

European Communities

EUROPEAN PARLIAMENT

Working Documents

1984-1985

5 February 1985

DOCUMENT 2-1589/84^{EC}

Report

drawn up on behalf of the Committee on Agriculture,
Fisheries and Food

on the proposal from the Commission of the European
Communities to the Council (Doc. 1-357/84 - COM(84) 340
final) for a Decision on the ratification of the
Torremolinos International Convention for the Safety
of Fishing Vessels and the application of the
provisions thereof by the Member States pending the
entry into force of the Convention at international
level

Rapporteur: Mr James PROVAN

PE 92.764/fin.

Or. En.

By letter of 10 July 1984, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 43 of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a decision on the ratification of the Torremolinos International Convention for the Safety of Fishing Vessels and the application of the provisions thereof by the Member States pending the entry into force of the Convention at international level.

On 24 July 1984, the President of the European Parliament referred this proposal to the Committee on Agriculture, Fisheries and Food as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Social Affairs and Employment and the Committee on Transport for their opinions.

At its meeting on 27 September 1984, the Committee on Agriculture, Fisheries and Food appointed Mr PROVAN rapporteur.

On 23 October 1984, the President of the European Parliament referred the Motion for a Resolution by Mr PROVAN and others on safety in sea fishing (Doc. 2-748/84) to the Committee on Agriculture, Fisheries and Food, as the Committee responsible and to the Committee on Transport and the Committee on Social Affairs and Employment for opinions.

On 31 October 1984, the Committee on Agriculture, Fisheries and Food decided to treat this Motion for a Resolution in the present report.

The Sub-Committee on Fisheries considered the Commission's proposal and the draft report at its meetings of 18/19 December 1984 and 30/31 January 1985. At the last meeting, it approved the Commission's proposal without amendment and adopted unanimously the Motion for a Resolution as a whole. The following took part in the vote:

Mr Battersby (Vice-Chairman and Acting Chairman); Mr Ebel, Mr Marck, Mr McCartin, Mr Morris and Ms Quin.

In accordance with Article 97(1) of the Rules of Procedure, this decision was ratified by the Committee on Agriculture, Fisheries and Food at its meeting of 31 January/1 February 1985, and they decided unanimously to recommend to Parliament that it approve the Commission's proposal without amendment.

Present: Mr Tolman (Chairman); Mr Battersby (Acting Rapporteur); Mr Abens (deputizing for Mr Woltjer), Mr Dalsass, Mr Ducarme (deputizing for Mr B. Nielsen), Mr Ebel (deputizing for Mr Mertens), Mr Früh, Mr Guarraci, Mr Happart, Mr Ligios (deputizing for Mr N. Pisoni), Mr MacSharry, Mr Maher, Mr Marck, Mr Mühlen (deputizing for Mr Clinton), Mr Musso, Mr Roelants du Vivier (deputizing for Mr Christensen), Mr Romeos, Mr Späth (deputizing for Mr Bocklet).

The opinions of the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Transport are attached. The Committee on Social Affairs and Employment has not given an opinion.

The report was tabled on 1 February 1985.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	6
B. EXPLANATORY STATEMENT	8
<u>Annex</u> Motion for a Resolution by Mr Provan and others on safety in sea fishing (Doc. 2-748/84)	18
Opinion of the Committee on Economic and Monetary Affairs and Industrial Policy	19
Opinion of the Committee on Transport	20

The Committee on Agriculture, Fisheries and Food hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

A

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Decision on the ratification of the Torremolinos International Convention for the Safety of Fishing Vessels and the application of the provisions thereof by the Member States pending the entry into force of the Convention at international level

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 1-357/84),
 - having regard to the Motion for a Resolution by Mr PROVAN and others on safety in sea fishing (Doc. 2-748/84),
 - having regard to the report of the Committee on Agriculture, Fisheries and Food and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Transport (Doc. 2-1569/84),
 - having regard to the result of the vote on the Commission's proposal,
- A. Whereas the Torremolinos International Convention for the Safety of Fishing Vessels lays down safety regulations for new and extensively reconditioned fishing vessels of a length of 24 metres or more,
- B. bearing in mind that with the enlargement of the Community to include Spain and Portugal the Community fleet will be substantially increased and that it will, therefore, be of even greater importance to ensure equal conditions of competition between fishing fleets,

¹ OJ No. C 183, 10.7.84, p.17

- C. noting that application by Community members will assist this process and that ratification by all Community members would help in accelerating the adoption of the Convention,
- D. aware, however, that the Convention will not come into effect until it is ratified by at least fifteen countries whose fishing fleets account for a total of at least 50 per cent in number of the world-wide fleet of vessels greater than 24 metres in length,
- E. emphasizing that advance ratification will not impose penalties on Community shipbuilders vis-à-vis third country shipbuilders nor will it penalize Community fishermen vis-à-vis their competitors,

A. TORREMOLINOS CONVENTION FOR THE SAFETY OF FISHING VESSELS

- 1. Approves the Commission's proposal as an interim solution until Community safety codes have been drawn up;
- 2. Believes that this measure will constitute a first step towards the Community's goal of improving the safety of the crews of fishing vessels;
- 3. Notes that since the Convention only applies to vessels larger than 24 metres only a small proportion of fishing vessels will be affected, but that large vessels account for a greater proportion of both tonnage and crews and that the accident rate is higher in this category;
- 4. Points out further that, although there have been five Safety of Life at Sea Conventions since 1929, fishing has not been included because boats traditionally returned to home ports and did not engage in international trade;
- 5. Notes that other provisions of an international nature specifically concerning fishing vessels (published by IMO, ILO, FAO) cover selected and heterogeneous areas and cannot easily be implemented;
- 6. Points out however the limitations of the Convention and views the Convention as a first step to improve safety of fishing boats and crews;

B. SAFETY OF COMMUNITY FISHING VESSELS AND CREWS

- 7. Calls on the Commission to submit proposals for Community safety codes which would apply to all new fishing vessels over 12 metres in length, with appropriate transitional provisions for all fishing vessels over 12 metres in length which are currently in use;

8. With regard to safety at sea, draws attention to the poor record of the fishing industry with regard both to the loss of fishing vessels at sea and the high accident rate at work on fishing vessels, and, further, draws attention to the lack of a safety inspectorate for sea fishing;
9. Draws attention to the role of the European Parliament in providing finance for the study of safety of fishing vessels and crews; congratulates the Commission on its research response in this field; believes that the results of the work carried out so far should be more widely diffused and that the research flowing from Community expenditure must now be turned into practical improvements;
10. Points out that this research highlights the fact that in certain sectors of Community fishing activities, accidents have led to an increase in the death rate over the past twenty-five years; that fishing is probably the most dangerous of all occupations involving a large number of people in the Community, that the accident rate is higher than in other occupations, and also that the nature of these accidents is usually more serious;
11. Believes that because of the special characteristics of fishing - its diversity in type of activity, fleet structure, vessel sizes, length of voyage, areas fished, nature of crews - and the particularly arduous conditions of life at sea and the strenuous work involved, the problems of safety at work in sea fishing require further detailed study with a view to creating a programme of action, specific to the industry, that will help improve safety in sea fisheries;
12. Notes with particular concern the number of accidents in the under 25 age group. This reinforces the need for training in safety to form an integral part of the training of fishermen;
13. Believes in this connection that particular attention must be given to accident prevention, the improvement of training, and research into causes of accidents, which will involve co-ordination between experts, ship-designers and builders, and fishermen;
14. Calls, therefore, on the budgetary authority to provide sufficient funds to finance the practical work necessary to allow the bad record of accidents in the fishing industry to be drastically reduced;
15. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENTINTRODUCTION

The following report is in two sections. The first section deals specifically with the Torremolinos International Convention for the Safety of Fishing Vessels, on which a Council Decision is required, and on which the Parliament has been consulted. The second section deals more generally with safety in sea fishing. The reason for this division is that it is important that the Parliament's opinion on the Torremolinos Convention be unequivocal, so that the Council can have no excuse for failing to act on the proposed Decision. It would be counterproductive if a parliamentary report, which is an attempt to focus further attention on the subject of safety in sea fishing were in fact the instrument by which the Council could postpone taking the Decision which is required here.

Section I: The Torremolinos International Convention for the Safety of Fishing Vessels.

The Torremolinos International Convention for the Safety of Fishing Vessels, held in 1977, was attended by some 45 countries, including all the coastal Member States of the Community, and was concerned with the laying down of safety regulations for fishing vessels of a length of 24m or more. The Convention was organized by the Intergovernmental Maritime Consultative Organization, which has since that time changed its name to the International Maritime Organization (IMO). The Convention consists of over 200 pages of detailed regulations concerning the standards of construction to be applied for new vessels, including the type and nature of equipment on all subjects which have a bearing on ship safety. A relatively small portion is devoted to what might be called the social aspects of safety, e.g. limitation of noise on board (Regulation 50 simply states 'Measures shall be taken to reduce the effects of noise on personnel in machinery spaces to levels satisfactory to the Administration'), and protection of the crew, for which there are four regulations (Regulations 106 - 109).

The Convention is thus of an overwhelmingly technical nature, which is aimed at improving the safety of fishing vessel design, since the construction of ships obviously has an important bearing on safety.

However, the Convention can only come into force if it is ratified by at least fifteen countries whose fishing fleets account for a total of at least 50% in number of the worldwide fleet of vessels of the length in question. As at 1 May 1984, the eleven countries signatory to the Convention accounted for only some 20% of the total in question. Member States of the Community which have ratified the Convention are France (1979), the United Kingdom (1980), Belgium (1982), Italy and the Federal Republic of Germany (1983). Other Member States are in the process of ratification, although various delays in parliamentary procedure have prevented them from doing so.

The intention of the present proposal is to ensure that Member States will ratify the Convention by 30 June 1986 at the latest. It is pointed out that, following the establishment of a common fisheries policy, there is a greater need to harmonize national regulations. As the Commission points out in its Explanatory Memorandum, uncoordinated application of the Convention might affect competition conditions within the Community, or even render ineffective the safety measures already taken by some Member States.

Commentary

Because of the requirement that the Convention can only come into force if it is ratified by at least 15 countries whose fishing fleets account for a total of at least 50% in number of the worldwide fleet of vessels of the length in question, it is fairly unlikely that the Convention will come into force in the foreseeable future. Even with the completion of the ratification by all Member States of the Community, the total amount of shipping covered by countries which have ratified the Convention will be less than 30% of the world total. The IMO estimates that some 21,500 ships worldwide are involved, and the most important fleets are owned by Japan, the USSR, Korea, USA, China and the Philippines, which together account for about 50% of the world fleet. It may be asked, in this situation, why the Community should press ahead with ratification of a Convention which is unlikely to come into effect. To this, the answer must be that the subject of safety at sea is one which is of great concern to Member States and that such a measure which is a starting point for the improvement of vessels should be encouraged. It is well known that fishing is one of the most hazardous occupations.

This does, however, lead to a further question: whether ratification of the Convention will impose a commercial penalty on Community countries, particularly in the light of the fierce competition in shipbuilding. As a matter of fact, as has already been pointed out, many of the Member States have ratified the Convention, and others are in the process of doing so, so that the proposed Council Decision will do no more than speed up the process of harmonisation of national regulations. This is particularly important in view of the impending enlargement of the Community to include Spain and Portugal. Spain's deep sea fleet, as is well known, is as large as that of all present Member States' fleets put together. It should however be noted that Spain has ratified the Convention.

A second point relating to the question of commercial penalties is that if a Community shipbuilder does not adhere to the terms of the Convention when supplying a vessel to a third country buyer, he will not be breaking the law or infringing the Convention, since it has not come into effect. Thus, shipbuilders retain the flexibility to build to their clients' specifications. Nor would application of the Convention put Community fishermen at a disadvantage vis-à-vis their main competitors such as Norway, which has also ratified the Convention, and apply similar standards.

A further factor needs to be mentioned: fishing vessels of 24m or over represent only a tiny fraction (around 3%) of the total number of fishing vessels in the world, so that the impact of the Torremolinos Convention will in any case be very limited in total worldwide fishing activity although clearly the larger ships account for a proportionately larger share of the catch. According to Eurostat figures 4.6% of Community fishing vessels in 1982 were over 24m but these accounted for 51.2% of total tonnage and approximately a quarter of the workforce.

Your rapporteur welcomes the favourable Opinions adopted by the Committee on Transport and the Committee on Economic and Monetary Affairs and Industrial Policy.

The Economic and Social Committee has also expressed a favourable Opinion on the proposed measure.

In summary, the Committee on Agriculture, Fisheries and Food should have no hesitation in endorsing the Commission's proposal for the speedy ratification and advance implementation of the Convention. It is an important first stage towards the goal of improving the safety of the crews of fishing vessels.

Section II: Safety in Sea Fishing

Introduction

The subject of safety in sea fishing - the safety of the vessels themselves and also the working conditions on board fishing vessels - is one which has occupied the European Parliament for some time. The reason for this is obvious: sea fishing is an extremely hazardous occupation in relation both to the arduous conditions of life at sea and the strenuous nature of the work. In addition to a number of tragic accidents which have made headlines throughout the Community, there is continuing evidence of a high level of accidents, which, although of a less sensational nature, are nevertheless disturbing. It is these occurrences which have led specialists to talk of these accidents as being of an epidemiological nature - i.e. as though there is an epidemic of accidents, which require prompt and systematic diagnosis at Community level.

It was at the instigation of the European Parliament that money was provided in the 1983 Budget to fund a study on accidents in sea fishing. The basic facts are alarming. UK statistics, for instance, show that, for the years 1976-1980 for every 100,000 persons at risk there were 3 deaths in the manufacturing industry, 13 in the construction industry and 200 in sea fishing.

Sea fishing is more dangerous than mining. It is, indeed, the most dangerous occupation of any major industry. What is particularly worrying is that this is an on-going situation; the studies carried out so far do not indicate a decline in accident rate, so one cannot speak of an improvement in the situation which exists. Indeed, in some respects, the situation is getting worse, as will be demonstrated below. Further efforts are needed - urgently.

Background - Parliament's role

The Commission's initiative which resulted in the Council Resolution of 21 January 1974 concerning a social action programme provided for the establishment of an action programme in safety and health at work. On 27 February 1984, the Council adopted a Regulation on a second programme of action of the European Communities on safety and health at work, which acknowledged the continuing high level of accidents at work (and within which the proposal for the ratification of the Torremolinos Convention

should be seen). In 1980 the Commission also sent a Communication to the Council on social aspects in the Community sea-fishing sector, on which the Parliament was consulted. The Parliament's report¹ made a number of suggestions in the field of vocational training, employment, safety and health at work, and working conditions. Your rapporteur believes that the improvement of safety at sea is an important step in the overall improvement of working conditions in the fishing industry.

As mentioned above, Parliament ensured that funds were provided in 1983 to carry out a study on accidents in sea fishing, and this report was published in October 1983². The Parliament was also instrumental in providing 150,000 ECUs in the 1984 Budget in order to finance measures establishing a Community education and vocational training policy in the fisheries sector, and 100,000 ECUs to cover certain medical assistance measures and certain measures relating to safety at sea.

Research findings

The study carried out for the EEC and published in October 1983 deserves closer examination. Some of the main points to be noted are that it established that the activity of fishing, which involves some 150,000 people in the EEC, engaged in what is practically the most dangerous major occupation, with far worse working conditions than exist in almost any other industry, has scarcely been studied, despite the high level of accidents and the relatively serious nature of these accidents. The report highlights the individuality of the industry; the fact that there are virtually no parallels in terms of living and working cycles, and the diversity which exists in organisation, fleet structure and boat sizes, and in the nature of the jobs carried out and the areas fished.

The first part of the study analysed accidents in Member States by month of the year, by time of day, by weather conditions, by activity and immediate causes, by injured parts as well as by falls overboard. Similar analysis was also carried out of dockside accidents. The objective of this approach was to establish the causation, and thus, if possible, a pattern, and what emerged was confirmation of what perhaps most people in the industry know, but which had never been systematically analysed: the predominance of handling activities in causing accidents, and the fact that

¹ Woltjer Report, Doc. 1-685/80

² Accidents in Sea Fishing, parts 1 and 2, by M/s Andro, Dorval, Le Bouar and Le Pluart, Docs. 3434/83 and 3700/83

within this, the hauling phase accounts for 50% of accidents for several countries. It is also during handling that most falls overboard are recorded (75% of accidents surveyed), and this handling mainly coincides with hauling and shooting fishing gear. The study notes:

- The predominance of fishing gear, winches and cables as an immediate cause of accidents.

The consistency of the results here is quite remarkable and ranges from 35 to 41% for the various countries studied.

It is mainly whilst handling fishing gear that this equipment causes the accidents. The study notes in particular:

- The lack of influence of the activity on the susceptibility to falls.
- The high rate of accidents to hands which represents 30% to 40% of accidents reported.
- Apart from the Federal Republic of Germany and the United Kingdom, dockside accidents account for a fairly large number of accidents, with percentages ranging from 25% to 35%.

Other evidence suggests that:

- a large number of these accidents (39%) are due to falls,
- that the hand is the part injured most frequently (31.2% of accidents).

The report makes the point that more research is necessary to complete the study and establish a more complete pattern relating to other factors (weather conditions, month of year, time of day, etc.).

A number of conclusions are drawn with a view to positive action: specific suggestions are made

- (1) in the field of prevention of accidents
- (2) in the field of training
- (3) in the field of research.

The second part of the study covered working conditions, and was based on a sample of fishing trips, and contains analysis of work organization by job, and by day, vividly demonstrating the physical and mental strain to which different members of the crew are put. Analysis of noise on board and lighting, is also included, and there are specific suggestions for improvement in the three fields of prevention, training and research. Further research is to be carried out on mental and physical strain.

Dorval and his colleagues presented further reports to the Commission in the Autumn of 1984.¹ This work draws particular attention to training requirements and the need for more detailed analysis of certain fishing operations. The study also examined working conditions on a number of larger inshore vessels. Your rapporteur would stress that if this useful work funded by the Community is to be beneficial to fishermen it is essential that it be widely diffused throughout the fishing industry. This in turn will encourage a more complete return of data on accidents.

The Commission also conducted a seminar in May 1984 in Lorient with the object of discussing experiences of data collection and analysis on accidents, examining working conditions and improving safety in the design of vessels.

In connection with this latter subject, the results of a study² were discussed which showed that as regards the trend in mortality during the period 1961-1980, the mean death rate for 1,000 sailors in deep-sea vessels increased from 2.31 in the period 1961-70 to 3.21 in the period 1971-80, an increase of 38.90%.

The author of this study demonstrates that this increase is the result of an increase in the number of deaths resulting from both foundering (+31.58%) and personal accident (+48.98%). On the other hand the mean death rate per 1,000 sailors in inshore fishing decreased by 3.91%, dropping from 1.28 (1961-70) to 1.23 (1971-80). This slight decline however masks the fact that it is a result of two contradictory trends - a reduction of 33.33% in fatal accidents on board and an increase of 52.27% in fatal accidents as a result of foundering. Overall, the mean death rate for fishermen increased in the two reference periods.

The author has also looked at the Total Loss and Serious Casualty Rate (TL/SC Rate) for British fishing vessels during 1961-80. There has been a gradual and sustained increase.³

¹ Les Accidents du Travail Dans la Pêche Maritime, Parties I, II et III, Andro et al 1984, Doc. 3380/84 et Doc. 8381/84

² Seminar on Integrated Safety and the Prevention of Accidents in the Sea Fishing Industry (Commission of the European Communities) Doc. 8237/84.

³ The Safety of UK Fishing Vessels 1961-80, Reilly MSJ, Journal of Navigation Vol. 37, No. 1

In looking at the causes of these trends, he came to the following conclusions: The accident rate was influenced by:

- (1) the age of vessels - many are old, having been built immediately after the war;
- (2) the need to fish in new and often dangerous fishing areas, as fish stocks have declined;
- (3) the use of new fishing methods which had not been foreseen when the vessels were built;
- (4) the decline of profitability of the industry, making it necessary for fishermen to go out to sea at times and in conditions when they would otherwise not have done so;
- (5) other factors - engine renewal, excess weight (new appliances fitted to boats), vessel maintenance problems etc.

It is to be hoped that with the changing structure of the Community fleets and the settlement of the CFP some of these earlier causes of loss may be diminished.

The author however stresses that the occurrence of accidents cannot usually be attributed to the operation of any one factor (even if this is pre-eminent) but as a result of the interplay of many factors. It is this concept of the role of many factors in the causation of accidents, that needs deeper study.

CONCLUSIONS

Your rapporteur believes that the available evidence demonstrates that far more needs to be done to improve safety at sea for fishermen, despite the existence of a number of international provisions (FAO, ILO, IMO and Torremolinos). In essence, the main lines of development that need to be pursued are:

- (1) Continuation and strengthening of the programme of studies; comparison and exchange of information at Community level;
- (2) Greater information on the results of studies to be passed on to the fishing industry with a view to the implementation of positive proposals, and especially to the training of new crew members;

- (3) Greater emphasis on the prevention of accidents on board fishing vessels. Here the Commission should come forward with proposals in the following areas:
- those where falls occur such as deck openings, rails, stern trawler ramps, gangways and ladders,
 - winches and fishing gear, particularly protection of moving parts, the securing of trawl boards, the visibility of the work area from the bridge, modification of personal protective equipment,
 - lighting of work places, noise and vibration,
 - minimum requirements for living quarters;
- (4) Greater emphasis on training, especially training which is integrated into general training programmes;
- (5) Perhaps most important of all, a concertation of effort, on the part of ship designers, users and experts, bringing their knowlege, training and experience together, in order to make fishing at sea safer.

The Commission has taken a valuable initiative in connection with safety in fishing vessels. The European Parliament must encourage the Commission and make sure that after full consultation with the industry it comes forward with practical proposals to the benefit of all those who work on fishing vessels.

tabled by Mr PROVAN, Mr WOLTJER, Mr CLINTON, Mr GUERMEUR,
Mr PAPAPIETRO and Mr GRAEFE ZU BARINGDORF

pursuant to Rule 47 of the Rules of Procedure

on safety in sea fishing

The European Parliament,

- A. agreeing with the Commission that as there is little chance of the Torremolinos Convention coming into force it is essential for the Community itself to take action to implement the provisions of the convention,
 - B. noting however that the Torremolinos Convention lays down safety regulations only for the vessels of 24m or more but that the great majority of Community vessels are less than 24 metres in length,
 - C. noting also that, with the enlargement of the Community to include Spain and Portugal the Community fleet will be substantially increased and it will, therefore, be of even greater importance to ensure equal conditions of competition between fishing fleets,
 - D. drawing attention to the Community's commitment to training in sea fisheries initiated by the European Parliament in the 1984 budget and the importance of training to safety,
 - E. believing that working conditions can be improved through the application of improved design concepts,
 - F. conscious of the need to follow up the report undertaken for the Commission analysing accidents in sea fishing which underlined the seriousness of the situation in sea fisheries. Noting too that the trawlers studied were all comparatively large vessels¹,
1. Calls on the Commission to build on its research on safety in sea fisheries;
 2. In this context further calls on the Commission to bring its research findings to the notice of the Community's fishing industry;
 3. Calls on the relevant committee of the European Parliament to carry out a study into the further action necessary to improve safety in sea fisheries.

¹ v/1755/1/83

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS AND INDUSTRIAL POLICY

Letter from Dr SEAL, Chairman of the Committee on Economic and Monetary Affairs and Industrial Policy to Mr TOLMAN, Chairman of the Committee on Agriculture, Fisheries and Food

Luxembourg, 18 October 1984

Dear Mr Chairman,

At its meeting on 15/16 October 1984¹, the Committee on Economic and Monetary Affairs and Industrial Policy considered the proposal from the Commission for a Council Decision on the ratification of the Torremolinos International Convention for the safety of fishing vessels and the application of the provisions thereof by the Member States pending the entry into force of the Convention at international level (Doc. 1-357/84).

The Committee agrees fully with the Commission that an uncoordinated application of the Convention might affect competition conditions within the Community. Furthermore, the Committee notes with satisfaction that the Commission in its proposal has taken into consideration the requests expressed by the Parliament in paragraphs 1 and 7 of its Resolution on the shipbuilding industry in the Community adopted on March 29, 1984, (Doc. 1-1492/83). This Resolution calls for Community interest to be protected more effectively by ensuring general compliance with the rules of fair competition regarding compliance with the safety standards prescribed by international agreements.

This letter may be regarded as a favourable opinion of the Committee on Economic and Monetary Affairs and Industrial Policy.

Yours sincerely,

Dr. Barry SEAL

¹ The following took part in the vote: Dr Seal, Chairman; Mr Beazley, Vice-Chairman; Mr Bonaccini, Mrs Braun-Moser (deputizing for Mr von Bismarck), Mr Christodoulou (deputizing for Mr Ercini), Mr Cryer (deputizing for Miss Quin), Mr Gautier, Mrs van Hemeldonck, Mr Herman, Mrs de March, Mr Metten, Mr Mühlen (deputizing for Mr Starita), Mr Nordmann (deputizing for Mr Wolff), Mrs Tove Nielsen, Mr Raftery, Mr Romualdi, Mr Rogalla, Mrs van Rooy (deputizing for Mr Abelin), Mr Wagner, Mr Wedekind, Mr von Wogau

OPINION

(Pursuant to Rule 101 of the Rules of Procedure)
of the Committee on Transport

Draftsman: Mr Antonino BUTTAFUOCO

At its meeting of 17 October 1984, the Committee on Transport appointed Mr Antonino BUTTAFUOCO draftsman.

At its meeting of 22 November 1984, the committee examined the draft opinion and adopted its conclusions unanimously.

The following took part in the vote: Mr Anastassopoulos, chairman; Mr Klinkenborg, vice-chairman; Mr Buttafuoco, draftsman; Mrs Braun-Moser, Mr Carossino, Mr Ebel, Miss Faith, Mr Hoffmann, Mr Lalor (deputizing for Mr Roux), Mr Loo (deputizing for Mr Fatous), Mr Marshall, Mr Newton Dunn, Mr Remacle, Mr Rossetti, Mr Schreiber (deputizing for Mr Huckfield), Mr Seefeld (deputizing for Mr Papoutsis), Mr Stevenson (deputizing for Mr Cryer), Mr Topmann, Mr Visser, Mr Wijsenbeek and Mr Zahorka (deputizing for Mr Baudis).

A. AIM OF THE COMMISSION PROPOSAL

1. The text proposed by the Commission is intended to ensure that Member States ratify as soon as possible the International Convention on safety on fishing vessels adopted in 1977 at the Torremolinos Conference.
2. Furthermore, the time-limit proposed for this ratification, 30 June 1986, was fixed so as to ensure the actual implementation by Member States of the Convention's provisions and annexes by 1 January 1987 at the latest.

B. THE PROBLEM OF THE RATIFICATION OF INTERNATIONAL CONVENTIONS BY MEMBER STATES OF THE EUROPEAN COMMUNITY

3. The ineffectiveness of international action derives less from the proposed solutions than from the failure of states actually to implement the agreements.
4. In many cases, and particularly in the case of maritime transport, conventions are signed but do not enter into force until ratified by a sufficient number of countries.
5. This is especially the case with the Convention on the safety on fishing vessels which is the subject of the Commission proposal and whose entry into force is conditional on ratification by at least 15 States whose fishing fleets account for at least 50% of the world total of vessels in this category. To date it has been ratified by only 5 Member States (France, the United Kingdom, Belgium, Italy and Germany) have hitherto ratified it.
6. At the 1977 European Summit in Copenhagen, all heads of government agreed that the ratification of maritime conventions by Member States might speed up the entry into force of such agreements and enable the European Community to play a leading role in the prevention of accidents.
7. A second aspect of this problem is that uncoordinated ratification (or failure to ratify) may lead to distortion of competition within the Community.

C. THE EXTENT OF THE PROBLEM OF SAFETY ON FISHING VESSELS

8. Sea fishing provides employment for approximately 150,000 people throughout the Community, which is a relatively low figure.
9. However, fishing is a high-risk activity, in which accidents at work are particularly frequent because of the special conditions under which fishing is pursued.
10. In a study for the Commission undertaken in 1983 by the University Institute of Technology of Lorient on 'accidents at work in the sea-fishing industry', it was claimed that the death rate from accidents at work accounted for 0.2% in sea fishing as against 0.1% generally or 0.3% in the construction and public works industry, which is regarded as being a high-risk sector.
11. The need for safer conditions on board fishing vessels would therefore appear not so much a luxury as a necessity.

D. GENERAL COMMENTS ON THE COMMISSION PROPOSAL

12. The basic objective of the Commission proposal, namely the ratification of the Torremolinos Convention for safety on fishing vessels, can thus be seen, in view of the above remarks, as something entirely justified and positive on the part of the Community.
13. This attempt by the Commission to introduce specific measures to prevent accidents on fishing boats should therefore be welcomed as a first step towards improving safety and working conditions in the fishing industry.
14. Moreover, ratification of the Convention may actually be instrumental in removing obstacles to competition within the Community, insofar as Member States would be applying identical rules.

15. Lastly, the Commission proposal is also in line with the positions adopted by the European Parliament on agreements on maritime transport. Furthermore, it follows the broad lines of the European Parliament's resolution of 29 March 1984 on the Community's shipbuilding industry.

E. SPECIFIC REMARKS ON THE COMMISSION PROPOSAL

16. In addition to these general remarks, however, other more specific comments need to be made on the form of the proposal, not in order to detract from its importance but rather to demarcate its scope.

17. First, it should be pointed out that the Convention deals only with fishing vessels of 24 metres and over, that is with large vessels. Vessels of this size are in a minority within the Community's present fleet.

18. The Convention applies only to new boats, that is, according to the definition laid down in the agreement¹, to boats which are built or which undergo extensive refitting (which qualifies them to be classed as new vessels) after the Convention's entry into force. It should be stressed that the Commission proposal does not mention this special feature of the Convention, the effect of which is to restrict yet further its actual scope. Thus it can be seen that the Torremolinos Conference, at least for the years immediately following its entry into force, will affect only a very small number of vessels, since the rate of construction and refitting of fishing vessels is somewhat slow in this current period of economic crisis.

¹ Chapter 1, Article 2 of the annex on the rules for the construction and fitting out of fishing vessels.

19. Nowhere does the Commission proposal mention the prospect of Spanish and Portuguese accession. This is particularly regrettable since Spain possesses a sea-fishing fleet almost equal in size to the combined fleet of all the present Member States of the Community together. The Commission has, however, informed the Committee on Transport orally that Spain has already ratified the Convention.
20. With regard to paragraphs 18 and 19, the Commission proposals ought to contain enough information to provide Parliament with all the facts on those matters referred to it.
21. The ratification of the Torremolinos Convention by the European Community cannot of itself have sufficient knock-on effect to lead to the Convention's entry into force, for the simple reason that the Member States by no means represent a dominant force in the fisheries world. It is just conceivable that the general ratification of the Torremolinos Convention by the Community might lead certain countries like the United States to consider ratification more seriously, which is of course in itself a positive factor.

F. CONCLUSIONS

22. In view of the above observations and remarks, the Committee on Transport would recommend the Committee on Agriculture, Fisheries and Food, in its motion for a resolution, to:
 1. recognize the importance in general of safety on fishing vessels while not confining itself only to the framework of the Torremolinos Convention.
 2. note that the accession of Spain and Portugal will mean that the Community's fishing fleet practically doubles its size.
 3. welcome the drawing up by the Commission of a proposal for a decision aimed at securing ratification by all Member States of the Torremolinos Convention on safety on fishing vessels.
 4. believe that this proposal follows the broad lines of the resolution of 29 March 1984 on the Community's shipbuilding industry, particularly with regard to competition.

5. point out, however, that the Torremolinos Convention applies only to larger fishing vessels (of over 24 metres) constructed or substantially refitted after the Convention's entry into force.
6. regret somewhat that these two conditions of application severely restrict the scope of this first Convention on safety on fishing vessels.
7. welcome nevertheless any action likely to result in further international regulations on this matter.
8. urge the Commission to pursue forthwith its action on safety in the field of sea fishing by organizing studies and proposing specific measures designed to improve working conditions on ships and to pay particular attention to safety on fishing vessels currently in operation.
9. approve therefore the Commission proposal.