



Marine Notice No. 04 of 2020

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

S.I. No 673 of 2019
**Fishing Vessels (Certification of Deck Officers and
Engineer Officers) (Amendment) Regulations 2019**

1. Background

The Work in Fishing Convention, 2007 (C188) was adopted at the 96th 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, 14 Member States of the ILO have ratified it.

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.

The Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019, (S.I. No 673 of 2019) amends S.I. No. 289/1988 - Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 in order to give effect to the provisions of Article 10 of the Annex to Council Directive 2017/159/EU.

2. Objective of the Regulations

The objective of the Regulations is to give effect to provisions of Article 10 of the Annex to Council Directive 2017/159/EU which relates to *Manning*.

To give effect to the Directive, amendments were made to S.I. No. 289/1988 Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988. The amended Regulations require certain fishing vessels registered in the State to carry a specified minimum number of deck officers. They also require every fishing vessel owner on fishing vessels of 15 metres length overall (Loa) and above to ensure that there is a valid safe manning document in respect of his or her fishing vessel.

The Regulations do not apply to fishing vessels which are required to have a safe manning document under the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998 (S.I. No. 551 of 1998).

3. Competent Authority

The Marine Survey Office is designated as the competent authority in the State for the purposes of these Regulations.

4. Minimum number of Deck Officers.

The Regulations require certain fishing vessels registered in the State to carry a specified minimum number of deck officers. The table contained in Regulation 4 of the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 (S.I. No. 289 of 1988) has been amended in order to bring fishing vessels of 15 metres length overall (and above) into scope of SI 289 of 1988. A copy of this table is attached to this Notice at Appendix 1.

In all instances, it is the owners' responsibility to ensure that the fishing vessel is under the control of a competent skipper.

It is important to note that from 19 December 2019, fishing vessels between 15m LoA and 24m length will require a certified skipper, with a minimum level of qualification of 2nd hand special.

5. Safe manning document

While ships of 500 Gross Tonnage (GT) are currently required to carry a safe manning document¹, the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019 (S.I. No. 673 of 2019) provides for the phased introduction of a safe manning document for fishing vessels 15m LoA and above. The safe manning document will specify the number and qualifications of the fishers required for the safe navigation and operation of the vessel.

The requirement to carry a safe manning document will be introduced on a **transitional basis** to allow owners and/or masters time to prepare. As a result, the effective date for which the requirement to have a safe manning document comes into force is as follows:

- For fishing vessels of 15 metres in length overall (Loa) and over, constructed on or after 19th December 2019, it is the duty of the fishing vessel owner to ensure that there is a safe manning document in respect of the fishing vessel before they proceed to sea.
- In relation to fishing vessels of 15 metres in length overall (Loa) and over but less than 24 metres in length, the fishing vessel owner is required to ensure that there is a valid safe manning document in place on the date of completion of the next survey for the grant or renewal of a fishing vessel safety certificate or the date of completion of the next intermediate survey, whichever occurs later, under the

¹ Please refer to Section 5 of S.I. No. 551/1998 - Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998

Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 (S.I. No. 640 of 2007).

- For fishing vessels of 24 metres in length and over, the fishing vessel owner is required to ensure that there is a valid safe manning document on the date of completion of the next survey for the issue of a certificate of compliance or the date of completion of the next intermediate survey, whichever occurs later, under the Fishing Vessels (Safety Provisions) Regulations 2002 (S.I. No. 418 of 2002).

Subject to the transitional periods outlined above, the fishing vessel shall not proceed to sea without a safe manning document on board. In order to be issued with a safe manning document, a fishing vessel owner must apply in writing to the competent authority outlining proposals as to the numbers and qualifications of deck officers, engineering officers and any such other personnel the owner considers should be carried on board the fishing vessel to ensure the vessel is sufficiently and safely manned for its safe navigation and operation, whilst providing appropriate work and living conditions for personnel on board.

The competent authority shall review and may provide guidance on safe manning, which the owner must take into account. It is the owners' responsibility to ensure that the manning of the fishing vessel is maintained at all times to at least the level required by the safe manning document. The minimum requirements of the table in S.I. 289/1988 apply until such time as a safe manning document is in place.

For more information please contact:

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

07/01/2020

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:
Dept. of Transport, Tourism and Sport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60,
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Appendix 1: Minimum Number of Qualified Deck Officers to be carried on Vessel

Column 1	Column 2	Column 3			Column 4
Fishing Area	Description of Length or Length Overall (L _{oa}) of Vessel	Minimum Number of Qualified Deck Officers to be carried on Vessel			Minimum Total Number of Officers to be carried on Vessel
		Skipper Full	2 nd Hand Full or Skipper Limited	2 nd Hand Limited or 2 nd Hand Special	
Unlimited	100 metres in length and over	1	3		3 Officers required in addition to Skipper Full
Unlimited	50 metres in length and over to less than 100 metres in length	1	2		2 Officers required in addition to Skipper Full
Unlimited	Less than 50 metres in length	1	1		1 Officer required in addition to Skipper Full
Limited	100 metres in length and over	1	1	1	2 Officers required in addition to Skipper Full
Limited	50 metres in length and over to less than 100 metres in length		1 Skipper Limited	2	2 Officers required in addition to Skipper Limited
Limited	24 metres in length and over to less than 50 metres in length		1 Skipper Limited	1	1 Officer required in addition to Skipper Limited
Limited	15 metres length overall (L _{oa}) and over to less than 24 metres in length			1 2 nd Hand Special	1 2 nd Hand Special (Skipper)

