



11 April 2023

IOTC CIRCULAR 2023-26

Dear Madam / Sir

OBJECTION FROM THE EUROPEAN UNION TO IOTC RESOLUTION 23/02

Please find attached a communication from the European Union regarding its objection, in accordance to Article IX (5) of the IOTC Agreement, to [Resolution 23-02](#) *On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence*, which was adopted at the 6th Special Session of the IOTC.

Given a previous objection, an extension period of 60 days has already been applied to the date when Resolution 23/02 will come into force. Thus, Resolution 23/02 will come into force on 8 August 2023, unless a total of more than one-third of the members also object, before this time. The European Union's objection is the sixth to be received.

The relevant paragraphs (5, 6 and 7) of Article IX on the ensuing process are reproduced herein for your reference.

5. Any Member of the Commission may, within 120 days from the date specified or within such other period as may be specified by the Commission under paragraph 4, object to a conservation and management measure adopted under paragraph 1. A Member of the Commission which has objected to a measure shall not be bound thereby. Any other Member of the Commission may similarly object within a further period of 60 days from the expiry of the 120-day period. A Member of the Commission may also withdraw its objection at any time and become bound by the measure immediately if the measure is already in effect or at such time as it may come into effect under this article.

6. If objections to a measure adopted under paragraph 1 are made by more than one-third of the Members of the Commission, the other Members shall not be bound by that measure; but this shall not preclude any or all of them from giving effect thereto.

7. The Secretary shall notify each Member of the Commission immediately upon receipt of each objection or withdrawal of objection.

Yours sincerely

Christopher O'Brien
Executive Secretary

Attachment:

- letter from the European Union

Distribution

IOTC Contracting Parties: Australia, Bangladesh, China, Comoros, Eritrea, European Union, France (Territories), India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom, Yemen. **Cooperating Non-Contracting Parties:** Liberia. **Intergovernmental Organisations, Non-Governmental Organisations.** Chairperson IOTC. **Copy to:** FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE.B.2/MV

Dear Executive Secretary,

Upon instructions of Mr Virginijus Sinkevičius, European Commissioner for Environment, Oceans and Fisheries, I am writing to inform you that in accordance with Article IX(5) of the Agreement for the establishment of the IOTC, the European Union formally objects to Resolution 23/02 *On the management of drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence*.

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, timing, duration and location. In addition, and without any clear motivation, this compulsory closure excludes anchored FADs, whose functions and impact are very similar to that of DFADs.
- (b) A limit of 200 DFADs, counted through a newly established DFADs register, through a provision difficult to interpret and that seems to forbid the possibility of replacing DFADs overtime, thus implying a gradual phasing out of DFADs instead of establishing a sound and sustainable management framework for DFADs.
- (c) A limitation on the number and activities of supply vessels. This provision contradicts the principle that supply vessels should be actively involved in retrieving drifting FADs and makes the operations of purse seine vessels much more costly and less energy efficient.
- (d) A cumbersome real-time tracking of DFADs, which has no added value in an organisation that lacks a centralised VMS system for vessels, but that could potentially lead to the disclosure of commercially sensitive information without clear conservation purposes.

In addition, the way in which the resolution was adopted creates a worrying precedent as a crucial management decision was taken without exhausting all efforts to reach consensus and with the expressed opposition of all the IOTC members fishing on DFADs. We are also

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

discouraged by the fact that IOTC seemed to lack the same level of ambition to address anchored FADs.

Against the above indicated background, and in line with the positions already expressed by a number of other delegations, the EU has taken the difficult but necessary decision to object to the IOTC Resolution 23/02.

At the same time, aware of the need to adopt a sound management framework for FADs, the EU is proposing for adoption at the 27th session of the IOTC a revised management measure with the aim to address the identified loopholes of Resolution 23/02 and pave the way for consensus on an implementable and science-based new Resolution.

Yours faithfully,

Charlina VITCHEVA