

## **LDAC ADVICE**

### **Recommendations for IOTC 28<sup>th</sup> Session (Bangkok, 13-17 May 2024)**

**Date: 30 April 2024**

**LDAC Ref. R-03-24/WG1**

#### **1. Rationale**

IOTC is an important RFMO for the EU, including as a coastal CPC, in terms of economic activity for the EU fishing and processing operators. This RFMO is also important as sustainable food systems and supply to the EU market, as the utilization of tuna resources means a significant contribution to regional food security and regional economic activity and creates jobs and income for local communities and EU business. The EU fleet contributes not only to the economy of its mainland and outermost territories, but also, through licensing agreements, to the economies of several coastal states in the Indian Ocean region, using ports, local services, supplies, facilities, and also supplying local plants with raw materials.

The LDAC would like to see the adoption of holistic measures covering all fleets and CPCs to ensure level playing field for the long-term sustainability of the tropical tuna, tuna-like and shark stocks.

The EU fishing and processing sectors reiterate its commitment with carrying out a responsible and sustainable fishing activity in compliance with maritime, environmental, social, and sanitary rules, as well as the best standards and promotes science-based decisions.

#### **2. Overarching recommendations**

In view of the above, the LDAC wishes that all future IOTC recommendations must be based on three prerequisites/elements:

**i. Sustainability:** The aim must be to ensure the optimum utilisation of tuna resources and the economies that depend on them while minimizing impacts on the ecosystem to ensure the long-term sustainability of both the target stocks and the ecosystem.

**ii. Science:** Decisions adopted must be science-based. In the absence of sufficient data, a precautionary approach must be applied .

**iii. Level playing field:** Compliance and implementation of the IOTC rules by all CPCs and all gear types. To be effective, any stock conservation or management measures shall target all relevant fleets and not only one part of it.



To meet the prerequisites above mentioned, the LDAC recommends to the EU to:

- 2.1. Advocate for IOTC, to **carry out dedicated socio-economic evaluations and impact assessments of proposals for conservation and management measures for tropical tuna, tuna-like and commercial shark stocks**. Science-industry collaboration in data gathering is essential for improving knowledge of the key commercial stocks. The latest study from IRD on “*Macroeconomic impact of an international fishery regulation on a small island country*”<sup>1</sup> could be presented within the IOTC forum.
- 2.2. Encourage reforms in decision making processes and promote a consensus-based environment to minimize the number of objections and **ensure level playing field in terms of adoption and implementation of decisions made by all CPCs** to achieve a real recovery of tuna stocks.

The effectiveness of the decision-making procedure in RFMOs relies on limiting risks of blocking or opting-out behaviours, a transparent objection procedure and a timely dispute resolution process must be considered like in other RFMOs such as SPRFMO and ICCAT to some extent.

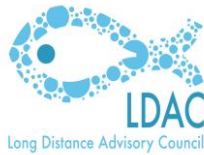
Example of lack of level playing field

The LDAC notes with concern the lack of implementation of IOTC Resolution 21/01 to rebuild the yellowfin tuna stock. The EU should promote the application of such Resolution. Even if it is respected by some CPCs, there are a big number of objections by CPCs increasing their catches (e.g. Indonesia, Iran, India, Madagascar, Oman...) contributing to overfishing and undermining both the biological recovery of the stock and also the economic viability of the EU fleet and those coastal states whose economies and livelihood depends on the sustainability of this stock, with no consequences for the flag states that objected to the measure. While CPCs that apply the measures have, in conjunction, reported catches 60 000 t. shorter than the limit applicable, those that objected have reported catches 75 000 t greater than they should, would they have agreed to apply the measure.

- 2.3. **Ensure accurate reporting and improve the level of compliance with all requirements among all CPCs**. This could be done by addressing those developing coastal states with problems of capacity, mobilising funding to assist when necessary. When CPCs already beneficiate from the development funds from IOTC for several years and do not implement their reporting, IOTC should investigate on the reasons why the assistance did not work.

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<sup>1</sup> Guilloteau and al, 2024: [Macroeconomic impact of an international fishery regulation on a small island country | npj Ocean Sustainability \(nature.com\)](https://www.nature.com/articles/s41566-024-0141-1)



### **3. Specific recommendations on tropical tuna fisheries closure in the Indian Ocean**

In its 26th session, the IOTC Scientific Committee noted the conclusions of the 5th FAD working group indicating that “*with a 10-year time frame [...] the most positive impact on the stocks for the three tuna species, in order of the largest to smallest benefits, would be (i) a three-month complete closure for all gears, (ii) a two-month complete closure for all gears, and (iii) a three-month oceanwide PS log school closure*”. In addition, several scenarios with closures applied to other gears also achieve the objective of recovering bigeye and yellowfin to the green quadrant of the Kobe plot in 10 years.

However, the SC noted that these benefits were estimated under the assumption that there would not be an increase in catches from other gears during this time and further noted that the full benefits of these closures would only be seen if there is no reallocation of catches to other gears or time periods. The SC also noted that a scenario of full compliance with Resolution 21/01 is likely to achieve stock recovery within a similar timeframe. It also “*recommended the Commission to take these analyses into account [...] and requested the Working party on tropical tunas to consider conducting further analysis intersessionally to assess the impacts of all gears on stock status so that this issue can be comprehensively addressed*”.

As such, the LDAC recommends focusing on the full implementation of Resolution 21/01, including the objectors. If a full application of Resolution 21/01 is not possible and the Commission considers that a fisheries closure for vessels targeting tuna is still needed, the LDAC recommends that such closure applies to vessels having LOA 15m or greater that target tropical tunas.

### **4. Specific recommendations on Fishing Aggregated Devices (FADs) for tropical tuna stocks:**

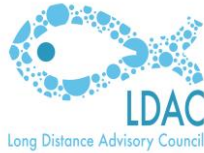
#### **4.1. Biodegradability**

4.1.1. Support transition towards full biodegradability of FADs, transposing IATTC Resolution C-23-04 on the design and biodegradability of drifting fish aggregating devices (DFADS) to the IOTC<sup>2</sup>. This IATTC Resolution was adopted last year at the EU’s initiative.

4.1.2. This approach should also be an aspiration for the EU to be applied in all tuna RFMOs, including ICCAT.

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<sup>2</sup> [https://www.iattc.org/GetAttachment/c4f92d00-b6e3-4e03-84cb-d4e876ce9ab8/C-23-04\\_FADS-biodegradables.pdf](https://www.iattc.org/GetAttachment/c4f92d00-b6e3-4e03-84cb-d4e876ce9ab8/C-23-04_FADS-biodegradables.pdf)



## 4.2. Management of FADs / dFADs closure

If no full implementation of Resolution 21/01 is possible, the LDAC recommends:

4.2.1. Regarding spatial-temporal measures, any measure should be adequate and proportional to the result intended.

The LDAC fishing sector warns that a potential FAD closure in lack of measures to contain the catches from the rest of the fisheries is highly unlikely to be effective<sup>3</sup>. Furthermore, acknowledging the analyses conducted by *Guillotreau et al.*<sup>4</sup>, the LDAC fishing sector also notes that a FAD closure would be highly detrimental not only for the economic viability of the EU tuna purse seine fleet but also for linked regional activities and livelihoods.

4.2.2. The SC should carry out a comprehensive impact assessment on a range of technical measures (“toolbox”) that are pre-identified and evaluated by the Scientific Committee as effective. These measures could be then implemented to achieve the objective of reducing by-catch of juveniles and non-target species. The possibility of result-based management solutions with 2-3 options leaving specific implementation to CPCs could be also considered provided there is adequate control and reporting.

4.2.3. A clear management and control system is needed if a FAD register is to be set in place: this can only be achieved through:

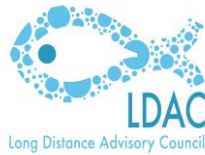
- An updated register of the vessels operating in the area, which is implementable in practice and made available in the public domain;
- The introduction and mandatory use of a regional VMS applied to all fleets operating in the area.

4.2.4. Both of the above two requirements are technically feasible and have been already worked at and presented by IOTC Secretariat in the past. The problem lies in the uneven implementation by all CPCs. The LDAC would ask the EU to ensure through the adoption of the adequate IOTC resolutions the implementation of the two above mentioned requirements (4.2.3) in order for any eventual FAD register to be complete and controllable.

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<sup>3</sup> IOTC SC 26 report, point 99 : "the SC noted that these benefits [those of any closure] were estimated under the assumption that there would not be an increase in catches from other gears during this time and further noted that the full benefits of these closures would only been seen if there is no reallocation of catches to other gears or time periods"

<sup>4</sup> <https://www.nature.com/articles/s44183-024-00054-w>



4.2.5. While other CPC fleets like Indonesia or Sri Lanka also use dFADs, they have not reported any dFAD activities to the IOTC to date, which should be tackled as a serious compliance issue. Similarly, the total number of anchored FADs of some CPCs (e.g. Maldives) are unclear despite their obligation to implement management plans.

## 5. Specific recommendations on sharks:

### 5.1. Fins naturally attached (FNA) policy for sharks

5.1.1. The LDAC reiterates one more year its unconditional support to the EU to push for the adoption of a fins naturally attached measure for all sharks, reaching out to other CPCs to improve the level of support. As a minimum standard for this year, it should follow recent examples on IATTC and WCPFC that agreed an interim solution to avoid finning until 2026, which is also in line with recommendation of IOTC WPEB<sup>5</sup>.

5.1.2. The LDAC reminds that the FNA policy is in force since 2013 for all EU longline fleets with a commitment from the EU to seek for application in all tuna RFMOs since then.

5.1.3. The LDAC notes that the adoption of a FNA policy worldwide would also be very important for fisheries certification purposes.

5.1.4. A novel and creative approach by the EU would be desirable this year to overcome existing blocking positions from Japan and China, not undermining the spirit of a full naturally attached fins<sup>6</sup>. In this respect, the LDAC welcomes the EU Commission's intent to coordinate the week ahead of IOTC annual meeting with other CPCs (including Japan and China) for a joint proposal in the line as indicated in par. 5.1.1.

### 5.2. Conservation and Management measures (CMM) for sharks

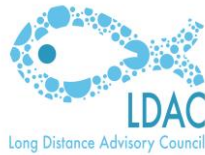
5.2.1. The EU should either lead or support a proposal on CMM for sharks. In particular, management procedures for blue shark (including allocation criteria, HCRs, etc.) should be similar to what has been agreed at ICCAT and is longtime overdue since 2021<sup>7</sup>.

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<sup>5</sup> [IOTC-2023-WPEB19-R\\_E\\_rev2.pdf](#)

<sup>6</sup> The only acceptable fallback solution should be the ones recommended by WPEB in 2023 which requires the respective fishery to have the SC assess and approve the proposed alternative measure from a CPC to be as effective or even superior to FNA policy.

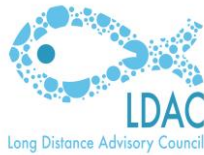
<sup>7</sup> IOTC resolution 18/02 for blue shark



- 5.2.2. Improved measures to reduce bycatch are critical in IOTC, and specifically to decrease mortality of those non-targeted and sensitive sharks that must not be retained.
  - 5.2.3. The EU should actively promote that state of the blue shark stocks (in the green area of the Kobe diagram) stays with a high probability in the green in future years through the proposal of CMM as stated in point 8 of the IOTC Recommendation 18/02.
  - 5.2.4. In regard to the level playing field, all shark CMMs should also apply to artisanal and industrial fleets operating in coastal waters/EEZs and not just long-distant fleets operating in the high seas.
  - 5.2.5. The LDAC recommends the EU to promote capacity building and research among CPCs who engage in catch of tuna and tuna like-species having high catch of sharks and rays to improve selectivity and reduce interactions and mortality by prioritising bycatch mitigation approaches.
- 5.3. Monitoring, Control and Surveillance (MCS), observer coverage, fight against IUU fishing and associated abuses
- 5.3.1. Regarding MCS, the LDAC would like to seek an increase on the observer coverage for all gears operated in IOTC (incl. longliners and purse seiners alike), with electronic observer/EMS as a complementary tool to the physical observers' coverage which is still very relevant and should not be replaced<sup>8</sup>. The LDAC reminds that the EU purse seine fisheries voluntary applies 100% observer coverage.
  - 5.3.2. Electronic Monitoring Systems (EMS) are particularly useful for longline vessels, given their average size (24 m. LOA) and limited space so they can be more efficient in terms of crews. The LDAC aspiration is to move progressively increasing observer coverage also for longliners through human, electronic systems, or a combination of both, in compliance with the adopted IOTC standard for EMS.
  - 5.3.3. As mentioned under 4.2., the LDAC recommends striving for the introduction and mandatory use of a regional VMS applied to all fleets operating in the area to strengthen monitoring, control and surveillance of tuna and tuna-like fisheries of the Indian Ocean.

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<sup>8</sup> IOTC Resolution 23/08 defines the EMS standards in which the requirements to meet partially or fully the minimum ROS are detailed.

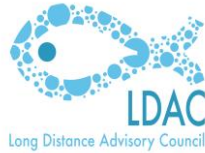


- 5.3.4. The LDAC also supports strengthening Resolution 23/05 on establishing a programme for transshipment by large-scale fishing vessels to further improve MCS of those operations taking place at sea and reduce opportunity for IUU fishing activities.
- 5.3.5. The LDAC supports the EU in updating its proposal on high seas boarding inspection scheme as last year, being aware of the potential blocking from China. It is essential to defend the principle that this scheme falls within the scope of IOTC agreement/convention.
- 5.3.6. The LDAC encourages the EU to promote and strengthen measures for the safety and security of fisheries human observers on board fishing vessels and, more broadly, all crew members, similar to those adopted in WCPFC (c.f. CMM 2017-03), building on the WCPFC Resolution 2018-01. IOTC could follow in the footsteps of WCPFC (and ICCAT) and adopt a resolution on labour standards in IOTC fisheries or, as an intermediate step, a recommendation. Ultimately, the LDAC supports the adoption of limits on the maximum number of days at sea without coming back to port for fishing vessels. All fishing vessels should be restricted from operating at sea for more than 12 months at a time.
- 5.3.7. The LDAC supports the EU in amending Resolution 07/01 to Promote Compliance by Nationals of CPCs with IOTC Conservation and Management Measures. The aim of this amendment is to expand CPCs requirement to investigate allegations and/or reports concerning any natural or legal persons subject to their jurisdiction to include those responsible for, benefiting from or supporting such activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers). This would help ensure compliance and align IOTC measures on nationals with many other RFMOs.
- 5.3.8. The LDAC notes with concern the proposal tabled by China to weaken Resolution 18/03 on establishing a list of vessels presumed to have carried out IUU fishing in the IOTC area of competence<sup>9</sup> and recommends the EU to oppose this weakening. China's proposal would significantly reduce the possibility for third parties to submit information on possible instances of non-compliance and for CPCs to take action to prevent, deter and eliminate IUU fishing activities.

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<sup>9</sup> IOTC, IOTC RES18-03 Amendment Proposal (China), [https://iotc.org/documents/Com/28/PropF\\_E](https://iotc.org/documents/Com/28/PropF_E)





5.3.9. In this respect, the LDAC recalls the findings of the LDAC-MAC joint advice on addressing China's global distant-water fleet activities implications for fisheries governance which raised concerns about the rapid expansion of the Chinese distant-water fishing fleet and the global impact of its vast, unsustainable, and opaque activities, even more in light of the numerous cases of illegal fishing identified<sup>10</sup>.

## **6. Scientific research:**

- 6.1. The LDAC encourages the EU to provide adequate and sufficient funding to sponsor scientific work; and to dedicate the necessary human resources for EU scientists to participate in all IOTC relevant subsidiary bodies.
- 6.2. This work is particularly important in ensuring presence of scientific advisors under the EU delegation and present at the Scientific Committee and relevant subsidiary bodies and Working Groups.
- 6.3. Particular efforts should be dedicated in developing multiannual management plans (MPs) based on the results of the ongoing management strategy evaluation (MSE) work. These MPs should extend for a minimum of 3 years and cover all commercially fished stocks, ideally with a multispecies approach for tropical tunas.
- 6.4. The LDAC encourages IOTC to develop a quality control process of the data, programs and measures used by the Scientific Committee, to ensure that no unchecked unverified data is submitted.

**-END-**

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<sup>10</sup> Long Distance Fleet Advisory Council, Market Advisory Council, Joint advice on addressing China's global distant-water fleet activities implications for fisheries governance (ref. LDAC R-06-22/WG4-WG5), 13th December 2022, [https://ldac.eu/images/LDAC-MAC\\_Joint\\_Advice\\_China\\_Distant\\_Water\\_Fleets\\_13Dic2022.pdf](https://ldac.eu/images/LDAC-MAC_Joint_Advice_China_Distant_Water_Fleets_13Dic2022.pdf)