

Opinion of the European Economic and Social Committee on ‘Social dimension of fisheries’

(exploratory opinion)

(2020/C 14/09)

Rapporteur: **Gabriel SARRÓ IPARRAGUIRRE**

Referral	European Commission, 27.3.2019
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Plenary Assembly Decision	14.5.2019
Section responsible	Agriculture, Rural Development and the Environment
Adopted in section	4.9.2019
Adopted at plenary	25.9.2019
Plenary session No	546
Outcome of vote (for/against/abstentions)	137/0/1

1. Conclusions and recommendations

1.1. Sustainable competitiveness needs to take into consideration two new dimensions — environmental and social ⁽¹⁾. The EESC considers it crucial that fisheries policies be drawn up not only from an environmental perspective, but also from one that takes account of the overall importance of fishing, its impact on the rest of the economy and its role in maritime safety, in supplying healthy and wholesome food and in enabling populations to remain in vulnerable areas ⁽²⁾. The EESC underlines the importance of small-scale fisheries and the need to ensure a conducive legislative environment that enables this sector to act sustainably and to provide jobs which are especially important in many coastal communities. The role of women and the importance of their contribution has to be better recognised, in seeking to achieve gender equality.

1.2. The EESC recommends ensuring legislative consistency between measures to conserve marine biological resources and standards of maritime safety and working conditions by means of impact evaluations concerning: (i) employment, (ii) pay, (iii) construction and seaworthiness of fishing vessels, (iv) decent living and working conditions, and (v) skills acquisition and certification for fishermen. It also calls for closer coordination between the various public administrations at all levels in the interests of the comprehensive management of the sector.

1.3. The EESC urges the European Commission to include in its work programme a proposal for a directive to incorporate the International Maritime Organization’s International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel into the *acquis communautaire* in order to guarantee harmonised training and certification standards and enhanced maritime safety in the fishing sector.

1.4. The EESC calls on all social actors and institutions to promote a better image of fishing as a career and employment option for both qualified personnel and crew members., and to address the social deprivation and poor living and working conditions prevalent in many fishing communities and port towns.

⁽¹⁾ EESC opinion on *Listening to the citizens of Europe for a sustainable future (Sibiu and beyond)* (OJ C 228, 5.7.2019, p. 37).

⁽²⁾ EESC opinion on *Fisheries control* (OJ C 110, 22.3.2019, p. 118).

1.5. The EESC urges the European Commission to table the necessary amendments to the Common Fisheries Policy Regulation so that, where improvements in living conditions and safety on board fishing vessels are concerned, gross tonnage and power are not taken into account for the purposes of calculating fishing capacity ⁽³⁾.

1.6. The EESC calls on the Member States to ratify International Labour Organization (ILO) Convention No 188, providing the necessary resources for it to be transposed into national legislation and applied effectively and, where appropriate, delegating inspection and document issuance functions to classification societies, given the current problems in coordinating these functions in some countries.

1.7. The EESC would remind the Member States of the importance of transposing Council Directive (EU) 2017/159 ⁽⁴⁾, which incorporates ILO Convention No 188 into the Union's *acquis*, into their national law before 15 November 2019. It similarly urges the Commission to present, as quickly as possible, a proposal for an accompanying directive to include control and enforcement provisions, as was done for the maritime transport sector, in order to establish a harmonised inspections system.

1.8. The EESC recommends greater consistency between fisheries and trade policies. As a result, countries engaged in illegal fishing and serious labour abuses should not enjoy preferential access to the EU market. In this regard, tariff preference tools, such as autonomous quotas, should not be granted for products from these countries either.

2. Introduction and background

2.1. Fishing is a traditional occupation with deep cultural roots, and is crucial in many EU coastal communities as a vital source of food and nutrition, jobs, trade, economic well-being and leisure. There is no denying of the urgency of regenerating fish stocks and environmental resources, but, as pointed out by the EESC in previous opinions, for many years international efforts have been entirely focused on ensuring environmental sustainability, paying scant attention to the economic aspect and even less to the social and maritime safety aspects.

2.2. In spite of continuous technical progress, however, fishing is still seen as a high-risk activity due to factors such as weather conditions, its physical demands and a constantly-changing working environment. This view is backed by the statistics, which confirm that fishing is a dangerous occupation compared to other sectors. In the EU specifically, figures published by EMSA ⁽⁵⁾ on accidents in the maritime sector reveal that nearly 120 fishing vessels were lost at sea between 2011 and 2017. 2016 was a particularly disastrous year with as many as 525 marine casualties and incidents reported, entailing 55 fatalities among fishermen at sea, 30 very serious casualties, 184 injured and 14 vessels were lost. This shows that large numbers of fishermen continue to be seriously injured or even lose their lives while working at sea to earn a living and serve society by supplying food.

2.3. The EMSA report nevertheless points out that 63 % of accidents that took place on board fishing vessels were attributed to human error, in the majority of cases (65 %) in the course of fishing operations. These data highlight the importance of training and skills-building for crews in the fisheries sector as a whole, not only for vessels with a length of 24 metres or more. Self-employed fishers and owners of small vessels that work alongside their crew should also have access to training, not only as craftsmen but also as business managers.

2.4. Total full-time equivalent employment in the EU fleet has fallen by 1,3 % in each half-year since 2008 ⁽⁶⁾, partly as a result of the reduction in fleet capacity. Indeed, in spite of EU enlargements, the number of EU vessels in 2018 stood at 81 644, i.e. 22 203 fewer than in 1996, and of these only 65 400 are still operating.

2.5. Notwithstanding the above, average full-time equivalent pay has risen by 2,7 % each year. In terms of economic performance, the EU fleet continues to make record net profits, amounting to EUR 1 300 million in 2016 ⁽⁷⁾. These good results are mainly due to competitive first sales prices, low fuel prices, the improved operational efficiency of vessels and the growth of a number of significant stocks. It should however be pointed out that the data suggest that the fleets of five Member States experienced net losses in 2016 (Croatia, Cyprus, Finland, Lithuania and Malta). The data also indicate that in 2016 the small-scale coastal fleet generated net profits of EUR 132 million, a significant improvement on 2015 (+ 36 %). This fleet segment however displayed net losses in seven Member States in 2016.

⁽³⁾ EESC opinion on the *European Maritime and Fisheries Fund* (OJ C 110, 22.3.2019, p. 104).

⁽⁴⁾ OJ L 25, 31.1.2017, p. 12.

⁽⁵⁾ <http://www.emsa.europa.eu/emsa-documents/latest/item/3156-annual-overview-of-marine-casualties-and-incidents-2017.html>

⁽⁶⁾ <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/2018-annual-economic-report-eu-fishing-fleet-stecf-18-07>

⁽⁷⁾ <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/2018-annual-economic-report-eu-fishing-fleet-stecf-18-07>

2.6. In spite of this positive trend, together with favourable social agreements and efforts to improve pay, on-board living conditions, comfort and telecommunications, fishing remains unattractive to younger people. This is sometimes because the job involves working in a hostile natural environment, sometimes because crew cannot balance work and family life, and sometimes because there has been a failure to publicise the improvements brought about: in any case, it is clear that even during the recent economic crisis, it has not been possible to attract younger workers to the sector. The fishing profession is not taken up by many would-be entrepreneurs to start their own business; in some countries, the owner of a small vessel does not have access to early retirement, even if he works under the same hard conditions as his employees. Social issues are not only limited to on-board fishing conditions. Living conditions onshore also have to be improved. Some studies have shown that fishing communities and port towns often face a high level of poverty, lack of public services, and poor living conditions. Likewise, the role of women, especially collaborative spouses, in the sector's prosperity is underestimated. More research is needed on these social aspects.

2.7. For all these reasons, the Committee urges the European Commission to promote, propose and publicise the measures needed not only to ensure maritime safety and decent working conditions, but also to attract the skilled workforce that is crucial to the survival and growth of a sector that is strategic for Europe.

3. General observations

3.1. The EESC calls for a responsible and comprehensive common fisheries policy. Marine biological resource conservation measures must consequently be coherent, and never run counter to decent working and living conditions on board fishing vessels, safety at sea or the training and skills acquisition of fishermen. It may not be possible to eliminate the inherent dangers of the sea, but it certainly is possible to reduce the risks of accidents and improve on-board conditions if the competent authorities display the necessary commitment to regulating the fishing industry and making it safer.

3.2. The EESC points out to all the Member States and to the European Union that they are signatories to the United Nations Convention on the Law of the Sea (UNCLOS), which places an obligation on flag States to ensure safety at sea through their domestic legislation, based on internationally-agreed standards, although flag States can of course also introduce their own measures to ensure safety at sea. While the Member States have taken their obligation to regulate the social dimension of the maritime transport sector very seriously (in part due to the legislative work accomplished by the EU), the rate of ratification of international conventions on safety and working conditions in sea fishing remains very low.

3.3. For this reason, the Committee highlights the need to continue promoting the application of existing international legislative instruments, such as ILO Convention No 188, which governs living and working conditions on board fishing vessels, the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, the Cape Town Agreement for the safety of fishing vessels and the 1995 IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F).

3.4. The EESC highlights the importance of ensuring social responsibility throughout the fisheries sector value chain, and points to the European social dialogue model as a benchmark for guaranteeing decent working conditions in the fisheries sector. In this regard, it congratulates the European social partners who, under the terms of Article 155 of the Treaty on the Functioning of the European Union (TFEU), negotiated and proposed Directive (EU) 2017/159 transposing ILO Convention No 188 into Union law.

3.4.1. The Committee regrets, however, that self-employed fishermen could not be covered by the directive's scope, due to the social partners' lack of remit to negotiate on this point. For this reason, and given the large number of self-employed fishermen in the EU, it is necessary for the Member States to ratify Convention No 188.

3.4.2. Moreover, the Committee urges the Commission to complete the process of regulating the fisheries sector by means of an accompanying directive including control and enforcement provisions, in order to ensure an inspection system that does not discriminate between different European fleets or waters when it comes to interpreting and applying the directive.

3.5. A recent European Parliament study on training of fishers⁽⁸⁾ concluded that the absence of a common standard for the training and certification of fishermen in the EU⁽⁹⁾ has safety implications not only for them, but also for other users of EU waters. This legislative loophole can be remedied by applying the STCW-F Convention. The EESC therefore urges the Commission to take steps to transpose the STCW-F Convention into Union law, in order to enhance safety at sea for fishing, which is widely recognised as one of the most dangerous occupations.

⁽⁸⁾ [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/617484/IPOL_STU\(2018\)617484_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/617484/IPOL_STU(2018)617484_EN.pdf)

⁽⁹⁾ Directive 2005/36/EC on the recognition of professional qualifications has mandatory requirements for freshwater fishing, but the requirements for fishing at sea have not yet been set.

3.6. The EESC urges the European Commission to promote maritime and fisheries training as a means of professionalising and upskilling the sector in order to encourage high-quality jobs. In this regard, vocational training should opt for an empirical, hands-on approach without diminishing the high level of skills required by those working in the maritime sector, drawing on models such as the dual vocational education system. To this end, the Committee calls for the European Maritime and Fisheries Fund (EMFF) to be used more intensively, for the range of possible objectives to be broadened, and for the integration of the ESF as an additional fund for training to be authorised, with a special focus on small-scale fishing.

3.7. The EESC points out that incorporating the Convention into the Union *acquis* would bring numerous benefits for the sector, as it would enable free movement of workers to be guaranteed by issuing a certificate of competence valid throughout the EU (in contrast to the current situation), it would make it easier for fishermen to move between fishing and other maritime occupations and it would enable harmonised training programmes to be implemented in the EU. However, if the Convention is to be applied properly, European guidelines still need to be laid down on medical checks for fishermen to certify their fitness. Such guidelines are also needed to comply with the provisions of Article 10 of Convention No 188 on work in fishing, according to which no fishermen shall work on board a fishing vessel without a valid medical certificate. With this in view, the European Sectoral Social Dialogue Committee for Sea Fisheries will develop guidelines for medical checks for fishermen in 2019-2020.

3.8. In keeping with the above, the EESC considers it a priority to make fishing more attractive as an occupation, attracting talent and facilitating the entry of young people to a profession which employs more than 1 50 000 crew members, through the cooperation of public administrations and key players in the sector in the training and employment fields. This is needed in order to respond to the shortage of crews, a problem that jeopardises the sector's viability, and which has now been identified as the most serious difficulty facing the European fishing fleet. The industry indicates that if short- and medium-term solutions are not found, many vessels will have to remain in port. For this reason, strategic plans for the social dimension need to be implemented in order both to attract European workers to the fisheries sector and to facilitate the recruitment of third-country nationals. The EESC recommends promoting sea-going and fishing careers, and publicising fishing as a decent occupational option, offering a wealth of opportunities to young people.

3.9. The failure to promote the fisheries sector socially has resulted in a lack of interest among EU citizens in joining the profession. This has in turn pushed up the employment of migrant fishermen (from non-EEA countries) in EU waters who, in certain cases and countries, easily fall victim to employment abuses⁽¹⁰⁾. The specific character of the fisheries sector, in which work is carried out at sea for lengthy periods, means that migrant fishermen are particularly vulnerable.

3.10. In order to address this issue, and in keeping with the ILO Resolution adopted at the 2017 tripartite meeting on issues relating to migrant fishers⁽¹¹⁾, the EESC considers that it is essential to develop general principles and operational guidelines for fair labour market services in the fishing sector, including: (a) sufficient and suitable guidance for fishing vessel owners and (cross-border) labour market services; (b) model contracts for (cross-border) labour market services in the fishing sector; (c) sufficient and suitable guidance for fishers seeking jobs on board (foreign) fishing vessels; and (d) complaints mechanisms. With this in view, the European Sectoral Social Dialogue Committee for Sea Fisheries will develop guidelines on the decent employment of migrant fishermen in 2019-2020.

3.11. Likewise, the Committee calls on the EU Member States to ratify, apply and enforce ILO Convention No 188. It also urges the European Commission to compile data and statistics on the situation of migrant fishers in Europe.

3.12. According to Article 22 of the CFP Regulation, the Member States must strive to achieve a stable and enduring balance between the fishing capacity of their fleet and their fishing opportunities. To this end, the Member States are to ensure that their fleets' fishing capacity at no time exceeds the maximum capacity limits set in terms of gross tonnage (size) and kW (power). In a recent study on the social impact of these limits, co-funded by the EU⁽¹²⁾, the European social partners indicated that the gross tonnage limitation has a negative impact on crew safety and comfort and on fish quality as it penalises initiatives to add extra safety, comfort and quality measures to ships since the extra cubic metres involved have to compete with e.g. hold volume, volume of engine room or fuel tanks.

3.13. In the light of the previous point, the EESC urges the European Commission to identify alternative formulas for measuring fishing capacity formulas, similar to those in Norway and Iceland, which exclude areas set aside for relaxation, comfort and recreation from the calculation, on the basis of factors such as allocated quota or size of vessel. Also in this regard, an increase in the gross tonnage of vessels should be permitted when the additional volumes are a response to the need to improve the safety and comfort of crews.

⁽¹⁰⁾ EESC opinion on a *Multiannual plan for demersal stocks in the North Sea* (OJ C 75, 10.3.2017, p. 109).

⁽¹¹⁾ https://www.ilo.org/sector/activities/sectoral-meetings/WCMS_552792/lang-en/index.htm

⁽¹²⁾ <http://www.chil.me/download-file/4bd3f613-0ecc-455b-a6ec-60262363eb24/analysis-on-gross-tonnage-and-propulsion-power-ceilings>

3.14. Similarly, the EESC points out that both Convention No 188 and Directive (EU) 2017/159 lay down a legal obligation to provide more space for housing crew members on new fishing vessels (built since 15 November 2019). A recent study in France also reported an increase in working time and a reduction in rest time, generating an increased occupational health and safety risk for fishermen. Comparable findings have been published by the University of Wageningen in the Netherlands and by AZTI in Spain, confirming a deterioration in working conditions.

3.15. Moreover, the EESC emphasises that the landing obligation requires more room for storing by-catches that can no longer be discarded at sea, and generates greater fuel consumption due to the restricted space for target species, together with additional costs relating to unloading, manual classification, weighing and processing⁽¹³⁾. It also points out that this creates a hazard to on-board safety and vessel stability, as it results in both more numerous and higher stacks of crates in the hold, entailing a danger of suspended loads falling.

3.16. In addition, fish that are too small cannot be marketed for direct human consumption. This leads to fish being wasted, especially in the southern EU Member States which do not have fishmeal plants, and reduces the income of fishers, who receive a derisory price for these catches.

3.17. This reveals a legal conflict between Article 15 of the CFP on the landing obligation and Convention No 188, particularly its rules on rest hours (Article 14). The EESC urges the European Commission to carry out an impact analysis and to propose appropriate measures to resolve the legal inconsistencies between the various legal instruments adopted by the EU, inconsistencies for which fishermen are paying the price.

3.18. The average age in years of ships in the European fleet is 23, with extreme cases such as Spain which still has more than 2 500 vessels that are more than 40 years old. The vast majority of these vessels are small, using small-scale gear. The EESC considers that a fleet renovation and modernisation plan needs to be implemented in order to guarantee on-board safety, better living conditions and the best possible working conditions for crews. Such a plan could be put in place with the use of financial instruments and with the European Investment Bank (EIB) facilitating access to finance for fishing companies. The future EMFF should also include assistance for fleet renovation and modernisation without increasing fishing capacity.

3.19. Lastly, the EESC would turn to the European Union's trade policy. More than 60 % of the fish consumed on the EU market currently comes from third countries. Many of these imports of fish products are subject to trade agreements granting tariff preferences, especially to developing countries (GSP, economic partnership agreements, etc.). In some instances, these preferences are negotiated with third countries that do not meet social and environmental sustainability standards equivalent to those that European producers must meet under EU regulations⁽¹⁴⁾. This leads to unfair competition and loss of competitiveness for European businesses. The EU's efforts to make fishing and seafood production sustainable and socially responsible are in consequence incompatible with the import of products from certain countries which display little or no respect for sustainability or social responsibility.

3.20. The EU must use its trade policy to ensure that similar environmental and social sustainability standards are applied to both European and foreign operators, opening up the internal market only to compliant products. The EU would otherwise be sending the wrong message to the international community, rewarding those who have done least for the sustainability of fish stocks and fair treatment of people.

3.21. The EESC recommends greater consistency between fisheries and trade policies. As a result, countries engaged in illegal (IUU) fishing and serious labour abuses should not enjoy preferential access to the EU market: the opposite should be the case. Neither should autonomous tariff quotas apply to products from countries identified as being involved in IUU fishing (for example, Thailand was pre-identified by the European Commission and given a yellow card). The EESC suggests only using these instruments when our markets cannot be sufficiently supplied by European products, and not in order to import unsustainable products at even lower prices. Moreover, the effect of this tariff instrument is that greater pressure is put on EU producers' prices.

3.22. Facilitating access to fish at fair prices to people with an insufficient intake of omega-3 and other nutrients should be considered a social policy with an immediate impact on the costs of the healthcare system. Many EU countries still have to increase their seafood culture in order to develop a diverse and healthy diet.

Brussels, 25 September 2019.

The President
of the European Economic and Social Committee
Luca JAHIER

⁽¹³⁾ EESC opinion on the *Landing obligation* (OJ C 311, 12.9.2014, p. 68).

⁽¹⁴⁾ EESC opinion on *Fisheries control* (OJ C 110, 22.3.2019, p. 118).