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Brussels, 24 April 2014

MRS CATHERINE ASHTON
HIGH REPRESENTATIVE FOR FOREIGN AFFAIRS
AND SECURITY POLICY OF THE EUROPEAN UNION

MRS MARIA DAMANAKI
COMMISSIONER FOR MARITIME AFFAIRS
AND FISHERIES

Re: Europêche, ETF and Cogeca joint comments on the Joint Communication for a European Union maritime security strategy

Dear High Representative Ashton,
Dear Commissioner Damanaki,

Europêche, the Association of National Organisations of Fishing Enterprises in the European Union, the ETF (European Transport Workers' Federation), representing more than 2.5 million workers in transport and fisheries, and Cogeca, representing the interests of fisheries cooperatives in Europe, welcome your initiative and your sincere determination to achieve this crucial process towards the protection of our fleet, seas and oceans. The catching sector in the European Union satisfactorily endorses your proposal and the main thrust of the *"Joint Communication to the European Parliament and the Council for an open and secure global maritime domain: elements for a European Union maritime security strategy"* adopted on 6 March 2014.

We are however convinced that in order to meet the objectives intended, in future developments on the shaping of the EU maritime security strategy some items of paramount importance to the EU fishing industry must be taken into account. Therefore, please find hereafter some elements of reflection of our organisation on the subject.

Actors and legislation involved at EU and International level

The text provides the main strategic maritime security interests of the EU, some of them have a direct impact on the fisheries sector such as the **prevention of illegal, unregulated and unreported (IUU) fishing as well as cross-border and organised crime**. Further, it is mentioned throughout the Join Communication that this strategy should be inclusive, comprehensive and build upon existing achievements maintaining a consistent approach. This should include the **further engagement of public and private actors including social partners**.

The European Social Partners of the Fisheries sector¹ are resolved to contribute to deter and fight against IUU fishing in its broadest meaning. In fact, we are of the opinion that the lack of training,

inadequate language skills and lack of enforcement of safety and labours standards make fishers particularly vulnerable to **forced labour and human trafficking**². This could be combatted through improved regulation and control by means of the implementation and development of safety and labour standards.

The best examples can be found in:

1. The **ILO Work in Fishing Convention, 2007 (No 188)**, designed to ensure that fishermen worldwide have access to decent working and living conditions. The convention sets out a basic framework of obligations for employers and for governments to input minimum standards into national legislation. It covers fishermen on board vessels flying EU flags as well as vessels calling at European ports, regardless their flag and the nationality of the crew.
2. The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (**STCW-F 1995**) of the International Maritime Organization (IMO), which entered into force on 29 September 2012.

In this context and notwithstanding the repeated request of the Social Partners, the European Commission is not willing to propose the **implementation into Union law of the STCW-F 95 through a Directive** (similar to what the Union did for the shipping sector) which is creating a discriminatory legal system within the EU. Likewise, the Commission is delaying the request of the Social Partners to propose the transposition of their **Agreement on implementation of the Work in Fishing Convention, 2007 (C188)** into Union law without a legal cause.

The low interest shown on the implementation at EU level of mentioned Conventions **contributes to a lack of transparency and inhibits flag and port state control of safety and security at sea**. This undermines effective investigation and prosecution of crimes committed on board fishing vessels. It also affects the safe and secure operation of the vessel at sea, especially concerning the lack of appropriate training and/or skill languages which poses a **potential danger on the environment in case of accident**.

The EU should adopt the best standards in its leading role and responsibility to raise port and security standards amongst neighbor countries and help them to meet the requirements of the ILO Conventions to ensure the safety and security of fishers and seafarers.

Maritime Security interest

In its introductory remarks, the text highlights that **the EU is the third largest importer and the fifth global producer of fisheries and aquaculture**. Moreover, as a matter of fact, the EU fishing fleet is comprised of around 83.000 vessels which operate world-wide, without forgetting that there are 22 Fisheries partnership agreements (FPAs) with third countries.

¹ **Europêche** represents the catching sector in Europe. Currently, the Association comprises 16 national organisations of fishing enterprises from the following 10 EU Member States: BE, DE, DK, ES, FR, IT, MT, NL, PL and UK.

The ETF represents more than 2.5 million transport workers from 243 transport unions and 41 European countries, in the following sectors: railways, road transport and logistics, maritime transport, inland waterways, civil aviation, ports & docks, tourism and fisheries.

Cogeca is the united voice of agricultural cooperatives in the EU. It also represents the interests of fisheries cooperatives in Europe through its FISH Working Party which it shares with Copa. Currently, the fisheries representatives come from the following 5 countries: DE, IE, IT, MT, SI.

² ILO report “caught at sea: forced labour and trafficking in fisheries”

Accordingly, given the imperative role that the fishery resources play in the EU, the Joint Communication includes amongst its key strategic maritime security interests, the **protection of the global EU supply chain**. Europêche, Cogeca and the ETF welcome the initiative and is eagerly awaiting its implementation in practice.

In this context, we must emphasise that the fishing and aquaculture industries are the main strategic sectors securing the food supply to EU citizens and as such they are considered the first element of the food supply chain. Consequently, the protection referred to in the text cannot be limited to the transportation of seafood goods, but rather being extended to the **safeguarding of the EU fishing fleet activity**.

In conclusion, the catching sector not only plays a decisive role providing sustainable and healthy food to EU citizens but also it is a privileged ally to help secure our seas and oceans. Hence, it deserves **full protection and consideration during future works on the shaping of the EU Maritime Security Strategy**.

Immigration into the EU by sea

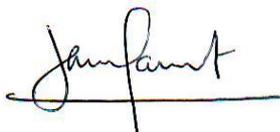
Over the last years a long series of catastrophes occurred off EU's water, notably in the Mediterranean, with thousands of people losing their lives in the attempt to reach Europe by sea. Europêche, Cogeca and the ETF believe that an **increased cooperation at EU level** on this aspect is appropriate. Immigration laws currently in place in some EU countries trigger behaviours that are in **breach of international laws governing the navigation**, permit the rejections of immigrants at sea and punish those, such as fishing vessels' officials and crews, who contribute to rescue the migrants that are found in a situation of danger.

For this reason, Europêche, Cogeca and the ETF call for **specific actions to put an end to the tragedies** occurring at the gates of Europe within the future strategy on maritime security. This should include an EU approach to immigration policies, which should be compliant with respect of human rights and the right and duty to rescue migrants that are approaching the coasts of the EU.

Social partners also call for the implementation of a 'presumption of rescue' to ensure that any overcrowded migrant boat spotted by passing ships would have to be offered help, **without risks for the officers and the crews to be taken to court** for aiding and abetting illegal immigration.

We trust our points of view on such crucial issue will be duly taken into account and we look forward to further discussing these matters with the Commission's services.

Yours sincerely,



Javier Garat
President of Europêche



Pekka Pesonen
Secretary General of COGECA



Juan Manuel Trujillo
ETF Fisheries Section Chair