



To the European Commission:

President, Ms. Ursula von der Leyen
Executive Vice President, Mr. Frans Timmermans
Commissioner for Environment, Oceans and Fisheries, Mr. Virginijus Sinkevičius
President of the European Council, Mr. Charles Michel
President of the European Parliament, Ms. Roberta Metsola
European Green Deal Commissioner, Mr. Peter Van Kemseke

To the Directorate-General for Maritime Affairs and Fisheries (MARE)

Director- General, Ms. Charlina Vitcheva
Deputy Director-General, Mr. Sadauskas Kestutis

To the Heads of State and Government of the European Union

To the Committee on Fisheries (PECH)

To the EU Delegation at the IOTC

Mr. Marco Valetta, Ms. Laura Marot, Ms. Charlotte Gobin

16 February 2023

Urgent call on the European Union to comply with the newly-adopted resolution on the management of Drifting Fish Aggregating Devices in the IOTC area of competence

Following the call by 121 conservation organisations, civil society groups, artisanal fisher associations and responsible businesses, including retailers from around the world that support socially responsible and environmentally sustainable tuna fisheries, [urging the EU to support effective management measures for drifting FADs in the Indian Ocean](#), we now urge you to comply with the newly-adopted resolution on the management of **Drifting Fish Aggregating Devices** (dFADs) in the IOTC area of competence.

The Sixth Special Session of the Indian Ocean Tuna Commission (IOTC) concluded on 5 February 2023 in Mombasa, Kenya, with the **successful adoption of a resolution** to improve the management of Drifting Fish Aggregating Devices. [The proposal on drifting FADs](#) was put forward by 11 Indian Ocean coastal states and was adopted by a two-thirds majority following a vote by secret ballot in the final hours of the three-day meeting.

It is [well recognised](#) that drifting FADs, used by industrial tuna purse seiners to aggregate and catch tuna, are associated with negative environmental impacts such as high levels of **bycatch of endangered, threatened and protected species, ghost fishing, plastic pollution, and damage to sensitive ecosystems** such as corals and seagrass beds. Concerns have also been raised about the **lack of transparency** in drifting FAD operations, questions about the legality of some of their operations and the **lack of responsibility** taken by the owners of drifting FADs for the environmental damage and pollution these devices cause.

The Indian Ocean **yellowfin tuna stock** is currently **overfished** and has experienced overfishing since 2015. The region's **bigeye tuna stock** is not faring much better, having recently been assessed as **overfished** and subject to overfishing. A very high proportion of the yellowfin and bigeye tuna caught around these drifting FADs are juveniles, impacting the overall condition of the stocks.

More than 16 years ago, the **IOTC's Scientific Committee raised concerns about the high levels of juveniles caught by purse seiners in association with drifting FADs**¹, stating: *"Since the early-1980s there has also been an increase in both purse seine fishing on floating objects and artisanal fisheries which has led to a rapid increase in the catch of juvenile yellowfin. The rapid expansion, particularly on juvenile fish, is cause for concern, since it displays all the symptoms of a potentially risky situation."* Further concern was expressed in November 2018 at the 20th Session of the IOTC's Working Party on Tropical Tuna about the change in fishing strategy by purse seine vessels, whereby they increased their usage of drifting FADs to maintain their yellowfin tuna catch level targets, ultimately leading to a [substantial increase of juvenile](#) yellowfin and bigeye tuna being caught by this fleet².

At the meeting in Mombasa, the EU delegation made it clear that they were not supportive of the proposal by the 11 coastal states, citing 'a lack of scientific advice' as a key issue. The delegation also made repeated mention of the potential economic impacts that EU companies involved in the Indian Ocean tuna fishery would face if more effective drifting FAD measures were implemented. However, no documents providing more detail on these supposed 'economic impacts' were tabled at the meeting.

The EU delegation further stated that they would consider objecting against the new management measure. Such a step would constitute a direct undermining of the efforts of the vast majority of the member states of this regional fisheries management organisation (RFMO) to better manage drifting FADs, reduce the impacts these devices are having on overfished tuna stocks and to make drifting FAD owners more accountable for the ecological damage and plastic pollution they cause.

The [new](#) drifting FAD conservation measure, which will come into effect on 1 January 2024, includes a phased reduction in the number of drifting FADs permitted per vessel, from 300 to 250 in the first year, and a further reduction to 200 in 2025. It also mandates the creation of a drifting FAD registry, allowing for increased transparency and monitoring of these controversial man-made devices. Finally, the new measure instructs the IOTC's Scientific Committee to make recommendations, before the end of 2023, on appropriate drifting FAD management measures, in particular whether a drifting FAD closure will achieve the objective of reducing fishing mortality of juvenile tropical tuna.

Criticism that the new measure is being 'forced' on the EU and countries such as Seychelles and Mauritius, who depend heavily on purse seine fisheries using drifting FADs, is unfounded. It is only if there is an absence of science that a precautionary drifting FAD closure will come into effect. It is also important to note that this is not a closure of the fishery, but only a prohibition of the use of drifting FADs for a period of 72 days. To prevent a disproportionate burden on Small Island Developing States

¹ IOTC. 2006. Report of the Ninth Session of the Scientific Committee. [IOTC-2006-SC-R\[EN\]](#)

² IOTC. 2018. Report of the 20th Session of the IOTC Working Party on Tropical Tunas. [IOTC-2018-WPTT20-R\[IE\]](#)

(SIDS) such as Seychelles and Mauritius, the drifting FAD closure will **only** apply to the high sea areas of the IOTC area for vessels flagged to these SIDS.

The EU has been supportive of similar management measures in other tuna RFMOs and it is difficult to understand why commercial considerations should outweigh conservation objectives at the IOTC. The International Commission for the Conservation of Atlantic Tuna (ICCAT), the Western Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC) all currently have precautionary FAD or full fishing closures in place to address high catches of juvenile yellowfin and bigeye tuna associated with drifting FADs. None of these closures were implemented based on concrete scientific advice, but were put in place based on the [Precautionary Approach](#) – a key environmental principle that mandates action to prevent possible environmental damage even before there is scientific evidence that damage will certainly occur. In fact, the European Commission's binding negotiation mandate for the IOTC specifically states that the EU must "act in accordance with the objectives and principles pursued by the Union within the [CFP], notably through the precautionary approach"³.

The interests of a few commercial enterprises from Spain, France and Italy who seek to profit from their fishing operations in the Indian Ocean should not outweigh the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimise the risk of long-term or irreversible effects of fishing operations. The Agreement for the implementation of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) was adopted with this in mind. The Common Fisheries Policy (CFP) also determines that the ecosystem-based approach to fisheries management shall be implemented to ensure that negative impacts of fishing activities on the marine ecosystem are minimised.

Nature loss threatens our health and economies and it also undermines our efforts to tackle the climate crisis. Objecting to this measure will undermine the many [governments](#) and [non-state actors](#) who are calling for a Nature Positive future where food systems help to protect and restore biodiversity, improve habitat resilience and remove carbon from the atmosphere. In doing so, we reduce inequity in global food systems, allow fish stocks to recover and promote sustainable fishing for the future, ensuring that people around the world have access to sustainable food for generations to come.

The EU has a moral and legal obligation to act in the best interests of its 450 million citizens and to play a leadership role in ocean conservation by implementing the newly adopted conservation measure on drifting FADs.

Yours sincerely,

International Pole and Line Foundation

³ Council Decision (EU) 2019/860 of 14 May 2019 on the position to be taken on behalf of the European Union in the Indian Ocean Tuna Commission (IOTC), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the IOTC, ELI: <http://data.europa.eu/eli/dec/2019/860/oj>