

# Procedure file

Basic information		
NLE - Non-legislative enactments Decision	<a href="#">2008/0107(NLE)</a>	Procedure completed
Fishing sector: ratification by the Member States of the ILO Convention 188 on the work in fishing sector		
Subject		
3.15.08 Fishing enterprises, fishermen, working conditions on board		
4.10.10 Social protection, social security		
4.15.03 Arrangement of working time, work schedules		
4.15.12 Workers protection and rights, labour law		
4.15.15 Health and safety at work, occupational medicine		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>EMPL</b> Employment and Social Affairs		
	Former committee responsible		
	<b>EMPL</b> Employment and Social Affairs		
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>PECH</b> Fisheries		
	Former committee for opinion		
	<b>PECH</b> Fisheries		
European Commission	Council configuration	Meeting	Date
	<a href="#">Employment, Social Policy, Health and Consumer Affairs3019</a>		07/06/2010
	<a href="#">General Affairs</a>	<a href="#">3010</a>	26/04/2010
European Commission	Commission DG	Commissioner	
	<a href="#">Employment, Social Affairs and Inclusion</a>	ANDOR László	

Key events			
26/05/2008	Legislative proposal published	<a href="#">COM(2008)0320</a>	Summary
19/06/2008	Committee referral announced in Parliament		
05/11/2008	Vote in committee		Summary
06/11/2008	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0423/2008</a>	
13/01/2009	Debate in Parliament		
14/01/2009	Results of vote in Parliament		

14/01/2009	Decision by Parliament	<a href="#">T6-0018/2009</a>	Summary
02/12/2009	Additional information		Summary
17/03/2010	Amended legislative proposal for reconsultation published	<a href="#">16923/2009</a>	Summary
27/04/2010	Formal reconsultation of Parliament		
07/06/2010	Act adopted by Council after consultation of Parliament		
07/06/2010	End of procedure in Parliament		

#### Technical information

Procedure reference	2008/0107(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 048
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/02817; EMPL/6/63475

#### Documentation gateway

Legislative proposal		<a href="#">COM(2008)0320</a>	27/05/2008	EC	Summary
Committee draft report		<a href="#">PE409.629</a>	03/09/2008	EP	
Amendments tabled in committee		<a href="#">PE414.238</a>	13/10/2008	EP	
Committee opinion	<b>PECH</b>	<a href="#">PE411.928</a>	15/10/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0423/2008</a>	06/11/2008	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0018/2009</a>	14/01/2009	EP	Summary
Amended legislative proposal for reconsultation		<a href="#">16923/2009</a>	18/03/2010	CSL	Summary

#### Additional information

National parliaments	<a href="#">IPEX</a>
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## Fishing sector: ratification by the Member States of the ILO Convention 188 on the work in fishing sector

**PURPOSE:** to authorise the Member States to ratify the 2007 International Labour Organisation (ILO) Work in Fishing Convention?

**PROPOSED ACT:** Council Decision.

**BACKGROUND:** in June 2007, the ILO adopted Convention No. 188 concerning work in the fishing sector, which seeks to establish minimum international standards. In so doing the ILO revised three Conventions adopted in 1959 and one Convention adopted in 1966: Minimum Age (Fishermen); Medical Examination (Fishermen); Fishermen's Articles of Agreement; and Accommodation of Crews (Fishermen). Convention No. 188 also addresses other important issues such as health and safety at work, manning and hours of rest, crew list, repatriations, recruitment and placement, social security and enforcement. The ultimate aim of the Convention is to maintain a level playing field in the fishing sector by fostering the promotion of decent living and working conditions for fishermen and fairer global competition and to remedy the low rate of ratification of many conventions in the field of maritime labour.

CONTENT: the purpose of this proposal, therefore, is to authorise the Member States to ratify Convention No 188. Unlike other international fora, ILO operating rules do not include a process of formal signature before ratification. A signature may be replaced by a voting procedure leading to adoption (equivalent to a signature). Thus, Convention No.188 was adopted in June 2007 by the ILO but has yet to enter into force. In view of the fact that responsibility for social security schemes lies with the Community, the Member States will not be able to ratify the Convention without Community authorisation. The Commission, therefore, proposes that the Council authorise the Member States to ratify Convention No 188 in the interest of the Community.

## Fishing sector: ratification by the Member States of the ILO Convention 188 on the work in fishing sector

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The Committee on Employment and Social Affairs adopted, following the consultation procedure, the report drafted by Ilda FIGUEIREDO (GUE/NGL, PT) approving the proposal for a Council decision authorising Member States to ratify, in the interests of the European Community, the Work in Fishing Convention, 2007, of the International Labour Organisation (Convention 188).

Committee members urged all EU Member States to proceed rapidly to ratification of the Convention and put its content into effect in advance of completion of the ratification process.

## Fishing sector: ratification by the Member States of the ILO Convention 188 on the work in fishing sector

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The European Parliament adopted, by 671 votes to 16 with 6 abstentions, under the consultation procedure a legislative resolution approving the proposal for a Council decision authorising Member States to ratify, in the interests of the European Community, the Work in Fishing Convention, 2007, of the International Labour Organisation (Convention 188).

The report had been tabled for consideration in plenary by Ilda FIGUEIREDO (GUE/NGL, PT) on behalf of the Committee on Employment and Social Affairs.

## Fishing sector: ratification by the Member States of the ILO Convention 188 on the work in fishing sector

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The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Decision authorising Member States to ratify, in the interests of the European Community, the Work in Fishing Convention, 2007, of the International Labour Organisation (Convention 188), the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.42, Art.300(2) first para and (3) first para. - became Art 48, Art 218 (6)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).

## Fishing sector: ratification by the Member States of the ILO Convention 188 on the work in fishing sector

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PURPOSE: to authorise Member States to ratify, in the interests of the European Union, the Work in Fishing Convention, 2007, of the International Labour Organisation (Convention No. 188 of the ILO).

PROPOSED ACT: Council Decision.

CONTENT: this proposal aims to authorise Member States to ratify, for the parts falling under the exclusive competence of the Union, the Work in Fishing Convention, 2007, of the International Labour Organisation, adopted on 14 June 2007. The Convention represents a major

input to the fishing sector at international level in promoting decent work for fishers and fairer competition conditions for fishing vessel owners.

It is therefore desirable that its provisions should be implemented as soon as possible.

With the entry into force of the Treaty of Lisbon on 1 December 2009, the procedures to be followed by the Union in order to conclude the Agreement are governed by Article 218 of the Treaty on the Functioning of the European Union (TFEU) which states that the Council shall adopt a decision concluding the agreement, after obtaining the consent of the European Parliament.

Bearing in mind that the Union cannot ratify the Convention, as only states can be parties thereto, the Council should therefore authorise the Member States that are bound by the rules of the Union on the coordination of social security schemes based on Article 48 of the TFEU to ratify the Convention in the interests of the Union, under the conditions laid down in this Decision.

It should be noted that ideally Member States should make efforts to take the necessary steps to deposit their instruments of ratification of the Convention with the Director-General of the International Labour Office as soon as possible, preferably before 31 December 2012. The Council will review the progress of the ratification before January 2012.