

Work in Fishing Convention, 2007

The EU Dimension

Work in Fishing Convention, 2007

- Entry into force: 16 November 2017
- In force for
 - Estonia
 - France
 - Lithuania
- Upcoming ratifications (early 2019)
 - United Kingdom of Great Britain and Northern Ireland
 - Kingdom of the Netherlands in Europe
- Transposed into Directive (EU) 2017/159
 - To be implemented in national law by 15 November 2019

Work in Fishing Convention, 2007

- Areas of concern
 - Flexibility clauses
 - Medical examination of fishers
 - Training and certification of fishers
 - Cross-border labour market services
 - Gross tonnage ceiling versus improvement of fishing vessel accommodation
 - Enforcement

Work in Fishing Convention, 2007

- Flexibility clauses
 - Confusion on the use of flexibility clauses
 - ILO Working Paper No. 315:
 - The flexibility clauses of the Work in Fishing Convention, 2007 (No. 188)
 - Available on ILO's website

Work in Fishing Convention, 2007

- Medical examinations of fishers
 - ILO Member to determine:
 - Nature of medical examinations
 - Form and content of medical certificates
 - Work in Fishing Recommendation, 2007
 - Take into account
 - ILO/WHO 'Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers'
 - In 2011 replaced by
 - ILO/IMO 'Guidelines on the medical examinations of seafarers'
 - Medical examinations of fishers are **not** included

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- Medical examinations of fishers
 - 2019 Project of the Sectoral Social Dialogue Committee in Sea-Fishing
 - Establishment of EU 'Guidelines on medical examination of fishers'

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- Training and certification of fishers
 - All fishing vessels
 - For safe navigation and operation
 - Under the command of a competent skipper
 - Every fishing vessel of 24 metres in length (L) or over
 - For safe navigation ILO Member to specify
 - Number and qualifications of fishers required
- No standards are set
- Work in Fishing Recommendation, 2007
 - Refers to IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995

Work in Fishing Convention, 2007

- Training and certification of fishers
 - STCW-F in force for only 8 Member States:
 - Belgium
 - Denmark
 - Latvia
 - Lithuania
 - Poland
 - Portugal
 - Romania
 - Spain

Work in Fishing Convention, 2007

- Training and certification of fishers
 - 2018 Project of the Sectoral Social Dialogue Committee in Sea-Fisheries
 - Training and certification of fishermen; The role of the European social partners (paper prepared by Ment van der Zwan)
 - Social partners have the statutory competence to enter into an agreement at Union level with the view of having it implemented in the Union's legislation
 - Social partners will try to persuade the European Commission to come up with a proposal for harmonized minimum standards of training and certification for all fishermen depending on size of vessel and of propulsion power based on international standards or guidelines

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- Cross-border labour market services
 - The ILO tripartite expert meeting on issues related to migrant fishers showed that cross-border recruitment of fishers through agencies was one of the causes of serious abuse of migrant fishers even in the EU
 - In order to ensure that both migrant fishers and fishing vessel owners would not fall in the hands of maleficent crewing agents, the experts called for ILO guidelines for decent cross border recruitment of fishers
 - So far, the ILO has no project planned for the establishment of such guidelines
 - 2019 Project of the Sectoral Social Dialogue Committee in Sea-Fishing on the establishment of guidelines on decent (cross-border) recruitment of fishers

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- Gross tonnage ceiling under the CFP versus improvement of fishing vessel accommodation
 - New fishing vessels' accommodations to increase *vis-à-vis* existing vessels for improvement of living and working conditions aboard fishing vessels
 - Also applies if accommodation is reconstructed considerably on existing fishing vessels
 - Increase of accommodation means increase of gross tonnage which is a volume measurement
 - For new fishing vessels existing gross tonnage has to be used
 - For reconstruction of existing fishing vessels' accommodation also existing gross tonnage has to be used
 - This results in loss of fishing capacity (storage space), hence loss of income
 - Fishers pay themselves for improvement of their conditions

Work in Fishing Convention, 2007

- Gross tonnage ceiling under the CFP versus improvement of fishing vessel accommodation
 - 2018 Project of Sectoral Social Dialogue Committee in Sea-Fishing on fishing capacity in terms of gross tonnage and propulsion power
 - Analysis on Gross Tonnage and Propulsion Power Ceilings (paper prepared by naval architect Prof Arie Aalbers)
 - Conclusion: Gross Tonnage and propulsion power are inadequate and unfair units for determining a fishing vessel's catching capacity and the CFP ceilings to these units hinder improvement of living and working conditions aboard fishing vessels including safety at sea in fishing

Work in Fishing Convention, 2007

- Compliance and enforcement
 - Effective exercise of jurisdiction over fishing vessels
 - Establishment of a system for ensuring compliance, including
 - Inspections, reporting, monitoring, complaint procedures, penalties and corrective measures
 - Issuance of valid documents for complying vessels remaining at sea for more than three days, which
 - are 24 metres in length (L) or over, or
 - normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance is greater
 - Port State inspections

Work in Fishing Convention, 2007

- Compliance and enforcement
 - Flag States concerns about their capacity for inspection of fishing vessels on compliance with national legislation implementing the Work in Fishing Convention, 2007
 - The European Commission has not proposed a directive on harmonized compliance and enforcement
 - The ILO has adopted
 - Guidelines on flag State inspection of working and living conditions on board fishing vessels
 - Guidelines for port State control officers for the implementation of the Work in Fishing Convention, 2007 (No. 188)