



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

International Ocean Governance and Sustainable Fisheries
Regional Fisheries Management Organisations

Brussels, 1 April 2020
MARE.B.2/

Dr. Chris O'Brien
IOTC Executive Secretary
Chris.O'Brien@fao.org

Subject: Outstanding Compliance issues

Ref.: Your letter of the 21 June 2019 (IOTC Reference 7238)

Dear Chris,

Please find enclosed the EU response to the letter of 21 June 2019 from the IOTC Chairperson Ms Susan Imende regarding the European Union's outstanding compliance issues. The EU would like to reassure you that it is undertaking all efforts to further improve its compliance with IOTC reporting obligations.

The EU strongly believes that strengthening compliance within the IOTC is of crucial importance. In this perspective, the EU remains committed to submit its proposal to amend Appendix V of the IOTC Rules of Procedure, with the objective of streamlining and strengthening the CPCs compliance assessment in the IOTC by improving the existing IOTC compliance assessment procedure.

Yours sincerely,

Angela Martini
Head of EU delegation to the IOTC

Annex: 1

EU RESPONSE TO FEEDBACK LETTER REGARDING COMPLIANCE ISSUES

1. Has not provided the FADs management plan, required by the standards of Resolution 18/08.

The amended versions of the FADs management plan for EU-Spain was provided on 21 May 2019 and the amended version of the FADs management plan for EU-Italy & EU-France was provided on 10 June 2019. Both plans were fully implemented in 2018 and 2019.

The FADs joint management plan for EU-Italy & EU-France was updated for 2020 and is provided as an annex to the Implementation Report for the year 2019.

2. Has not provided the VMS report for all fleets, as required by Resolution 15/03.

The missing VMS report for the year 2018 was provided for EU-Spain on 10 June 2019.

The VMS report for the year 2018 for EU-Italy is still being retrieved and will be provided as soon as available.

3. Has not fully reported catch and effort for the surface and longline fisheries as required by Resolution 15/02.

Missing catch-and-effort data for the year 2017 and 2018 for the EU-Spain flagged long line vessels for bycatch species were provided on 16 September 2019.

Catch-and-effort data for the year 2018 for the EU-Italy flagged purse seine vessel were provided on 13 December 2019.

4. Has not reported size frequency for the coastal and longline fisheries, as required by Resolution 15/02.

Missing catch-and-effort data, including size-frequency, for the EU-France coastal fisheries for the year 2017 were provided on 20 July 2018. Data for the year 2018 were provided on 28 June 2019. Data for both years were sent again to the secretariat on 28 November 2019.

Regarding the minimum sampling intensity to measure fish length (at least 1 fish per metric ton), the EU considers that minimum sampling coverage thresholds adapted to the stocks and fisheries characteristics should be explored. The EU is reflecting on requesting the Scientific Committee to evaluate whether such a minimum threshold is fully adequate for the main tuna and small tunas stocks, exploited by purse seiner, longline and gillnet vessels.

5. Has not reported, for all fleets, days at sea by supply vessels and FADs set by type, as required by Resolution 18/08.

Data are being retrieved and will be provided to the IOTC secretariat as soon as available.

6. Has not reported nominal catch, catch and effort and size frequency on sharks for some fleets, as required by Resolution 17/05.

Size frequency for shark for EU-United Kingdom for the year 2017 has been collected through observer program and has been reported in observer reports.

Size frequency for shark for EU-Italy for the year 2017 has been collected through observer program and has been reported in observer reports.

Size frequency for shark for EU-France for the coastal fisheries in Mayotte is now being collected through an on-board observer program which started end of 2017. Data is available for the year 2018 onward.

The EU is currently undertaking efforts to improve the level of details about total catches, catch and effort and size frequency for IOTC shark species for the coastal fisheries of EU-France in La Réunion; and to improve the collection of size frequency data for IOTC shark species for the purse seine fleet of EU-Spain.

7. Has not provided the transshipments in port report for some fleets, as required by Resolution 17/06.

Transshipments operations in 2018 involving EU-Portugal and EU-United Kingdom were declared by port state authorities of Mauritius and South Africa on the e-PSM portal. However, according to our declaration and data, those operations were not transshipments but landing operations and were recorded as such in our landing declarations and logbooks.

EU-Portugal and EU-United Kingdom do not have any transshipment in port to report for the year 2018, and no transshipment to report for the year 2019 either.

The transshipment report for the year 2018 for EU-Italy is still being retrieved and will be provided as soon as available.

Therefore we consider that the only missing information is the report for EU-Italy vessels

8. Has not provided inspection reports and monitoring forms, as required by Resolution 16/11.

The missing inspection reports were provided the 20 September 2019. The monitoring covers 5% of landing and transshipment operations.

- For 2017: there were 2 inspections (October 23 and December 13) for 32 landings
- For 2018: there were 2 inspections (May 7 and October 2) for 35 landings
- For 2019: there was for the moment 1 inspection (January 15) for 19 landings

9. Has not provided the report of progress on implementation of FADs management plan, as required by Resolution 18/08.

As detailed above in point 1 of this letter, amended versions of the two FADs management plans were provided to the IOTC secretariat and they were fully implemented in 2018.

Regarding the FADs management plan for EU-Spain, 6 files related to the FADs management plans were provided in April 2019 with the Implementation Report for the year 2019 and serve as progress report for the year 2016, 2017 and 2018.

Regarding the FADs management plan for EU-Italy & EU-France, the plan was fully implemented in 2018 and any additional information was reported in the Implementation Report for the year 2018 provided in April 2019. Progress reports will be submitted.

10. Has not reduced the yellowfin catch by 15% (PS), as required by Resolution 18/01.

The European Union is fully aware of the importance to decrease the catches of yellowfin tuna in the Indian Ocean and on the key importance to comply with the IOTC rules.

Following the non-compliance with the required catch reductions, the EU has promptly addressed the situation and taken a series of corrective measures. In particular, in accordance with the Control Regulation,¹ both Spain and France had their quotas reduced because of quota overshoot in 2017². The IOTC did not envisage this obligation, and the EU decided to implement such remedy unilaterally.

Furthermore, in order to ensure continuous compliance, we followed up with the relevant Member States, through extensive correspondence and various meetings since 2018. We requested the submission of all raw data by fishing trips, clarifications on the cross checks and data validations carried out by the flag States and the evidence of sanctions applied to operators, where applicable.

Member States on their side have also implemented a series of measures to increase compliance with the measure (e.g. quotas by vessels, increased monitoring and controls, increased inspections at landing ports).

The EU will continue to closely monitor the situation and implement further quota deductions as necessary.

However, we also consider that it is important to promote better and more effective IOTC Port State Standards, with regard to the available inspection means, the inspection procedure and the follow up of cases in the region. Without prejudice to the flag States responsibilities, only a strong and effective control and enforcement system by the Port States will ensure the success of any newly adopted management measures and will guarantee a level playing field across among Contracting Parties.

11. Has not provided observer reports for some fleets, as required by Resolution 11/04.

The missing observer reports for EU-Italy were sent on 21 May and 22 May 2019 for the year 2017 and partially for the year 2018, and on 28 November 2019 for the year 2018.

We are currently revising the format of this report for all fleets to ensure consistency across the EU fleet and compliance with IOTC standards for the future.

¹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

² 2465 t for Spain and 309 t for France.