

MINUTES

Hearing: "How can the human side be taken into consideration in improving maritime safety at European level?"

European Parliament – 2 October 2013

Isabelle THOMAS welcomes the transcript of the 1995 Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) for fishermen that will be discussed in the European Parliament and for which she has been appointed *Rapporteur* for the PECH Committee. The work of the legislator has to help stamp out the proliferation of human tragedies, such as the sinking of the Costa Concordia and also the repeated accidents that are all too often forgotten that are endured by fishermen who perish at sea. Fishing is now the most dangerous profession in Europe.

Until now, safety at sea has been addressed on a very compartmentalised and ad-hoc basis. The STCW Convention dealt only with seafarers working in maritime transport, and it was not until 1995 at the IMO and 2013-2014 at European Union level that this was extended to fishermen. Every time there is a tragedy, human error is put forward, which only masks the absence of any protocols and safeguards, and highlights the shortfalls in terms of the number of personnel onboard as well as language issues, security measures, training, or working time. In this context, we must develop a holistic approach to maritime security.

Blue growth, promoted by the EU, aims to increase the number of maritime personnel and will raise new challenges in terms of security, for example with regard to the maintenance of offshore wind farms. Isabelle Thomas stressed the need to establish optimal safety conditions immediately.

Pervenche BERES believes that the issue of seafarers working conditions has long been considered primarily in terms of safety at sea, not in terms of social issues. The issue of transport was deemed as an exception to social rights. Developments are now underway. Ms Béres underlined the importance of ensuring a balance between workers' rights and the implementation of necessary maritime safety measures.

The proposed Directive 2009/13 that seeks to enforce the 2006 Maritime Labour Convention (MLC) focuses in particular on preserving the health of seafarers, their working time, their housing, leisure and catering conditions, and their living conditions onboard. The issue of international competition is essential in this area. The Council's decision, on the basis of Article 155 of the Treaty, is not however, meant to include the executive provisions set out in title 5 of the MLC. The European Parliament has requested that the Commission rectify this shortfall. In this context, the proposed text provides for an obligation for the Flag State to establish inspection mechanisms, to guarantee the independence and the qualifications of the personnel responsible for inspecting the measures covered by the 2009 Directive as well as the complaint procedures onboard. In this negotiation the European Parliament obtained several achievements:

- To establish regular, independent, and transparent controls, the definition of clearer inspection objectives, the adaptation of controls for vessels under 200 tons and tools helping seafarers to consult the MLC;
- To prohibit a vessel that does not meet the compliance requirements from leaving the port until the necessary measures have been taken and to require the shortcomings found that relate to the working conditions of seafarers, to be rectified;
- To make the complaint procedure onboard clearer and more transparent;
- To introduce a five-year obligation for the European Commission to present a report on the implementation of the Directive;
- The reiteration of a “non-regression” clause that makes it possible to maintain the achievements of the Union and not to question them.

Finally, Ms Béres stressed the need to increase the European Maritime Safety Agency budgets, whose mandate is now quite limited.

Giancarlo CRIVELLARO (DG MOVE, European Commission) represented Christine BERG. Mr Crivellaro shared the holistic approach promoted by Isabelle THOMAS. The human aspect has not been forgotten in the European Commission’s various actions in which the involvement of social partners plays a driving role. Giancarlo CRIVELLARO highlighted five elements ([cf. presentation](#)):

- The principles upon which the European Commission is based in the field of maritime safety;
- The actions led by the European Commission in this area;
- The responsibilities of the Flag State;
- Port State Control;
- Training of seafarers.

Pär KARLSSON (Kalmar University) addressed the current situation on ships. The first issue is that of fatigue, including on the most modern ships. The MLC authorises seafarers to work 91 hours per week, the STCW up to 98 hours, and allows huge working hour burdens over the long term (4 to 6 weeks running for a European, almost six months for a non-European...). The vast majority of accidents are directly related to lack of sleep.

Mr Karlsson reminded participants that while a ship is docked, the controls carried out require the crew to be readily available in order to supply necessary paperwork to the controllers. The reality of working on ships is such that the only solution to relieve the crew is to increase staff.

The heavy administrative burden is another issue, especially at sea. Seafarers agree that there is too much administrative work because of the large number of documents to be filled in. Training that will help to reduce the time spent on administrative work should be set up.

Finally, Mr Karlsson discussed several other points:

- The cost of the certificates needed to work at sea also creates difficulties because they have multiplied. A captain may need 14 or even 15 different certificates, which are expensive and must be updated regularly. Seafarers who stop working during a period of 4-5 years often never return to the profession because of these costs.

- In addition, the schools have to pay the onboard training of their students, and this has the effect of reducing their resources.
- Electronic equipment is highly sophisticated but extremely complicated to use. Mr Karlsson stressed, in this respect, the need to develop training to understand and control the manuals and equipment.
- Crews should be prepared to react to situations of panic, particularly in the enormous modern ships.

Antidia CITORES (Surfriders Foundation) reminded participants that most accidents are caused by human error. One of the priorities of the MLC is environmental protection and safety at sea. The MLC was ratified in 7 years fulfilling the same requirements as those for the convention on ballast water, which has not yet entered into force and echoes the 1986 Convention on registration that has never been adopted and has points in common with the MLC.

The Flag State's responsibility in the implementation of the MLC is central: yet less than half of the Member States have ratified it. The second registries, which are the most attractive in terms of registration at European level, are not subject to European legislation and attract many more registrations than European registers. The vast majority of second registries have also not ratified the convention, which creates a grey area in the protection of seafarers. The creation of a label at European level emphasizing the exemplary character including the second registries could constitute added value particularly in terms of competitiveness. It is unfortunate that the criteria used to classify the flags in the grey and black list exclude social criteria.

The trend towards giant ships poses a problem and threatens the safety and working conditions onboard. The excessive size complicates the relief efforts on land and at sea, port facilities, the crews' onboard training as well as all manoeuvres. It is essential that the whole crew is trained in maritime English.

The issue of the safety of people on land also raises questions, in particular that of the customs officers who could be exposed to health risks, for example by opening containers when they are not aware of the content.

Finally, it is regrettable that in the event of pollution there is no obligation to provide volunteer training.

Georges TOURRET (Institut Maritime de Prévention) was involved in drawing up a French report on the competitiveness of the French fleet. In this area, the problem of social competition in Europe is central. Europe is very binding for European shipowners, but the relationships between the Member States are covered only by international conventions and the majority of maritime trade in Europe is carried out by vessels that are not under European flags.

With regard to the issue of safety for fishing vessels, the majority of studies focus on vessels that are less than 24m. DG MARE and DG MOVE hold each other responsible for these boats although they have the highest number of accidents. Many people deal with boats, but never in terms of safety. Fishing vessels are now old and obsolete, which contributes to making the sector very accident prone. In 2012 (in France), 1300 accidents at work were reported and 1 sailor in 10 was the victim of an accident at work. Barriers regarding the size of the vessels have resulted in a fleet that is not adapted from a hydrodynamic point of view. The French fleet has an average age of 24 and continues to age.

It is unfortunate that constraints continue to be implemented that impinge on working time and space onboard. Maintaining a "look book" in which every fish should be recorded takes time; the obligation

to land all discards is going to generate more work, less pay and less space. Fishing gear, such as traps take much more space than trawling nets against which a European campaign is being led. It is absurd that there is no coordination between those who decide what should be fishing vessels and those dealing with safety at sea. By building the rules governing the construction of a new ship Mr Tourret believes it would be good to provide enough space for possible changes in use so that it remains useable for a long time. The challenge today is to make small boats with plenty of room so as to also provide living space (thus creating partitions against noise proves to be very complicated in terms of space management onboard).

Structural developments need to be made that aim to help the coexistence of constraints that all too often contradict each other, in order to provide a framework for the samples and landings and also to ensure a comfortable life onboard for the seafarers and high-performance vessels.

Philippe ALFONSO, (ETF) highlighted the interests of European seafarers in his speech ([cf. presentation](#)). Today it is important to ensure that the MLC is actually put into practice even if it is believed that Europe must do better especially on a social level. It is necessary to attract young people to the sector by improving training but also the living conditions onboard. Finally, the human aspect must be included in the state aid schemes to the sector. This scheme does not support the training and employment of seafarers enough at the moment. A fourth Erika package on the human aspect is essential.

Questions and Debate

Isabelle THOMAS: wondered how to reconcile the requirements of social standards without making the European flags disappear in a few years faced with less scrupulous competition. There is reason to worry about working conditions in fishing vessels of less than 24 metres. The issue of the legal chain of responsibility in terms of compensation should also be clearer in order to increase the awareness of charterers.

Georges TOURET observed that port State control was “weak” due to staff shortages when the sinking of the Erika occurred, which was a turning point in European thinking. In France it led to doubling the number of inspectors, particularly as the Prestige followed and the ban on vessels that do not have a double hull.

The challenge for future discussions will be to identify the employment contracts of staff onboard the vessel. Controlling social conditions will be difficult because the controllers are not trained in social law but are have technical training. We should therefore turn to work inspectorates even though they do not know how the ships operate and 95% of work inspectorates cannot communicate in English. A control body is certainly necessary, but the effectiveness of the latter requires a body of competent controllers.

Phillip BELCHER (INTERTANKO) reminded participants that the Isle of Man and the Faroe Islands ratified the Convention. He is however concerned over vast differences that exist between the flags. The exclusion of certain sailors from the category of seafarers that do not therefore have access to any protection is also a major problem.

There are relatively few boats of 23.5 metres, and shipbuilders will always manage to invent something to sidestep the regulations in force.

Pär KARLSSON said that Sweden had lost much of its fleet to less rigorous flags. In Sweden maritime professions continue to attract young people, even if it is difficult to find them internships onboard. In addition, it is necessary to install filters in the ventilation systems. Finally the media focus on disasters when it comes to talking about the sea, forgetting the technological prowess achieved in this field.

Isabelle Thomas and Pervenche Béres thanked the speakers and the participants, and closed the hearing.