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DIRECTION GÉNÉRALE DES AFFAIRES MARITIMES ET DE LA PÊCHE
The Director general

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M. Aurelio Bilbao Barandica
Président du CC - Sud
rue Alphonse Rio, 6
F-56100 Lorient
FRANCE

Subject: SWWAC Advice 146 on the modernisation and improvement of the working conditions on board fishing vessels and the fishing capacity ceiling

Dear Mr Bilbao,

I would like to thank you for sending me above-mentioned SWWAC advice 146. The fishing capacity management policy is an essential tool in the common fisheries policy. Determining the fishing capacity of a vessel is a complex question and, although the current parameters (gross tonnage and engine power), as well as possible alternative parameters, do not allow us to reflect the catch potential with total accuracy, they provide the most appropriate and transparent points of reference from a regulatory point of view. Moreover, they guarantee equal treatment between the fleets in the Union. Other parameters do not allow management on the basis of objective criteria.

In accordance with the objectives of the common fisheries policy, capacity limits are particularly necessary in contexts where the storage and management measures are not sufficiently effective to regulate the use of the fishing capacity with other means such as licences or quotas. In particular, the control of fishing capacity is essential in fisheries managed essentially on the basis of fishing effort.

The capacity limits in themselves are not an obstacle to the improvement of the living and working conditions on board fishing vessels, given that the capacity ceilings apply to the whole of the fleet and not to individual vessels. While complying with the overall capacity ceilings and the input and output mechanism established by the common fisheries policy, Member States must therefore ensure that the attribution of a capacity to fishing vessels allows each operator to satisfy, including in the context of the landing obligation, all the requirements in terms of safety, hygiene and working conditions and particularly those stipulated in directive 2017/159 transposing the provisions of the ILO Convention C188 into EU law.

Improving safety and working conditions in the fishing sector is also a central objective of the European Maritime, Fisheries and Aquaculture Fund (EMFAF) for the period 2021-2027. In particular, the onboard investments which contribute to this objective can take advantage of a particularly high level of public assistance (75%). Moreover, during the negotiations between institutions on the new fund, the Commission has accepted the principle of public support for the increase in gross tonnage of fishing vessels in order to improve safety and working conditions. However, this type of investment must be conditional on clear guarantees to avoid any increase in catch capacity and thus avoid any harmful effects such as overcapacity and overfishing. These guarantees are essential to guarantee that all increases in gross tonnage which benefit from public funds are strictly linked to the improvement of safety, of working conditions or of energy efficiency.

I thank the Advisory Council for the work it has carried out and would like to stress that I share the NGOs serious reservations regarding this advice which, while accepting that it is urgent to improve working conditions in the fishing sector, point out that any relaxation of these rules could have a disastrous effect on resources and that, according to the WTO, harmful subsidies are those which increase overcapacity, overfishing or IUU fishing.

I invite you to contact Mrs Pascale Colson, coordinator of Advisory Councils, (pascale.colson@ec.europa.eu, +32.2.295.62.73) should you require any further information regarding this reply.

Yours faithfully,

Charlina VITCHEVA