Theme: Fishing Vessels and Safety at Sea

The Torremolinos International Convention for the Safety of Fishing Vessels (SFV), 1977,

Long title: being the Protocol of 1993

Short title: Torremolinos Convention

Acronym: SFV Protocol

Legal status: Binding (when adopted)

Type of instrument: Convention

Objectives:

1977 Convention: to provide safety requirements for the construction and equipment of new, decked, seagoing fishing vessels of 24 m in length and over, including those vessels also processing their catch. Existing vessels were covered only in respect of radio requirements.

1993 Protocol: to update, amend and absorb the parent Convention, taking into account technological evolution in the intervening years and the need to take a pragmatic approach to encourage ratification of the instrument. The Protocol applies to fishing vessels of 24 m in length and over including those vessels also processing their catch.

Contents:

The safety provisions addressed by the Protocol, incorporating and amending the 1977 Convention, are included in an Annex consisting of ten Chapters. The provisions include automatically controlled machinery spaces, improved life-saving appliances, immersion suits and thermal protective aids, satellite communication systems and other components of the global maritime distress and safety system.

Date of adoption: 2 April 1977 (Convention)

Place of adoption: Torremolinos, Spain

Date of entry into force: Not yet entered into force

Ratifications: SFV Protocol – 10 (9.71 percentage of the world’s tonnage)

Initiating body: International Maritime Organization (IMO)

Decision-making body: Conference of Parties (COP)

Monitoring and implementation:

Maritime Safety Committee (MSC)

Periodicity of meetings:

MSC meets once a year.

Participation in meetings:

MSC is open to members of the organization.

Secretariat:

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Guidelines:
Code of safety for fishermen and fishing vessels as well as a set of voluntary guidelines for the design, construction and equipment of small fishing vessels.

Additional information:
The 1977 Convention, adopted at a conference held in Torremolinos, Spain, was the first-ever international Convention on the safety of fishing vessels. The Convention has been superseded by the 1993 Protocol. Despite the importance of the Protocol, however, it is yet to enter into force.

Selected articles:
Article 3. Application
(1) The present Protocol shall apply to seagoing fishing vessels including vessels also processing their catch entitled to fly the flag of a Party.

(2) The provisions of the Annex shall not apply to vessels exclusively used:
(a) for sport or recreation;
(b) for processing fish or other living resources of the sea;
(c) for research and training; or
(d) as fish carriers.

(3) Unless expressly provided otherwise, the provisions of the Annex shall apply to fishing vessels of 24 m in length and over.

(4) In a case where a limit of the vessel’s length is prescribed as greater than 24 m in a chapter for the application of that chapter, the Administration shall determine which regulations of that chapter should apply, wholly or in part, to a fishing vessel of 24 m in length and over but less than the length limit prescribed in that chapter and entitled to fly the flag of that State, having regard to the type, size and mode of operation of such a vessel.

(5) Parties shall endeavour to establish, as a matter of high priority, uniform standards to be applied by Administrations to fishing vessels referred to in paragraph (4), which operate in the same region, taking into account the mode of operation, sheltered nature and climatic conditions in such region. Such uniform regional standards shall be communicated to the Organization for circulation to other Parties for information.

Article 4. Certification and port State control
(1) Every vessel required to hold a certificate in accordance with the provisions of the regulations is subject, when in a port of another Party, to control by officers duly authorized by the Government of that Party in so far as this control is directed towards verifying that the certificate issued under the provisions of the relevant regulations is valid.

(2) Such certificate, if valid, shall be accepted unless there are clear grounds for believing that the condition of the vessel or of its equipment does not correspond substantially with the particulars of that certificate or that the vessel and its equipment are not in compliance with the provisions of the relevant regulations.
(3) In the circumstances given in paragraph (2) or where a certificate has expired or ceased to be valid, the officer carrying out the control shall take steps to ensure that the vessel shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the vessel or persons on board.

(4) In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform, in writing, the Consul or, in his absence the nearest diplomatic representative of the State whose flag the vessel is entitled to fly, of all the circumstances in which intervention was deemed necessary. In addition, nominated surveyors or recognized organizations responsible for the issue of the certificates shall also be notified. The facts concerning the intervention shall be reported to the Organization.

(5) If the port State authority concerned is unable to take steps as specified in paragraph (3) or if the vessel has been allowed to proceed to the next port of call, the port State authority concerned shall notify all relevant information about the vessel to the Party mentioned in paragraph (4) and to the authorities of the next port of call.

(6) When exercising control under this article, all possible efforts shall be made to avoid a vessel being unduly detained or delayed. If a vessel is thereby unduly detained or delayed, it shall be entitled to compensation for any loss or damage suffered.

(7) With respect to vessels of non-Parties to the present Protocol, Parties shall apply the requirements of the present Protocol as may be necessary to ensure that no more favourable treatment is given to such vessels.

Relevance to fisheries/fishworkers:

The Convention deals with safety requirements for the construction and equipment of new, decked, seagoing fishing vessels of 24 m in length and over, including those vessels also processing their catch. It stipulates regulations for the stability and associated seaworthiness of fishing vessels.

It also prescribes protection of the crew and requirements for lifesaving appliances and contains sample formats for certificates and records of equipment. Other chapters deal with matters such as construction, watertight integrity and equipment; machinery and electrical installations and unattended machinery spaces; fire protection, detection, extinction, and fire fighting; emergency procedures, musters and drills; radiotelegraphy and radiotelephony; and shipborne navigational equipment.
The Protocol takes into account the trend to exploit deep-water fishing grounds on a large scale, and to conduct fishing operations in distant waters, resulting in the building of a new generation of more sophisticated fishing vessels. To be successful in their operations, these vessels have to be fitted with advanced fishfinding and navigation equipment. The Protocol calls for the development of regional guidelines for those vessels between 24 m and 45 m, taking into account the mode of operation, and the sheltered nature and climatic conditions of the region.

Keywords:
Safety, IMO, Safety at sea, equipment, fishing vessels, construction, convention, certification, SFV Protocol

Regional agreements:
Guidelines for the safety of fishing vessels of 24 m and over but less than 45 m in length operating in the East and South-East Asia region, adopted at a Conference in Tokyo in February 1997.

European regional agreement applicable from 1 January 1999. The European legislation introducing a harmonized safety regime for fishing vessels of 24 m in length and over was adopted in December 1997 and is entirely based upon the 1993 Torremolinos Protocol.