



Att. Ms Magda Kopczyńska
Director General for Mobility and Transport, European Commission
DG MOVE, J.-A. Demot, 24-28. B –1040 Brussels

Att. Ms Charlina Vitcheva
Director General for Maritime Affairs and Fisheries, European Commission
DG MARE, J-II 99 B-1000 Brussels

Madrid, 20 January 2026

Ref.: R-10-Ej.19 (2025-2026)/WG5

Subject: IMO 2012 Cape Town Agreement and Recast of the Fishing Vessel Safety Directive

Dear Director-Generals Kopczyńska and Vitcheva,

We are writing to you about the International Maritime Organization (IMO) 2012 Cape Town Agreement for the Safety of Fishing Vessels and its crucial role in enhancing safety standards for fishing crews and levelling the playing field globally.

The Cape Town Agreement: State of Play

Adopted in 2012, the IMO Cape Town Agreement aims at making every commercial fishing vessel of 24 metres in length and over a safe workplace, from stem to stern. It is also expected to contribute to combatting illegal, unreported and unregulated (IUU) fishing activities since vessels engaged in illegal fishing are likely to disregard basic safety standards, lack of proper equipment and fail to respect minimum working conditions aboard, as recognised in 2019 at the IMO Torremolinos Ministerial Conference on Fishing Vessel Safety and IUU Fishing and by the Joint FAO/IMO/ILO ad hoc Working Group.

The Cape Town Agreement contains ten chapters establishing key safety standards for, *inter alia*, vessel construction and related seaworthiness, fire safety regulations, life-saving appliances, emergency procedures and radiocommunications. The Cape Town Agreement marks the third attempt since 1977 to establish a binding international safety framework for fishing vessels and fishers. Unlike seafarers, who have benefited for decades from the protection granted by the 1974 IMO Safety of Life at Sea (SOLAS) Convention, fishers still lack comparable global standards, a longstanding and unacceptable gap. However, the EU quickly transposed the original Convention through the Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.

To enter into force, at least 22 States must ratify the Agreement and declare a combined fleet of 3,600 commercial fishing vessels of 24 metres in length and over, capable of operating on the high seas. The first threshold was reached when Namibia acceded to the Agreement on 5 December 2024. With 25 States and 3,016 vessels declared to date, only about 500 vessels remain for the Agreement to enter into force. The EU collectively controls more than 6,000 vessels of 24 metres or longer which means EU Member States alone could bring the Agreement into force.

Council Decision 2014/195/EU authorised and invited EU Member States to ratify the Cape Town Agreement by 2016. Disappointedly, only nine Member States have currently done so, namely Belgium, Croatia, Denmark, Finland, France, Germany, the Netherlands, Portugal and Spain, and there have been no Member State accessions since Portugal's in March 2023.

Considering that the EU is the world's largest seafood importer and, collectively, one of the largest flag States, it is crucial that all EU Member States, whether they are flag or market States, ratify the Cape Town Agreement to reassure consumers risks to fishers' lives are minimised when harvesting fish and other seafood. By doing so, EU Member States would be pivotal in paving the way for bringing the Agreement into force and, consequently, safeguarding and protecting fishers' safety and wellbeing globally.

This is crucial. The ILO recognises fishing as one of the most dangerous occupations in the world, something that has been further highlighted in a study published in November 2022 by the FISH Safety Foundation.¹ This study estimated that more than 100,000 fishing and aquaculture-related fatalities occur each year globally; this is nearly 300 fatalities per day worldwide. Europe (including EEA countries and the UK) is in a much better position but still not immune to fisher mortality, with an average estimated fatality rate of 76 per 100,000 fishers.

Therefore, the LDAC recommends the European Commission to call again on EU flag States to accede to the Cape Town Agreement and, by doing so, declare all eligible vessels of 24 metres and above.

In addition to improving fisher safety at sea, the entry into force of the Cape Town Agreement would help ensure a level playing field for all fishing vessels – which are operating in the same waters and targeting the same markets – and the competitiveness of the EU fisheries sector, as highlighted by various stakeholders including in our advice on "Recommendations for a Level Playing Field for EU and non-EU fish products" of May 2021 and by the European Parliament.^{2,3,4} Global minimum safety standards would indeed be applicable onboard both EU and non-EU fishing vessels, in both EU and non-EU waters, and for the benefit of both EU and non-EU nationals worldwide. This is of particular importance to the EU as the largest market of aquatic animal products imports, according to the 2024 FAO State of the World Fisheries and Aquaculture report (SOFIA 2024).

Bringing the Cape Town Agreement into force could also eventually trigger the update of Directive 97/70/EC (Fishing Vessel Safety Directive) to the latest international standards and practices as some of its provisions are based on the 1993 Torremolinos Protocol. The entry into force of the Cape Town Agreement could also strengthen market-based incentives for compliance, ensuring that fishery products reaching the EU market are sourced from vessels meeting internationally recognised safety standards.

Recommendations

- 1. The LDAC calls on all EU flag States to expeditiously ratify the IMO Cape Town Agreement, with the objective to complete ratification at a set deadline, for example by 2027, 15 years after the Agreement was adopted by the IMO.**
- 2. The LDAC encourages all relevant European Commission services (e.g. MOVE, EEAS, INTPA, MARE, EMPL, etc.) to take a leading role internationally in advocating for the global ratification of the IMO Cape Town Agreement, including through multilateral and bilateral dialogues with key fishing nations and Regional Fisheries Management Organisations (RFMOs).**

¹ S. Willis and E. Holliday, Triggering Death: Quantifying the True Human Cost of Global Fishing (FISH Safety Foundation, 2022), <https://the-human-cost-of-fishing.org>

² https://ldac.eu/images/EN_LDAC_Advice_LPF_25May2021.pdf

³ European Parliament, Policy options for strengthening the competitiveness of the EU fisheries and aquaculture sector (2024) [https://www.europarl.europa.eu/RegData/etudes/STUD/2024/747292/IPOL_STU\(2024\)747292_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2024/747292/IPOL_STU(2024)747292_EN.pdf)

⁴ European Parliament, Resolution of 18 January 2024 on the impact of illegal fishing on food security – the role of the European Union (2023/2027(INI)), https://www.europarl.europa.eu/doceo/document/TA-9-2024-0043_EN.pdf

3. **The LDAC invites the European Commission to update Directive 97/70/EC in alignment with the IMO Cape Town Agreement right after its entry into force.** The Directive is based on the now superseded Torremolinos Protocol of 1993, the predecessor of the Cape Town Agreement, and as such some definitions and provisions on surveys and certifications are not aligned. In this regard, the annex below provides an overview of the provisions of the Torremolinos Protocol which were updated by the Cape Town Agreement, and the resulting changes that could be made to Directive 97/70/EC to futureproof it for when the Cape Town Agreement comes into force.
4. **The LDAC invites the European Commission to analyse whether such an update would require increases in EU vessel's tonnage and power.**

We thank you in advance for your attention and look forward to your response.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Iván López', is placed within a rectangular box.

Iván López

LDAC Chair

Annex

An overview of the amendments made to the 1993 Torremolinos Protocol⁵, the corresponding provisions of Directive 97/70/EC and indications whether it is necessary to amend the provisions of the Directive

Criteria	Cape Town provisions	97/70/EC provisions	Is it necessary to amend the Directive?
I - GENERAL			
Application			
- Application of annex	I/1(1)	Article 1 and 3(3), Annex I	No.
- GT/length equivalences	I/1(2)-(3)		No.
- Progressive implementation	I/1(4)-(5)		No.
- Exemption from annual surveys	I/6(6)		Yes.
Definitions			
- Gross tonnage	I/2(22)		No.
- Anniversary date	I/2(23)		Yes.
- A common fishing zone	I/2(24)		Yes.
Exemptions	I/3(3)	Article 4	Yes. ⁶
Exemptions	I/3(4)		Yes.
Inspection and survey	I/6(1)-(4)	Article 6	Yes.
Surveys of life-saving appliances and other equipment	I/7(1)-(3)	Article 6	Yes.
Surveys of radio installations	I/8(1)-(3)	Article 6	Yes.
Surveys of structure, machinery and equipment	I/9(1)-(3)	Article 6	Yes.
Maintenance of conditions after survey	I/10(1)-(3)		Yes.
Issue or endorsement of certificates	I/11(1)	Article 6	Yes.
Issue or endorsement of certificates by another Party	I/12		Yes.
Duration and validity of certificates	I/13(1)-(8)	Article 6	Yes.
Forms of certificates and records of equipment	I/14)	Annex V	Yes.
Availability of certificates	I/15		Yes
Acceptance of certificates	I/16		No.
Privileges	I/17		No.
V - FIRE PROTECTION, FIRE DETECTION, FIRE EXTINCTION AND FIRE FIGHTING			
General	V/1(1)-(2)		No.
VII - LIFE-SAVING APPLIANCES AND ARRANGEMENTS			
Number and types of survival craft and rescue boats	VII/5(5)-(7)		No.
IX - RADIocommunications			
Application	IX/1(2)		No.
Appendix - CERTIFICATES AND RECORD OF EQUIPMENT			
1 Form of Safety Certificate for Fishing Vessels		Annex V	Yes.
2 Form of Exemption Certificate		Annex V	Yes.
3 Form of Supplement to the International Fishing Vessel Safety Certificate		Annex V	Yes.

⁵ As adopted by the 2012 Cape Town Agreement.

⁶ It should be noted that the exemptions provided for in Cape Town Agreement provisions I/1(6) and I/3(3) will neither apply to EU fishing vessels nor to third country fishing vessels operating in EU waters, see [Council Decision 2014/195/EU](#).