

LDAC & EU Social Partners roadmap for 2021-2022

1. Background

For the past years, the LDAC Working Group 5 meeting (Horizontal Issues) has been vocal and providing recommendations on labour and social issues¹ concerning the external dimension of the CFP. For that purpose, enhanced cooperation and dialogue between all concerned actors (including fishing operators, ship-owners, trade unions, stakeholders and civil society) was necessary.

More recently, Commissioner Sinkevičius has been mandated to evaluate the Common Fisheries Policy by 2022 to identify how to address issues not sufficiently covered in the current policy, such as the social dimension.

In order to meet this target, the LDAC and the members of the European Social Dialogue Committee, EUROPECHE and ETF, propose to jointly identify areas of common work and develop a roadmap towards widespread ratification of the international instruments for safety at sea in fishing.

The aim of the LDAC is to analyse existing work carried out by the Social Dialogue Committee and prepare a set of recommendations and advice to the European Institutions and EU Member States with the aim to make joint progress on safety and labour issues.

¹ Social issues in fisheries include issues related to labour, food security, fisheries dependent communities, social cohesion, etc.

2. Areas of work: proposed roadmap

- To foster ratification, implementation and/or transposition into EU and MS law of relevant instruments and provisions of international law related to safety at sea and decent working conditions which are the legal foundations of the protection of fishermen across the world.
- To promote a harmonised and robust framework within the EU in line with internationally agreed safety, social and labour standards and link this process to the future reform of the CFP.
- To identify and bridge gaps in EU labour and social legislation for fisheries, including the lack of harmonisation of professional training and certification of fishermen; evaluate alternatives to Gross Tonnage and Kw as fishing capacity measurements²; for the benefit of safety and comfort of fishermen³ cross-border labour market services and migrant fisher; help develop Union standards based on the customs code to secure the necessary protection of health and life of humans⁴, particularly to prevent that seafood imports originate from child labour or forced labour⁵ and other forms of modern slavery.

² Link to EU Social Partners letter: <http://europeche.chil.me/download-doc/344411>

³ European Parliament recital recently adopted by the Plenary on the revision of the control system.

(26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013. *The parameters Gross Tonnage (GT) and engine power (KW) used to measure fishing capacity should be revised and if necessary replaced according to accuracy, suitability, and relevance to the Union fishing fleet in order to allow the common fisheries policy to contribute to the improvement of safety and working conditions for fishing operators.*

⁴ F2F COMP 17 - List of goods producers

6e. Urges the European Commission to set up of a “List of Goods Produced by Child or Forced Labour”, so that EU policymakers and companies can rely on this list and subsequent reports to conduct risk assessments, perform due diligence on supply chains, and develop strategies to address child labour and forced labour; Encourages the Commission to use the list as a tool to take steps against non-compliant fishing vessels and non-cooperating third countries, similar to those established in Chapter VII of the IUU Regulation, particularly to restrict or block imports from fishing vessels or fishing nations (black) listed for serious labour abuse and no respect of basic human rights on board fishing vessels;

⁵ <http://europeche.chil.me/download-doc/344409>

Calls on the European Commission to:

(1) Require the establishment of a European register of fishing vessels identified as having committed serious labour infringements and not respecting fundamental human rights on board the fishing vessel.

- To ensure coherence between internal and external dimension of the CFP, e.g. regarding observance of flag state obligations in SFPAs and RFMOs.
- To promote the inclusion and uphold the provisions set out in the Social Clause designed to be part of SFPAs and demand that the EU monitors and reports on the implementation of such provisions.
- To highlight the importance of compliance with international instruments of labour law, human and social rights in the area of Trade Agreements (ATQ/FTA/EFTA/GSP+), including social and labour standards linked to control of fish imports.
- To jointly engage in consultations from FAO, IMO and ILO in order to raise awareness on the need to ensure socially sustainable fisheries, such as the FAO guidelines on social sustainability in the fisheries value chain.

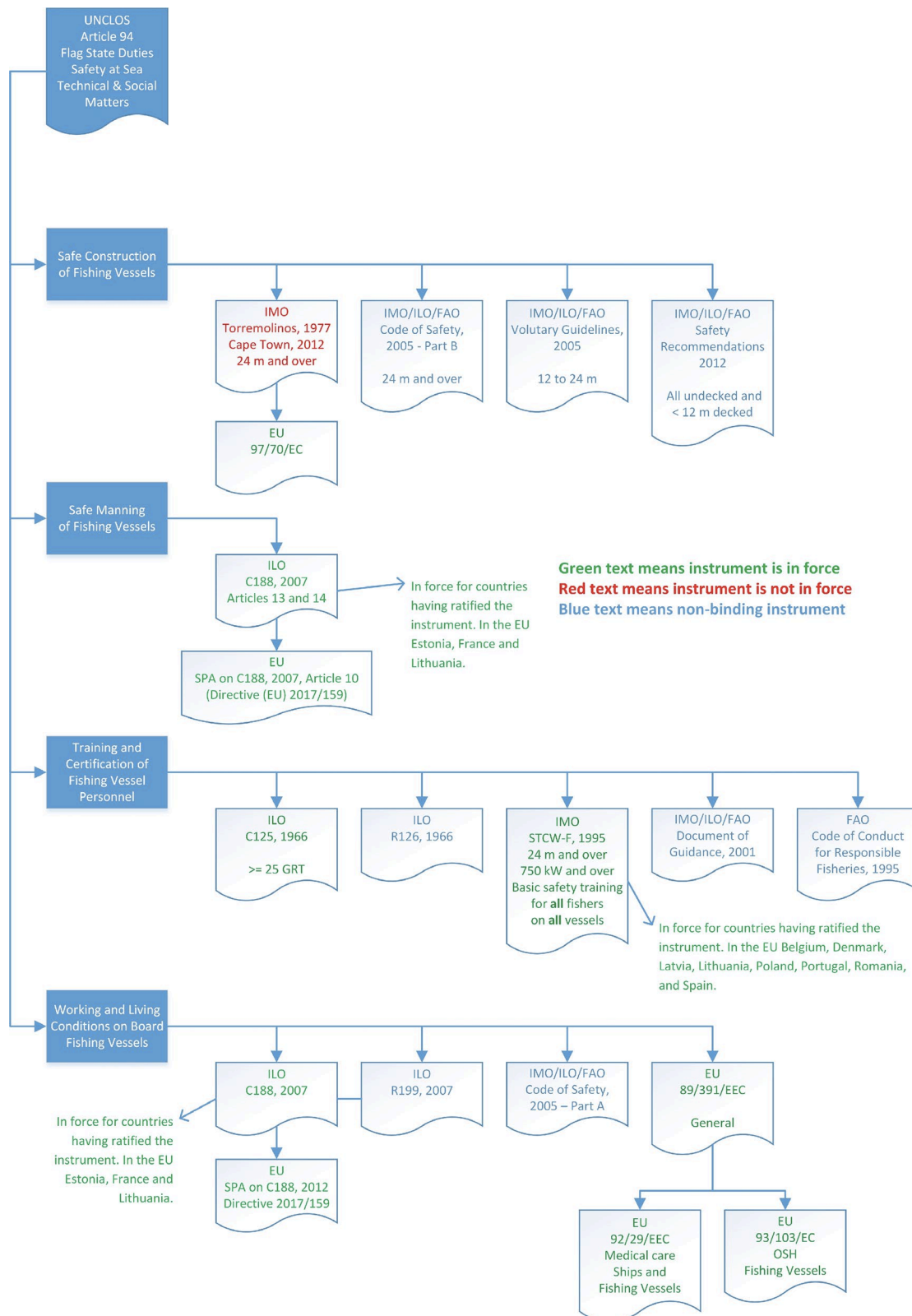
(2) Establish a list of third countries that fail to discharge the duties incumbent upon them under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate abuse against fundamental labour and violations of human rights in fishing.

(3) Take steps against non-compliant fishing vessels and non-cooperating third countries, similar to those established in Chapter VII of the IUU Regulation. Particularly, prohibit imports from fishing vessels or fishing nations blacklisted in the register for serious labour abuse and no respect of basic human rights on board fishing vessels.

3. International legal framework for safety at sea in fishing

Main legislation of interest for the LDAC applicable / in force:

- Legal basis (“umbrella”): UNCLOS Art 94
- FAO Code of Conduct 1995 for Responsible Fisheries and Agreement on Port States Measures
- ILO Work in Fishing Convention (C188) 2007 (*manning and labour conditions*), in force since 16 November 2017. Currently ratified by Denmark, Estonia, France, Lithuania, the Netherlands, Poland and Portugal.
- Directive (EU) No 2017/159 (*Social Partners Agreement on C188 2007, Art 10*)
- IMO STCW-F 1995 (*safety and training*)
- IMO Torremolinos Convention 1977 and Cape Town 2012 Agreement (*safe construction of fishing vessels*)



5. Relations with institutions and international organisations

- Inviting representatives of DG MARE, DG TRADE, DG EMPLOYMENT and/or EEAS to future LDAC meetings to promote the coherent implementation of fisheries labour and trade policies; and to discuss how to develop a strong legislative framework to apply labour standards to imports (inspired by the IUU Regulation).
- Specific countries to be monitored for cases of labour abuses linked to fishing sector.
- Strengthening of relations and collaboration with FAO / ILO / WTO
 - Side-events: FAO COFI, RFMO Annual Meetings, Seafood Expo, Our Ocean, ATLAFCO-COMHAFAT, etc.
 - High profile event on social aspects for CFP Reform (tbc)

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