

Europe is speeding up the international ratification of the ILO convention.

In 2007, the governments and social partners from 180 countries adopted a convention to set standards in this area. **This convention is to be transposed into European legislation soon, through an agreement concluded recently by European employers and workers.**

On 21 May (Maritime Day) , in Gothenburg, Sweden, Maria Damanaki, European Commissioner for Maritime Affairs and Fisheries, participated in the signing ceremony for an agreement between the European Union sea fisheries social partners on implementation of the 2007 Work in Fishing Convention of the International Labour Organization.

All stakeholders were present: the European Commission, which guarantees the European orthodoxy of the agreement, and the European social partners from the fisheries sector who negotiated it: Europêche (Association of National Organizations of Fishery Enterprises in the European Union and Cogeca (European Agri-Cooperatives), representing vessel owners and fishing cooperatives in the European Union, on the one hand, and the European Transport Workers' Federation (ETF), representing trade unions in the fishing sector, on the other.

The agreement of 21 May concerns the entire sea fishing sector. Its measures apply to all vessels involved in commercial fishing activity, with no size or capacity limits. They also aim to protect all fishermen: *'every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel'*. The social partners made a point of extending legal protection to self-employed fishermen, although European legislation in principle protects only employees. This was essential because of the high level of self-employment in fisheries.

The content of the Agreement does not set a minimum wage (a national competence), but obliges vessel owners to conclude a contract with each fisherman whose services it uses. This contract must state, among other things, how the fisherman will be paid. For shares men, the contract must state the sharing method to be applied. The agreement also covers terms of hiring, such as minimum age (16), medical exam, payment of salary, etc. It also sets standards for working conditions: working hours and rest periods, food on board, accident prevention, health-care on board, communication with family, etc.

Two acts preceded signature of the agreement.

The first act took place in June 2007, with the signature of an extremely important text for the sector: the Work in Fishing Convention (No. 188) of the International Labour Organisation (ILO). Its objective: to set new international standards on working conditions in fishing. Fishing is a particularly dangerous and demanding occupation. The risk of an accident is 2.5 times greater than the average for other occupations. So it was time to update the existing standards that dated back to 1959 and 1966.

The second act took place in 2009. The European social partners decided to conclude an agreement to 'implement' certain articles of the ILO convention. Europêche, Cogeca and the ETF therefore began negotiating an adaptation of Convention 188 to the European Union context. These discussions took place in the Sectoral Social Dialogue Committee for Sea Fisheries and lasted around a year and a half. The sectoral social dialogue committees are advisory bodies to the European Commission. They concluded with the agreement signed on 21 May 2012.

But in addition to their determination to secure better working conditions in European fisheries, the social partners also pursued another objective: **this agreement can help speed up ratification of the ILO convention.** The 2007 ILO convention is not in force yet. It has to be ratified by 10 ILO member countries, among them eight coastal States, to enter into force. For now, only two countries have ratified it: Argentina and Bosnia and Herzegovina.

Two possibilities: ratification and transposition

There is another way to make the new ILO standards applicable, however, at least for European

operators. The Treaty on the Functioning of the European Union (Articles 154 and 155) establishes a specific mechanism for all social matters. **If the social partners conclude an agreement, that agreement may, at the request of the partners, be transposed into European legislation by means of a Council decision.**

It is this mechanism that Europêche, Cogeca and the ETF have triggered: they will **ask the European Commission to present a proposal to the Council to transform their 21 May agreement into a European directive.** In this way, the ILO Convention will become part of European law without all the Member States having to ratify it.

Although the agreement is an adaptation of the convention, there are differences all the same. Certain of the convention's provisions do not fall within Europe's remit and are therefore not included in the agreement. **Everything related to social security, for example, comes within the national sphere and cannot form part of European rules.**

Conversely, the agreement incorporates elements of European legislation that are not found in the convention, including provisions on working time and safety on board vessels. Since the agreement will become part of European legislation, the social partners made sure that all its provisions are compatible with existing EU law. That is why the Commission was closely involved in the negotiations and drafting of the agreement. Guy Vermaere, secretary-general of Europêche added: *'We also had to ensure that there was no regression compared with the Convention. We cannot sign an agreement that sets standards below those found in the Convention. So it is more or less the same content but with variations. Since certain provisions cannot be implemented by means of European legislation, ratification is still necessary.'*

Speeding up international ratification

Only ratification will give the convention its full inter-national scope. **Transposition of the European agreement will be valid only for the 27 Member States. Once the convention is ratified, however, its provisions will apply globally... and for 'all' vessels. A European state will thus be entitled to inspect an Asian or African vessel that enters one of its ports to check whether the convention's provisions are being applied correctly, even if the flag state has not ratified it.**

The ILO convention is one more tool in the fight against illegal fishing, because fraudsters are reluctant to take on the costs involved in bringing their equipment up to standards. This is one of the reasons why the Commission attaches particular importance to this matter. With her personal participation in the signature of this agreement, Maria Damanaki demonstrated Europe's determination to implement the ILO Work in Fishing Convention and intended this as a signal to the rest of the world to speed up its ratification.

Ratification of the convention by another eight States can logically be expected for the end of 2012, which means entry into force by the end of 2013 is possible.

Transposition of the agreement of 21 May into a directive can ideally be expected within the same time period.