



**An Roinn Iompair,  
Turasóireachta agus Spóirt**  
Department of Transport,  
Tourism and Sport

## **Marine Notice No. 42 of 2018**

*Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers,  
and Seafarers*

**Consultation on ILO Work in Fishing Convention, 2007  
(C188) and EU Directive 2017/159 on the  
implementation of the social partners' agreement on the  
Work in Fishing Convention**

The Department of Transport, Tourism and Sport wishes to advise of the forthcoming implementation into Irish law of the International Labour Organisation's (ILO) Work in Fishing Convention, 2007 (C188) and EU Directive 2017/159.

The Work in Fishing Convention, 2007 was adopted at the 96<sup>th</sup> session of the International Labour Conference in June 2007. It aims to ensure decent conditions of work in the fishing sector with regard to minimum requirements for work on board fishing vessels; conditions of service; accommodation and food; medical care and health protection; and social security.

The Convention entered into force on 16 November 2017 and, so far, 12 Member States of the ILO have ratified it, including 3 EU Member States (Estonia, France, and Lithuania). The Convention is in force for the Member States who have ratified it, and will enter into force for Ireland 12 months from the date of our ratification.

On 31 January 2017, Council Directive (EU) 2017/159 was published in the Official Journal of the European Union (OJ No. L 25, 31.1.2017, p.12). This Directive contains a Social Partners' Agreement, concluded on 21 May 2012, which aims to implement the Work in Fishing Convention. This Agreement is similar in substance to the ILO Work in Fishing Convention, but does not contain the enforcement provisions of C188 or the requirements regarding payment of fishers. The Directive is due to be transposed into Irish law by 15 November 2019.

Ireland, along with other ILO Member States, must bring the Convention into force via national legislation. A provision will be included in the Merchant Shipping (International Conventions) Bill, currently being prepared, which will allow the Minister for Transport, Tourism and Sport to make regulations to fulfil the State's commitments under the Work in Fishing Convention. While the Bill is being progressed, it is proposed to proceed with the transposition of the Directive into Irish law in advance of the transposition deadline.

It should be noted that while in some aspects the Convention has more flexibility than the Directive, in order to meet our obligations under EU law, we must adhere to what is provided for in the Directive.

An important aspect of the Convention and Directive is the requirement for consultation with stakeholders, i.e. representative organisations of employers and workers and representative organisations of fishing vessel owners and fishers. This consultation process will contribute to the drafting of the required new secondary legislation.

The views of those affected by the Convention and Directive are now sought. Only certain aspects of the Convention/Directive require consultation with stakeholders. The material contained in the table in the Annex relates to aspects of both the Convention and the Directive which require consultation. While this consultation document therefore focuses on those aspects, it also gives a brief explanation of the contents of each part of the Convention/Directive for information purposes.

The Annex attached sets out the Department of Transport, Tourism and Sport's proposals, as well as the procedure for forwarding comments/observations.

While the Department is proposing certain approaches, these are subject to legal and drafting advice which will only become available as the drafting process progresses. There are also some issues which impact on the legislation of other Government Departments. These Departments will have to be contacted in due course, and their input may affect the final outcome of certain aspects of the regulations made for the Work in Fishing Convention and Directive.

Aside from the specific aspects of both the Convention and the Directive which require consultation, we are also interested in any information which you can provide in relation to the likely costs and benefits to the sector of implementing the ILO Work in Fishing requirements.

Written submissions may be submitted by **5pm 17<sup>th</sup> December 2018** by post to:

Work in Fishing Consultation  
Maritime Safety Policy Division  
Irish Maritime Administration  
Department of Transport, Tourism and Sport  
Leeson Lane  
Dublin 2  
D02 TR60  
Or by email, to [wifconsultation@dtas.gov.ie](mailto:wifconsultation@dtas.gov.ie)

**The Department will not be replying individually to submissions. All submissions received are subject to Freedom of Information legislation. As a means of encouraging discussion and in the interest of transparency, it is our intention to post any submissions received on the Department's website unless we are requested not to do so.**

**Note:** This Marine Notice should be read in conjunction with the text of [ILO Work in Fishing Convention \(C188\)](#) and [Council Directive \(EU\) 2017/159](#).

Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

Irish Maritime Administration,  
Department of Transport, Tourism and Sport,  
Leeson Lane, Dublin 2, D02 TR60, Ireland.

16/11/2018

Encl. Annex

For any technical assistance in relation to this Marine Notice, please contact:  
The Marine Survey Office, tel: +353-(0)1-678 3400.  
For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418.  
Written enquiries concerning Marine Notices should be addressed to:  
Maritime Safety Policy Division, Dept. of Transport, Tourism and Sport, Leeson Lane, Dublin, D02 TR60,  
Ireland. Email: [marinenotices@dtas.gov.ie](mailto:marinenotices@dtas.gov.ie) or visit us at: [www.dttas.gov.ie](http://www.dttas.gov.ie)

# Annex to Marine Notice No. 42 of 2018

## **Annex to Marine Notice 42 of 2018:**

Your views are sought regarding the implementation of the Work in Fishing Convention (Convention 188). The full text of the Convention is available [here](#). The full text of Directive 2017/159, which implements some of the Convention by way of a social partnership agreement, is available [here](#).

The Convention was adopted by an overwhelming majority at the 96<sup>th</sup> International Labour Conference (ILC) in 2007. It aims to ensure that all fishers have decent conditions of work on board fishing vessels.

The Convention is divided into 9 parts and 3 Annexes covering –

### **Part I. Definition and Scope**

- Definitions
- Scope

### **Part II. General Principles**

- Implementation
- Competent Authority and Coordination
- Responsibilities of Fishing Vessel owners, skippers and fishers

### **Part III. Minimum requirements for work on board Fishing Vessels**

- Minimum Age
- Medical Examination

### **Part IV. Conditions of Service**

- Manning and hours of rest
- Crew List
- Fishers work agreement
- Repatriation
- Recruitment and Placement
- Payment of fishers

### **Part V. Accommodation and Food**

### **Part VI. Medical Care, Health Protection and Social Security**

- Medical Care
- Occupational Safety & Health and Accident Prevention

- Social Security
- Protection in the case of work-related sickness, injury or death

**Part VII. Compliance and Enforcement**

**Part VIII. Amendment of Annexes I, II & III**

**Part IX. Final Provisions**

**Annex I Equivalence in Measurement**

**Annex II Fisher's Work Agreement**

**Annex III Fishing Vessel Accommodation**

The following table details the specific aspects of both the Convention and Directive which require consultation. In some cases, a specific question is being posed to stakeholders, and in other cases, your views on the proposed approach are sought.

## Part I – Definitions and scope

Part I sets out the definitions that will be used in relation to the Convention and Directive and also to whom the provisions will apply.

The Convention and Directive apply to all fishers, including share fishers, and all fishing vessels engaged in commercial fishing. However some parts of the Convention/Directive only apply to fishers on vessels which are either over 24m in length, or are at sea for 3 days or more.

It should be noted that the Directive only applies to fishing vessels which fly the flag of a Member State or are registered under the plenary jurisdiction of a Member State, while the Convention has a broader definition of fishing vessel. Within the Convention however, certain articles only apply to fishing vessels that fly the flag of a Member State.

There is scope under this Part of the Convention to exclude, after consultation, fishing vessels engaged in fishing operations in rivers, lakes or canals, and limited categories of fishing vessels from the requirements of the Convention or from certain provisions. The Directive provides for the exclusion of certain categories of fishing vessels without reference to fishing operations in rivers, lakes or canals.

However, it should be noted that the Directive only applies to sea-fishing, by virtue of the definition of “fishing operation”. In any event, the Directive requires that all categories of fishers or fishing vessels be brought within scope within 5 years of entry into force of the Agreement so there is little value in expressly excluding any particular category given that the Agreement is in force since 16 November 2017. Our proposed definition of fishing vessels, in keeping with the Directive, relates to vessels which engage in sea-fishing. The views of stakeholders would be welcome on this issue.

Furthermore, while the Convention provides for the progressive implementation of a number of provisions (subject to article 4.2), the Directive does not include this option. The Department therefore will not be availing of any options in this regard in order to ensure compliance with the Directive.

This Department is proposing to define a fishing vessel as “a vessel which is designed, equipped or used commercially for catching or taking fish or other living resources of the sea (including the sea bed)”. For practical reasons, we regard an Irish fishing vessel as a vessel which holds a Sea Fishing Licence from the Department of Agriculture, Food and the Marine.

The following specific aspects of Part I of the Convention and Directive require consultation:

	Convention		Directive	Existing Legislation	Ireland’s position	Questions for the sector
	<b>SCOPE</b>		<b>SCOPE</b>			
2.2	In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent	2.2	In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent	<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24</a>	Proposed definition of Fishing Vessel is a vessel which is designed, equipped	<b>The views of the stakeholders are sought on this proposed definition.</b>

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	authority after consultation.		authority after consultation.	<a href="#">metres) Regulation 2007</a>	or used commercially for catching or taking fish or other living resources of the sea (including the sea bed).	
2.3	Any Member, after consultation, may extend, in whole or in part, to fishers working on smaller vessels the protection provided in this Convention for fishers working on vessels of 24 metres in length and over.	2.3	Any Member State, after consultation, may extend, in whole or in part, to fishermen working on vessels <i>of less than 24 metres in length</i> the protection provided in this Agreement for fishermen working on vessels of 24 metres in length and over.	<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a>  Code of Practice for vessels less than 15m LOA	The Department does not propose to extend to fishing vessels less than 24 metres any measures which apply exclusively to fishing vessels of 24m in length or over, with the exception of the provision in Article 14.1 (a) of the Convention (Art. 10.2 in Directive) which will require that vessels of length 15 metres and over will have to carry a manning document.	
3.1	Where the application of the Convention raises special problems of a substantial nature in the light of the particular conditions of service of the fishers or of the fishing vessels' operations concerned, a Member	3.1	Where the application of this Agreement raises special problems of a substantial nature in the light of the particular conditions of service of the fisherman or of the fishing vessels' operations concerned, a Member	<a href="#">SI 289/1988: FV (Certification of Deck Officers &amp; Engineer Officers) Regs</a> – R.3: provision for Minister to grant	Given that the definition of fishing vessel being proposed excludes certain categories of fishing vessels, and	<b>We are seeking views on the application of the Convention &amp;</b>

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	<p>may, after consultation, exclude from the requirements of this Convention, or from certain of its provisions:</p> <p>(a) fishing vessels engaged in fishing operations in rivers, lakes or canals;</p> <p>(b) limited categories of fishers or fishing vessels.</p>		<p>State may, on objective grounds, after consultation, exclude limited categories of fishermen or fishing vessels from the requirements of this Agreement or from certain of its provisions.</p>	<p>exemptions</p> <p><a href="#">SI 709/2003: EC (Workers on board Sea-Going FVs)(OWT) Regs</a> – R.3 – Regs 5, 6, 7, 8 &amp; 9 do not apply to FVs not registered in the state</p>	<p>given that the Directive provides that any exclusions under this article must be brought within scope within 5 years of entry into force of the Agreement, it is not proposed to avail of exclusions under this article.</p>	<b>Directive</b>
4.1	<p>Where it is not immediately possible for a Member to implement all of the measures provided for in this Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions, the Member may, in accordance with a plan drawn up in consultation, progressively implement all or some of the following provisions*:</p> <p>(a) Article 10, paragraph 1;</p> <p>(b) Article 10, paragraph 3, in so far as it applies to vessels remaining at sea for more than three days;</p> <p>(c) Article 15;</p> <p>(d) Article 20;</p> <p>(e) Article 33; and</p> <p>(f) Article 38.</p> <p><i>*For ease of reference: Article 10, para 1: valid medical</i></p>				<p>The Department does not plan to use the option for progressive implementation given the approach being taken in relation to the scope. Furthermore, the Directive does not provide for progressive implementation.</p>	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	<p><i>certificate</i></p> <p><i>Article 10, para 3: No exemptions for valid medical certificate on fishing vessels of 24 metres in length and over.</i></p> <p><i>Article 15: Crew list.</i></p> <p><i>Article 20: Fisher's working agreement</i></p> <p><i>Article 33: Risk evaluation</i></p> <p><i>Article 38: Protection in case of work related sickness, injury or death.</i></p>					
5.1	<p>For the purpose of this Convention, the competent authority, after consultation, may decide to use length overall (LOA) in place of length (L) as the basis for measurement, in accordance with the equivalence set out in Annex I. In addition, for the purpose of the paragraphs specified in Annex III of this Convention, the competent authority, after consultation, may decide to use gross tonnage in place of length (L) or length overall (LOA) as the basis for measurement in accordance with the equivalence set out in Annex III.</p>			<p><a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a></p> <ul style="list-style-type: none"> <li>- Definitions of both (L) &amp; (LOA) are used</li> </ul> <p><a href="#">SI 417/2002 European Communities (Safety of Fishing Vessels) Regulation 2002</a></p> <ul style="list-style-type: none"> <li>- 'length' used</li> </ul> <p><a href="#">SI 418/2002 Fishing Vessels (Safety Provisions) Regulation 2002</a></p> <ul style="list-style-type: none"> <li>- 'length'</li> </ul>	<p>This Department proposes to use length (L) as it is used in the existing framework and so makes for a coherent and easily understood regulatory regime.</p> <p>["length (L)" means 96 per cent of the total length on a waterline at 85 per cent of the least depth, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that length is greater. In vessels designed with rake of keel the waterline</p>	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
				used	on which this length is measured shall be parallel to the designed waterline – from SI 640/2007]	

## **Part II – General principles**

This part of the Convention and Directive sets out the responsibilities of the fishing vessel owners, skippers and fishers.

The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of the Convention and Directive. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel.

For fishing vessel owners and skippers, this means that they must comply with responsibilities regarding health and safety as per [SI 325 of 1999](#).

Fishers are obliged to comply with the lawful orders of the skippers and applicable safety and health measures.

In addition to the provisions of the Directive, the Convention sets out provisions for enforcement and for designating the competent authority, which in Ireland's case will be the Marine Survey Office (MSO) of the Department of Transport, Tourism and Sport.

There are no consultation requirements with regard to this part of the Convention and Directive.

### **Part III – Minimum requirements for work on board vessels**

Part III sets out the minimum requirements fishers must fulfil in order to work on board a fishing vessel. These minimum requirements relate to minimum age and the requirement for medical certification.

#### **Minimum Age**

With regard to minimum age, the Convention/Directive provides that:

- the minimum age for work on board a fishing vessel shall be 16 provided the person is no longer subject to compulsory full-time schooling;
- the competent authority may authorise a minimum age of 15 for persons who are engaged in vocational training, provided they are not subject to compulsory schooling; and
- the competent authority may provide that 15 year olds may perform light work during school holidays.

In line with the Convention and Directive, and with regard to the Protection of Young Persons (Employment) Act, 1996, it is our intention to set the minimum age for work on board a fishing vessel at 16 years. This is for reasons of maritime safety and for consistency with existing regulations on the minimum age that young persons can work, such as the Regulations implementing the Maritime Labour Convention for seafarers. We also propose to provide that 15 year olds can perform light work during the school holidays.

Even with the above minimum age requirements, there are some situations where fishers must be at least 18 to be assigned to certain activities. The competent authority can consult on the types of activities which are likely to jeopardise the health and safety of young people (age 16-17) and therefore can only be assigned to a fisher who is no younger than 18 years old. However, both the Convention and Directive provide that these activities can be assigned to a fisher from the age of 16, following consultation, provided that certain conditions are met with regard to schooling, health and safety, and training.

We are seeking your views as to the types of work that would be suitable for/expected of 15 year olds during school holidays, and the types of activities that can only be assigned to a fisher of 18 years or more (or to persons aged 16-17 once certain conditions are met).

No fisher under the age of 18 can engage in night work (night covers a period of at least 9 hours starting no later than midnight and ending no earlier than 5 am). However, an exception to this can be made where the effective training of the fisher concerned would be impaired by the restriction, or that the specific nature of the duty or a training programme requires that such fishers carry out duties at night. The competent authority should determine after consultation that the work will not have a detrimental impact on their health or well-being.

#### **Medical Certification**

The Convention and Directive provide that no fisher shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duty. The competent authority may after consultation, grant exemptions to this requirement but an exemption cannot apply to a fisher working on a vessel of 24m in length or over or which normally remains at sea for more than 3 days.

Regulations will be drafted which will prescribe the details of a medical examination and certification system for the fishing sector. Under the Convention and Directive, Member States must establish a scheme to be operated by qualified medical practitioners and there must be an appeal mechanism. There are also a number of specific requirements in relation to fishing vessels of 24m in length and over, or vessels which normally remain at sea for more than 3 days. In the case of these larger vessels, the medical certificate is valid for a maximum period of 2 years, unless the fisher is under 18 years of age, in which case, it is valid for a maximum period of 1 year. We propose to apply similar provisions regarding frequency of medical examinations and period of validity for medical certificates to vessels of less than 24m in length.

We are proposing that the medical certificate is obligatory for all fishers, except those working on category C vessels. However, if a category C vessel is over 17m and/or at sea for more than 3 days, fishers on board will be obliged to have a medical certificate. Category C vessels include harbour vessels, boats and craft staying within 30 nautical miles of the shore or with no cabin accommodation other than a wheelhouse.

It should be noted that there is currently a panel of approved doctors who operate a medical assessment scheme for seafarers (and some fishers – see [Marine Notice 32 of 2005](#)). It is intended that the current panel of doctors will operate the scheme for fishers required under the Convention and Directive. A fee must be paid to the doctor in order to have a medical examination carried out. The maximum fee that may currently be charged for a full seafarer medical examination and issue of a certificate is €150.00. It is intended that a similar fee be provided for the scheme which will apply to fishers.

The fees for fishers are currently a maximum of €40.00 for each eyesight test and an additional €60.00 if confirmatory colour vision testing is required. It should be noted that while the current system for fishers is a one-off examination which does not require regular renewal, under the Convention and Directive, it is proposed that the new medical assessments will be valid for a maximum period of 2 years, after which they will have to be renewed and a new certificate issued. For fishers under the age of 18, the certificate will have to be renewed every year.

The following specific aspects of Part III of the Convention and Directive require consultation:

	<b>Convention</b>		<b>Directive</b>	<b>Existing Legislation</b>	<b>Ireland's position</b>	<b>Questions for the sector</b>
	<i>MINIMUM AGE</i>		<i>MINIMUM AGE</i>			
9.2	The competent authority, in accordance with national laws and practice, may authorize persons of the age of 15 to perform light work during school holidays. In such cases, it shall determine, after consultation, the kinds of work permitted and shall prescribe the	6.3	The competent authority, in accordance with national laws and practice, may authorize persons of the age of 15 to perform light work during school holidays. In such cases, it shall determine, after consultation, the kinds of work permitted and shall	<a href="#">No. 16/1996 Protection of Young Persons (Employment) Act, 1996</a> Section 3	We intend to provide that persons of age 15 can perform light work during the school holidays, subject to the views of stakeholders.	<b>What type of work activities would be suitable for/ expected of 15 year olds on board a fishing vessel?</b>

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	conditions in which such work shall be undertaken and the periods of rest required.		prescribe the conditions in which such work shall be undertaken and the periods of rest required.			
9.3	The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardise the health, safety or morals of young persons, shall not be less than 18 years.	6.4	The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardise the health, safety, physical, mental or social development, education or morals of young persons, shall not be less than 18 years.	<a href="#">SI 357/2014 Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping sectors) Regulations 2014</a>	No consultation is required on this section, however it relates to the consultation on Art 9.4 (Art 6.5 in Directive) below.	
9.4	The types of activities to which paragraph 3 of this Article applies shall be determined by national laws or regulations, or by the competent authority, after consultation, taking into account the risks concerned and the applicable international standards.	6.5	The types of activities to which paragraph 4 of this Article applies shall be determined by national laws or regulations, or by the competent authority, after consultation, taking into account the risks concerned and the applicable international standards.	<a href="#">SI 357/2014 Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping sectors) Regulations 2014</a>	While we are considering the use of the provision in Article 9.5 of the Convention (Article 6.6 in Directive) in order to provide that certain activities can be carried out by 16-17 year olds in certain circumstances, we would appreciate the views of the sector on the details of such activities.	<b>What type of work activities would not be suitable for or expected of 16 – 17 year olds on board a fishing vessel?</b>
9.5	The performance of the activities referred to in paragraph 3 of this Article as from the age of 16 may be authorized by national laws or regulations, or by decision of the	6.6	The performance of the activities referred to in paragraph 4 of this Article as from the age of 16, provided a young person is no longer subject to compulsory	<a href="#">SI 357/2014 Protection of Young Persons (Employment)(Exclusion of Workers in</a>	We are considering the use of this provision, subject to the views of stakeholders.	<b>Do you think young persons between the ages of 16 and 17 years should be permitted to carry</b>

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	competent authority, after consultation, on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training.		fulltime schooling under national law, may be authorized by national laws or regulations, or by decision of the competent authority, after consultation, on condition that the health, safety, physical, mental and social development, education and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training. The requirements under Article 7.3 of Directive 94/33/EC shall be respected.	<a href="#">the Fishing and Shipping Sectors</a>  <a href="#">No. 16/1996 Protection of Young Persons (Employment) Act, 1996</a> R.8		<b>out activities as outlined in response to the previous question?</b>
9.6	The engagement of fishers under the age of 18 for work at night shall be prohibited. For the purpose of this Article, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. An exception to strict compliance with the night work restriction may be made by the competent authority when: (a) the effective training of the fishers concerned, in accordance with established programmes and schedules, would be impaired; or	6.7	The engagement of fishermen under the age of 18 for work at night shall be prohibited. For the purpose of this Article, 'night' shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours, starting no later than midnight and ending no earlier than 5 a.m. An exception to strict compliance with the night work restriction may be made by the competent authority, provided that the requirements under Article 9 of Directive 94/33/EC are respected, when: (a) the effective training of the	<a href="#">No. 16/1996 Protection of Young Persons (Employment) Act, 1996</a>  Section 6 (1) (b)  <a href="#">SI 357/2014 Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping sectors) Regulations 2014</a>	We propose to provide for the exception to the night work restrictions within the limits which are set out in the Convention and Directive.	<b>Do you have any views on this approach?</b>

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	(b) the specific nature of the duty or a recognized training programme requires that fishers covered by the exception perform duties at night and the authority determines, after consultation, that the work will not have a detrimental impact on their health or well-being.		fishermen concerned, in accordance with established programmes and schedules, would be impaired; or (b) the specific nature of the duty or a recognized training programme requires that fishermen covered by the exception perform duties at night and the authority determines, after consultation, that the work will not have a detrimental impact on their health or well-being.	Regulation 3 (a)		
	<b>MEDICAL EXAMINATION</b>		<b>MEDICAL EXAMINATION</b>			
10.1	No fishers shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.	7.1	No fishermen shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.		No consultation is required on this section, however it relates to the consultation on Art 10.2 (Art 7.2 in Directive) below.	
10.2	The competent authority, after consultation, may grant exemptions from the application of paragraph 1 of this Article, taking into account the safety and health of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.	7.2	The competent authority, after consultation, may grant exemptions from the application of paragraph 1 of this Article, taking into account the safety and health of fishermen, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.	<a href="#">Marine Notice No. 32 of 2005</a> (Changes in procedure in relation to eyesight testing of candidates for examination for a Fishing Vessel Deck Officer Certificate of Competency)	This Department proposes that the Medical Certificate obligation will not be applicable to fishers working on Category C fishing vessels unless they are over 17m or at sea for more than 3 days.	<b>The views of the sector on this proposed approach would be welcomed.</b>

## **Part IV – Conditions of service**

Part IV of the Convention and Directive sets out working conditions for fishers such as manning and hours of work, crew list, fishers work agreement, repatriation, recruitment and placement, and payment.

### **Manning and Hours of Rest**

Fishing vessels which fly the flag of a Member State or registered under its plenary jurisdiction are to be sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper. Fishers must be given regular periods of rest of sufficient length to ensure safety and health.

The Convention and Directive state that Members should establish a minimum level of manning for vessels of 24m and over, stating the number of crew and the qualifications they are required to have. As Ireland already has manning requirements in line with those of the Convention and Directive through [SI 709 of 2003](#) and [SI 192 of 2000](#), this department does not propose to establish any alternative requirements under Article 10.3 of the Directive and Article 14.3 of the Convention. We will however, be using the provisions of Article 2.3 in order to make it a requirement that vessels of 15m in length and over have a manning document. We will also be examining existing Regulations to determine if amendments are required in order to cover the scope of the Convention and Directive.

Similarly, Ireland already has Regulations in place in [SI 709 of 2003](#) regarding hours of work and rest for fishers. While the details of hours or work and hours of rest in the Convention and Directive are in keeping with the current Regulations, we will be examining the Regulations to determine if any amendments are required with regard to scope of application in order to ensure compliance with the Directive and Convention. Article 11.8 of the Directive also provides for annual leave for fishers who work on fishing vessels which, for a specific period of the calendar year (exceeding one month), are not allowed to operate.

### **Crew List**

The Convention and Directive provide that every fishing vessel must carry a crew list. It is a matter for the competent authority to determine to whom and when information relating to the crew list shall be provided and for what purpose. There are existing requirements in this regard which are set out in Section 405 of the Merchant Shipping Act, 1894.

### **Fisher's Work Agreement**

Fishers working on vessels which fly the flag of a Member State will have the protection of a Fisher's Work Agreement that is comprehensible to them and is consistent with the provisions of the Convention and Directive. The particulars of the Agreement are set out in Annex II of the Convention (Annex I of the Directive). The fisher should have the opportunity to review and seek advice on the terms of the work agreement before it is concluded, and it should be signed by both the fisher and the fishing vessel owner (or an authorised representative of the fishing

vessels owner). A copy should be provided to the fisher and it should be carried on board and available to other concerned parties on request. Where a fisher is not employed or engaged by the fishing vessel owner, the owner must have evidence of contractual or similar arrangements providing decent living and working conditions on board the vessel. Requirements relating to work agreements do not apply to a fishing vessels owner who is also single-handedly operating the vessel.

### Repatriation

Under the Convention and Directive, Member States must provide that fishers on fishing vessels that fly their flag and that enter a foreign port are entitled to repatriation in specified circumstances. The cost of repatriation must be borne by the fishing vessel owner except where the fisher has been found to be in serious default of his/her work agreement obligations. Regulations will be required prescribing the circumstances in which repatriation can take place.

### Recruitment and Placement

The Convention sets out requirements for the recruitment and placement of fishers, including the requirement that private recruitment and placement services for fishers are licensed or certified. Ireland has a licensing system in place for such services - the Workplace Relations Commission (WRC) have responsibility for the licensing of recruitment and placement services generally, and we will be engaging with their parent Department (Department of Business, Enterprise and Innovation) on these aspects of the Convention and Directive.

### Payment of Fishers

The Convention provides that each Member State shall after consultation adopt laws/measures providing that fishers who are paid a wage are ensured a monthly or other regular payment. It also provides that all fishers working on board fishing vessels be given a means to transmit all or part of the payments received, including advances, to their families at no cost. With regard to the payment of wages, this Department proposes that wages are paid in intervals of a month or less.

It should be noted that the Directive does not contain any provisions with regard to the payment of wages.

The following specific aspects of Part IV of the Convention and Directive require consultation:

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
			<b>MANNING</b>			
		10.1	Each Member State shall adopt laws, regulations or other measures requiring that owners of vessels flying its flag or		No consultation is required on this section, however it	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
			registered under its plenary jurisdiction ensure that their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper.		relates to the consultation on Art 10.3 below.	
		10.2	In addition to the requirements of paragraph 1 of this Article, the competent authority shall for fishing vessels of 24 metres in length and over, establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishermen required.		No consultation is required on this section, however it relates to the consultation on Art 10.3 below.  It is proposed that a safe manning document will be required for fishing vessels of 15 metres in length and over (As per Article 2.3).	
		10.3	The competent authority, after consultation, may establish alternative requirements to those in paragraph 2 of this Article. However, the Member State shall satisfy itself that the alternative: (a) is conducive to the full achievement of the general object and purpose of this Article and of Article 11 hereafter; (b) gives effect to paragraph 2 of this Article; and (c) shall not jeopardise the safety and health of the fishermen.	<a href="#">SI 709/2003 European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulation 2003</a> Regulations 3, 5, 6 & 7  <a href="#">S.I. 192 of 2000 - Fishing Vessels</a>	This Department does not propose to establish alternative requirements. The manning requirement will specify the issue of a safe manning document.	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
				<a href="#">(Certification of Deck Officers and Engineer Officers) (Amendment) Regulations, 2000</a>  applies to FVs over 17 metres - Regulation 4		
	<b>MANNING &amp; HOURS OF REST</b>		<b>HOURS OF WORK AND HOURS OF REST</b>			
13	Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessels flying it's flag ensure that: (a) their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper; and (b) fishers are given regular periods of rest of sufficient length to ensure safety and health.				No consultation is required on this section, however it relates to the consultation on Art 14.1 below.	
14.1	In addition to the requirements set out in Article 13, the competent authority shall: (a) for vessels of 24 metres in length and over, establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishers required; (b) for fishing vessels regardless	11.2 & 3	2 (a) Within the limits set out in paragraph 1, subparagraph (b), and paragraphs 3 and 4 of this Article, each Member State shall, after consultation, take the necessary measures to ensure that, in keeping with the need to protect the safety and health of the fishermen and for the purpose of limiting fatigue: (i) the working hours are limited to a maximum number of hours which shall	<a href="#">SI 709/2003 European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulation 2003</a> Regulations 3, 5, 6 & 7	No substantive changes to hours of work and rest; however, relevant Regulations will be examined to determine if any changes are necessary.	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	of size remaining at sea for more than three days, after consultation and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers. Minimum hours of rest shall not be less than: (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period.		not be exceeded in a given period of time; or (ii) a minimum number of hours of rest are provided within a given period of time. (b) The maximum hours of work or the minimum hours of rest shall be specified by law, regulations, administrative provisions or by collective agreements or agreements between the two sides of the industry. 3. The limits on hours of work or rest shall be either: (a) maximum hours of work which shall not exceed: (i) 14 hours in any 24 hour period, and (ii) 72 hours in any seven day period; or (b) minimum hours of rest which shall not be less than: (i) 10 hours in any 24hr period, and (ii) 77 hours in any seven day period.	<a href="#">SI 289 of 1988</a> , as amended by <a href="#">SI 192 of 2000</a> ;  <a href="#">Code of Practice for Design, Equipment &amp; Operation of Small Fishing Vessels of less than 15m Length overall</a>  Chapter 8.2 references SI 709 of 2003 as amended	As per Article 2.3 of Convention, it is proposed that a safe manning document will be required for vessels of 15m in length and over.	
14.2	The competent authority may permit, for limited and specified reasons, temporary exceptions to the limits established in paragraph 1 (b) of this article. However, in such circumstances, it shall require that fishers shall receive compensatory periods of rest as soon as practicable.				No consultation is required on this section, however it relates to the consultation on Art 14.3 (Art 11.5 in Directive) below.	
14.3	The competent authority, after consultation, may establish alternative requirements to those	11.5	In accordance with the general principles of the protection of the health and safety of workers, and for	<a href="#">SI 192/2000</a> states that FVs of 17m or more must have a	This Department does not propose to make use of the	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
	in paragraphs 1 and 2 of this Article. However, such alternative requirements shall be substantially equivalent and shall not jeopardize the safety and health of the fishers.		<p>objective or technical reasons or reasons concerning the organisation of work, Member States may allow exceptions, including the establishment of reference periods, to the limits laid down in paragraph 1, subparagraph (b), and paragraphs 3 and 4.</p> <p>Such exceptions shall, as far as possible, comply with the standards laid down but may take account of more frequent or longer leave periods or the granting of compensatory leave for the fishermen.</p> <p>These exceptions may be laid down by means of:</p> <p>(a) laws, regulations or administrative provisions provided there is consultation and efforts are made to encourage all relevant forms of social dialogue; or</p> <p>(b) collective agreements or agreements between the two sides of industry.</p>	<p>specified amount of certified crew on board</p> <p><a href="#">SI 709/2003</a> states all 'sea going fishing vessels' shall have min. hours of rest R. 6</p> <p>These minimum hours of rest are equivalent to those included in the Work in Fishing Convention</p> <p>Also references manning levels R.5</p> <p><a href="#">SI 709/2003</a> <a href="#">European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulation 2003</a></p> <p>Regulation 7</p>	'alternative requirements' provision.	
	<b>RECRUITMENT AND PLACEMENT OF FISHERS</b>					
22.	Any private service providing			<a href="#">No.27/1971</a>	Ireland has a	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for the sector
2	recruitment and placement for fishers which operates in the territory of a Member shall do so in conformity with a standardized system of licensing or certification or other form of regulation, which shall be established, maintained or modified only after consultation.			<a href="#">Employment Agency Act 1971</a>  Covers general employment agency Regs but doesn't cover sector specific R&P companies or certification.	licensing system in place for recruitment and placement services which is overseen by the WRC.	
	<b>PAYMENT OF FISHERS</b>					
23	Each Member, after consultation, shall adopt laws, regulations or other measures providing that fishers who are paid a wage are ensured a monthly or other regular payment.			S. 10 - An employer shall select as a pay reference period for the purposes of this Act a period not exceeding one calendar month.  <a href="#">No. 5/2000 National Minimum Wage Act 2000</a> (Part 3)	This Department proposes to set the maximum interval of pay to a period of one month.	

## Part V – Accommodation and Food

Part V sets out basic standards for food and accommodation on board fishing vessels that fly the flag of a Member State to ensure that the accommodation spaces on vessels are of an appropriate size and quality and that the food and water carried and served on board is of a sufficient nutritional value, quality and quantity. This part of the Convention and Directive also sets out the obligation on Member States to implement the Annex to the Convention which gives more specific details on the nature of the accommodation and food on board.

Ireland intends to implement Annex III of the Convention (Annex II of the Directive) in full.

The following are the specific aspects of Part V of the Convention which requires consultation:

	Convention		Directive	Existing legislation		Ireland's position	Questions for sector
28.2	A Member which is not in a position to implement the provisions of Annex III may, after consultation, adopt provisions in its laws and regulations or other measures which are substantially equivalent to the provisions set out in Annex III, with the exception of provisions related to Article 27. (Article 27 relates to food and water of sufficient quality and quantity).			S.I. 640/2007 for 15 – 24m  Code of Practice for less than 15m		This Department intends to implement the Annex in full. While S.I. 640 of 2007 provides for accommodation requirements on vessels between 15-24m in length, the Annex in some provisions has requirements that only relate to vessels of 24m and over. New Regulations will therefore be required in order to fully comply with the Directive/Convention.	

## **Part VI – Medical care, health protection and social security**

Both the Directive and Convention require that fishing vessel owners have procedures in place for the prevention of work related accidents, injuries and diseases. These procedures should take into account the specific type of hazards and risks that can occur on a particular fishing vessel. These obligations are already set out in [SI 325 of 1999](#). The Department is not proposing to change these obligations.

### **Medical Care**

The Convention and Directive sets out requirements with regard to the carrying of appropriate medical equipment and medical supplies taking a number of factors into account. Fishing vessels should also have at least 1 fisher on board who is qualified or trained in first aid. Fishing vessels must be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, and fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.

The Convention requires that for vessels of 24m or over, and taking certain factors into account, laws should be adopted which prescribe the medical equipment and medical supplies to be carried on board, the equipment/supplies be properly maintained and inspected, that vessels have access to medical advice, and to the extent consistent with the Member States national law and practice, medical care while the fisher is on board or landed in a foreign port be provided free of charge to the fisher.

These requirements are provided in S.I. 506 of 1997 (Medical Care on Board Vessels) Regulations. It is envisaged that these Regulations will continue to be implemented, with additional requirements provided for as necessary.

### **Occupational Safety and Health and Accident Prevention**

The Convention and Directive requires that Member States adopt laws or measures concerning the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, training for fishers in the handling of relevant fishing gear and fishing operations, providing that account be taken of the health and safety of fishers under the age of 18, the reporting and investigation of accidents on board fishing vessels, and providing for the establishment of joint committees on occupational safety and health.

The Convention also sets out specific requirements which apply to fishing vessels of 24m in length and over which normally remain at sea for more than 3 days. The requirements can be applied to other vessels, after consultation, taking into account the number of fishers on board, the area of operation and the duration of the voyage. It should be noted that the Directive does not limit these requirements to vessels of 24m in length and over, but applies them to all fishing vessels. In this context, we are required to apply the requirements to all fishing vessels in order to comply with the Directive. The specific requirements relate to requirements that fishing vessel owners establish on-board procedures for the prevention of occupational accidents, and issues related to guidance and training material on the evaluation and management of risks to health

and safety on board fishing vessels. Certain obligations are also placed on the fishing vessels owner with regard to the provision of personal protective clothing and equipment to every fisher on board, and training requirements.

SI 325 of 1999 and SI 640 of 2007 contain provisions relating to health and safety and risk evaluation.

### **Social Security**

The Convention sets out provisions relating to the obligations of Member States to fishers and their dependents who are ordinarily resident in its territory. It provides that such fishers are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers ordinarily resident in its territory. The Convention states that Member States shall undertake to take steps, according to national circumstances, to achieve progressively comprehensive social security protection for all fishers who are ordinarily resident in its territory.

Consultation with the Department of Employment Affairs and Social Protection will be required on this aspect of the Convention.

### **Protection in the case of work-related sickness, injury or death**

This part of the Convention and Directive provides the Member States shall take measures to provide fishers with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death. It provides that where there is injury due to occupational accident or disease, the fisher should have access to appropriate medical care and corresponding compensation (in accordance with national law and regulations.) The Convention provides that this protection should be provided through a system for fishing vessel owners' liability, or compulsory insurance, workers' compensation or other schemes.

The Convention/Directive also provides that, where there are no national provisions for fishers, fishing vessel owners are responsible for the provision to fishers of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port. Fishing vessel owners are responsible for defraying the expenses of medical care, during medical treatment in a foreign country until the fisher has been repatriated, except where the injury occurred otherwise than in the service of the vessel, the sickness was concealed during engagement, or the injury or sickness was due to the wilful misconduct of the fisher.

The following specific aspects of this part of the Convention/Directive require consultation:

	<b>Convention</b>		<b>Directive</b>	<b>Existing legislation</b>	<b>Ireland's position</b>	<b>Questions for sector</b>
31	Each Member shall adopt laws, regulations or other measures	34	Each Member State shall adopt laws, regulations or other	<a href="#">SI 587 of 2001</a>		<b>We are seeking the views of the</b>

	Convention	Directive	Existing legislation	Ireland's position	Questions for sector
	<p>concerning:</p> <p>(a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;</p> <p>(b) training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;</p> <p>(c) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of the safety and health of fishers under the age of 18;</p> <p>(d) the reporting and investigation of accidents on board fishing vessels flying its flag; and</p> <p>(e) the setting up of joint committees on occupational safety and health or, after consultation, of other</p>	<p>measures concerning:</p> <p>(a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels,</p> <p>including risk evaluation and management, training and on-board instruction of fishermen;</p> <p>(b) training for fishermen in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;</p> <p>(c) the obligations of fishing vessel owners, fishermen and others concerned, due account being given of the safety and health of fishermen under the age of 18;</p> <p>(d) reporting and investigation of accidents on board fishing vessels flying its flag or registered under its plenary jurisdiction; and</p> <p>(e) the setting up of joint</p>	<p><a href="#">SI 110/1988 Merchant Shipping (Safety Officials + Reporting of Accidents + Dangerous Occurrences) Regulations 1988</a> (Part I, Safety Officials, 3. Application: This part of these Regulations applies to all ships registered in the State other than non-sea going ships, fishing vessels, and pleasure craft.)</p> <p>(Possible amendment of SI)</p>		<p>sector in regard to the setting up of joint committees on occupational safety and health under Article 31(e) of Convention and Article 34(e) of Directive.</p>

	Convention		Directive	Existing legislation	Ireland's position	Questions for sector
	appropriate bodies.		committees on occupational safety and health or, after consultation, of other appropriate bodies.			
32.1	The requirements of this Article shall apply to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account the number of fishers on board, the area of operation, and the duration of the voyage.	35.1	The requirements of this Article shall apply to all fishing vessels, taking into account the number of fishermen on board, the area of operation and the duration of the voyage.	Prevention of accidents: Code of Safe Working Practices: Accident Prevention on Board Ship and at Sea and in Port. (Published by the ILO).  Prevention of diseases: <a href="#">SI 4/2008 - Infectious Diseases (Shipping) Regulations 2008</a>	While the Convention allows for consultation on the extension of the provisions in Article 35.2 of the Convention (below) to fishing vessels of less than 24m, the Directive provides that this Article applies to all fishing vessels. Ireland must comply with the Directive and so this Article will apply to all fishing vessels (as defined in the Directive i.e fishing vessels flying the flag of the Member State).	
32.2	The competent authority shall: (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and	35.2	The competent authority shall: (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and	<a href="#">SI 325/1999 - Safety, Health and Welfare at Work (Fishing Vessels) Regulations 1999.</a> Regulation 4 (a) & (b) (Duties of Owners).	The establishment of on board procedures for the prevention of occupational accidents, injuries and diseases is	

	Convention		Directive	Existing legislation	Ireland's position	Questions for sector
	<p>practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and</p> <p>(b) Require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels.</p>		<p>practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and</p> <p>(b) require that fishing vessel owners, skippers, fishermen, and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels.</p>	<p>Regulation 6 (a) (Training and Instruction) (Accident prevention). Regulation 6 (c) i: the prevention of occupational illness and accidents.</p> <p><a href="#">SI 4/2008 - Infectious Diseases (Shipping) Regulations 2008</a> Prevention of diseases.</p> <p><a href="#">Safety, Health and Welfare at Work Act 2005 (No.10 of 2005)</a> Regulation 19 – Hazard identification and risk assessment.</p> <p><a href="#">SI 60/2008 European Communities (Maritime) (International Safety Management Code) Regulations 2008</a></p>	<p>already a requirement under SI 325 of 1999 and SI 640 of 2007. As the Directive applies to all fishing vessels, appropriate amendments will be made to relevant legislation and to the Code of Practice for Fishing Vessels under 15 metres in length. .</p>	

## **Part VII – Compliance and enforcement (not in Directive)**

This part of the Convention is not addressed in the Directive. It provides that each Member State establishes a system for ensuring compliance by vessels that fly its flag with the requirements of the Convention including inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures. It sets out requirements for fishing vessels over 24m (or which normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag state) which remain at sea for more than three days, to have a valid document issued by the competent authority stating that the vessel has been inspected and complies with the Convention. The period of validity of the document can be aligned with the period of validity of a national or international fishing safety certificate, but it cannot exceed 5 years. Member States may authorise Classification Societies to carry out inspections and issue documents.

Provision is made for Member States to take measures to rectify any conditions on board a vessel, which calls to a port of that Member State, which are clearly hazardous to safety or health. These measures can be taken if the Member State receives a complaint or evidence is obtained that a vessel does not comply with the requirements of the Convention. In such cases, a report may be addressed to the government of the flag State of the vessel, and a copy should be sent to the Director-General of the ILO.

The Convention also provides that Member States should apply the Convention so as to ensure that fishing vessels flying the flag of a Member State that has not ratified the Convention does not receive more favourable treatment than fishing vessels flying the flag of a Member State that has ratified it.

There are no consultation requirements in this Part of the Convention.

## **Part VIII – Amendments of Annexes I, II and III**

This part of the Convention and Directive allows for the ILO to make amendments to the Annexes of the Convention. In order for amendments to be made, the Governing Body of the ILO must place them on the agenda of the International Labour Conference (ILC) and they must be approved by at least two-thirds of the delegates present at the Conference.

## **Part IX – Final provisions**

This section of the Convention and Directive lays out provisions relating to ratification, such as informing the Director General of the ILO, entry into force, etc.

## **Annex I – Equivalence in measurement**

This Annex is not included in the Directive. It sets out the measurements for Members who choose to use length overall (LOA) rather than length (L). As this Department is proposing to use length (L) as the basis of measurement, this Annex is not applicable.

## **Annex II – Fisher’s work agreement (Annex I – Directive)**

This part of the Convention/Directive sets out what details should be included in a fisher’s work agreement. There are no mandatory requirements for consultation in this annex. Please see the Convention/Directive for further details.

### Annex III – Fishing vessel accommodation (Annex II – Directive)

Annex III sets out in detail the standards for fishing vessel accommodation under the Convention/Directive. It covers many aspects including design and construction, noise and vibration, sleeping rooms, sanitary facilities, etc. The provisions relating to the size of accommodation only apply to new fishing vessels. For vessels less than 24m in length, the headroom, floor space etc., must be adequate for the number of fishers on-board. For vessels over 24m, the size is prescribed in both the Convention and Directive.

The following are the specific aspects of the Annex which require consultation:

	Convention		Directive	Existing Legislation	Ireland's position	Questions for sector
	<b>GENERAL PROVISIONS</b>		<b>GENERAL PROVISIONS</b>			
2	The following shall apply to all new, decked fishing vessels, subject to any exclusions provided for in accordance with Article 3 of the Convention. The competent authority may, after consultation, also apply the requirements of this Annex to existing vessels, when and in so far as it determines that this is reasonable and practicable.	3	The following shall apply to all new, decked fishing vessels, subject to any exclusions provided for in accordance with Article 3 of the Agreement. The competent authority may, after consultation, also apply the requirements of this Annex to existing vessels, when and in so far as it determines that this is reasonable and practicable.		The Department proposes to apply the provisions of the Annex to new fishing vessels as defined by the Convention/ Directive.	
3	The competent authority, after consultation, may permit variations to the provisions of this Annex for fishing vessels normally remaining at sea for less than 24 hours where the fishers do not live on board the vessel in port. In the case of such vessels, the competent authority shall ensure that the fishers concerned have	4	The competent authority, after consultation, may permit variations to the provisions of this Annex for fishing vessels normally remaining at sea for less than 24 hours where the fishermen do not live on board the vessel in port. In the case of such vessels, the competent authority shall ensure that the fishermen concerned have	<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a> R. 4 Exemptions Part 11  CoP for FVs <15m Chapter 11	This Department proposes not to permit variations to the Annex.	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for sector
	adequate facilities for resting, eating and sanitation purposes.		adequate facilities for resting, eating and sanitation purposes.			
5	The requirements for vessels of 24 metres in length and over may be applied to vessels between 15 and 24 metres in length where the competent authority determines, after consultation, that this is reasonable and practicable.	5	The requirements for vessels of 24 metres in length and over may be applied to vessels between 15 and 24 metres in length where the competent authority determines, after consultation, that this is reasonable and practicable.	<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a>	SI 640/2007 is already in place for fishing vessels that are 15-24 metres in length. The provisions in the SI are substantially similar to provisions of Annex III so the Department does not propose to extend the Annex to these vessels.	
7	Members may extend the requirements of this Annex regarding noise and vibration, ventilation, heating and air conditioning, and lighting to enclosed working spaces and spaces used for storage if, after consultation, such application is considered appropriate and will not have a negative influence on the function of the process or working conditions or the quality of the catches.	7	Member States may extend the requirements of this Annex regarding noise and vibration, ventilation, heating and air conditioning, and lighting to enclosed working spaces and spaces used for storage if, after consultation, such application is considered appropriate and will not have a negative influence on the function of the process or working conditions or the quality of the catches.	CoP – Chapter II Ventilation; Temperature; Lighting <a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a> R. 44, 62, 108, 150, 151, 157  <a href="#">Torremolinos Protocol, as amended</a>  Chapter IV – Reg 9 & 10 (Ventilation)  Chapter IV – Reg 9 (Ventilation Systems) & Reg 10 (Heating Installations)		<b>We are seeking the views of the sector on the extension of the requirements regarding noise and vibration etc., to enclosed working spaces.</b>
8	The use of gross tonnage as referred to in Article 5 of the Convention is limited to the following specified paragraphs of this Annex: 14, 37, 38, 41,			Depends on use of 'GT' in place of 'L' or 'LOA' as per Article 5 of the convention	This Department is not proposing to use Gross Tonnage as the basis of measurement. We	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for sector
	<p>43, 46, 49, 53, 55, 61, 64, 65 and 67. For these purposes, where the competent authority, after consultation, decides to use gross tonnage (gt) as the basis of measurement:</p> <p>(a) a gross tonnage of 75 gt shall be considered equivalent to a length (L) of 15 metres or a length overall (LOA) of 16.5 metres;</p> <p>(b) a gross tonnage of 300 gt shall be considered equivalent to a length (L) of 24 metres or a length overall (LOA) of 26.5 metres;</p> <p>(c) a gross tonnage of 950 gt shall be considered equivalent to a length (L) of 45 metres or a length overall (LOA) of 50 metres.</p>				<p>propose the use of 'Length (L)' as it is used in existing framework, so it will make for a coherent and easily understood regulatory regime.</p>	
	<b>DESIGN AND CONSTRUCTION</b>					
15	<p>Notwithstanding the provisions of paragraph 14, the competent authority may, after consultation, decide that the minimum permitted headroom shall not be less than 190 centimetres in any space - or part of any space - in such accommodation, where it is satisfied that this is reasonable and will not result in discomfort to the fishers.</p>			<p><a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a></p> <p>R.28; R.152 states 2m in sleeping rooms</p> <p><a href="#">Torremolinos Protocol, as amended</a> – only references headroom in life rafts</p>	<p>There is no scope in Directive to have headroom of less than 200cm.</p>	

	Convention		Directive	Existing Legislation	Ireland's position	Questions for sector
	<b>SLEEPING ROOMS – FLOOR AREA</b>					
39	Notwithstanding the provisions of paragraphs 37 and 38, the competent authority may, after consultation, decide that the minimum permitted floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.0 and 1.5 square metres respectively, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers.			<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a>  R. 152 not less than 0.75 m <sup>2</sup>  Para 37 of WIF – not less than 1.5 m <sup>2</sup> Para 38 of WIF – not less than 2.0m <sup>2</sup>  Torremolinos Protocol, as amended – only references floor area in life rafts	There is no scope in Directive to have floor area less than 1.5m <sup>2</sup> in FVs >24m and less than 2m <sup>2</sup> in FVs >45m.	
	<b>SLEEPING ROOMS - OTHER</b>					
47	Notwithstanding the provisions of paragraph 46, the competent authority may, after consultation, decide that the minimum inside dimensions of the berths shall not be less than 190 by 70 centimetres, where it is satisfied that this is reasonable and will not result in discomfort to the fishers.			Para 46 - FVs >24m should be not less than 198 x 80cm  SI 640/2007 – R. 152 not less than 200 x 68cm	There is no scope in Directive to have berth dimensions of less than 198 x 80cm in FVs >24m.	
	<b>TUBS OR SHOWERS, TOILETS AND WASHBASINS</b>		<b>TUBS OR SHOWERS, TOILETS AND WASHBASINS</b>			
58	Cold fresh water and hot fresh water shall be available to all fishers and other persons on board, in sufficient quantities to allow for proper hygiene. The competent authority may	54	Hot and cold running fresh water shall be available to all fishermen and other persons on board, in sufficient quantities to allow for proper hygiene. The competent	<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a> Regulation 154  Code of Practice for FVs <15m	This Department proposes not to establish a minimum amount of water provided, other than the obligation on	

	<b>Convention</b>		<b>Directive</b>	<b>Existing Legislation</b>	<b>Ireland's position</b>	<b>Questions for sector</b>
	establish, after consultation, the minimum amount of water to be provided.		authority may establish, after consultation, the minimum amount of water to be provided.	cold fresh water to be provided	fishing vessel owners to provide sufficient quantities of water.	
62	Notwithstanding the provisions of paragraph 61, the competent authority may, after consultation, decide that there shall be provided at least one tub or shower or both and one washbasin for every six persons or fewer, and at least one toilet for every eight persons or fewer, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers.			<a href="#">SI 640/2007 Merchant Shipping (Safety of fishing vessels) (15-24 metres) Regulation 2007</a>  Regulation 154  1 shower-bath per 8 people 1 washbasin per 6 people 1 toilet per 8 people	There is no scope in the Directive to have less than one tub/shower/both, one toilet, and one washbasin for every 4 persons or fewer.	
	<b>VARIATIONS</b>		<b>VARIATIONS</b>			
84	The competent authority, after consultation, may permit derogations from the provisions in this Annex to take into account, without discrimination, the interests of fishers having differing and distinctive religious and social practices, on condition that such derogations do not result in overall conditions less favourable than those which would result from the application of this Annex.	79.	The competent authority, after consultation, may permit derogations from the provisions in this Annex to take into account, without discrimination, the interests of fishermen having differing and distinctive religious and social practices, on condition that such derogations do not result in overall conditions less favourable than those which would result from the application of this Annex.	None in current legislation		<b>Are there any specific derogations from the Annex necessary, taking into account the needs of fishers having different or distinct religious or social practices?</b>