



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
D(2016)

Opinion

Title: DG EMPL - EU social partners' agreement concerning the implementation of the ILO Work in Fishing Convention, 2007 (draft version of 17 December 2015)*

(A) Context

The EU social partners in the sea fisheries sector requested the Commission to implement their agreement on the ILO (International Labour Organisation) Work in Fishing Convention C.188 adopted in 2007. When social partners conclude such an agreement and request its implementation in the form of a proposal for a Council Directive in accordance with Article 155 (2) TFEU, the Commission can accept or reject their request, but it cannot amend the text of the agreement. This impact assessment includes an assessment of the representativeness of the signatories, the legality of the assessment vis-à-vis the EU legal framework and the respect of the subsidiarity and proportionality principles. Based on the ILO Convention's provisions, the agreement aims to improve the working and living conditions of workers on board sea fishing vessels with regard to minimum requirements for work on board (e.g. minimum age, medical certificate), conditions of service (e.g. content of the fisherman's work agreement, working time limits, right of repatriation), accommodation and food, occupational safety and health protection and medical care, i.e. medical treatment on board and ashore.

(B) Overall opinion: POSITIVE

The Board recommends that the following points be clarified in the final report:

- (1) Why have several Member States not ratified the ILO Convention C.188? How would the situation evolve in the absence of the adoption of the social partners' agreement?**
- (2) What is the EU added value of the initiative?**
- (3) How would effective compliance and enforcement be ensured?**

In their written communication with the Board, DG EMPL accepted to amend the report along the lines of these recommendations.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

(1) Context of the initiative and coherence with other initiatives. The report should clarify why Member States and stakeholders have not voluntarily adopted the measures contained in the agreement, and why the ILO Convention C.188 has only been ratified by a limited number of Member States. Moreover, it should better explain how the situation is likely to evolve in the absence of the adoption of the social partners' agreement, for instance by explaining what the recent trends in Member States are, showing in a more consistent way figures on accidents and fatalities over time. The coherence with other initiatives, in particular with the ongoing evaluation and subsequent revision of the Occupational Health and Safety framework, should be clarified, including whether it is likely to have any impacts on the rights and condition of fishermen.

(2) EU added value of the initiative. Given the study's inconclusive findings concerning a correlation between stricter legislation in place and reduced rate of accidents and illness, the report should better demonstrate the added value of this initiative and why action is needed at EU level. In doing so, it should for instance better indicate the negative effects of diverging approaches taken by Member States and the cross-border dimension of the problem. Moreover, the report should substantiate, using evidence, the extent to which an uneven playing field between Member States is seen as a problem (for whom and to what extent?).

(3) Assessment of impacts. In order to enhance clarity, the report should present a more focused and complete overview of impacts on all Member States having a sea fishing sector. Moreover, it should further explain how the proposal will affect EU relations with third countries and to what extent it would help the fight against illegal, unreported and unregulated (IUU) fishing. Finally, it should briefly mention how compliance with the agreement will be assessed and ensured, in particular in areas where Member States maintain flexibility and whether some national authorities will incur and increase in monitoring costs. The report should also explain if transposition is not likely to create an uneven level playing field.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated into the final version of the impact assessment report.

(D) Procedure and presentation. The provisions of the agreement should be more clearly linked to the problems identified and their causes. For instance, to what extent is the quality of water and food an issue? The context of the initiative could be further developed including a short description of the market, mentioning the main players and trends and working conditions, both in the EU and outside. Moreover, the report should better explain the specificities of the sector and point out where there are differences between the Member States. Finally, it should briefly mention how the figures presented in the report have been calculated.

(E) RSB scrutiny process

Reference number	2009/EMPL/017
External expertise used	No
Date of RSB meeting	Written procedure (20 January 2016)