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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	EU objection to IOTC Resolution 23/02 on the management of drifting fish aggregating devices (DFADs) in the IOTC area of competence

Delegations will find attached a Commission services non-paper on the above-mentioned subject.

COMMISSION SERVICES NON PAPER

This document cannot in any circumstances be regarded as the official position of the Commission.

It is intended solely for those to whom it is addressed

EU objection to IOTC Resolution 23/02 on the management of drifting fish aggregating devices (DFADs) in the IOTC area of competence

A Special Session of the Indian Ocean Tuna Commission (IOTC) was convened from 3rd to 5th February 2023 in Mombasa to adopt a new management framework on fish aggregating devices (FADs).

The EU submitted a proposal for a modern and strong management measure that would have covered both anchored and drifting FADs. A group of 11 coastal states tabled an alternative proposal on the management of drifting fish aggregating devices (DFADs). That proposal was adopted as IOTC Resolution 23/02, following a two/third majority vote taken by secret ballot.

The Resolution introduces provisions that are either practically not implementable or that, if implemented, would result in a disproportionate burden on the purse seine fleets operating in the area, without any specific scientific advice to support them.

Those include:

- (a) A 72-day DFADs closure period, which will become operational in 2024 without any scientific assessment on its effectiveness, ideal timeline, duration and location.
- (b) A limit of 200 DFADs, counted through a newly established DFADs register, in a way that does not allow DFADs replacing overtime, thus implying a gradual phasing out of DFADs.
- (c) A limitation on the number and activities of supply vessels.
- (d) A cumbersome real-time tracking of FADs which could potentially lead to the disclosure of commercially sensitive information.
- (e) A number of provisions which are unclear, contradictory or challenging to implement.

In addition, the modalities of adoption of the resolution create a worrying precedent as a crucial management decision has been taken without consensus and with the express opposition of all the IOTC members fishing on DFADs. It can be anticipated that, if applied, the Resolution would have serious negative socio-economic effects on several Coastal States and, their food security.

Article IX(5) of the Agreement for the establishment of the IOTC provides that any Member of the Commission may, within 120 days of the date of notification of a resolution, object to a conservation and management measure. A Member of the Commission which has objected to a measure shall not be bound thereby.

The European Union should thus object to the IOTC Resolution 23/02 and propose for adoption at the 27th session of the IOTC (from 8 to 12 May 2023) a revised management measure on DFADs.

In parallel with the proposed objection, the Commission is submitting to Member States a non-paper to prepare for the upcoming IOTC meeting and advice to put forward a proposal on DFADs that could ensure the sustainable management of the fishery and meet consensus.
