

ANNEX 25

INTERNATIONAL REGULATIONS FOR THE SAFETY OF FISHING VESSELS

CONSOLIDATED TEXT OF THE REGULATIONS ANNEXED TO THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977, AS MODIFIED BY THE CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977 (AGREEMENT)

REGULATIONS FOR THE CONSTRUCTION AND EQUIPMENT OF FISHING VESSELS

CHAPTER I

GENERAL PROVISIONS

Regulation 1 Application

- (1) Unless expressly provided otherwise, the provisions of this annex shall apply to new vessels.
- (2) For the purpose of this Protocol¹, the Administration may decide to use the following gross tonnage in place of length (L) as the basis for measurement for all chapters:
- (a) a gross tonnage of 300 shall be considered equivalent to a length (L) of 24 m;
 - (b) a gross tonnage of 950 shall be considered equivalent to a length (L) of 45 m;
 - (c) a gross tonnage of 2,000 shall be considered equivalent to a length (L) of 60 m; and
 - (d) a gross tonnage of 3,000 shall be considered equivalent to a length (L) of 75 m.
- (3) Each Party which avails itself of the possibility afforded in paragraph (2) shall communicate to the Organization the reasons for that decision.
- (4) Where a Party has concluded that it is not immediately possible to implement all of the measures provided for in chapters VII, VIII, IX and X on existing vessels, the Party may, in accordance with a plan, progressively implement the provisions of chapter IX over a period of no more than 10 years and the provisions of chapters VII, VIII and X over a period of no more than five years.

¹ In accordance with article 2 of the 2012 Cape Town Agreement, a reference to "the present Protocol" or to "the Convention", respectively, shall be deemed to mean a reference to the Agreement.

(5) Each Party which avails itself of the possibility afforded in paragraph (4) shall in its first communication to the Organization:

- (a) indicate the provisions of chapters VII, VIII, IX and X to be progressively implemented;
- (b) explain the reasons for the decision taken under paragraph (4);
- (c) describe the plan for progressive implementation, which shall not be for more than five or 10 years, as appropriate; and
- (d) in subsequent communications on the application of this Protocol, describe measures taken with a view to giving effect to the provisions of the Protocol and progress made in line with the time frame established.

(6) The Administration may exempt a vessel from annual surveys, as specified in regulations 7(1)(d) and 9(1)(d), if it considers that the application is unreasonable and impracticable in view of the vessel's operating area and the type of vessel.

Regulation 2 **Definitions**

(1) *New vessel* is a vessel for which, on or after the date of entry into force of the present Protocol:

- (a) the building or major conversion contract is placed; or
- (b) the building or major conversion contract has been placed before the date of entry into force of the present Protocol, and which is delivered three years or more after the date of such entry into force; or
- (c) in the absence of a building contract:
 - (i) the keel is laid; or
 - (ii) construction identifiable with a specific vessel begins; or
 - (iii) assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less.

(2) *Existing vessel* is a fishing vessel which is not a new vessel.

(3) *Approved* means approved by the Administration.

(4) *Crew* means the skipper and all persons employed or engaged in any capacity on board a vessel on the business of that vessel.

(5) *Length (L)* shall be taken as 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

(6) *Forward and after perpendiculars* shall be taken at the forward and after ends of the length (L). The forward perpendicular shall be coincident with the foreside of the stem on the waterline on which the length is measured.

(7) *Breadth (B)* is the maximum breadth of the vessel, measured amidships to the moulded line of the frame in a vessel with a metal shell and to the outer surface of the hull in a vessel with a shell of any other material.

(8) (a) The *moulded depth* is the vertical distance measured from the keel line to the top of the working deck beam at side.

(b) In vessels having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design.

(c) Where the working deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(9) *Depth (D)* is the moulded depth amidships.

(10) *Deepest operating waterline* is the waterline related to the maximum permissible operating draught.

(11) *Amidships* is the mid-length of L.

(12) *Midship section* is that section of the hull defined by the intersection of the moulded surface of the hull with a vertical plane perpendicular to the waterline and centreline planes passing through amidships.

(13) *Keel line* is the line parallel to the slope of keel passing amidships through:

(a) the top of the keel or line of intersection of the inside of shell plating with the keel where a bar keel extends above that line of a vessel with a metal shell; or

(b) the rabbet lower line of the keel of a vessel with a shell of wood or a composite vessel; or

(c) the intersection of a fair extension of the outside of the shell contour at the bottom with the centreline of a vessel with a shell of material other than wood and metal.

(14) *Working deck* is generally the lowest complete deck above the deepest operating waterline from which fishing is undertaken. In vessels fitted with two or more complete decks, the Administration may accept a lower deck as a working deck provided that that deck is situated above the deepest operating waterline.

(15) *Superstructure* is the decked structure on the working deck extending from side to side of the vessel or with the side plating not being inboard of the shell plating more than 0.04B.

- (16) *Enclosed superstructure* is a superstructure with:
- (a) enclosing bulkheads of efficient construction;
 - (b) access openings, if any, in those bulkheads fitted with permanently attached weathertight doors of a strength equivalent to the unpierced structure which can be operated from each side; and
 - (c) other openings in sides or ends of the superstructure fitted with efficient weathertight means of closing.

A bridge or poop shall not be regarded as enclosed unless access is provided for the crew to reach machinery and other working spaces inside those superstructures by alternative means which are available at all times when bulkhead openings are closed.

(17) *Superstructure deck* is that complete or partial deck forming the top of a superstructure, deckhouse or other erection situated at a height of not less than 1.8 m above the working deck. Where this height is less than 1.8 m, the top of such deckhouses or other erections shall be treated in the same way as the working deck.

(18) *Height of a superstructure or other erection* is the least vertical distance measured at side from the top of the deck beams of a superstructure or an erection to the top of the working deck beams.

(19) *Weathertight* means that in any sea conditions water will not penetrate into the vessel.

(20) *Watertight* means capable of preventing the passage of water through the structure in any direction under a head of water for which the surrounding structure is designed.

(21) *Collision bulkhead* is a watertight bulkhead up to the working deck in the forepart of the vessel which meets the following conditions:

- (a) The bulkhead shall be located at a distance from the forward perpendicular:
 - (i) not less than 0.05L and not more than 0.08L for vessels of 45 m in length and over;
 - (ii) not less than 0.05L and not more than 0.05L plus 1.35 m for vessels of less than 45 m in length, except as may be allowed by the Administration;
 - (iii) in no case, less than 2 m.
- (b) Where any part of the underwater body extends forward of the forward perpendicular, e.g. a bulbous bow, the distance stipulated in subparagraph (a) shall be measured from a point at mid-length of the extension forward of the forward perpendicular or from a point 0.015L forward of the forward perpendicular, whichever is less.
- (c) The bulkhead may have steps or recesses provided they are within the limits prescribed in subparagraph (a).

(22) *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it.

(23) *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the relevant certificate.

Regulation 3 Exemptions

(1) The Administration may exempt any vessel which embodies features of a novel kind from any of the requirements of chapters II, III, IV, V, VI and VII, the application of which might seriously impede research into the development of such features and their incorporation in vessels. Any such vessel shall, however, comply with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel.

(2) Exemptions from the requirements of chapter IX are dealt with in regulation IX/3 and exemptions from chapter X are dealt with in regulation X/2.

(3) The Administration may exempt any vessel entitled to fly its flag from any of the requirements of this annex, if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided:

- (a) the vessel complies with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel and persons on board;
- (b) the vessel is operating solely in:
 - (i) a common fishing zone established in adjoining marine areas under the jurisdiction of neighbouring States which have established that zone, in respect of vessels entitled to fly their flags, only to the extent and under the conditions that those States agree, in accordance with international law, to establish in this regard; or
 - (ii) the exclusive economic zone of the State of the flag it is entitled to fly, or, if that State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured; or
 - (iii) the exclusive economic zone or a marine area under the jurisdiction of another State, or a common fishing zone, in accordance with an agreement between the States concerned in accordance with international law, only to the extent and under the conditions that those States agree to establish in this regard; and
- (c) the Administration notifies the Secretary-General of the terms and conditions on which the exemption is granted under this paragraph.

(4) An Administration which allows any exemption under paragraph (1) or (2) shall communicate to the Organization particulars of the same to the extent necessary to confirm that the level of safety is adequately maintained and the Organization shall circulate such particulars to the Parties for their information.

Regulation 4 Equivalents

(1) Where the present regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made, the Administration may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that vessel, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the present regulations.

(2) Any Administration which so allows, in substitution, a fitting, material, appliance or apparatus, or type thereof, or provision, shall communicate to the Organization particulars thereof together with a report on any trials made and the Organization shall circulate such particulars to other Parties for the information of their officers.

Regulation 5 Repairs, alterations and modifications

(1) A vessel which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the vessel.

(2) Repairs, alterations and modifications of a major character and outfitting related thereto shall meet the requirements for a new vessel only to the extent of such repairs, alterations and modifications and in so far as the Administration deems reasonable and practicable.