



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

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Mr Iván López,
LDAC Chair
C/ Núñez de Balboa nº49, 3º iz.
28001 Madrid

By e-mail only to:
manuela.iglesias@ldac.eu
alexandre.rodriquez@ldac.eu

Subject: IMO 2012 Cape Town Agreement and Directive 97/70/EC on Fishing Vessel Safety

Dear Sir,

We refer to your letter of 20 January 2026 (your ref: R-10-Ej.19 (2025-2026)/WG5 – our ref: Ares (2026)774865) addressed to both of us on the above-mentioned subject.

Council Decision 2014/195/EU authorised the Member States to sign and ratify the Cape Town Agreement (CTA) individually. By adopting this Decision, the EU sought to stimulate Member States to ratify the CTA and reach the critical mass needed for its entry into force, thereby contributing to fairer competition. The Council Decision also requires EU Member States to declare, when depositing their instrument of ratification, that they will not take up the additional implementation flexibilities provided in the CTA and will also expect third-country vessels operating in their territorial waters not to have done so.

On 24 February 2025 and following the Communication by Ghana and the Accession of Argentina all requirements for the entry into force of the CTA have now been met. The CTA will enter into force on 24 February 2027.

As regards fisheries dialogues, whether bilateral or multilateral — notably with the key coastal States in the Northeast Atlantic — this has never been included on the consultation agenda, as it is not a matter that falls under the direct remit of the Common Fisheries Policy. Among the Northeast Atlantic key fishing nations, there remains uneven ratification of this instrument, with only Norway and Iceland having ratified it.

The scope of the CTA goes beyond the scope and responsibility of regional fisheries management organisations (RFMOs). The EU remains committed at combatting illegal, unreported and unregulated (IUU) fishing activities in the context of RFMOs, also through an adequate management of fishing capacity and fishing gear.

As you are aware and because neither the 1977 *Torremolinos Convention* nor the 1993 *Torremolinos Protocol* entered into force due to lack of ratifications, the EU decided to move ahead in this area and adopted Directive 97/70/EC. The Directive ensures that the requirements laid down in the *Torremolinos Protocol* are incorporated into Union law.

Directive 97/70/EC applies to fishing vessels flying the flag of an EU Member State (as well as to Norway and Iceland). The Directive also applies to fishing vessels flying the flag of a third country when either (i) they operate in the internal waters or the territorial sea of an EU Member State or (ii) they land their catch in an EU Member State's port. Apart from setting a common scope of application to vessels of 24m in length and over and harmonising discretionary *Torremolinos Protocol* provisions, the Directive and its amendments also provide additional safety requirements, for example, for the design, construction and maintenance of the vessel, inclining test every 10 years, navigation lights, working decks and the use of tanks for fish, as well as for specific geographic areas.

The Commission services are currently undertaking an ex-post evaluation of Directive 97/70/EC to determine its effectiveness, efficiency, coherence, relevance and EU added value. This is a necessary step which must be carried out before its amendment or replacement can be considered.

Once this evaluation is completed and on the basis that the CTA is going to enter into force, the Commission will begin the process of examining whether and how Directive 97/70/EC can be amended or replaced. In so doing full account will be taken of the CTA and the importance of alignment of the EU law with the international instrument. However, it is essential that the high safety standards of the current Union legislation be maintained, and no lowering of standards can or will be proposed.

We trust this has addressed the points you have raised.

Yours faithfully,

Electronically signed

Charlina VITCHEVA

Electronically signed

Magda KOPCZYNSKA