



sea  
source

SEA SOURCE/ ANIFPO

# News Net

## Guidelines for a no deal Brexit

**Catching Fish in the UK**—In the event of a no deal Brexit the following rules and arrangements will apply:

- There will be no change to your rights and responsibilities if you have a UK-registered vessel fishing in UK waters.
- UK fisheries administrators will advise what your fishing opportunities allocation will be.
- There will be no automatic access for the UK fisheries to exchange fishing opportunities with EU member states and vice versa.
- There will be no automatic access for UK registered vessels to fish in EU or third country waters except in cases of force majeure or distress.
- All UK fishermen should apply for an **International Maritime Number (IMO)** in preparation for an EU exit. Download a form by visiting [www.gov.uk](http://www.gov.uk) or visit the ANIFPO office
- A catch certificate for imports and exports between the UK and EU will be required for the majority of fish products. This applies to direct landings from UK vessels into EU ports.
- To land your catch directly into an EU designated port you will need to submit a prior notification form, a NEAFC Port State Control form and pre-landing declaration alongside the catch certificate.

### Exporting Fish from UK Water to the EU

- A catch certificate will need to be completed online for each consignment of fish
- Then, complete an Export Health Certificate (EHC)
- There are various other steps that will need to be carried out by the exporter and changes are being made on a continuous basis due to the uncertainty of Brexit. If you require more information, please contact the ANIFPO office.

## Non-EEA Fishing Crew



One of the key policy areas for ANIFPO/Sea Source remains resolving the issues about accessing non-EEA crew. At a Brexit related event in London this week it was encouraging to hear the DEFRA Secretary of State, Michael Gove MP say that he was in discussion with the Home Secretary about maintaining a pipeline of non-EEA crew to serve on UK fishing vessels.

In addition, we are indebted to The Fishmongers Company who have provided the Fishermen's Welfare Alliance with a grant of £15,000 to employ The Whitehouse Consultancy in London on a three month programme to continue to lobby on this issue at the highest level in Government. ANIFPO is acting as the conduit for this funding.

## MSC/ Acoura visit to Northern Ireland



Herring was the first Irish Sea fishery to receive MSC Certification. The MSC/Acoura international assessment team visited Northern Ireland week commencing 28th January 2019 to meet fishermen, processors, officials and fisheries scientists involved in the fishery. Their trip included a visit to the Stefanie M in Belfast Harbour, where because of a lack of infrastructure at Kilkeel and Northern Ireland's other DAERA owned fishing harbours our herring fishing vessels are based.

## Crew and Safety Forum

During the afternoon of 21st February we convened a workshop for PO members. There was standing room only at the event, looking at issues around ILO C188, non-EEA crew and taxation issues. Northern Ireland fishermen are taking these important issues seriously. Thank you everyone for attending, especially Robert Greenwood, NFFO Safety Officer; Darren Stevenson, Solicitor and Daniel Shepherd, Human Rights at Sea.

ANIFPO/Sea Source shall be organising other forums dealing with Brexit and the Landing Obligation in the near future.



## Life Jacket Law comes into Effect



"Help, support & guidance for ILO C188 is free for everyone"

[www.safetyfolder.co.uk](http://www.safetyfolder.co.uk)

From the 1st of January 2019 the UK Government has implemented the Work in Fishing Convention in to UK Law. For further help and guidance, visit the free [SafetyFolder.co.uk](http://SafetyFolder.co.uk) website.

Using the Safety Folder website will help guide you and to document all of the safety requirements of the new legislation.

The wearing of PFD's is now covered by the health and safety at work regulations, and the owner, skipper and crew have the ability to decide when and where it is necessary to wear PFD's.



## Kilkeel Harbour Works Dinner

Thank you US Consul General in Belfast Elizabeth Kennedy Trudeau for making the Kilkeel Harbour Works annual dinner on 21st February 2019, a night to remember. Come back soon!

Thank you to the Sea Source team for organising the night with Trevor Orr and The Harbour Inn, Annalong - world class meal again!

Great to welcome Sir Richard Needham back to Kilkeel and the Kingdom of Mourne.

Gareth Gordon, BBC Northern Ireland was a superb Question Time Chair!

Thank you First Trust Bank, Credit Risk Brokers & Sea Source for supporting the event and to all our guests from Northern Ireland and beyond thank you for coming. It's you who make these occasions so enjoyable.



## Future Skills-based Immigration System

All those engaged in harvesting and processing the nation's seafood are skilled. Sea Source was in Glasgow on 11th January 2019 continuing our work with colleagues from across the UK to help ensure

the fishing industry can access the crew it needs to rebuild & flourish. Be they from Northern Ireland, GB, the EU or much further afield Sea Source will work with our members to ensure all our fishermen are

treated equally and can be assured of the help with welfare or career progression everyone involved in this proud profession is entitled to.

## Upcoming Training Courses

### ELEMENTARY FIRST AID STCW

**Date:** Friday 5th April 2019

**Time:** 9am to 5pm

**Location:** ANIFPO Office, The Harbour, Kilkeel, BT34 4AX



Suitable as a refresher for fishermen who wish to update their existing certificate and for those who require an STCW first aid certificate for Fishing vessels and other commercial vessels.

Please contact our office on 02841762855 to register interest.

If you require any other training such as the following, please also contact the ANIFPO office:

- Fire Fighting and Prevention (FF)
- STCW Personal Survival Techniques (STCW PST) (Sea Survival)
- Safety Awareness and Accident Prevention (SA)
- Health and Safety for Fishermen (H&S)
- Or other



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# SafetyFolder.co.uk Introductory Guide to The Work in Fishing Convention (ILO C188)

From the 1st of January 2019 the UK Government has implemented the Work in Fishing Convention in to UK law. This change effects all fishing vessels in UK waters and sets minimum standards for health, safety and welfare of all crews.

This short guide will hopefully give you a better understanding of what these new regulations mean to you, and your business. For further help the free SafetyFolder.co.uk website will give you continued and up-to-date guidance.

## Safety

The responsibilities on the owner, skipper and crew are clearly defined in the ILO C188 regulations and are equal between share fishermen and employed fishermen.

Using the Safety Folder website will help guide you and to document all of the safety requirements of the the new legislation.

The wearing of PFD's is now covered by the health and safety at work regulations, and the owner, skipper and crew have the ability to decide when and where it is necessary to wear PFD's. PFD's can be solid or inflatable but must have a minimum of 50 newtons of buoyancy. The key point of this requirements is to encourage vessels to reduce the chance of crew being able to fall overboard.

### Compliance checklist:

- Documented your risk assessments
- Written policies regarding health, safety and welfare
- Following a safety management system
- Have safe working procedures
- Crew are inducted and trained in their work

### Relevant Links



**MGN 588 ILO** work in fishing convention health and safety PFDs



**MGN 596 -** Fishing safety: Helping to improve safety - Fishing Vessels



**MGN 587 ILO** work in fishing convention health and safety responsibilities

# Terms & Conditions for Fishermen

An important change introduced by the Work in Fishing Convention is the introduction of Work Agreements. These Agreements are different from employment contracts and ensure that the legal rights of fishermen are known and understood by the owner and fisherman.

The process for introducing the agreements requires for the agreement to be issued to the fisherman in enough time for them to get legal advice should they wish to, and must be in a language that they understand.

Work agreements must not reduce provisions already agreed in an existing employment contract.

The MCA have issued two model agreements for employed and self employed fishermen.

NON-EEA fishermen are normally classed as employed, and should be from a bonafide agency approved by their national embassy. As part of their employment they must be registered with HMRC for PAYE tax which is due on all trips classed as UK employment. This is not strictly an ILO C188 requirement but it is advisable to comply with this requirement.

Crew under the age of 18 should have an independent risk assessment and have extra restriction on where and when they may work.

All crew are entitled to 10 hours rest for every 24 hours at sea, except in extraordinary circumstances. Non compliance should be recorded and compensatory rest may be given with 24 hours.

## Compliance checklist:

- Written a fisherman's work agreement for all the fishermen on your vessel
- Given the crew enough time to understand the agreement
- Have 3 copies signed, for owner, boat and crew
- Owners, skipper and crew are aware of the hours of rest requirements
- Under 18 year old crew have separate risk assessments
- Work pattern of the vessel is compliant with the work and rest regulations.

## Relevant Links:



**MGN 583 ILO** work in fishing convention, fisherman's work agreements



**MGN 585 ILO** work in fishing convention payment of fishermen



**MGN 584 work** in fishing convention repatriation



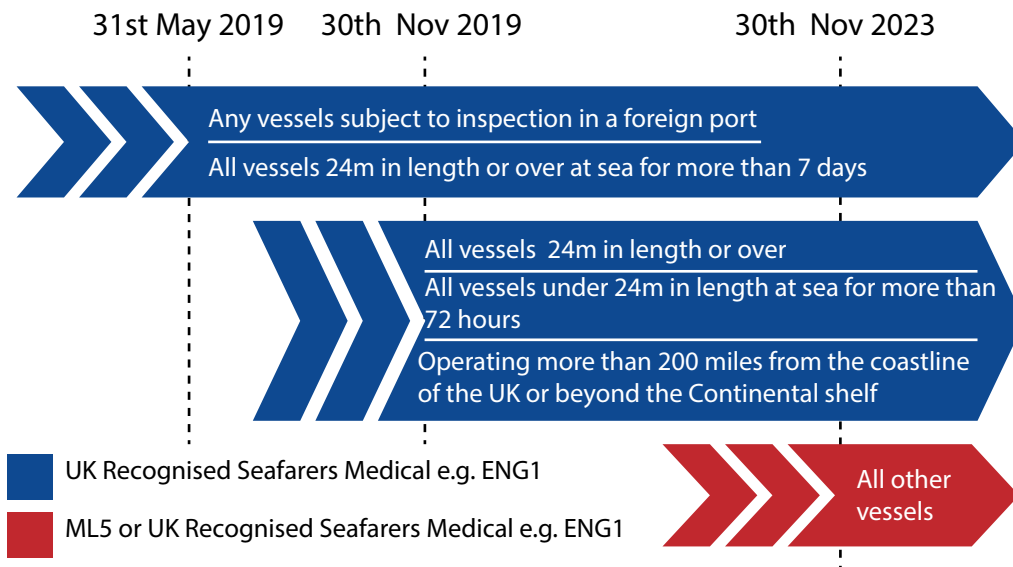
**MSN 1882 ILO** work in fishing convention minimum age

# Health

All fishermen must be medically fit to perform the necessary duties aboard the fishing vessel. These requirements will phase in over the next five years with the crew on over 24m vessels coming first.

There are two types of medical required, for over 24m and vessels at sea for more than three days the crew require a seafarers medical fitness certificate, which in the UK is called an ENG1. The UK will accept Seafarer medical certificates from other countries that it has previously agreed in MSN 1815.

For under 24m vessels doing trips of not more than 3 days an ML5 medical can be used instead of a seafarer medical. This has a five year validity and can be done by any G.P.



## Compliance checklist:

- Crew have correct certificate of medical fitness available before the phased in dates.
- Checked the dates which apply to you.

## Relevant Links:



**MIN 575 ILO** work in fishing convention medical certification grandfather rights



**MGN 586 ILO** work in fishing convention medical care



**MSN 1883 ILO** work in fishing convention medical examination and certification



**MSN 1886 MLC** and ILO 188 medical standards



# Documented Compliance

Many of the new requirements, especially in the owners responsibility require documented compliance, or proof of compliance in some way. The MCA in meeting their obligations intend to audit vessels for compliance at the same time as regular code inspections and survey.

The SafetyFolder website contains a section on auditing and has audits for each section of ILO C188 Compliance in-line with the MCA Audits.

By self auditing your vessel you can re assure yourself that you are compliant with the regulations and also demonstrate to fish buyers that your vessel is meeting the health, safety and welfare standards required by the U.K. and International Labour Organization.

## Relevant Links:



[www.Safety Folder.co.uk](http://www.Safety Folder.co.uk)

# Complaints

Any person can make complaint in regards to the new regulations, and these complaints may be made to various people. You should have a process to handle concerns related to ILO C188, for the crew, skippers and owners. All complaints raised should be treated fairly, documented and addressed, advice should always be sought from the MCA if in doubt.

**Internal:** Skipper, Vessel Owner, Crew

**External:** Producer Organisation, Fishermens Mission, Appostle Ship of the Sea, Seafish, Maritime and Coastguard Agency

**Responsibility:** Maritime and Coastguard Agency

Complaints can be made directly to an MCA surveyor or a welfare organisation such as the Fishermen's Mission, or e-mail [workinfishingconvention@mcga.gov.uk](mailto:workinfishingconvention@mcga.gov.uk)

## Relevant Links:



**MGN 589 ILO** work in fishing convention complaints



**Email:** [workinfishingconvention@mcga.gov.uk](mailto:workinfishingconvention@mcga.gov.uk)