

**Basic information****2013/0020(NLE)**

NLE - Non-legislative enactments

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

**Subject**

3.15.03 Fishing fleets, safety of fishing vessels

3.20.03.01 Maritime safety

3.20.15.06 Maritime or inland transport agreements and cooperation

Procedure completed

**Key players**

European Parliament

**Committee responsible**

|      |                       |
|------|-----------------------|
| TRAN | Transport and Tourism |
|------|-----------------------|

**Rapporteur**

KUHN Werner (PPE)

**Appointed**

14/03/2013

## Shadow rapporteur

FLECKENSTEIN Knut (S&amp;D)

MEISSNER Gesine (ALDE)

TAYLOR Keith (Verts/ALE)

ZĪLE Roberts (ECR)

TOUSSAS Georgios (GUE/NGL)

**Committee for opinion**

|      |           |
|------|-----------|
| PECH | Fisheries |
|------|-----------|

**Rapporteur for opinion**

The committee decided not to give an opinion.

**Appointed**

Council of the European Union

**Council configuration**

Agriculture and Fisheries

**Meetings**

3293

**Date**

2014-02-17

European Commission

**Commission DG**

Mobility and Transport

**Commissioner**

KALLAS Siim

**Key events**

| Date       | Event   | Reference  | Summary |
|------------|---|--|---------|
| 31/01/2013 | Preparatory document  | COM(2013)0038<br> | Summary |
| 03/10/2013 | Legislative proposal published                                  | 13408/2013   | Summary |
| 18/11/2013 | Committee referral announced in Parliament                      |  |         |
| 21/01/2014 | Vote in committee   |  |         |
| 22/01/2014 | Committee report tabled for plenary, 1st reading/single reading | A7-0040/2014   | Summary |
| 04/02/2014 | Decision by Parliament  | T7-0050/2014   | Summary |
| 04/02/2014 | Results of vote in Parliament                                   |                   |         |
| 17/02/2014 | Act adopted by Council after consultation of Parliament         |  |         |
| 17/02/2014 | End of procedure in Parliament                                  |  |         |
| 09/04/2014 | Final act published in Official Journal                         |  |         |

| Technical information      |   |
|----------------------------|---|
| Procedure reference        | 2013/0020(NLE)  |
| Procedure type             | NLE - Non-legislative enactments  |
| Procedure subtype          | Consent by Parliament   |
| Legal basis                | Treaty on the Functioning of the European Union TFEU 218-p8-a1<br>Treaty on the Functioning of the European Union TFEU 100-p2<br>Treaty on the Functioning of the European Union TFEU 218-p6a |
| Other legal basis          | Rules of Procedure EP 165   |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | TRAN/7/12029  |

| Documentation gateway   |            |              |            |         |
|---|------------|--------------|------------|---------|
| <b>European Parliament</b>                                      |            |              |            |         |
| Document type   | Committee  | Reference    | Date       | Summary |
| Committee draft report  |            | PE523.072    | 25/11/2013 |         |
| Committee report tabled for plenary, 1st reading/single reading |            | A7-0040/2014 | 22/01/2014 | Summary |
| Text adopted by Parliament, 1st reading/single reading          |            | T7-0050/2014 | 04/02/2014 | Summary |
| <b>Council of the EU</b>  |            |              |            |         |
| Document type   | Reference  | Date         | Summary    |         |
| Legislative proposal  | 13408/2013 | 03/10/2013   | Summary    |         |
| <b>European Commission</b>                                      |            |              |            |         |
|   |            |              |            |         |

| Document type             | Reference  | Date       | Summary                 |
|---------------------------|--|------------|-------------------------|
| Commission document (COM) | COM(2013)0038<br> | 31/01/2013 | <a href="#">Summary</a> |

| Additional information |          |      |
|------------------------|----------|------|
| Source                 | Document | Date |
| European Commission    | EUR-Lex  |      |

| Final act  |                         |
|--|-------------------------|
| <a href="#">Decision 2014/0195</a><br><a href="#">OJ L 106 09.04.2014, p. 0004</a> | <a href="#">Summary</a> |

## 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) - 31/01/2013

**PURPOSE:** to authorise Member States to accede to the Cape Town Agreement of 2012 on the implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

**PROPOSED ACT:** Council Decision.

**RÔLE OF THE EUROPEAN PARLIAMENT:** Council may only adopt the act if approved by the European Parliament.

**BACKGROUND:** the Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977, was adopted in 1993 but has not entered into force, given that the necessary minimum requirements in terms of ratification have never been achieved. However, Council Directive 97/70/EC has laid down safety standards that are based upon the Torremolinos Protocol.

In order to establish the highest practicable standards for the safety of fishing vessels that can be implemented by all the states concerned, 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 will be open 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. The Council should therefore authorise Member States to accede to the Agreement in the interests of the Union.

**IMPACT ASSESSMENT:** no impact assessment was undertaken.

**LEGAL BASIS:** Article 100(2), in conjunction with Article 218(5), 218(6)(a)(v) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union.

**CONTENT:** the draft decision proposes that the Council authorise Member States 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.

However, in order to safeguard the current safety levels provided through Council Directive 97/70/EC, **Member States will issue a declaration** to the effect that the exemptions provided by the Agreement in relation to annual surveys and a common fishing zone or exclusive economic zone respectively shall be excluded from application, and that third country fishing vessels of 24 meters in length and over operating in their territorial or internal waters or landing catch at their ports will be subject to the safety standards laid down in the Directive.

**Purpose of the Agreement:** the Agreement provides for the entry into force of the Torremolinos Protocol 12 months after the date on which not less than 22 States the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600 have expressed their consent to be bound by it. This is a considerable reduction in the fishing vessel threshold relative to the 1993 Protocol, which now has a realistic prospect of being met.

**Scope:** the Agreement's provisions apply to new vessels, unless specifically provided for otherwise. Certain flexibilities have been added through the Agreement to facilitate wide acceptance. Administrations may progressively implement the provisions:

- on radiocommunications over a period of no more than **10 years**; and
- on life-saving appliances and arrangements, emergency procedures, musters and drills and shipborne navigational equipment and arrangements over a period of no more than **five years**.

**Exemptions:** whilst the provisions of the Agreement allow for certain specified exemptions regarding safety requirement and the place of operation, **Member States are required to issue a declaration with regard to the exemptions** (see above).

**The Survey regime:** this includes an annual survey, a compulsory intermediate survey between years two and three and a renewal survey after no more than five years, reflecting the fact that a 5-year gap was already an option under the current regime. Whilst the Agreement provides that an Administration may exempt a ship from the annual survey, if its application is deemed to be unreasonable or impracticable, Member States must **issue a declaration** excluding the application of this exemption.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

## **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, Member 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.*

## **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) - 31/01/2013 - Preparatory document

**PURPOSE:** to authorise Member States to accede to the Cape Town Agreement of 2012 on the implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

**PROPOSED ACT:** Council Decision.

**RÔLE OF THE EUROPEAN PARLIAMENT:** Council may only adopt the act if approved by the European Parliament.

**BACKGROUND:** the Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977, was adopted in 1993 but has not entered into force, given that the necessary minimum requirements in terms of ratification have never been achieved. However, Council Directive 97/70/EC has laid down safety standards that are based upon the Torremolinos Protocol.

In order to establish the highest practicable standards for the safety of fishing vessels that can be implemented by all the states concerned, 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 will be open 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. The Council should therefore authorise Member States to accede to the Agreement in the interests of the Union.

**IMPACT ASSESSMENT:** no impact assessment was undertaken.

**LEGAL BASIS:** Article 100(2), in conjunction with Article 218(5), 218(6)(a)(v) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union.

**CONTENT:** the draft decision proposes that the Council authorise Member States 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.

However, in order to safeguard the current safety levels provided through Council Directive 97/70/EC, **Member States will issue a declaration** to the effect that the exemptions provided by the Agreement in relation to annual surveys and a common fishing zone or exclusive economic zone respectively shall be excluded from application, and that third country fishing vessels of 24 meters in length and over operating in their territorial or internal waters or landing catch at their ports will be subject to the safety standards laid down in the Directive.

**Purpose of the Agreement:** the Agreement provides for the entry into force of the Torremolinos Protocol 12 months after the date on which not less than 22 States the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600 have expressed their consent to be bound by it. This is a considerable reduction in the fishing vessel threshold relative to the 1993 Protocol, which now has a realistic prospect of being met.

**Scope:** the Agreement's provisions apply to new vessels, unless specifically provided for otherwise. Certain flexibilities have been added through the Agreement to facilitate wide acceptance. Administrations may progressively implement the provisions:

- on radiocommunications over a period of no more than **10 years**; and
- on life-saving appliances and arrangements, emergency procedures, musters and drills and shipborne navigational equipment and arrangements over a period of no more than **five years**.

**Exemptions:** whilst the provisions of the Agreement allow for certain specified exemptions regarding safety requirement and the place of operation, **Member States are required to issue a declaration with regard to the exemptions** (see above).

**The Survey regime:** this includes an annual survey, a compulsory intermediate survey between years two and three and a renewal survey after no more than five years, reflecting the fact that a 5-year gap was already an option under the current regime. Whilst the Agreement provides that an Administration may exempt a ship from the annual survey, if its application is deemed to be unreasonable or impracticable, Member States must **issue a declaration** excluding the application of this exemption.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

## **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) - 22/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Werner KUHN (EPP, DE) on the draft Council decision authorising 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.

The committee recommended the European Parliament to give its consent to the approval of the draft Council Decision considering that this Agreement seeks to contribute to the enhancement of fishing vessels safety. Members hoped that the Cape Town Agreement, when coming into force, would not only contribute to the safety of fishing vessels of 24 m and above but would also pave the way for addressing the problem of fishing vessels of less than 24 m in length, which constitute the majority of the fishing vessels.

## **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) - 04/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision authorising 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.

Parliament gave its consent to the draft Council decision.

## **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) - 17/02/2014 - Final act

**PURPOSE:** to authorise Member States to accede to the Cape Town Agreement of 2012 on the implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

**NON-LEGISLATIVE ACT:** Council Decision 2014/195/EU authorising 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.

**CONTENT:** this Decision authorises Member States to 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. The Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 was adopted on 2 April 1993. 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. The Torremolinos Protocol has not entered into force because the necessary minimum requirements in terms of ratification have not been achieved.

In order to establish, by common accord and under the auspices of the International Maritime Organisation (IMO), the highest practicable standards for the safety of fishing vessels that can be implemented by all the States concerned, 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 was adopted on 11 October 2012.

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.