament is informed of other changes. The Commission has completed one review of changes to the Torremolinos protocol and is about to launch a second with a view to the Regulatory Committee amending the Directive. Parliament must be informed of the package of changes proposed.

The provisions of Directive 93/104/EC on certain aspects of the organisation of working time do not cover the sea-fishing sector. The very nature of the industry, its diversity and the fact that it has many self employed workers means that framing European legislation to deal with fishers'



working hours would be extremely difficult. Nevertheless the issue of hours of work and rest for sea fishing has a direct bearing on the safety of fishing vessels.

The Commission contracted a consulting firm to assess the need for and feasibility of Community action for vessels under 45 metres. They proposed new minimum requirements on watertight integrity; stability; fire protection; machinery and electrical installations; crew protection and life saving appliances for existing vessels of over 24 metres, new and existing vessels of between 15 and 24 metres, and new vessels of between 10 and 15 metres. For smaller vessels only a general Directive covering stability, life saving appliances, crew protection, fire fighting, radio and navigation equipment was considered feasible. The Commission should now bring forward clear proposals, though not necessarily legislation, in respect of this size of fishing vessel.

### **The Implementation of Legislation**

Finally there is the crucial question of the transposition and implementation of the existing Directives. The European Court of Justice condemned Italy for the non-transposition of Directive 93/103 in December 1999. The Directive was due to be transposed by November 1995. Italy and France have still to transpose Directive 97/70 for which the transposition date was set at 31 December 1998. Equally important is implementation once transposed. Again implementation is a responsibility of the Member States and the legislation is only effective if properly and fully implemented. In this area much depends on the Member States' inspection regimes.

Article 13 of Directive 93/103/EC requires Member States to report to the Commission every four years "on the practical implementation of the Directive" and for the Commission to report periodically to the Parliament on the implementation of the Directive. In a similar vein Member States should report to the Commission and the Commission to Parliament on the practical implementation of Directive 97/70/EC on the safety regime for vessels of 24 metres or more.

### **Using Best Practice**

The Commission has a role in encouraging the identification and use of best practice within the Union. It has been active in promoting safety training by drawing on the knowledge and experience of the Member States and their training and research institutes. It may now be appropriate to update its 1993 publication *Health and Safety Training in the Fishing Industry* and reinforce its programme of training sessions for instructors in the Member States.

In Denmark Fishing Safety Councils meet regularly to develop action plans and to co-ordinate the implementation of fishing safety legislation. Membership is drawn from employers and employees, trade unions and fishing vessel owners. All persons working on Danish fishing vessels are obliged to become affiliated with the council. The Commission should encourage similar initiatives in other Member States through a regular system for the exchange of information.

Similarly the Dutch Fishery Producers Association has successfully developed a comprehensive training programme based largely on IMO standards. The exchange of information on its experience may be beneficial to other national associations

## CONCLUSIONS

Your Draftsperson has prepared this opinion before the Hearing on Fishing industry safety organised by the Fisheries Committee has been held to allow members of the Regional Policy, Transport and Tourism Committee adequate time to consider the draft opinion and to prepare amendments if they so wish. Your Draftsperson will pay particular attention to the views expressed by experts from all sides of the industry in the course of the hearing and may, consequentially, submit amendments to this draft opinion.

The Committee on Regional Policy, Transport and Tourism asks the Committee on Fisheries, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Urges Member States and applicant states to act in concert within the International Maritime Organisation to ensure the ratification of the Torremolinos Protocol and where necessary act in concert with the International Labour Organisation;
2. Insists that Member States respect the provisions of existing EU legislation by ensuring its speedy transposition and full implementation;
3. Asks the Commission in a communication to the Parliament to report on the implementation at Member State level of Directive 93/103/EC using, *inter alia*, the information provided to it in accordance with Article 13 of the same Directive and informing the Parliament of which Member States have failed fully to respect this provision; and in the same document advise the Parliament of the Commission's assessment of the implementation of Directive 97/70/EC with particular reference to Port State Control of fishing vessels;
4. Insists that the Commission advise the Parliament of changes to Directive 97/70/EC, effected through the comitology procedure, resulting from changes to the Torremolinos Protocol;
5. Calls on the Commission to make an inventory of the measure of enforcement of fishing safety legislation pertaining to ships below 24 meters, and where necessary to bring forward proposals for improvement in consultation with Owners, Captains or Operators of such vessels or their representative organisations;
6. Asks the Commission to encourage the social partners in this industry to draw up a voluntary agreement on working hours in accordance with Article 139 EC;
7. Emphasises the importance of the exchange of information to encourage best practice, especially in the area of training, given that most accidents result from human error;
8. Emphasises the crucial role of the fishing sector itself in ensuring that training covers existing personnel as well as new recruits;
9. Stresses the need to make full use of new technology to improve the safety of all vessels and especially small fishing vessels.

10. Urges Member States and the Commission to ensure that full use is made of the opportunity to provide financial assistance for safety related improvements to fishing vessels under the provisions of Council Regulation 2792/99 (laying down detailed rules and arrangements regarding Community structural assistance in the fisheries sector), and in particular of its Article 6 on fleet renewal and the modernisation of fishing vessels and invites the Commission to assist financially those most affected by the proposed changes.