

Torremolinos International Convention for the Safety of Fishing Vessels (1977): authorising Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the implementation of the provisions of the 1993 Torremolinos Protocol

2013/0020(NLE) - 03/10/2013 - Legislative proposal

PURPOSE: to authorise Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 adopted on 2 April 1993 has not entered into force because the necessary minimum requirements in terms of ratification have not been achieved. However, Council Directive 97/70/EC lays down safety standards, based on the Torremolinos Protocol, for fishing vessels of 24 metres in length and over while taking, as far as necessary, full account of regional and local circumstances.

In order to establish, by common accord, the **highest practicable standards for the safety of fishing vessels**, a draft Agreement, to be read in conjunction with the Torremolinos Protocol, was adopted at a Diplomatic Conference in Cape Town on 11 October 2012. **This Agreement was opened for signature from 11 February 2013 to 10 February 2014** and thereafter remain open for accession.

Whilst the provisions of the Agreement fall under the **exclusive competence of the Union**, the EU cannot become a party to the Agreement, as it does not include a Regional Economic Integration Organisation clause (REIO). It is in the interests of maritime safety and fair competition that the Agreement be ratified or acceded to by Member States having fishing vessels flying their flag which fall within the scope of application of the Agreement, and which operate in their internal waters or territorial sea, or which land catch in their port, to ensure the entry into force of the provisions of the Torremolinos Protocol.

Furthermore, the entry into force of the Agreement will allow the subsequent updating, through submissions to the IMO, of a number of provisions in the Torremolinos Protocol which have become obsolete following the adoption of Directive 97/70/EC.

The Council should therefore authorise Member States to sign and ratify or accede to it in the interests of the Union.

CONTENT: under this proposal, Member States are invited to authorise sign, sign and ratify, or accede to, as appropriate, the Cape Town Agreement of 2012 on the Implementation of the Provisions of the

Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

In this context, Member States shall endeavour to take the necessary steps to deposit their instruments of ratification of, or accession to, the Agreement with the Secretary-General of the International Maritime Organization within a reasonable time and, if possible, **no later than two years from the date of entry into force of this Decision.**

Exemption clause: in order to maintain the current levels of safety provided for under Council Directive 97/70/EC, Members States that sign and/or ratify or accede to the Agreement as provided under the draft Decision, should publish a declaration stating that:

- the exemptions provided for in the Agreement in relation to annual surveys and a common fishing zone or exclusive economic zone shall not apply to the fishing vessels of the Member State, and to third country fishing vessels of 24 meters in length and over while operating in the depositing Member State's common fishing zone, exclusive economic zone, or landing catch at its ports;
- the exemptions concerning a common fishing zone or an exclusive economic zone, to fishing vessels falling within the scope of application of the Cape Town Agreement, shall not be accepted.

For further details on the main objectives and the scope of the Agreement, *please refer to the summary of the Commission initial legislative proposal dated 31/01/2013.*