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**STUDY ON THE REPRESENTATIVENESS OF THE SOCIAL PARTNER
ORGANISATIONS IN THE FISHING INDUSTRY**

Bulgaria, Romania, Turkey

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¹ Its approval by the Commission does not imply the approval of any of the European organisations as to its content.

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INTRODUCTION

Presentation of the study

This report has been produced as part of the research into the institutional representativeness of social partners in the European Union, and the situation of trade unions and employers' associations in the candidate countries. The research has been conducted by the Institut des Sciences du Travail (Université catholique de Louvain) at the request of the Employment and Social Affairs Directorate-General of the European Commission (Call for tenders No VT/2002/83).

The issue of the representativeness of European organisations came to the fore in the context of the promotion of social dialogue. In a communication published in 1993², the European Commission set out three criteria determining the access that employers' and workers' organisations had to the consultation process under Article 3 of the Agreement on Social Policy. According to the terms of this communication, the organisation must: (1) *be cross-industry or relate to specific sectors or categories and be organised at European level*; (2) *consist of organisations which are themselves part of the social partners structures of Member States which have the capacity to negotiate agreements, and which are representative of all Member States, as far as possible*; (3) *have adequate resources to ensure their effective participation in the consultation process*. In 1996, it adopted a consultation document³ that sought to bring together the widest range of views on the measures to be employed in fostering and strengthening European social dialogue. At that point, given that the social partners at European level were, and still are, in the process of structuring themselves and accepting new applications for membership, the European Commission conducted a study on the representativeness of inter-professional and sector organisations in the European Union, and in a new communication⁴ in 1998, announced the measures that it proposed to take in order to adapt and promote social dialogue at European Union level. In it, the Commission reaffirmed the three criteria established by the 1993 Communication, permitting European organisations to be recognised as representative for consultation purposes under Article 3 of the Social Policy Agreement. Finally, in 2002, the Commission reaffirmed its support for a strengthening of social dialogue in its communication *The European social dialogue, a force for innovation and change*⁵. In the respect of the three criteria set up by the Commission, as has been pointed out in previous studies⁶, *the changes focus on the disappearance of demands relating to the inter-sector nature of organisations and on the fact that they are established in all Member States; the new rules have not been formulated in a very restrictive manner, they only require employers' and workers' organisations to represent "several" Member States. This relaxation of the implementation condition might pose a demarcation problem in the sense that there is no criterion setting out a minimum number of Member States to activate it*.

Against this background, it is clear that one of the main issues, both for the Commission and for the European social partners, is the enlargement of the European Union and its impact on the process of social dialogue at Community level: *The Communication underlines the vital role and the weaknesses of social dialogue in the candidate countries. Much has been achieved over the past decade with the support of Community programmes and initiatives. However, a lot remains to be done to strengthen the capacities of social partners and involve them in the accession process*⁷. As far as the European Commission is concerned, it is *only with sufficiently robust national structures that the social partners will be able to participate effectively in negotiations and in other European social dialogue activities and also implement agreements at national level*⁸.

The development of social dialogue, therefore, formed part of the "acquis communautaire" (community achievement): *The Treaty requires that social dialogue be promoted and gives additional powers to the social partners. The candidate countries are, therefore, invited to confirm that social dialogue is accorded the importance required and that the social partners are sufficiently developed in order to discharge their responsibilities at European Union and national level, and to indicate*

² COM(93) 600 final of 14 December 1993, Communication from the Commission concerning *the application of the Protocol on Social Policy*.

³ COM(96) 448 final of 18 September 1996 concerning *the development of the SD at Community level*.

⁴ COM(98) 322 final of 20 May 1998, Communication from the Commission, *Adapting and promoting the SD at Community level*.

⁵ COM(2002) 341 final of 26 June 2002, Communication from the Commission, *The European SD, a force for innovation and change*.

⁶ Spineux A., Walthery P. et al., *Report on the representativeness of European social partners organisations*, Report coordinated by the Institut des Sciences du Travail of the Université catholique de Louvain, for the European Commission, Directorate General for Employment, Industrial Relations and Social Affairs, Louvain-la-Neuve, 1998.

⁷ *Op cit.*

⁸ *Op cit.*

whether they are consulted on legislative drafts relating to the taking over of the employment and social policy acquis... Therefore, the development not only of tripartite structures but also of autonomous, representative bipartite social dialogue is an important aspect for the future involvement of the candidates countries' social partners in the social dialogue activities developed at European and national level⁹.

Enlargement of the European Union is a major issue from a quantitative and qualitative point of view: *The quantitative leap is quite clear as soon as the number of partners rises. The delegations taking part in social dialogue will be enlarged, and that, as we know, does not facilitate dialogue. However, the leap is also qualitative in that the new entrants present the industrial relations systems they have inherited from their national histories¹⁰.* By and large, most of the countries studied are notable for strongly developed tripartism, but for weakness at central bipartite level, in social dialogue at sector level, and at the level of organisations, particularly employers' associations.

The aim of the report is to produce a study that sets out both brief descriptions of the way that social dialogue functions in the countries concerned, and descriptions of the various workers' and employers' organisations involved in social dialogue at sector level. This study may be seen as a tool to help understand these quantitative and qualitative factors.

Research approach and comments on methodology

For the purposes of this study, a network of researchers was set up throughout the 25 European Union Member States, as well as in Bulgaria, Romania and Turkey. These researchers are experts in industrial relations and are independent of both the European Commission and employers' and workers' organisations. Each researcher was charged with drawing up a report based on a common template. A questionnaire tailored to the specific realities of the Fishing industry was elaborated to that effect. Each national report issued by the expert was submitted to the national organisations in order to enable them to make comments on collected data. The IST took charge of coordinating the study and drawing up the summaries. Constant communication and ongoing collaboration between the IST, national experts and national organisations takes place in order to associate the various players of the process of research. The report is also checked by the European organisations and their members in order to enable them to make comments on the report. This phase of consultation represents an important stage of research. Lastly, the report is checked by the European Commission's services. The IST wishes to stress its independence with regard to the political consequences and decisions which may be made on the basis of this study.

The research process, in its design, comprises a phase of collection of data on the players and the social dialogue in which they participate, but also an active approach embracing the building of a consensus, which is an integral part of the process of social dialogue itself. Thus, whereas in a good number of cases the data collected do not permit total definition of the role played by the organisations, the contacts made during the data collection and the discussions with the different players concerned should be an integral part of a process of mutual recognition¹¹. The main sources used within the framework of this study are thus the social partners themselves.

Lastly, a few words on the consultation process involving the European social partners must be added. The organisations which have been consulted are cited in annex. The comments that the IST received from these organisations, and those of their members have been incorporated in different ways, depending on the kind of information received:

- The observation is directly included in the content of the report
- When a difference of opinion exists between the employers' or workers' organisation and the expert, the observation is included as a footnote in the report, as well as a brief explanation of the expert.

The consultation for this report on the Fishing industry took place during the months of September-October 2006.

Finally, given that national situations are very changeable and evolve rapidly, it is important to stress that the aim of this study is to take "a snapshot" of the situation of the organisations in 2006. Interviews with the organisations took place, and

⁹ *Enlargement of the European Union. Guide to the negotiations. Chapter by chapter*, European Commission, DG Enlargement, June 2003.

¹⁰ Léonard E., Spineux A., *Les relations industrielles en Europe aujourd'hui*, Institut des Sciences du Travail, UCL, 2003 (unpublished).

¹¹ Reply to Call for Tenders VT/2002/83. Studies on the representativeness of the social partners at sector level in the European Union and monographs on the situation of the social partners in the candidate countries, Institut des Sciences du Travail, UCL, 2002.

the national reports were written, between March and April 2006 for the New Member States and Bulgaria, Romania and Turkey and between May and July 2006 for the former EU-15 countries.

NACE nomenclature¹²

Once again, we find that the delimitation of sectors may vary from one country to another, according to national traditions and the particularities and this is a significant element in the research. Indeed, the structure of employers' organisations and trade unions as well as the organisation of the social dialogue can cover sub-sectors or different trades/professions.

Following a consensus between the European Commission and the Institut des Sciences du Travail, the following activities are to be taken into account:

- a) the activities included within the NACE classification: 05, i.e. fishing and related service activities.
and
- b) the activities that the "fishery statistics" domain contains:
 - landings of fishery products in the ports of the EU;
 - catches of fish, crustacean, molluscs and other aquatic organisms;
 - catches of tuna and tuna-like species;

Fish farming and aquaculture production are excluded from the list.

The delimitation is presented as an indication. However, as one of the main interests of this study is to observe the particular delimitation of the sector in each country, national experts have also referred to the national delimitation of the sector and include, in addition to the activities presented above, information on the activities which could also be part of the Fishing Industry in his/her country.

The organisations taken into account in the report

The organisations taken into account in the report respond to the following criteria:

If collective bargaining takes place at sector level for the fishing sector, all organisations taking part in sector-level collective bargaining have been taken into account.

If no collective bargaining takes place at sector level for the fishing sector, all organisations taking part in collective bargaining at any other level, but that are relevant for the sector, have been taken into account.

and/or:

The organisations which are members of the European organisations taking part to the European sector social dialogue committee(s).

The fishing sector, however, has particular characteristics compared to other, more 'traditional', sectors. One characteristic is the fact that several organisations in the member states do not strictly correspond to the notion of social partners, because they are, for instance, associations of artisans. This type of organisation represents its members both as small entrepreneurs and as workers in the sector. These organisations are presented in the national summaries when they represent all the employers in the sector, that is when all employers are affiliated to the organisation, and when they play an active role in the relationships with social partners in the strict sense, or when they participate in political decision-making on the sector in the country.

¹² Source: COMMISSION REGULATION (EC) No 29/2002 of 19 December 2001, amending Council Regulation (EEC) No 3037/90 on the statistical classification of economic activities in the European Community, In: Official Journal of the European Communities (10.01.2002).

Abbreviations and terms used in this report

Self-employed workers: “A self-employed person is defined as an independent worker, who works independently of an employer, in contrast with an employee, who is subordinate to and dependent on an employer” (Source: EIRO – European industrial relations dictionary).

Employee: “An ‘employee’ is a party to an employment relationship characterised as a contract of employment (or contract of service) between the employer and employee.” (Source: EIRO – European industrial relations dictionary).

Density (employees): number of employees who are affiliated to the organisation concerned divided:

- by the total number of employees working in the sector within the country, if the activities of the organisation concern the whole sector studied;
- by the total number of employees working in this sub-sector within the country, if the activities of the organisation only concern a sub-sector.

Density (companies): number of companies that are affiliated to the organisation concerned divided:

- by total number of companies whose activities belong to the sector within the country, if the activities of the organisation concern the whole sector studied;
- by total number of companies whose activities belong to this sub-sector within the country if the activities of the organisation only concern a sub-sector.

CB: Does the organisation negotiate and have the power to sign collective agreements at sector level for the sector?

Tripartite social concertation is defined as ‘a process in which the state involves workers’ and employers’ organisations in the policy debate and possibly in decision-making’¹³.

Bipartite social dialogue is defined as ‘a process of cooperation and negotiation between employer and workers’ organisation representatives’¹⁴.

European affiliations: List of European organisations to which the organisation is affiliated.

Others affiliations: List of others organisations (group of countries, international) to which the organisation is affiliated.

In the text:

%	Per cent
€	Euro(s)
CA	Collective agreement
CB	Collective bargaining
GDP	Gross Domestic Product
NACE	Statistical Classification of Economic Activities in the European Community
ND	no data, i.e. no data are available
PAV	Present Annual Value
SD	Social dialogue
SME	Small-to-Medium Enterprise
SSD	Sector social dialogue
SW	Salaried workers

¹³Industrial relations in Europe, European Commission (Directorate-General for Employment and Social Affairs), May 2002, p 92.

¹⁴ Op cit.

Some organisations' abbreviations

BFA	Baltic Fishermen Association
BSRAC	Baltic Sea Regional Advisory Council
CAOBISCO	Association of the Chocolate, Biscuit & Confectionery Industries of the European Union
CECOP	European Confederation of Workers' Co-operatives, Social Co-operatives and Social and Participative Enterprises
CIAA	Confederation of the Food and Drink Industries of the European Union
CISL	Italian Confederation of Workers' Trade Unions
COPA-COGECA	Committee of Professional Agricultural Organisations in the European Union - General Confederation of Agricultural Co-operatives in the European Union
DGB	German Confederation of Trade Unions
EAA	European Aquatic Association
EAP0	European Association of Fish Producers Organisations
ECA	European Confederation of Agriculture
EFAG	European Fishing Action Group
EFFAT	European Federation of Food, Agriculture and Tourism Trade Unions
EHPM	European Federation of Associations of Health Product Manufacturers
ETF	European Transport Workers' Federation
ETUC	European Trade Union Confederation
FEAP	Federation of European Aquaculture Producers
FEDOPA	Fédération des organisations de producteurs de la pêche artisanale
FEFAC	European Feed Manufacturers' Federation
FEMTAA	World Federation of Agricultural and Food Workers
GAM	European Flour Milling Association
IADSA	International Alliance of Dietary Food Supplement Associations
ICA	International Co-operative Alliance
ICFTU	International Confederation of Free Trade Unions
IDC	International Dockers Council
IFAP	International Federation of Agricultural Producers
IFBWW	International Federation of Building and Wood Workers
ITF	International Transport Workers' Federation
IUF	International Union of Food
IUF-UITA-IUL	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
MEDISAMAK	Association of Fishing Professionals in the Mediterranean
NTF	Nordic Transport Workers Federation
Pelagic RAC	Pelagic Regional Advisory Council
PSI	Public Services International
RAC north sea and Baltic	Regional Advisory Councils north sea and Baltic
TUI	Transport Union International
UNI	Union Network International
WLC	World Labour Confederation

Note: The tables have been completed with "ND" when data are not available or "0" when the figure is 0. However, if there are no data, estimates have been made whenever possible.

NATIONAL REPORTS

BULGARIA

1. Description of the sector's characteristics at national level

1.1. Delimitation and scope of activities in the sector

The national classification fully corresponds to NACE 05.

1.2. Socio-economic features of the sector

The National Statistical Institute has given only some data related to the labour force in the sector. Most of the data for the fishing sector are confidential according to the National Statistical Institute (NSI). Due to this regulation the national expert was given very scarce information. The confidentiality concerns mainly small or monopolised sectors, where the number of companies is limited and the presumption is that they might be identified. The National Statistical Institute adheres to the Law for Statistical data in Bulgaria (Chapter 6). Information about underground economy is not available.

Catches and production of fish and aquatic organisms (total for B05, i.e. fishing and fish farming) decreased from 18,198 tones (2002) to 15,394 (2003), 11,494 (2004); there is a slight growth in 2005 as compared to 2004 (12,800)¹⁵. The overall decline is mainly due to the decrease in catches of sea fishes (from 9,813 tones in 2003 to 3,272 tones for sea fishes in 2004). Total export increased from 4,155 tones (2001) to 5,108 (2002), 5,807 (2003), 5,630 (2004) and 5,800 (2005)¹⁶. The highest proportion of the export (40%) is attributed to molluscs, mainly exported to Japan.

Companies in the sector are more likely Bulgarian micro self-owned companies, mainly localized alongside the Black Sea coast¹⁷. Number of companies in the sector B0501 doubled between 2000 (16 companies) and 2004 (32 companies)¹⁸.

Table 1: Companies (as of 2004)

Sub-sectors	Number of companies	% companies without employees	% companies with <10 employees	% companies 10-49 employees	% companies 50-249 employees	% companies with > 249 employees
Sub-sector NACE 0501	32	ND	ND	ND	ND	ND
Sub-sector NACE 0502	100	ND	ND	ND	ND	ND
Total of the sector	132	ND	ND	ND	ND	ND

Source: NSI - the latest data available as of 1 February 2006

Regarding employment, the only available statistics concerns wages. The average annual wage of salaried workers in national currency (BGN) is:¹⁹ 2000 - 1256; 2001 - 1295; 2002 - 1347; 2003 - 1498; 2004 - 1772.²⁰ The payment in the sector is twice lower than the national average. The number of working population in the two subsectors (0501 and 0502) was between 400 and 830

¹⁵ For 2005 the data are preliminary; Source: Ministry of Agriculture and Forestry¹⁵.

¹⁶ Source: Ministry of Agriculture and Forestry.

¹⁷ Estimates of the National expert.

¹⁸ Source: National Statistical Institute, NSI - the latest data available as of 1 February 2006.

¹⁹ Aggregated figures for 0501 and 0502; Source: NSI - the latest data available as of 1 February 2006.

persons during the period 2000-2004. Salaried workers in the two subsectors taken together were between 310 and 622 in the same period. However, the bigger share is that of NACE 05.02 (fish farming)²¹.

Table 2: Workers (2004)

Sub-sectors	Number of self-employed workers in the sector	Number of employees in the sector	Number of employees in the sector/ total number of employees in the country –all sectors- (%)	Number of employees in companies <10 workers in the sector/ number of employees in the sector (%)	Number of employees in companies 10-49 workers in the sector/ number of employees in the sector (%)	Number of employees in companies 50-249 workers in the sector/ number of employees in the sector (%)	Number of employees in companies >249 workers in the sector/ number of employees in the sector (%)
Sub-sector NACE 0501	ND *	ND	0 %	ND	ND	ND	ND
Sub-sector NACE 0502	ND	ND	0 %	ND	ND	ND	ND
Total of the sector (0501 + 0502)	202	622	0%	ND	ND	ND	ND

Source: NSI - the latest data available as of 1 February 2006 is for 2004.

* The data is not separated by subsectors but it may be concluded that the number of working population in fish farming (B05.02) is higher than in fishing (B05.01). The main orientation for this conclusion is the number of companies in the subsectors (32 in 05.01 and 100 in 05.02, respectively). It is presupposed that a bigger proportion of workers work for the subsector with more establishments, i.e. for fish farming.

The sector declined in the course of privatisation in the middle 1990s. Before privatisation Bulgaria had some bigger companies. Within recent 5 years the number of companies and employment increased, although still remains in a very limited scope. In fact, the export is increasing²².

2. Description of the organisations active in the sector at national level

There is neither workers' organisation nor employers' organisation active in the Fishing Industry.

3. Description of the SD in the sector at national level

There are neither tripartite nor bipartite activities for this particular sector at any level.

²⁰ Exchange rate: 1 EURO= approx. 2 BGN

²¹ Estimates of the National expert.

²² Estimates of the National expert.

Comment

The sector seems too small and its contribution to the national economy is negligible in any sense. In terms of economic strategy companies are oriented to catches of crustacean, molluscs, mussels and other aquatic organisms because these species prove more profitable at the moment and bring higher export success, particularly molluscs for Japan. As the companies are mainly micro or self-owned companies and the number of salaried workers in each of them seems to be very limited the SD is impossible. There is also a hypothesis that most of them are at the same time family companies. According to the national legislation in force a collective agreement at company level can be concluded on the condition that at least 5 workers are unionised. It is unlikely to have many companies with more than 5 employees who are non-family members and who have been affiliated to some trade union at the same time. Therefore, the lack of CB in the subsector B0501 is not a surprise. On 13 March 2006 the representatives of social partners in Bulgaria mentioned the absence of SD in fishing and fish farming sector due to its small scale. It was reported by Mr. D. Tebeyan from the Bulgarian Industrial Association²³ during the EIRO discussion on SD held in Sofia, Bulgaria.

²³ Employers' organisation at national level

ROMANIA

1. Description of the sector's characteristics at national level

1.1. Delimitation and scope of the activities in the sector

The activities in the sector included in the official statistics correspond to those included in the 501 and 502 NACE codes, namely fishing, fish breeding and related activities.

From the point of view of organizations of employers and employees, as well as from the perspective of the collective negotiations, the activities included in the 501 and 502 NACE codes add other activities such as processing and preserving of fish and fish products (NACE code 152), enterprises for manufacturing fishing tools, fish breeding research institutes, which means an extension with other activities, but which are related to fishing and fish breeding.

1.2 Socio-economic features of the sector

The importance of the sector in the whole of national economy is almost insignificant if we take into account the fact that in 2002 the contribution of this sector in the GDP was of 0.0007% and the contribution to the gross added value was of 0.0002%²⁴, without significant changes in the last years. Underground economy is estimated at 30-40%, according to the Ministry of Agriculture (MAPDR) representatives.

At the end of 2004, there were 384 companies functioning in the sector. Another 47 companies had activities of processing and preserving fish and fish products (NACE code 152)²⁵. Over 90% of the companies in the sector have private capital; 19 companies have a majority of state capital and other four companies have a majority of foreign capital. The way the companies are spread in the territory varies from one area to another. There is a larger concentration of such companies in the Eastern and Southern areas of the country, areas which have fishing potential. There are also areas such as Ilt, Vrancea. Arges, Mehedinti, Gorj, Hunedoara, Maramures, Harghita and Covasna counties, where the number of such companies is insignificant.

Companies : December 31, 2004

NACE	Number of companies	% companies without employees (number of companies)	% companies with <10 employees (number of companies)	% companies 10-49 employees (number of companies)	% companies 50-249 employees (number of companies)	% companies with > 249 employees (number of companies)
501	138	13.0 (18)	74.6 (103)	10.1 (14)	2.3 (3)	0
502	246	16.3 (40)	64.6 (159)	16.3 (40)	2.8 (7)	0
Total of the sector	384	15.1 (58)	68.2 (262)	14.1 (54)	2.6 (10)	0
1520*	47	6.4 (3)	48.9 (23)	29.8 (14)	10.6 (5)	4.3 (2)
Total 501, 502, 1520	431	14.2 (61)	66.1 (285)	15.7 (68)	3.5 (15)	0.5 (2)

Source: National Institute for Statistics, January 31, 2006

*NACE 1520: Processing and preserving of fish and fish products.

²⁴ Data provided by the Ministry of Agriculture, Forrests and Rural Development (MAPDR)

²⁵ Data provided by the National Institute for Statistics, January 31, 2006.

At the end of 2004, the total number of employees was of 2756. In addition, more than 1643²⁶ people were employees in the processing and preservation of fish and fish products. The labor force in the sector has continually decreased. Thus, starting with 1997²⁷, the number of employees in the fishing and fish breeding sector has decreased to 7200 employees²⁸ in 1997 to less than 3000 in 2004. The sector includes all social and professional categories: qualified and non-qualified workers, specialists with average and superior training. The share of workers in the total number of employees was of 66%²⁹ in 2003 all of them men³⁰. The representatives of employees' organizations estimate the share of workers is of 80-85%. As far as training is concerned, the largest share is of workers with secondary school, followed by those with high school training classes as part of their job. One of the problems signaled by the social partners is the lack of vocational schools that would train qualified workers for jobs specific to the sector. The higher education system trains specialists in the fishing and fish breeding domain. Another problem related to the labor force in the sector is the fluctuation of personnel, the rate of replacement reaching 40-45% annually. In 2004, the average gross salary in the sector was of 4.913.679 ROL (121.20 euros) and of 3.795.81 ROL (106.80 euros) net³¹. It has to be noted that the mathematical division of the women's gross average salary and the men's gross average salary is of 125.6 in the favor of women³². The explanation given by the social partners is that women work in the functional services of companies and have higher salaries than the workers. The salaried employees in the fishing activity (extraction) are faced with atypical work: potential risk of drowning, cold and isolation for long periods of time.

Workers : December 31, 2004

NACE	Number of self-employed workers in the sector	Number of employees in the sector	Number of employees in the sector/ total number of employees in the country –all sectors- (%)	Number of employees in companies <10 workers in the sector/ number of employees in the sector (%)	Number of employees in companies 10-49 workers in the sector/ number of employees in the sector (%)	Number of employees in companies 50-249 workers in the sector/ number of employees in the sector (%)	Number of employees in companies >249 workers in the sector/ number of employees in the sector (%)
501	18	894	0,019	8.9	10.0	13.5	0
502	40	1862	0.040	17.3	32.5	17.7	0
Total of the sector	58	2756	0.059	26.2	42.5	31.2	0
1520	3	1643	0.035	3.6	19.8	28.8	47.7
Total 501.502, 1520	61	4399	0.094	17.7	34.1	30.3	17.8

Source: National Institute for Statistics, January 31, 2006

First of all, we have to underline the fact that fishing and fish breeding have had a descending trend after 1989. Thus, the fish production in Romania has decreased 17 times in 2004 compared to 1989; from a total production of 224,810 tons in 1989 to 13,143 tons in 2004³³. The ocean fishing fleet, whose contribution in the total production was of 64.1% in 1989 was closed or has

²⁶ Idem

²⁷ A period for which there are statistical data for the sector.

²⁸ Social trends, the National Institute for Statistics, Bucharest, 2005, p. 56.

²⁹ The Romanian Statistics Yearbook, National Institute for Statistics, Bucharest, 2004, p. 96

³⁰ Op. cit. p. 100

³¹ For an average exchange rate in 2004 of 40,532,11 ROL/euro (cf. www.bnr.ro – Statistical annual series)

³² Social trends, the National Institute for Statistics, Bucharest, 2005, p. 60

³³ Cf. data provided by MAPDR

been given up after that year, this being one of the main causes for the drastic decrease of fish production and of the fish and fish products processing industry. Another important process occurring after 1989 were the privatization of the fishing industry, so that at the moment, the great majority of activity is in the private sector. A second process was the passage from medium and large enterprises to small companies. Another factor that has influenced the descending trend in the sector has been the drastic reduction of the investments in the sector after 1990. In view of the accession to the European Union, Romania has made an engagement through the "Revised Position Document" chapter 8 – Fishing to "accept the entire communitarian aquis" and will take all measures for the "harmonization of the fishing legislation with the European legislation (...) on the basis of its own efforts and with the support of the EU through specific programs (...)".³⁴ The documents takes into account the central and local legislation and institutions in the domain of fishing, the management and control of resources, the organization of the fishing market, the support of the state and the structural actions, the international fishing agreements. The general trend is of alignment with the EU legislation and provisions for the sector, the preservation of the fish resources, the controlled and rational exploitation of aquatic resources, the intensive and responsible, development of the sector.

2. The organizations active in the sector at national level

2.1. The workers' organizations in the sector

Because of the specific conditions in the sector (small companies, a small number of employees in the sector, geographical spreading), employees are not organized in powerful trade unions and part of a structure like a representative federation at sector level. There are talks to create such structures at the moment.

a) The National Center of Trade Unions of Workers in Agriculture, Food Industry and Related Activities (Centrala Nationala a Sindicatelor Lucratorilor din Agricultura, Industria Alimentara, Turism si Activitati Conexe -CERES)

CERES is a trade union federation which is independent and has its own program as well as its own means to run the program³⁵. It has become a legal entity in 1997. CERES is organized in departments in which fishing and fish breeding are one of the departments. "Fishing and fish breeding" department includes four trade union organizations with about 500 individual members³⁶. CERES has 15,000 individual members of a total of 100,000 employees in the represented sub-sectors. The fishing and fish breeding department has 3,000 members, 500 of them being professional fishers and 2,470 amateur fishers and hunters. Financing sources are contributions from members, legal incomes from the former UGSR. CERES is a structure that covers several sub-sectors: agriculture (land improvements, animal breeding units, seeds producing units, mechanization units, domestic birds breeding, food industry, fishing/fish breeding, fish and fish products processing, fish breeding research, amateur fishers and hunters, tourism, agricultural studies and research. The organization does not have any salaried employees, the activity being voluntary. Workers affiliated are all social and professional categories: qualified and unqualified workers, specialized staff with a medium and high training, with the exception of board members in enterprises. It is organized in Professional Unions.

The organization has legal acknowledgement and has a national representativity because it meets the conditions of a representative union structure which are stipulated in the collective agreement law. It is the only union structure that meets the conditions for fishing and fish breeding at sector level³⁷. The organization takes part in negotiations and signs collective agreements.

³⁴ Romania's Revised Position Document (Document de pozitie revizuit al Romaniei) Chapter 8 – Fishing p. 1

³⁵ „CERES”, Statute, art 5

³⁶ It also includes 40 organizations of sports fishers and hunters with a number of 2,470 members. In Romania there are over 160,000 sports hunters and fishers (over 60,000 sports fishers) organized in 41 county organizations. Source: Interview Gavrilă Vasiliu, head of Union Resources Department CERES – CNS Cartel-Alfa.

³⁷ It has to be mentioned that representativeness takes place at CERES level and not at the level of each union or professional department. As such, the collective negotiation and convention does not only refer to the fishing sector but also to all the affiliated sub-sectors.

The last collective working contract has been signed for 2004-2005. For 2006, negotiations are in their final phase and there will be a collective agreement at branch level for 2006-2007. It does not negotiate and sign collective agreements at company level, as this is the responsibility of union structures in each company. Only at the request of organization in the company does it provide legal and economic assistance in the negotiation of the collective agreement at company level. It meets the conditions to participate in tripartite negotiations and to sign agreements (when such agreements are signed), through the representatives of CNS Cartel-Alfa and CERES in the tripartite structures: The Economic and Social Council, the SD commissions in the ministries and prefect offices. The most important tripartite dialogue structure which hosts specific consultations and negotiations for the fishing sector is the SD commission in the Ministry of Agriculture. At CERES' request, MAPDR (the Ministry of Agriculture) and the MMSSF (The Ministry of Labor) sign a convention regarding the social protection of employees in the agriculture, fishing and food sector with respect to the temporary unemployment (usually between November and April). The trade union does not sign the convention, but it watches that it is signed and applied³⁸.

At national level, it is affiliated to CNS Cartel-Alfa.

b) The Fishers and Other Agricultural Producers Trade Union (Sindicatul Pescarilor si altor Producatori Agricoli)³⁹

It was established in 2005 and is a legal entity. It is the follower of the "Professional Fishers' Union" established in 1988. After it was established it was affiliated to CNSLR-Fratia, but because it has not received any support for solving the specific problems of the sector, another trade union was established which was affiliated to CERES – CNS-Cartel Alfa. Funding comes from contributions, donations, incomes from lucrative enterprises which the organization establishes and manages. The organization has 152 individual members. The members of the organisation mostly come from the fishing sector. They belong to all social and professional categories, from unqualified workers to higher educated employees. However, unqualified workers have the largest share. The organization has no employee as the entire activity is voluntary.

It is legally acknowledged as union organisation but it is not acknowledged as representative at sector level. Its representative character at sector level is manifested through the organization to which it is affiliated (CERES). It also has a reciprocal and informal acknowledgement. Both at the level of employers in the sector and at the level of the SD commission in the Ministry of Agriculture, the organization is invited to participate in consultation, when there are specific fishing issues involved.

The organisation does not take part in CB at any level. As it is a territorial trade union, it can participate through the County Branch of the CNS Cartel Alfa in the Social Dialogue Commission in the Galati Prefect's Office⁴⁰.

At national level, it is affiliated to CERES.

Workers' organisation(s)

Organisation (English name)	Members		Estimation of the density	Collective Bargaining (Yes/No)	Affiliations	
	Total number of the members of the organisation	Number of members who are working in the sector of Fishing Industry			European affiliations	Others affiliations
The National Center of Trade Unions of Workers in Agricultura,	15,000 ⁽¹⁾	around 500	500/2756=18.1%	Yes	EFFAT	FEMTAA

³⁸ Validation, Daniel Neagoe, president "CERES"

³⁹ Interview, Sandu Tanvuia, President, The Fishers and Other Agricultural Producers Trade Union

⁴⁰ Validation, Sandu Tanvuia, President, Fisher and Other Agricultural Producers Trade Union

Food Industry, Tourism and Related Activities "CERES"						
Fishers and Other Agricultural Producers Trade Union	152 ⁽²⁾	152	152/2756=5.5%	No	-	-

Source: (1) Daniel Neagoe, President CERES, March 09, 2006; (2) Sandu Tanvuia, President, Fisher and Other Agricultural Producers Trade Union, February 13, 2006.

2.2. The employers' organizations active in the sector

a) The Rompescaria Romanian Employers' Organization for Fish Breeding, Fishing, Fish Processing and Commercialization (Patronatul Roman al Pisciculturii, Pescuitului, Industrializarii si Comercializarii Pestelui "ROMPESCARIA")

"Rompescaria" is an autonomous organization, without political character, which was established as a legal private entity without its own assets and constituted on the criterion of its activity branch.⁴¹ It was established in 1992 through the Law 21/1924 (the laws of associations and foundations) then it has changed its status in agreement with the Law 356/2001 (Employers organizations law⁴²). It has as members 48 companies; most of them small and medium sized enterprises (SMEs), which belong to the private sector. The Rompescaria members are commercial companies, the fishing companies and the professional fish breeding, fish industry and fish selling associations⁴³. They operate in fishing, fish breeding, fishing tools manufacture, fish processing, research and training institutes in the fish breeding domain. Funding comes from subscription taxes and contributions from members, banking interest rates and dividends from depositing the existing sums; contributions stipulated in the collective working agreement at branch level; donations and sponsorships; publications, incomes from direct economic activities.⁴⁴ 3 employees work for the organization.

The organization is legally acknowledged as an employers organization representative at sector level. It meets the representativity conditions at branch level, in agreement with the Law 143/1997⁴⁵. It is the only employers organization which is representative for the fishing and fish breeding sector in Romania. The organization takes part in negotiation and signs the collective working agreement at the level of the agriculture branch, but it represents the interests of the fishing sector. The last collective agreement which was negotiated and signed refers to the 2004-2005 period. For 2006, a new working contract has been negotiated and is to be signed.⁴⁶ It does not negotiate collective agreements at company level. "Rompescaria" participates directly but also through the representatives of the owners confederation to which it is affiliated (CNPR) in the tripartite dialogue in all structures (CES, the dialogue commissions in the ministry and at the prefects' office). The "Rompescaria" president is a representative in the SD commission in the Ministry of Agriculture. The latter represents the most important tripartite SD for the fishing sector. At national level, it is affiliated to the National Confederation of Employers Organizations in Romania (Confederatia Nationala a Patronatului Roman - CNPR) and the Federation of Employers Organizations in the Food Industry (Federatia Patronala Romana din Industria Alimentara- ROMALIMENTA (RA)⁴⁷.

⁴¹ "ROMPESCARIA", Statute art. 3

⁴² Gazette (official monitor) no. 380/ 07.12.2001

⁴³ „ROMPESCARIA”, Statute art. 1

⁴⁴ Idem, art.15

⁴⁵ Law 130/1996 regarding the Collective Work Contract, modified and completed by Law 143/1997

⁴⁶ Validation, N. Dimulescu, president „ROMPESCARIA”

⁴⁷ Idem

b) National Union of Agricultural Producers in Romania⁴⁸ (Uniunea Nationala a Producatorilor Agricoli din Romania (UNPAR))

The organization was established in 1991 under the name of Private Agriculture Operators Federation in Romania, on the basis of the Law. 21/1924 (the law of associations and foundations). In 1999 it has changed its name to the current one. UNAPR is a non-governmental organization, it is autonomous, it is a legal entity and its purpose is to promote and defend the interests of producers, agriculture operators and farmers, aiming at the economic development and consolidation of the private property, the increase of vegetable and animal production, of the quality of the extra products at important prices which could ensure rentable and bigger incomes⁴⁹. „ In order to meet its attributions, the Union functions through the following departments: production and technology, economic, legislation and management, education, professional training, press, organization and reform, international relations, integration, image and relations with state institutions, parliament, government and non-governmental institutions.”⁵⁰ The organization has branches in all the counties in the country. Funding comes from contributions, entrance fees, donations. It covers all the sub- sectors in the agriculture branch: the vegetable production, animal breeding, land improvement. Ten employees work for the organization. The members of the organization are commercial companies in the agriculture field, land managers, family associations and individual members. All kinds of companies are affiliated: small, large and very large from all the counties. The great majority belong to the private sector.

The organization is acknowledged as representative at the agriculture level branch, meeting the condition for representation as a structure in this level. UNPAR meets the legal conditions to participate in negotiations and to sign collective agreements in the agriculture level. It has negotiated and signed collective agreements annually. For 2006 it has negotiated a new collective agreement. The organization does not negotiate and sign collective contracts at company level. The organization meets the legal conditions to participate in tripartite negotiations and consultations as well as to sign tripartite agreements when they are finalized. For 2000-2004 there were two social agreements signed. After 2004, no other agreement was signed.⁵¹

The organization is affiliated at national level to the National Confederation of Employers Organizations in Romania (Confederatia Nationala a Patronatului Roman - CNPR) and at regional level to the Agriculture Operators Federation in the Balkan region (Federatia Agricultorilor din Balcani).

c) The Federation of Agriculture Employers in Romania (Federatia Patronatelor Agricole din Romania - FPAR)⁵²

The Federation was created on November 1991, under the Law 21/1924 (the Law of associations and foundations) and the Government Decisions no. 503/1990. The Federation is made up of 18 employers' federations, 10 of which are organizations working in the field and 8 are territorial organizations. The federation's initial name was "The Employers' Federation of Autonomous Departments and Agriculture Commercial Companies on shares with State Capital," in line with the property's situation at the time. Following economic and social changes, law modifications and changes in the structure of agriculture capital, the federation changed its name to the current one in 1996. At the time of creation, the members of the federation were all working in the state sector. Subsequently, after changes to the property structure, the affiliated members are mainly from the private sector. The Federation includes agricultural companies and represents agricultural exploitations that practice industrialised agriculture. Members are large, average and small commercial companies, mostly under private property. The sub-sectors covered are field crops (cereals, technical plants), vegetable crops, trees, vines, bees, pig and fowl breeding in an industrial system, milk cow breeding. Funding comes from members' contributions and registration fees. Five employees work for the organization.

The organization is recognised as being representatives in the field of Agriculture, fishing and fish breeding. The recognition is legal, and the organization meets the representativity conditions provided in the Law for collective labor contract. FPAR signs every year a collective contract in the field of Agriculture, fishing and fish breeding with CERES Federation and ROMPESCARIA.

⁴⁸ This organisation does not represent the Fishing Industry but does appear within this report because it member of an European organisation taking part to the European sector SD committee(s), i.e. COGECA.

⁴⁹ UNPAR, Statute art.1

⁵⁰ Idem, art. 25

⁵¹ Gheorghe Predila, President, National Union of Agricultural Producers in Romania.

⁵² Interview Mihail Cojocaru, President FPAR

The last collective contract was signed for 2004-2005. For 2006, it was negotiated and procedures to sign a new contract are to follow. FPAR also negotiates and signs a collective labor contract for unit groups with the AGROSTAR Trade Union Federation.⁵³ The federation does not negotiate and sign collective contracts at company level. It meets the conditions for participation in tripartite concertation. It is a full right member of the Social dialogue committee inside the Ministry of Agriculture (MAPDR). It has not signed any other agreements, except the collective labor contract on sector level.

The organization is affiliated at national level to the National Employers' Confederation from Romanian Industry (Confederatia Patronala din Industria Romaniei -"CONPIROM").

Employers' organisations

Organisation (English name)	Members		Estimation of the density	Collective Bargaining (Yes/No)	Affiliations	
	Total number of companies that are members of this organisation	Total number of workers who are working in the companies members of this organisation			European affiliations	Others affiliations
The "ROMPESCARIA" Romanian Employers' Organisation for Fish Breeding, Fishing, Fish Processing and Commercialisation	48 ⁽¹⁾	About 2,000 ⁽¹⁾	48/431= 11.1%	Yes	-	-
National Union of Agricultural Producers in Romania	2,800 agricultural and commercial companies; 1,500 family associations; 35 other forms of organization; 125,000 individual members ⁽²⁾ = 129,335 members	1, 200,000 ⁽²⁾	ND ⁽³⁾	Yes	COPA-COCEGA ECA	The International Farmers' Association The Federation of Agriculture Entrepreneurs in the Balkans
The Federation of Agriculture Employers in Romania (FPAR)	820 agricultural and commercial companies ⁽⁴⁾	1, 041,000 ⁽⁴⁾	ND ⁽³⁾	Yes	-	-

(1) source : N. Dimulescu, President "ROMPESCARIA", 09. 02. 2006; (2) source: G. Predila, President, National Union of Agricultural Producers in Romania (UNPAR); (3) The difficulty to estimate the density stems from the fact that several categories of members are represented;(4) source: Mihail Cojocaru, President FPAR.

3. The SD in the sector at national level

3.1. The tripartite concertation in the sector

The most important structure in which tripartite concertation takes place is the Dialogue Commission in the Ministry of Agriculture, formed of representatives of the ministry, the employers' organizations and the trade unions. This commission does not exclusively approach fishing issues but the entire range of issues concerning agriculture and the development of the rural environment. The organizations involved are the "Rompescaria" employers' and CNS Cartel- Alfa respective CERES, trade unions. The tripartite concentration issues mainly concern the following: policies in the fishing domain and the adaptation of Romanian legislation to the European one; the access to resources (fishing authorizations and the lease of resources); the creation

⁵³ Validation, Mihail Cojocaru, President FPAR.

and good management of the institutional frame; the intensive development of fishing; the organization of fishers' associations and the fact they are included by the state as partners in the management of the fishing resource⁵⁴; the organization and improvement of the fish circulation and distribution system (fish market); in the fish breeding domain, the building of farms for the intensive breeding of fish; social problems of those working in the sector. Usually, no agreements are signed. Every year, an agreement called the "Note" is signed between the Agriculture Ministry and the Labor Ministry regarding social protection of employees in agriculture during the temporary unemployment period. Trade unions and employers' associations do not sign the contract, they monitor so that the accord is signed and is applied.⁵⁵ However, an agreement (a "note") was signed in 2004. The signatory parties were the National Fishing and Fish Breeding Agency, on the part of the Rompescaria employers and the CNS Cartel-Alfa representatives on the part of the employees. The content of this agreement was the social protection for fishermen in case of temporary unemployment⁵⁶.

3.2. The bipartite SD in the sector

There is no collective agreement only for the fishing sector, but one that covers several sectors and is therefore negotiated and signed by representatives of employers and employees in other sectors as well.

a) At sector level

The organizations involved are the Federation of Agriculture Employers in Romania (FPAR), "Rompescaria" on behalf of employers'; associations, employers' organization, the "CERES" on behalf of trade unions. There is no legal obligation to participate in the bipartite dialogue but an opportunity for social partners to discuss and propose solutions for the improvement of the activity in the sector. There are no conflicts concerning the acknowledgement of partners, probably also because of the small number of employers and employees' organizations.

A collective labor agreement is signed annually. The signatories are "CERES", Federation of Agriculture Employers in Romania (FPAR), and "Rompescaria". The content focuses on salaries, working conditions, working and leisure time, working protection, social protection, professional training, employees' and employers' rights and obligations, the protection of union leaders and employees' representatives.⁵⁷ The provisions of the collective labor agreement have effects on all employees in the sector, irrespective whether they are members of a trade union or not, irrespective of their social and professional category. In the same way, from a legal point of view, the provisions of the collective labor agreement should be applied to all the companies in the sector. In real terms, because the great majority is small companies, and the Law of the collective labor agreement states the obligation to sign a collective labor agreement only in the companies with at least 21 employees, there are few companies which sign and apply the provisions of the collective labor agreement. Thus, the procedure to extend the provisions of the collective agreement to parties which are not signatories is the legal one, stated in Collective Working Contract Law. However, this legal provision is not respected, the provisions of the collective agreement usually applying to larger companies, where employees are organized in unions and there is a collective working contract signed at company level.

The social partners consider that SD at sector level is permanent, open and constructive, triggered by the desire of parties to contribute to the development of the sector both in the benefit of employees and employers. At this level there are no obstacles in the development of the SD. On the contrary, parties show their availability for continuous development, because this is the only way they can support the interests of those whom they represent in relation to the authorities. The actors who promote SD at this level are the sector's employers' organization and trade union. The state is not involved in the SD at this level, and does not show interest for its development.

⁵⁴ Validation, N. Dimulescu, President "ROMPESCARIA"

⁵⁵ Validation, Daniel Neagoe, President "CERES"

⁵⁶ Interview Gavrilă Vasiliu, CNS Cartel-Alfa

⁵⁷ Validation, Daniel Neagoe, President "CERES"

b) At company level

The parties involved are: the trade union organization in the company or, where there is no trade union, the elected representatives of the employees and the company's management board. There is a legal obligation to negotiate and sign a collective agreement at company level only in companies with at least 21 employees. There are no conflicts between parties. Because of the specific conditions in the sector, there are few companies in which a collective agreement is signed. In 2005, 4 such contracts have been signed⁵⁸ in medium sized companies. Their content is similar to that of the collective agreement at sector level, but adapted to the specific conditions of the company, taking into account that the provisions of the collective agreement at sector level are minimal and mandatory for the "company" level. Usually, the duration of the collective agreement is of one year, but there are companies which sign such contracts on a larger period. At company level, all employees benefit from the provisions of the collective agreement, according to the collective agreement law. Where such an agreement is signed, this provision is respected. The perspective of SD at company level is related to the way in which the companies in the sector can develop and to the creation of union structures that can represent the interests of the employees and a dialogue partner.

The relation between the sector and company levels is that as far as the collective agreement is concerned, the provisions at sector level are minimal and mandatory for company. Concerning SD, at sector level the range of issues approached include general matters like the strategy for the sector's development, while at company level, the discussions involve specific, particular issues. Social partners consider that SD at sector level is more developed and more articulate than at company level. This happens on the one hand because only solving the general problem at sector level can lead to solving the problems of parties involved in the sector and on the other hand because of the lack of unions as dialogue partners at company level.

Comment

Besides the activities included in NACE 501 and 502 in the official statistic, employers' and employees' organizations have other activities, such as: processing and preserving fish and fish products, manufacturing of fishing tools, research and education in fishing. Also, social partners include amateur fishers and hunters, whose number goes beyond 160,000, of which 60,000 are amateur fishers. The increase in interest in amateur fishing is an opportunity for the development of agricultural tourism in areas with fishing potential by using SAPARD funds. Fishing is not considered a branch of national economy, and this is why a collective contract cannot be signed in the branch, but included in the collective contract in the "agriculture" branch. Romania has a tradition in fishing and fish breeding and has the natural conditions (sea and sweet water resources) required for this kind of activity. Before 1989, fishing and fish breeding, were an important sector in the economy, but it has known a descendant trend after 1990. Fish production dropped 17 times in 2004 compared to 1989⁵⁹. The dissolution, after 1990, of the ocean fishing fleet resulted in an increase in fish imports, a drop in consumption and the reduction of fish and fish related products processing activities. Socially, it led to the closing of several production capacities and the unemployment of an important part of the labor force in the sector (but in other horizontal industries), the labor force being reduced to less than 3,000 employees. Fishing activities were privatized, as the great majority of the activity is currently conducted by the private sector, a process through which average and great enterprises have been replaced by small enterprises.

In the last few years, a wide process of institutional reorganization and legislative regulation of the sector⁶⁰ has begun in order to align it to European standards, development of strategies and policies in the fishing and aquaculture fields. As for the parts involved in SD: a) Due to specific conditions in the sector (small enterprises, small number of employees, geographic area of cover), employees cannot organize in a federative type of structure within the sector as they do not meet the legal criteria of representation (at least seven percent of the number of employees in the branch – in this case, agriculture, as fishing is not considered a branch), and therefore, they have to affiliate to a representative federative structure which includes other sub-sectors in the

⁵⁸ Interview Gavrilă Vasiliu, CNS Cartel-Alfa

⁵⁹ Cf. Data provided by the Ministry of Agriculture, Forests and Rural Development (MAPDR), 03 February, 2006

⁶⁰ The creation of the National Agency for Fishing and Aquaculture and the National Company for Administration of the Fish Fund

branch of agriculture. Thus, they cannot affiliate directly to European or international structures; b) Employers are organized in a sole employers' structure that represents their interests. The tripartite SD takes place within the SD committee inside the Agriculture Ministry. Social partners believe bipartite dialogue takes place in much better conditions than the tripartite dialogue. Unions and the employers' association are the most interested in the development of SD. The number of collective labor contracts signed at company level is very small, either because companies do not meet the legal conditions (at least 21 employees) or because company managers do not accept to sign such contracts, as there is no union that can impose the negotiation of a collective contract at company level.

Annex: List of organizations

The National Center of Trade Unions of Workers in Agriculture, Food Industry, Tourism and Related Activities "CERES" (Centrala Nationala a Sindicatelor Lucratorilor din Agricultura, Industria Alimentara, Turism si Activitati Conexe "CERES")

Fisher and Other Agricultural Producers Trade Unions (Sindicatul Pescarilor si altor Producatori Agricoli)

The "ROMPESCARIA" Romanian Employers' Organisation for Fish Breeding, Fishing, Fish Processing and Comercialisation (Patronatul Roman al Pisciculturii, Pescuitului, Industrializarii si Comercializarii Pestelui "ROMPESCARIA")

National Union of Agricultural Producers in Romania (Uniunea Nationala a Producatorilor Agricoli din Romania – UNPAR)

The Federation of Agriculture Employers in Romania - FPAR (Federatia Patronatelor Agricole din Romania – FPAR)

The National Confederation of Employers in Romania – CNPR (Conferatia Nationla a Patronatelor din Romania – CNPR)

The National Union Confederation "Cartel Alfa – CNS Cartel Alfa" (Confederatia Nationala Sindicala "Cartel Alfa – CNS Cartel Alfa)

The Romanian Employers' Federation in Food Industry "ROMALIMENTA" - RA (Federatia Patronala Romana din Industria Alimentara "ROMALIMENTA" – RA)

The Employers' Confederation in Romanian Industry - CONPIROM (Confederatia Patronala din Industria Romaniei –CONPIROM)

TURKEY⁶¹

1. Description of the sector's characteristics at national level

1.1. Delimitation and scope of activities in the sector

Although the fishing industry is considered as one of the four sub-sectors of the agriculture industry in Turkey, institutions using different industrial classification systems describe different activities as part of the fishing industry. Three institutions provide official information on the fishing industry. Two of them are the Ministry of Agriculture and Rural Affairs⁶² (MARA) and State Statistics Institute⁶³ (SSI). They both use ISIC Rev (2) based on four digits and consider the fishing industry as marine and inland fishing (fish and other products) and aquaculture activities.

The third source of information, The State Planning Organization (SPO), on the other hand, usually uses the ISIC (Rev. 3) based on 4 digits in its 8th 5 Year Development Plans Special Committee Reports. The Report on the fishing Industry considers the following activities as part of the fishing industry: marine and inland catching (fish and other products), aquaculture, storing, processing, marketing fishing product, manufacture of siener and vessels, wholesale fish markets, fishing ports and use of related vehicles and instruments. The SPO gives detail information over these activities. Yet, not only most of its data is directly derived from the SSI and MARA records, but also outdated since the last report were published in 1999. Thus it will not be used in this report.

The Ministry of Labour and Social Security (MLSS)'s sectoral classification system⁶⁴, on the other hand, constitutes the basis for CB and industrial relations in Turkey. Both employer and employee organization must be established and operate on sectoral level on the basis of this system. This system also considers the fishing industry as one of the four sub-sectors of agriculture sector and consisting of "marine and inland catch activities". The required legislation for adopting the NACE has not yet enacted⁶⁵.

The information on the production and the number of vessels, crews and their regional distributions, provided by the SSI Fisheries Statistics and the MARA records will be used throughout this report. No information is available on employment⁶⁶ and CB since the Labour Statistics⁶⁷ provides no information on employment, firms and industrial relations at the sub sectoral level. Since employment is entirely informal⁶⁸ and no trade union is active in the fishing industry, it is impossible to use alternative sources for information such as on trade unions' and social security institution's records. Consequently information on employment and industrial relations aspects in this report will be based semi-structured interviews and estimations.

⁶¹The official data presented in this report should be treated with cautions by keeping in mind that all most 40 percent of Turkey's economy is informal.

⁶²Being the main administrative authority, the MARA is the main source of most information on the fishing industry and compiles information directly from the Wholesale Fish Markets and issues fishing licenses.

⁶³The SSI compiles data by a complete enumeration of large-scale fisherman and sampling the small-scale fisherman. Its Fisheries Statistics provide detail information on the marine, inland fishing and fish farming productions, exports and imports in the fishing industry.

⁶⁴This sectoral classification system with its 28 sectors was partially adopted from the ISIC Rev (2), and established by a Decree during the Military regime in 1983.

⁶⁵However a new regulation was issued making some moderate alterations in the MLSS's industrial classification system in relation to the new Labour Code No 4857 in 2004. Thus fishing industry is now considered as marine and inland fishing as well as storing and transporting the production of these two activities in terms of the Labour Code No 4857 (Resmi Gazete (Official News Paper) Sanayi, Ticaret, Tarım ve Orman İşlerinden Sayılan İşlere İlişkin Yönetmelik 28.02.2004 No: 25387)

⁶⁶Some reports such as the EU Regular Reports on Turkey and some brochures by the Istanbul Metropolitan Wholesale Fish Market and Fish Producers Associations give some information on employment in the fishing industry. Yet none of them provides a reference or explains how or where they obtained these figures.

⁶⁷The Labour Statistics constitute the most important source of information for analysing CB and industrial relations aspects of a given industry in Turkey. They provide detail information about employment, number and size of firms, unionisation, collective agreements, strikes and lockouts at sectoral level.

⁶⁸Employment especially in the catch sector is entirely informal in the Turkish fishing industry.

1.2. Socio-economic features of the sector

Turkey is a peninsula surrounded by the Black, Marmara and Aegean Seas with 8.333 kms coastlines and 226 million hectares marine surface. Apart from being a peninsula, Turkey has also very rich inland waters and river systems with considerable fishing and aquaculture potential. The total surface of the 200 natural lakes amounts to about 9,001 km² and the 159 dams about 3.442 km² while that of rivers is about 178.000 kms.

The Turkish fishing industry is based on both costal and deep-water fishing; there is no open-sea fishing at all. The main production grounds for bivalves and molluscs is situated on the west and middle Black Sea, for live black mussel, bearded mussels, clam, oyster and cockle on Dardanelle-Bosphorus, and for live black mussel, bearded mussel, clam, oyster and cockle on the Ayvalık region. The share of the each sea within the total fisheries production is as follows: the Black Sea is about 74.95 percent, Marmara about 14.64, Mediterranean, 7.57 and Aegean about 2.84 percent within the country's marine catch⁶⁹. Due to its geographical positions and above-mentioned resource, the fishing industry has far-reaching potential in terms of production and employment. However, it is a small and underdeveloped and ranks about 30th in the world and 5th in the European fishery industries. Its share in the agriculture and GDP of the Turkey is about 2.7 percent and 0.3 percent respectively. It is widely accepted that the Turkish fishing industry has reached its limits since over fishing and pollution has exhausted the resources. This ratio is unlikely to increase in the near future

Fish Production in Turkey, 2000-2003 (Tons /ratio): Capture							
Years	Marine Fish	(%)	Other Marine Product	(%)	Inland Water	(%)	Total
2000	441 690	87.7	18 831	3.37	42 828	8.5	503 345
2001	465 180	88.1	19 23	3.64	43 323	8.2	527 733
2002	493 446	87.0	29 298	5.17	43 938	7.7	566 682
2003	416 126	81.9	46 498	9.1	44 698	8.8	507 772

SOURCE: SSI, Fisheries Statistics 2003

During the 1990s the fisheries production, excluding aquaculture productions, has widely fluctuated. Due to over-fishing, after a high amount of catch in a year, a very rapid decline was observed in the production for the next two or three years. The marine fish catch and other products have constituted nearly the 90 percent of the fisheries production, thus fluctuations in the total production have been mainly associated with the marine fishing products. The official result have not yet been available for 2004 and 2005, albeit according to the experts from the MARA and Istanbul Metropolitan Wholesale Fish Market, the marine catches may be around 470,000 tones in 2004. They believe that with about 600.000 tons a historical record may be broken in 2005.

The composition of the total marine fish production by species demonstrates that anchovy has formed the highest catch with 295,000 tons. It constitutes 70.89 percent of the marine fish catch in Turkey. Cockle with 41.96 percent, on the other hand, is the highest catch among other marine products. Finally, the distribution of inland fishing products shows that common carp constitutes the highest catch with 30.92 percent. It is followed by a local-lake fish (inci kefal)⁷⁰ with 31,80 percent.

Regarding the weight of the fisheries production in the Turkish economy, as noted earlier, the Turkish fisheries sector is not very big and its contribution to the GDP is very limited. Most of its production is locally consumed in fresh form and thus, the amount of exports is also very small -the total export was 5 percent in 2003-. The SPO Report on Informal Economy estimates that 40

⁶⁹The SSI, Fishery Statistics, 2003.

⁷⁰ English equivalent is unknown, yet its literal translation could be "pearl mullet" It is caught only in the lake Van in the east border of Turkey.

percent of Turkish economy is informal⁷¹. Thus, it is not surprising that a significant informal economy and employment prevail in the Turkish fishing sector. The real figure is not known, but it is suffice to say that at least 40 percent of the fishing industry is informal.

According to the MARA records, there were 12,989 in 2001, 17,690 in 2002 and 18,542 in 2003 marine fishing vessels respectively. There are 3,464 inland fishing vessels as well. This increases raises the total number of the fishing fleet in Turkish fishing industry to 22,006 in 2003. What is more is that, according to the experts, particularly inland fishing sector a large number of small boats and vessel operate without licenses. It is estimated that there could be as high as 3,000 vessels operating without licenses in the inland fishing sector. Thus, it is possible to say that the Turkish fishing fleet consists of about 25,000 vessels. However, this does not mean that all these vessels, even those with proper or without fishing licenses, are involved in the fishing catching activities. It is well known that a significant number of vessels are involved in other activities rather than fishing. Some even involve in illegal activities⁷². An expert from the MARA's Protection and Control Office estimates that as much as 10,000 vessels may not be fishing. In other words, it seems to reasonable to suggest that the Turkish fishing fleet active in the marine fishing sector could contain about 12,000 or 13,000 vessels. Small-size vessels and with less than 10m length and 49 HP (Horse Power) engines dominate the Turkish fishing fleets.

Companies

	Number of companies	% companies without employees	% companies with <10 employees	% companies 10-49 employees	% companies 50-249 employees	% companies with > 249 employees
Total of the sector	ND	ND	ND	ND	ND	ND

As noted earlier, the Labour Statistics do not provide information on the fishing industry as it is considered as one of the four sub-sectors of the agricultural sector. The MARA records, on the other hand, provide information on the number of fishing licenses issued to firms with judicial personality, vessels and persons. No detailed information is available about the firms and employment in the fishing industry as a whole.

However, some indirect information may give idea about the size and character of the firms active in the Turkish fishing industry. Persons and vessels are required having licenses for fishing in Turkey. Most small-scale vessel owner fishermen are self-employed and do not establish firms. They are predominantly organized under the cooperatives and cooperative associations. The cooperatives constitute most import organizations for fishermen. In 2004, there were 346 fisheries cooperatives with a membership of 19,039. About 60 percent of these cooperatives are for the marine while the rest is for the inland fishermen. The cooperatives are involved in production, storage and processing as well as marketing activities. They provide certain advantages in leasing water resources and obtaining incentives and credits.

Nevertheless, according to the MARA records, 111 fishery products processing and 132 firms with fishing licenses firms currently exist. Nearly 60 percent of these are cooperatives and active inland fishing sector while the rest in the marine fish catching sector. No information is available on the size of these firms.

Information obtained from the Istanbul Metropolitan Wholesale Fish Market⁷³ and the Istanbul Chamber of Commerce and Chambers of Maritime Commerce's records may give a clue about the size and traits of the firms active in the industry. The wholesale fish brokers considered as significant part of the marine fishing industry is, dominated by small and mediums size firms. Most brokers are officially registered firms and some are members of the Wholesale Fish Brokers Association. According to the director Wholesale Fish Brokers Association, most of the members are small and medium size firms. The Istanbul Metropolitan Wholesale Fish Market records⁷⁴ also supports his claim; 80 out of 103 brokers are small size firms employing between 1-24 workers in Istanbul.

⁷¹ DPT, Kayıtdışı Ekonomi Özel İhtisas Komisyonu Raporu, 2001. only

⁷² Some fishing vessels involve in tourist sightseeing tours during off-seasons while many others smuggling petrol and diesel oil as well as man-trafficking.

⁷³ The Istanbul Metropolitan Wholesale Fish Market is the largest wholesale fish market in Turkey. Approximately 60 percent of the marine catches of the country are sold in this market.

⁷⁴ In the inland fishing industry only small size cooperatives operate to market fishing products.

The Istanbul Chamber of Trade records also suggest that most firms active in the Turkish fishing sector are small and medium sizes. According to these records of the former, 533 firms have registered their activities as fishing in total. Of these 39.2 percent are small, 51.5 percent medium and only 9 percent large firms. Finally Istanbul Chambers of Maritime Commerce⁷⁵ demonstrates that 193 medium and large-size vessel-owners registered their activities as fishing. As a result, the available evidence clearly suggests that enormous number fishermen are self-employed with no firms but organized under cooperatives while vast majority of registered firms are small and medium sizes in the Turkish fishing industry. What is striking is that most of these firms are family business run by several generations.

Large firms and MNCs generally operate in the fish processing and aquaculture sectors. In the catch sector, no MNC exist. Foreigners are not allowed to deal with fish and fish processing activities within Turkish waters, under the Fisheries Act No 1380. However, the Encouragement of Foreign Investment Act No 6224 has brought a limited liberalization⁷⁶. The Treasury and International Trade Undersecretary's records show that 21 MNCs currently operate in the Turkish fishing industry. They operate as joint venture with local capital.

No official information on employment is directly available. Yet some indirect information may help to estimate the size of the employment. The SSI statistics, for example, demonstrate that 62 percent of the marine fishing vessels do not employ any hired crew, while 34 percent employ 1-4 crew, 1.2 percent 5-9 crew, 0.9 percent 10-20 crew, 0.6 percent 20-29 crew and finally 0.16 percent more than 30 crew. If we accept that all officially registered vessels employ the maximum number of crew, then the number of crew could be around 30,000-35,000. Beside, we need to include the crews in the inland fishing, where there are 3,465 officially registered and about 3,000 non-registered vessels. In the inland fishing industry, the size of vessels is small and it is estimated that about 40-50 percent may employ up-to three crews. Thus, there could be around 7,500-10,000 fishermen and crews in the inland fishing industry. Consequently, it can be argued that at 40,000-45,000 crews, at most, are active in the Turkish fishing industry. If we add 14,000-15,000 self-employed fishermen in the marine fishing, then the maximum employment could be around 55,000-60,000 in the Turkish fish catching industry. This figure is close to that of FAO report, which estimates the employment in the primary sector as 68,000⁷⁷. The total employment in the fishing industry including the secondary sector such as processing, storing, wholesale marketing- excluding aquaculture- may be around 100,000-120,000⁷⁸.

The MARA records on the number of issued licences for fisherman may also help for the estimation of the size of the employment. The records show that there are 81,502 licensed fishermen in Turkey. However, this figure should be treated with cautious for at least two reasons: firstly, some fishermen may have licenses from more than one places. When a fisherman lost or hides his license for variety of reasons, he can receive a new license without cancelling the previous one from an "Agricultural Directorate" in different City. Secondly, an 8-year visa system has recently been established, thus the current figures may include those who are either dead or not active in the fishing industry. Thus, considering all these drawbacks, it can be suggested that active fishermen could not be more than 55,000-60,000 in Turkey.

The informal, seasonal and traditional traits of the Turkish fishing industry are central for understanding the employment, work and working conditions. The employment as noted above is utterly informal, especially in the fish catch and landing parts. Only two large vessels have been reported to have their fishing crews registered with the social security organizations and paid wages in Black Sea region.

It is a seasonal industry with two fishing and a ban seasons. Nearly all-fishing crews are migrants, who have not yet settled in the place of their work. All most all come from the nearby villages in the fishing regions. Many of them are relatives and friends. They are mostly peasants with small land to cultivate during the summer and working as fishermen in the winter. They typically have low level of education. The fishing is the last resort job when there is no employment available in the shore. What is more is that all licensed fishermen are traditionally male and no woman is employed in the fishing sector. The only exceptions are processing firms and few brokers, which operate in the shore.

In contrast to the fishing crew, however, all vessel owners have already settled in the cities in the fishing regions and most of them inherited the business from their fathers. Some of the large vessel owners are the fourth and fifth generations running their family business. They constitute a "closed community" in the fishing ports. As vessel owner in Istanbul Fishing Port said, «no one can become vessel owner fishermen outside this port».

⁷⁵ Being a member of the Istanbul Chambers of Maritime Commerce is extremely prestigious and is accepted as the indication of wealth and nobility.

⁷⁶OECD 2002, Direct Foreign Investment in Fishing Sector, <http://www.oecd.org/dataoecd/38/60/2349594.pdf>

⁷⁷ FAO, Fishery Country Profile: Republic of Turkey, <http://www.fao.org/fi/fcp/en/TUR/profile.htm> (10.02.06)

⁷⁸Some studies estimate that the direct and indirect employment is about 200,000 in the EU, Turkey 2000: 2000 Regular Report, <http://www.euoffice.metu.edu.tr/regularreport.doc>, p.44.

In return their services, the fishing crews do not receive wages, but are paid given shares from the total revenue of the vessel, for which they work. At the end of each fishing season, after deducting the cost of diesel oil, food and other common expenditures, the net revenue of a vessel is calculated and divided between the crews. The lion share with 60 percent usually goes to the vessel owner in return for his vessel and seiner. The rest 40 percent is divided among the crews including the first and second captains depending on their contributions and skills. At weekends during the fishing season, the crews are usually given some pocket money, deducted from their share. In terms of money, an average share of ordinary crew could be around USD 7.000 in the summer season⁷⁹ between September and January. Yet an average share could often be around USD 3.000-5000 in the winter season⁸⁰ between January and May. The work that the fishermen carry out is basically labour intensive, heavy, dirty and tiring. There is no definite work duration. During the fishing season whenever weather conditions is suitable, they fish. It was reported that each season in the Black Seas roughly 10-15 crews die in work accidents and many gets serious injuries. Above conditions are even worse in the case of the inland fishing where the vessels are smaller and revenue is much lower.

Workers

Sub-sectors	Number of self-employed workers in the sector	Number of employees in the sector	Number of employees in the sector/ total number of employees in the country –all sectors- (%)	Number of employees in companies <10 workers in the sector/ number of employees in the sector (%)	Number of employees in companies 10-49 workers in the sector/ number of employees in the sector (%)	Number of employees in companies 50-249 workers in the sector/ number of employees in the sector (%)	Number of employees in companies >249 workers in the sector/ number of employees in the sector (%)
Total of the sector	ND	ND	ND	ND	ND	ND	ND

Source: Fisheries Statistics 2003

2. Description of the organisations active in the sector at national level

In Turkey, trade unions can only be established at sectoral level. The fishing industry is considered as a part of the agriculture industry thus, trade unions established in the agriculture industry are authorised to organize the workers in the fishing industry. There are currently five trade unions⁸¹ active in the agriculture industry. However, four of them these trade unions are not interested in organizing the fishing workers. They have mainly sought to recruit forestry, irrigation and farm workers, since they believe that organizing the fishing workers is impossible due to its informal, seasonal and traditional character. The only union seeking to organize the fishing workers is Tarım Orman-İş (Agriculture Forestry Workers Trade Union). Thus, a short synopsis of Tarım-Orman-İş is given in the next section.

2.1. Description of the workers' organisations active in the sector

There is, at the moment, no trade union active in the Turkish fishing industry. However, as noted above, only a trade union with an aim to organize the fishing crews is Tarım-Orman İş. Tarım-Orman-İş is the youngest trade union active in the agriculture sector and was established in 2003. It was immediately affiliated to a HAK-İŞ (Conservative Islamist Workers Trade Union Confederation) and has managed to organize about 25,000 workers in a very short time by transferring Orman-İş's members in the public sector. Thus, it has been accused of collaborating with

⁷⁹The average wage is about 3-4 times higher than the national minimum wage in Turkey. Thus the wages is fairly attractive in the fishing industry.

⁸⁰ The crew may receive nothing if the catch season has not been good.

⁸¹They are Orman-İş (Forestry Workers Union of Turkey), Tarım-İş (Forestry, Irrigation, Agriculture, and Farm Workers Union of Turkey), Öz-Tarım-İş (Real-Agriculture, Irrigation and Forestry Industry Workers Union of Turkey) Emek-Tarım-İş (Forestry, Irrigation and Agriculture Worker Union), Tarım-orman-İş (Agriculture, Forestry, Hunting and Fishing Workers Union).

the government to topple Orman-İş in the public sector forest industry. Tarım-Orman-İş's centre is in Ankara and has no branch office. It has 5 officials and 5 personnel. It has not yet undertaken any education program. Tarım-Orman-İş is not an authorised social partner in the agriculture sector; it has neither involved in any CB negotiation nor signed a collective agreement at all⁸². This is because, although Tarım-Orman-İş passed the competency thresholds⁸³ and applied for a competency certificate, the court did not approve its competency due to Orman-İş's application for the re-determination of Tarım-Orman-İş competency⁸⁴. Tarım-Orman-İş has neither international nor European connections.

2.2. Description of the employers' organisations active in the sector

In contrast to the fishing workers or the crews, the employers seem to be better organized with their trade associations, foundation⁸⁵ and a large number of cooperatives associations. There are large numbers of the fishing employer associations in Turkey. It is possible to find several trade associations, chambers and cooperative associations in all fishing regions. However, most of them are very small and operate like clubs rather than representing the interest of their members. Not surprisingly the largest number of fishery associations can be found in the Istanbul fishing region. There are four large and many small and locally established associations. The largest ones are called Istanbul Fish Producers Association, Fish Wholesalers Association, Fish Retailers and Marmara Cooperative Associations. They all operate in the Istanbul Metropolitan Wholesale Fish Markets, which is established in Istanbul Fishing Port.

However, comparing to employer associations active in other industries such as metal or chemical, the fishing employer associations are very small and not professional associations. The above mentioned 4 associations, for example, operate in the same flat and use the common facilities in Istanbul Fishing Port. These associations have recently signed a protocol to act together in order to influence decision-making authority and enhance production technology and activities to adapt to the needs of global as well as local markets. However, non-of these associations was established to deal with labour problems and industrial relations in the fishing industry. Indeed, there is no official social partner, which could represent the employers in CB negotiations and industrial relations issues in the Turkish fishing industry. However, it seems to be worth to have short synopsis of the Istanbul Fish Producers Association (İstanbul Balık Mustahsilleri Derneği) due to its potentials and plans to establish a future social partner organisation in the fishing industry

Istanbul Fish Producers Association (IFPA) is the only professional association with some permanent staff, which seek to enhance and protect the occupational interests of by fishery employers in the Turkish fishing industry. Istanbul fishery employers established the IFPA in 1923. The IFPA is more a craft association and has a fairly institutionalised structure with entrenched traditions and rituals. Its principle objective is to convey the spirit and secrets of the fishing trade to its members and the future generations. It seeks to promote modern fishing techniques and occupational solidarity among its members. The IFPA also seeks to reduce the conflicts of interests and to control the competition among its members. It also endeavours to lobby and influence the decision-making authority over the fishing rights and privileges⁸⁶. The IFPA has already 680 members. They are all vessel owners and active in the fishing sector⁸⁷. The IFPA has an

⁸² The Collective Bargaining Act No. 2822 regulates the representativeness criteria. It brings a double-threshold for trade union to have competency to negotiate CB and conclude a collective agreement. To have competency, a trade union has to recruit at least 10% of the workforce at sector level where it operates; and recruit at least 50% + 1 workforce to negotiate a CB and sign an agreement in an establishment or an enterprise level in any given sector.

⁸³ According to the Collective Bargaining Act No. 2822, collective negotiations and collective agreements can only take place at workplace or enterprise (multi-plant) levels. No other form of CB or SD at any other level is formally possible in Turkey.

⁸⁴ A re-determination case usually lasts two years. During the field work, the case against Tarım-Orman-İş was still seen in the court. Tarım-İş was very much likely to have a competency certificate.

⁸⁵ The foundation is called the Fisheries, Research, Advancement and Development Foundation and was established by 14 fishermen with the largest vessels in Istanbul, in 1995. Their intention was to distance themselves from the problem of medium and small fishermen and to develop strategies for open-sea fishing. However, they were severely criticized by the members of IFPA for being disloyal to their trade and traditions. The Foundation decided to suspend its separatist strategy and started contributing to social development of the Fisheries community by sponsoring academic research and conferences.

⁸⁶ Some of Istanbul's fishermen started to catch tuna several years ago. They are trying to obtain privileges in the Mediterranean sea.

executive and inspection committee and employs a manager, a fishery expert and two secretaries. Its executive committee regularly meets once in a week. It has neither international nor European connections. Although the vessel owners interviewed claimed that one cannot become a fisherman by going to a school but can only inherit from his father, the IFPA has close link with the fishery department of Istanbul University. It has organized some seminars for its members on new fishing techniques and sponsored few international conferences on fishery science.

The IFPA is not an employer trade union, but an ordinary association. It is not a formally authorised social partner to negotiate a CB or signed a collective agreement at any level. However, its president claimed that they are well organized; they have enough resources and experiences to establish an employer trade union /association⁸⁸ representing its members in CB and industrial relations over a night, if the fishing crews break their entrenched tradition (promise) and join to a trade union. Although this is unlikely to occur in the foreseeable future, the IFPA's officials are aware of the fact that the process of Turkey's accession to EU may necessitate the establishment of a social partner organization to represent their members at European level.

Employers' organisation

Organisation (English name)	Members		Estimation of the density	Collective Bargaining (Yes/No)	Affiliations	
	Total number of companies that are members of this organisation	Total number of workers who are working in the companies members of this organisation			European affiliations	Others affiliations
Istanbul Fish Producers Association	680	5,000-6,000	ND	No	-	-

3. Description of the SD in the sector at national level

3.1. Description of the tripartite concertation in the sector

There is neither formal nor informal tripartite concertation⁸⁹ at sectoral level in Turkey. Therefore, no tripartite SD or any other form of consultation takes place between the government, the workers' and employers' organisations specifically for the Fishing Industry. There is also no signed agreement or a pact at any level in the fishing industry.

3.2. Description of the bipartite SD in the sector

Collective bargaining is the main mechanism for bipartite SD in Turkey, but it takes place at establishment (a workplace/plant) or enterprise (multi-plant belonging the same employer) level. Thus, no formal bipartite SD/CB⁹⁰ takes place at sector level. There are currently the organisational and legal impediments for the development of SD at sectoral level. However, the

⁸⁷When the IFPA was established in 1923, its charter included an article allowing anyone to become its members. The article has not yet annulled. Thus, a crew can become a member in theory. However, no crew has, in practice, been allowed to its member in the last decades.

⁸⁸To establish an employer organization, it is suffice to apply to the governor's office by declaring the main objectives as representing its members in industrial relations and CB issues.

⁸⁹Tripartite concertation takes place only at national level. The relevant committee is called as Economic and social Council.

⁹⁰However, an employer association and a trade union can informally negotiate CB and sing a framework agreement /group collective agreement at sectoral level. Such a collective agreement has to be re-singed by individual employers and trade union at workplace and enterprise level in order to be formally binding. Group CB negotiations and agreements are widespread only in the metal manufacturing sector in Turkey.

government has recently announced its plans to enact a new trade union and CB codes. The new codes apparently will allow bipartite SD/CB negotiations to take place at sectoral level. This may create incentives for the development of bipartite SD at sector level in Turkey.

As there is no authorised trade union and employer association, no CB has, so far, taken place in the Turkish fishing sector. Neither workers nor employers seek to undertake such activities. It is apparent that as long as the traditional structure, seasonal and informal character and existing labour relations with its share system are sustained, there is no prospect for the unionisation of the crews and the development of bipartite SD in the Turkish fishing industry in the near future.

Comment

The Turkish fishing industry is considered as part of agriculture industry and its share is negligible in the GDP. The marine fishing constitutes nearly 90 percent of production in terms of value and weight. The industry is technologically backward. For instance, there are large numbers of vessels, but few equipped with modern technologies. The small size vessel dominates the Turkish fishing fleet. The fishing industry is seasonal and based on coastal and deep-sea fishing; open-sea fishing does not exist at all. The employment is completely informal. Most crews are relatives and townsmen while vessels owner come from the traditional fishing families. They constitute a “closed community”, sustained by the entrenched work traditions and relations. No one is allowed to become a fisherman or a vessel owner outside this community.

The seasonal character and its traditional share system with the existing recruitment patterns have been the most important impediments in the unionisation and formalisation of the industry. Nearly all crews are migrants with low level of education. Despite the informal employment, long work durations, bad working conditions and the crew's dissatisfactions, there is almost no open form of resistance or protest. Consequently, the fishing crew are reluctant for joining to a union. There seems to be no way for a trade union to organize these crews.

What is more is that no authorized social partners exist at any level. Thus so far bipartite SD or CB has taken place and no collective agreement has been signed in the Turkish fishing industry. Improvements and changes in the labour relations seem to be unlikely in the near future. Nevertheless, in addition to formalizations employment, the enactment of a new trade union and CB codes in line with the Acquis Communautaire and the ILO recommendations via reducing the sectoral competency threshold to 5 percent and enabling bipartite SD at sectoral level may create incentives for the unionisation and the development of SD in the Turkish fishing sector.

Annex: List of organisations

CSGB: Ministry of Labour and Social Security

DİE: State Statistic Institute (SSI)

DPT: State Planning Organization (SPO)

Emek-Tarım-İş: Forestry, Irrigation and Agriculture Worker Union

Hak İş: Confederation of Real Turkish Trade Unions

İDTO: Istanbul Chamber of Maritime Commerce

İTO: Istanbul Chambers of Commerce

Orman-İş: Forestry Workers Union of Turkey

Öz-Tarım-İs: Real-Agriculture, Irrigation and Forestry Industry Workers Union of Turkey

Tarım Orman-İş : Agriculture, Forestry, Hunting and Fishing Workers Union

Tarım-İş: Forestry, Irrigation, Agriculture, and Farm Workers Union of Turkey

TKB: Ministry of Agriculture and Rural Affairs

ANNEXE

A. References*

*Besides the interview of organisations' representatives (see B. Validation).

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B. Validation

B.1. National validation

Bulgaria

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Seamen's trade union, town of Varna	Krasimir Vulchev	President
Confederation of Independent Trade unions in Bulgaria	Emilia Markova	Chief expert of Collective Bargaining

Romania

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
The National Center of Trade Unions Workers in Agricultura, Food Industry, Tourism and Related Activities “CERES”	Daniel Neagoe Gavrila Vasiliu	President

Fisher and Other Agricultural Producers Trade Unions	Sandu Tanvuia	President
The ROMPESCARIA Romanian Employers' Organisation for Fish Breeding, Fishing, Fish Processing and Commercialisation	Nicolae Dimulescu	President
National Union of Agricultural Producers in Romania	Gheorghe Predila	President
The Federation of Agriculture Employers in Romania	Mihail Cojocaru	President
National Agency for Fishing and Aquacultura	Sica Munteanu	Counsellor
Ministry of Agriculture, Forrests and Rural Development (MAPDR)	Radu Valeanu	Secretaire, Comission de Dialogue Social, MAPDR

Turkey

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Istanbul Metropolitan Wholesale Fish Market	Mehmet Salih Gökgül	Deputy Director and Fisheries Expert
Istanbul Fish Producers Association	Ahmet Menekşe/ Abdullah Denizeri	Depty. Director. General Seceraty
Istanbul Fiseries Coopertives Association	Ali Güney	Deputy Director
İstanbul Fish Brokers Association	<i>Mahmut Uçan</i>	Deputy Diertor
Fishing Reseach, Development Foundation	Erhan Demirci	General Manager
Protection and Control Authority of the MARA	Suleymen Baykan	Expert

B.2. European validation

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
ETF	Philippe Alfonso	Political Secretary for the Fisheries, Ports & Docks and Maritime Sections
ETF	Livia Spera	Assistant for Fisheries and Ports & Docks Sections
EUROPECHE	Guy Vernaeve	Secretary General
COPA-COGECA	Guy Vernaeve	Head of Unit