

Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations



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New fishing boats being built in Aceh Besar, Indonesia, as part of the emergency assistance provided by FAO to support the rehabilitation in areas affected by the Indian Ocean Tsunami in 2004.
FAO/Adek Berry

Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations

Preparation of this document

The *Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations (Implementation Guidelines)* contained in this publication are the result of the continuing cooperation between the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO) and the International Maritime Organization (IMO), in relation to the safety of fishing vessels.

In 2007, IMO agreed to FAO's proposal for the development of new guidelines to assist competent authorities in the implementation of voluntary FAO/ILO/IMO instruments on the design, construction and equipment of fishing vessels of all types and sizes. The IMO Sub-Committee on Stability and Load Lines and on Fishing Vessels' Safety (SLF) undertook the development of the Implementation Guidelines in collaboration with FAO and ILO. The scope of the work programme of a correspondence group, which was already working on the development of the *FAO/ILO/IMO Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels*, was extended to cover also the development of the Implementation Guidelines.

The Implementation Guidelines were approved by the IMO Maritime Safety Committee (MSC) at its eighty-ninth session (11 to 20 May 2011). Thereafter, the FAO Committee on Fisheries, at its thirtieth session (9 to 13 July 2012), expressed satisfaction that the Implementation Guidelines had been completed. Later, the Governing Body of the ILO approved them at its 316th session in November 2012 as a joint FAO/ILO/IMO publication.

Abstract

The Implementation Guidelines are intended for the attention of maritime, labour and fisheries ministries and any other relevant government ministry as and when it is decided to implement the three FAO/ILO/IMO instruments on the design, construction and equipment of fishing vessels of all types and sizes. Those instruments are *Part B of the Code of Safety for Fishermen and Fishing Vessels*, the *Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels*, and the *Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels*.

While the intention is not to provide a single prescription to improve safety, the Guidelines do seek to raise awareness and offer guidance on a broad range of issues which must be addressed in an effective and holistic manner. In this regard, the cooperation and coordination between maritime, labour and fisheries administrations is important, particularly where the responsibilities for safety of fishing vessels are divided under relevant Acts.

The Implementation Guidelines cover areas such as: development of a safety strategy; legal implications; administrative requirements; capacity-building; training of crew members; enforcement of regulations; and operational safety.

Although the main purpose of the Implementation Guidelines is to assist competent authorities in the implementation of voluntary instruments, it could also be useful when implementing the provisions of 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*.

Preface

The need to address fishing vessel safety within the United Nations system was recognized as early as the 1950s by the Food and Agriculture Organization of the United Nations (FAO) and as a result of calls by naval architects, the marine community and fishermen; much work was undertaken in the design and safety of fishing vessels, especially smaller vessels. In the 1960s, in cooperation with the International Labour Organization (ILO) and the International Maritime Organization (IMO) and FAO, the Code of Safety for Fishermen and Fishing Vessels (hereinafter referred to as the Code) was developed. The Voluntary Guidelines for the Design and Equipment of Small Fishing Vessels (hereinafter referred to as the Voluntary Guidelines) were completed in 1982.

On adopting the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, the Conference recommended that there would be a need to review the Code. Consequently, IMO undertook a review and invited the participation of FAO and ILO, and also decided, at the same time, to review the Voluntary Guidelines.

Following the completion of the review of the Code and the Voluntary Guidelines, the revised texts were approved by the Maritime Safety Committee (MSC) at its seventy-ninth session (1 to 10 December 2004). Thereafter, at the Committee on Fisheries at its twenty-sixth session, in March 2005, FAO welcomed the revisions and recommended the early publication by IMO of these documents and later, the Governing Body of the ILO at its 293rd session, in June 2005, also approved the revised texts.

The MSC, at its seventy-ninth session, agreed with the proposal made by FAO to include in the work programme of the Sub-Committee on Stability and Load Lines and on Fishing Vessel Safety (SLF) a new high-priority item on “Safety of small fishing vessels”, with the aim to develop safety recommendations for decked fishing vessels of less than 12 m in length and undecked fishing vessels, bearing in mind that the majority of fishing fatalities occur aboard such vessels.

Following completion, the Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels (herein after referred to as the Safety Recommendations) were approved by the MSC, at its eighty-seventh session (12 to 21 May 2010). The Governing Body of the ILO approved the Safety Recommendations at its 309th session, in November 2010. Thereafter, at the Committee on Fisheries at its twenty-ninth session (31 January to 4 February 2011), FAO recommended the early publication of the Safety Recommendations.

In 2007, the ILO adopted the Work in Fishing Convention (No.188) and its accompanying recommendation No.199. These are comprehensive instruments covering many aspects of work on board fishing vessels, including issues such as medical certification, manning, hours of rest, crew accommodation, food and catering, occupational safety and health, medical care at sea, social security and liability for injury and death. They also emphasize the importance of consulting with fishing vessel owners and representatives of fishermen when developing laws, regulations and other measures concerning safety and health in

the fisheries sector. The requirements concerning accommodation, in particular, will have a direct impact on the design and construction of new fishing vessels and on existing vessels where the accommodation is undergoing reconstruction or substantial alteration.

During the development of the Safety Recommendations, it was further recognized that there was a pressing need to provide assistance in their implementation. Consequently, the MSC, at its eighty-third session, approved the development of Guidelines to assist competent authorities in the implementation of the Code, the Voluntary Guidelines, and the Safety Recommendations into their domestic legislation and/or codes of safe practice, or other measures in consultation with all stakeholders in the industry.

FAO held an expert consultation on Best Practices for Safety at Sea in the Fisheries Sector, from 10 to 13 November 2008, with the participation of ILO and IMO, with the objective to develop a draft outline of Guidelines for such best practices. It was emphasized at the expert consultation that guidelines should ensure a holistic approach so that all factors influencing safety are comprehensively covered, and that awareness raising of safety issues should be accorded high-priority. The best practice guidelines would take into account the outcomes of FAO regional meetings on safety at sea, as well as the instruments developed by FAO, ILO and IMO that relate to safety and health in the fisheries sector.

The guidelines contained in this document are intended for the attention of maritime, labour and fisheries ministries and any other relevant government ministry as and when it is decided to implement Part B of the Code and/or the Voluntary Guidelines and/or the Safety Recommendations. While the intention is not to provide a single prescription to improve safety, the Guidelines do seek to raise awareness and offer guidance on a broad range of issues which must be addressed in an effective and holistic manner. Furthermore, it is hoped that they will underline the need to provide an environment within which fishing communities, owners, operators and skippers can make use of the options and tools to improve safety at sea in the fisheries sector.

Consequently, the “Guidelines to assist competent authorities in the implementation of *Part B of the Code of Safety for Fishermen and Fishing Vessels, the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, and the Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels” (hereinafter referred to as the Implementation Guidelines) were approved by the MSC at its eighty-ninth session (11 to 20 May 2011). Thereafter, at the Committee on Fisheries at its thirtieth session (9 to 13 July 2012), FAO expressed satisfaction that the Implementation Guidelines had been completed and later, the Governing Body of the ILO approved them at its 316th session in November 2012 as a joint FAO/ILO/IMO publication.

* These are referred to as Part B of the Code, the Voluntary Guidelines and the Safety Recommendations.

Introduction

1 Fishing continues to be recognized as one, if not the most, hazardous occupation in the world. In 1999, it was estimated that there were 24 000 deaths annually, the large majority of these on board small vessels. At the time of the preparation of these Implementation Guidelines, it was also estimated that there were some 4 million fishing vessels operated globally, 1.3 million decked vessels, of which probably 96 percent were less than 24 m in length, and 2.7 million undecked vessels, of which at least 1.7 million were not mechanically powered, indicating the importance of taking action to improve safety of these smaller vessels.

2 The fishing industry is characterized by the lack of a safety culture; there are many factors that have led to this, earnings only linked to the volume of the catch; training, education, poverty, outdated legislation and the perceived high cost of safety in an industry that is suffering declining catch rates and ever increasing higher input costs. The introduction of a regulatory framework is but one of the faucets to inculcate a safety culture; “the most effective and long lasting change will only occur when the industry itself embraces the need for a safety culture that has eluded it for so long”.

3 Apart from having in place a regulatory framework, there are other actions that can be considered as part of an overall safety programme. For example, there should be both high-level and community-based safety seminars focussing on safety awareness, the raising of training and educational levels, and addressing minimum levels of manning for different classes and types of fishing vessels.

4 The cooperation and coordination between maritime and fisheries administrations is important, particularly where the responsibilities for safety of fishing vessels are divided under relevant Acts. In addressing stock management issues, decisions made should also consider the possible resultant impact on safety in the fisheries sector.

5 Valuable lessons on how to improve ergonomics can be gained from other sectors and from experts in occupational safety and health and related disciplines. The administration(s) responsible for improving vessel and crew safety should seek, where practicable, to draw upon such knowledge and experience when seeking to improve fishing vessel design and when overseeing installation of new equipment. The importance of making vessels not only safe but also healthy and tolerable for crews should not be overlooked.

6 Therefore, the purpose of these Implementation Guidelines is to assist maritime administrations and/or fisheries ministries to put in place, or refine, a regime that will give effect to Part B of the Code, the Voluntary Guidelines, and the Safety Recommendations, from a practical perspective. In order to ensure a holistic approach, these Implementation Guidelines include subjects such as operational safety and the human element, and the reader's attention is also drawn to the Code of Safety for Fishermen and Fishing Vessels, Part A. These Implementation Guidelines cover such areas as:

- .1 development of a safety strategy;
- .2 legal implications;
- .3 administrative requirements;

- .4 capacity building;
- .5 training of crew members;
- .6 enforcement of regulations; and
- .7 operational safety.

7 Any reference in these Implementation Guidelines to “the instruments” means the Code of Safety for Fishermen and Fishing Vessels, Part B, the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels and the Safety Recommendations for Decked Fishing vessels of Less than 12 metres in Length and Undecked Fishing Vessels.

8 Terms used in these Implementation Guidelines have, in general, the same meaning as those used in the instruments. The following definitions are important for the purpose of these Implementation Guidelines and are included here. Therefore, unless provided otherwise:

8.1 *Approved* means approved by the competent authority.

8.2 *Competent authority* is the Government of the State whose flag the vessel is entitled to fly. The competent authority may delegate certain of its duties to entities authorized by it and that it deems suitably qualified to undertake those duties.

8.3 *Crew* means the skipper and all persons employed or engaged in any capacity on board a vessel on the business of that vessel.

8.4 *Existing vessel* is a vessel which is not a new vessel.

8.5 *Fishing vessel* (hereto referred as vessel) means any vessel used commercially for catching fish, whales, seals, walrus or other living resources of the sea.

8.6 *Fishing vessel inspector* means a designated member of the staff of a maritime or fisheries administration regardless of the grade of that person.

8.7 *Inspection of a fishing vessel* means an inspection carried out to ensure compliance with the provisions of the shipping, labour and/or fisheries Acts.

8.8 *Length (L)* should be taken as 96 percent of the total length on a waterline at 85 percent of the least depth, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that length is greater. In vessels designed with rake of keel the waterline on which this length is measured should be parallel to the designed waterline.

8.9 *Length overall (LOA)* should be taken as the distance in a straight line parallel to the design waterline between the foremost point of the bow and the after most point of the stern.

8.10 *New vessel* is a vessel the keel of which is laid, or which is at a similar stage of construction, on or after the date of adoption of the Instruments set out in chapter 1.

- 8.11 *Organization* means the International Maritime Organization.
- 8.12 *Owner* means any person or entity having assumed the responsibility for the operation of the vessel.
- 8.13 *Recognized Organization* means an organization which meets the relevant conditions set forth by these Implementation Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)).
- 8.14 *Skipper* means the person having command of a vessel.
- 8.15 *Surveyor*, in these Implementation Guidelines, means a staff member of a vessel classification society, a person appointed as a non-exclusive surveyor by a classification society, a person appointed by Lloyd's Agent or a person accredited by a professional body as a surveyor of vessels.
- 8.16 *Unseaworthy vessel* means a vessel whose hull, machinery, equipment or operational safety is substantially less than the provisions of the shipping and/or fisheries Acts in relation to standards of safety construction, safety equipment, equipment and operation of a fishing vessel.

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Chapter 1

The instruments

1.1 Purpose

These Implementation Guidelines are intended to assist competent authorities to give effect to the provisions of the instruments (see paragraph 7 of the Introduction).

1.2 Part B of the Code

1.2.1 The purpose of Part B of the Code is to provide information on the design, construction and equipment of fishing vessels with a view to promoting the safety of fishing vessels and safety and health of the crew. The Code is not a substitute for national laws and regulations, nor is it a substitute for the provisions of international instruments in relation to safety of fishing vessels and crew, although it may serve as a guide to those concerned with framing such national laws and regulations. It is voluntary and wider in scope than the 1993 Torremolinos Protocol* and only the minimum requirements to ensure the safety of fishing vessels and safety and health of the crew are given for fishing vessels of 24 m in length and over. Each competent authority should take every possible measure to promote the safety of the vessels concerned.

1.2.2 It may be noted that certain sections of the Part B of the Code make reference to the minimum standards set out in the provisions of the 1993 Torremolinos Protocol. Consequently, where so referenced, these are considered to be the minimum standards acceptable in relation to the classes of vessels, as prescribed in the Protocol, and for the application of Part B of the Code.

1.2.3 Furthermore, it may also be noted, that regional uniform standards or guidelines that have been submitted to IMO as provided for under Article 3, paragraphs (4) and (5) of the Protocol for fishing vessels registered and operating in such regions, prevail over chapters IV, V, VII and IX of Part B of the Code. For all other fishing vessels of 24 m in length and over but less than 45 m in length that are registered in such regions but operate, or are intended for operation outside the region, the provisions of Part B of the Code should be addressed.

1.2.4 In addition, unless otherwise stated, the provisions of Part B of the Code are intended to apply to new decked fishing vessels of 24 m in length and over. However, even where not otherwise stated, the competent authority should also apply these provisions, as far as reasonable and practicable, to existing decked fishing vessels.

1.2.5 The provisions of Part B of the Code do not apply to fishing vessels used for sport or recreation or to processing vessels.

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

1.2.6 Where operating experience has clearly shown that departure from the provisions of this part of the Code is justified, or in applying this part of the Code to any other equivalent area of operation for any vessel covered by this part of the Code, the competent authority may permit adequate alterations or substitutions thereof.

1.3 The Voluntary Guidelines

1.3.1 The purpose of the Voluntary Guidelines is to provide information on the design, construction and equipment of small fishing vessels with a view to promoting the safety of the vessel and safety and health of the crew. They are not intended as a substitute for national laws and regulations, but may serve as a guide to those concerned with framing such national laws and regulations. Each competent authority responsible for the safety of fishing vessels should ensure that the provisions of the Voluntary Guidelines are adapted to its specific requirements, having due regard to the size and type of vessels, their intended service and area of operation.

1.3.2 Unless otherwise stated, the provisions of the Voluntary Guidelines are intended to apply to new decked fishing vessels of 12 m in length and over, but less than 24 m in length. Nevertheless, even where not otherwise stated, the competent authority should, as far as reasonable and practical, give consideration to the application of these provisions to existing decked fishing vessels. They do not, however, apply to fishing vessels used for sport or recreation or to processing vessels.

1.4 The Safety Recommendations

1.4.1 The purpose of the Safety Recommendations is to provide information on the design, construction, equipment, training and protection of the crew of small fishing vessels with a view to promoting the safety of the vessel and safety and health of the crew. They are not intended as a substitute for national laws and regulations, but may serve as a guide to those concerned with framing such national laws and regulations. Each competent authority responsible for the safety of vessels should ensure that the provisions of these Safety Recommendations are adapted to its specific requirements, having due regard to the size and type of vessels, their intended service and area of operation. Furthermore, attention is drawn to Part A of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, 2005.

1.4.2 Unless otherwise stated, the provisions of the Safety Recommendations are intended to apply to new decked vessels of less than 12 m in length (L) and new undecked vessels intended to operate at sea. Nevertheless, even where not otherwise stated, the competent authority should, as far as reasonable and practical, give consideration to the application of these provisions to existing vessels.

1.5 Mandatory and other voluntary instruments

1.5.1 In implementing a safety regime using the above-mentioned instruments, references will be found in them to mandatory and other non-mandatory instruments given in Annex 7, which a competent authority would also need to consider when adopting a holistic approach to fishing vessel safety.

1.5.2 However, it must be understood that the provisions of a Convention, when in force and ratified by the State concerned, take precedence over non-mandatory instruments.

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