

Barbara Sellier  
Directorate-General for  
Mobility and Transport  
Maritime Safety Unit  
DG MOVE D.2

Brussels, 8 September 2026

**Subject: Implementation of Polar Code requirements for EU fishing vessels**

Dear Ms Sellier,

Europêche wishes to draw the Commission's attention to the implementation of IMO Resolution MSC.532(107), which extends mandatory requirements under SOLAS Chapter XIV and the Polar Code to fishing vessels of 24 metres in length overall and above operating in polar waters.

The amendments entered into force on this year and will apply to existing fishing vessels from 1 January 2027. They introduce new requirements on safe navigation and voyage planning. For fishing vessels, these provisions apply on all voyages in the Antarctic area and on voyages in Arctic waters beyond the outer limit of the territorial sea of the vessel's flag State. In practice, this will affect in Northern waters for instance EU vessels operating around Svalbard, Bear Island and Hopen, in the northern Barents Sea, and in Greenlandic waters beyond the territorial sea.

Europêche fully supports measures that genuinely improve the safety and health of fishers. Nevertheless, the sector has not been adequately involved in the development of these new mandatory obligations. With less than four months remaining before the compliance deadline for existing vessels, operators need immediate legal and technical certainty, including a clear understanding of the equipment, documentation, operational and training implications, the competent certification or verification arrangements, and the approach that flag and port States will take to enforcement.

This concern is not new. In its submissions of 2018 and 2019, Europêche warned that applying instruments originally designed around SOLAS shipping to fishing vessels could create legal uncertainty and disproportionate socio-economic effects unless the distinctive design, operation and risk profile of fishing vessels were properly taken into account. Polar risks vary considerably according to location, season, ice conditions, daylight, vessel design and fishing activity. A uniform approach may therefore impose requirements that are technically unnecessary or impracticable in low-risk conditions, while EU fleet capacity ceilings expressed in gross tonnage and engine power can restrict the physical adaptations available to operators and create competitive distortions vis-à-vis fleets not subject to equivalent constraints.

The adopted text itself recognises the need for proportionality. New SOLAS regulation XIV/3-1(2) allows the flag Administration to determine the extent to which the equipment provisions in regulations 9-1.3.1 and 9-1.3.2 do not apply to fishing vessels of 24 metres and above. This discretion

should be exercised consistently and on the basis of objective risk, with close consultation with the sector. Divergent interpretations among EU Member States can fragment the internal market and place vessels fishing in the same waters under unequal conditions.

We are also concerned about possible duplication or unintended expansion through Regional Fisheries Management Organisations (RFMOs). A proposal currently under discussion in the CCAMLR context reportedly seeks to incorporate Polar Code provisions into CCAMLR rules. Such incorporation cannot be treated as a simple copy-and-paste exercise: the wording, legal basis, addressees, geographical scope and relationship with flag-State obligations must be checked carefully. Any measures adopted by RFMOs should not apply the Polar Code beyond the scope agreed at the IMO. The same vigilance will be required should a similar initiative arise in NEAFC or NAFO.

Against this background, Européche respectfully requests that the Commission:

- urgently inform the fishing sector of the exact legal scope, practical requirements and applicable derogations arising from Resolution MSC.532(107);
- convene, without delay, a technical meeting involving DG MOVE, DG MARE, the relevant national administrations and representatives of the affected fleets perhaps within the context of the Social Dialogue Committee or the LDAC;
- prepare an EU-wide implementation note and a mapping of vessels and fisheries potentially affected, including a proportionate assessment of technical feasibility, compliance costs and socio-economic consequences;
- clarify whether the Commission considers that these new requirements necessitate amendments to the relevant EU legislation, particularly Directive 97/70/EC, in order to ensure their consistent implementation across Member States;
- ensure that operators are given workable arrangements for existing vessels where equipment, certification or administrative adaptation cannot reasonably be completed before 1 January 2027 despite timely action; and
- coordinate the EU position in CCAMLR, NEAFC, NAFO and other relevant fora so that any RFMO measure remains strictly consistent with the IMO text, does not duplicate flag-State controls, and does not extend the material, geographical or personal scope of the Polar Code without a separate impact assessment and full stakeholder consultation.

We would appreciate the Commission's prompt confirmation of the actions it intends to take, given the imminent deadline for existing vessels.

Yours sincerely,

Daniel Voces  
Managing Director  
Europêche

*CC: DG MARE*