



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0040/2014

22.1.2014

RECOMMENDATION

on the draft Council decision authorising Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (13408/2013 – C7-0389/2013 – 2013/0020(NLE))

Committee on Transport and Tourism

Rapporteur: Werner Kuhn

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision authorising Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977
(13408/2013 – C7-0389/2013 – 2013/0020(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (13408/2013),
 - having regard to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977,
 - having regard to the request for consent submitted by the Council in accordance with Articles 100(2) and 218(5), Article 218(6), second subparagraph, point (a)(v) and Article 218(8) of the Treaty on the Functioning of the European Union (C7-0389/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Transport and Tourism (A7-0040/2014),
1. Consents to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

Introduction:

The Cape Town Agreement of 2012 on the Implementation of the provisions of the Torremolinos Protocol of 1993 relating to the International Convention for the Safety of Fishing Vessels, 1977 was adopted in October 2012 during a Diplomatic Conference convened by the International Maritime Organization (IMO). This Agreement should enable the implementation of the Torremolinos International Convention for the Safety of Fishing Vessels signed in 1977 and its Protocol of 1993, which never entered into force as a result of an insufficient number of States ratifying the Convention and its Protocol.

The Torremolinos Convention and its Protocol of 1993 lay down safety standards, such as life-saving appliances, radio communication, fire protection, machinery and electrical installations, as well as specific requirements for seagoing fishing vessels of 24 metres in length and over.

At European level, the 1993 Torremolinos Protocol has been implemented since 1997 through Council Directive 97/70/EC.

The Cape Town Agreement aims at amending certain provisions of the Torremolinos Protocol that have given rise to difficulties in their implementation by a number of States having substantial fishing fleets. Some flexibility has been introduced for existing vessels regarding the timeframe for implementing measures regarding radio communications, life-saving appliances, emergency procedures, musters and drills and shipborne navigational equipment.

The Agreement also allows an Administration to exempt a vessel entitled to fly its flag from any regulatory requirements if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions or the absence of general hazards, provided that the vessel complies with adequate safety requirements and solely operates in specific fishing zones described in the Agreement.

On the other hand, the inspection and survey regime has been tightened: Initial, annual and intermediate surveys -as well as surveys after a repair-, are now compulsory. However, exemptions regarding annual surveys of life-saving appliances and other equipment (Regulation 7) and structure, machinery and equipment (Regulation 9) may be granted if an Administration considers that the application is unreasonable and impractical in view of the vessel's operating area and the type of vessel.

Finally, the conditions for the entry into force of the Cape Town Agreement have been modified; not less than 22 States aggregating not less than 3.600 fishing vessels of 24 m in length and over operating on the high seas shall express their consent to be bound by the Agreement. This is less stringent than the conditions set out by the Torremolinos Protocol, which required the consent of 15 States aggregating 14.000 fishing vessels.

The Torremolinos Protocol, implemented at EU level through Directive 97/70/EC, remains unchanged as regards the possibility to develop regional arrangements. This means that the

current EU safety norms, applicable to EU Member States flagged fishing vessels as well as to fishing vessels flying the flag of third states operating in the internal waters or territorial seas of a Member State or landing their catch in a port of a Member States could be safeguarded. Therefore, in order to maintain the safety regime in EU waters, exemptions provided by Regulation 1(6) relating to annual surveys and Regulation 3(3) concerning a common fishing zone or exclusive economic zone provided by the Cape Town Agreement shall be excluded from application.

The European Union is not a party to the International Maritime Convention and can therefore not become a party to the Cape Town Agreement. On the other hand Member States are not in a position to decide autonomously on the signature and the ratification of the draft Agreement as it concerns a matter of exclusive competence as foreseen in Article 3 (2) of the Treaty on the Functioning of the European Union (TFEU), unless authorization is granted by the Council on a proposal by the Commission, after consent of the European Parliament. When giving consent, Member State would be required, when signing, ratifying or acceding to the Agreement, to deposit a Declaration with the effect that exemptions foreseen by Regulations 1(6) and 3(3) are excluded for application.

The Agreement will be open for signature from 11 February 2013 to 10 February 2014 and will thereafter remain open for accession.

Observations from the rapporteur

Your rapporteur welcomes the Cape Town Agreement as it should contribute to the enhancement of fishing vessels safety and recommends that the European Parliament gives its consent to the draft Council Decision authorising Member States to sign, ratify or accede to, as appropriate, this Agreement.

Your rapporteur also supports the Declaration to be deposited by the Member States upon signature, ratification or accession to the Cape Town Agreement of 2012, which excludes from application the exemptions relating to annual surveys (Regulation 1(6)) and to exemptions relating to vessels operating solely in a common fishing zone or exclusive economic zone (Regulation 3(3)) introduced by this Agreement.

According to the International Maritime Organisation (IMO), the fishing sector reportedly suffers annually around 24,000 human losses world-wide. It is therefore important that the 1993 Torremolinos Protocol for the Safety of Fishing Vessels would come into force and that the level of ambition of this instrument, as transposed by Council Directive 97/70/EC setting up a harmonised regime for fishing vessels of 24 meters in length and over, is not lowered, even though fishing vessels of 24 metres and over represent only a reduced percentage of the fishing vessel fleet.

Your Rapporteur supports current EU norms, which apply not only to EU Member States flagged fishing vessels but also to fishing vessels flying the flag of third states operating in internal waters or territorial seas of a Member States or landing their catch in a port of a Member State. These norms guarantee a common safety regime for all vessels while ensuring fair competition in EU waters.

Your Rapporteur also hopes that the Cape Town Agreement, when coming into force, will not only contribute to the safety of fishing vessels of 24 m and above but also will pave the way for addressing the problem of fishing vessels of less than 24 m in length, which constitute the majority of the fishing vessels. In 2007, the vast majority, namely 91%, of the 89,000 fishing vessels in the EU were small boats of length below 18 metres (EUSTA 09).

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	21.1.2014
Result of final vote	+: 39 -: 1 0: 0
Members present for the final vote	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Bogusław Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Mike Natrass, Hubert Pirker, Dominique Riquet, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommara Uggias, Peter van Dalen, Roberts Zile
Substitute(s) present for the final vote	Spyros Danellis, Eider Gardiazábal Rubial, Zita Gurmai, Bogdan Kazimierz Marcinkiewicz, Oldřich Vlasák, Sabine Wils