

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**101<sup>st</sup> MEETING**

**Victoria, Canada**

**7-11 August 2023**

**PROPOSAL IATTC-101 A-1 REV 1**

**SUBMITTED BY THE EUROPEAN UNION, THE UNITED STATES OF AMERICA, ECUADOR, BELIZE, COSTA RICA, EL SALVADOR, GUATEMALA, NICARAGUA, PANAMA AND FRANCE OT**

**EXPLANATORY MEMORANDUM**

The European Union, the United States, Ecuador, Belize, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama and France OT are ~~is~~ proposing a new Resolution on the design and biodegradability of drifting fish aggregating devices.

The proposal intends to give full implementation to the recommendations adopted by the IATTC Ad Hoc Working Group on FADs, endorsed by Scientific Advisory Committee at its 2023 meeting, as well as to the recommendations of the IATTC staff: to consider a gradual/stepwise process, including a timeline for the implementation of fully biodegradable FADs based on the current state of material availability; to reduce, to the extent possible and within the gradual process of biodegradable FAD implementation, the amount of material and the non-biodegradable components of design and construction, provided that fishing efficiency is not compromised and to prohibit the use of mesh and entangling materials and designs in FAD construction

**RESOLUTION C-23-XX ON THE DESIGN AND BIODEGRADABILITY OF DRIFTING FISH AGGREGATING DEVICES (DFADS) IN THE IATTC AREA OF COMPETENCE**

*The Inter American Tropical Tuna Commission (IATTC),*

*Bearing in mind* that the Agreement for the implementation of the Provisions 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 in conscience of 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;

*Recalling* that Article 5 of the UNFSA requires States to assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks and to adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent upon the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

*Recalling* that Articles 192 and 194 of the United Nations Convention on the Law of the Sea (UNCLOS) require States to protect and preserve the marine environment and to take, individually or jointly as appropriate, all measures consistent with UNCLOS that are necessary to prevent, reduce and control pollution of the marine environment from any source, and that these measures shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life;

*Concerned* of the impact of Abandoned, Lost or Discarded Fishing Gear (ALDFG) and plastic residues in the ocean greatly affecting marine life and the need to facilitate the identification and recovery of such gear;

*Noting* that releasing fishing devices into the water, such as FADs, does not contravene to the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V or the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) and the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Protocol) as long as such device is deployed with the intention of later retrieval;

*Underlining* in particular the specific recommendations adopted by the IATTC Ad Hoc Working Group on FADs, endorsed by Scientific Advisory Committee at its 2023 meeting, and the recommendations of the IATTC staff: to consider a gradual/stepwise process, including a timeline for the implementation of fully biodegradable FADs based on the current state of material availability; to reduce, to the extent possible and within the gradual process of biodegradable FAD implementation, the amount of material and the non-biodegradable components of design and construction, provided that fishing efficiency is not compromised.

*Stressing* the need to promote the use of no netting materials for FAD construction and eliminating potential entanglement risks, in consideration of the overlap of FADs with oceanic and coastal habitats of sea turtles and other impacts, as indicated by the Ad Hoc Working Group on FADs and the scientific staff.

*Agrees as follows:*

1. For the purpose of this Resolution:
  - a) “biodegradable” means non-synthetic materials<sup>1</sup> and/or bio- based alternatives that are consistent with international standards<sup>2</sup> for materials that are biodegradable in marine environments. The components resulting from the degradation of these materials should not be damaging to the marine and coastal ecosystems or include heavy metals or plastics in their composition.
  - b) non- entangling FAD” means: a FAD that does not include any netting materials for any part of the FAD including both the surface structure (e.g., raft) and subsurface structure (e.g., tail).
2. To reduce the entanglement of sharks, marine turtles or any other species, CPCs shall ensure that as of the 1<sup>st</sup> of January 2025 the design and construction of any DFADs to be deployed or redeployed (i.e., will be placed in the water) in the IATTC area of competence shall comply with the following specifications in accordance with Annex I:
  - a) the use of mesh net shall be prohibited for any part of a DFAD;
  - b) only non-entangling FAD materials and designs shall be used.
3. To reduce the amount of synthetic marine debris, ~~CPCs shall ensure that their flag vessels:~~
  - a) as of 1 January ~~2025~~2026, CPCs shall only allow vessels to deploy or redeploy drifting use only DFADs of biodegradability categories I, II, III and or IV, as defined in Annex I;
  - ~~b) as of 1 January 2026, no longer deploy any DFADs of category IV, as defined in Annex I;~~
  - ~~b)~~b) as of 1 January ~~2028~~2029, CPCs shall only allow vessels to deploy or redeploy drifting use only DFADs of categories I and or II, as defined in Annex I;

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<sup>1</sup> For example, plant-based materials such as cotton, jute, manila hemp (abaca), bamboo, natural rubber, or animal-based such as leather, wool, lard.

<sup>2</sup> International standards such as ASTM D6691, D7881, TUV Austria, European or any such standards approved by the Members of the IATTC.

c) At the annual meeting in 2030, the Commission shall decide whether to require by 2031 CPCs to only allow vessels to deploy or redeploy drifting FADs of Category I, as defined in Annex I

~~d) as of 1 January 2030, use only DFADs of category I, as defined in Annex I.~~

4. Notwithstanding paragraph 3, the use of non-biodegradable materials, in particular nylon ropes, can be used exclusively to strengthen the structure of the floating or underwater component of the FAD categories I & II, as a temporary solution and only provided no biodegradable alternative is available.
5. CPCs are encouraged to share their experiences and scientific knowledge on the use of biodegradable materials in ~~DFADs~~ drifting FADs.
6. IATTC shall ensure that observers deployed on class 6 purse seine vessels collect detailed information on the drifting ~~DFAD~~ design used including its conformity with the requirements set out in Annex I prior to the deployment of each ~~DFAD~~ drifting FAD. CPCs shall ensure that this information is also collected on their Class 1-5 purse seine vessels.
7. CPCs shall submit information concerning the status of implementation of paragraphs 2 and 3 in a format consistent with the IATTC standards for the provision of catch and effort data, and this information shall be made available for analysis to the IATTC Scientific staff and the Ad Hoc Working Group on FADs.
8. CPCs are encouraged to continue trialing bioFAD designs in a continued effort of design improvement and to share the results in the Ad Hoc Working Group on FADs.
9. The IATTC Scientific staff and the Ad Hoc Working Group on FADs shall annually review the information reported by CPCs and will, as necessary, provide recommendations on additional ~~DFAD~~ drifting FAD management options for consideration by the Commission, including recommendations on improved ~~DFAD~~ drifting FAD designs.
10. The Commission shall consider appropriate assistance to developing CPCs for the full implementation of paragraph 2 and 3 of this resolution.

## Annex I

### Principles for non-entangling and biodegradable designs of DFADs

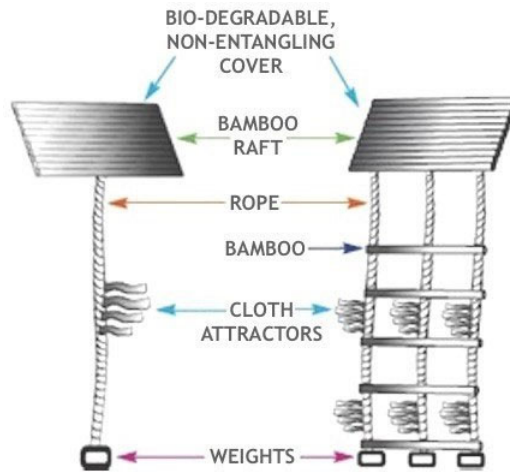


Figure: Example of a non-entangling, biodegradable FAD

1. Fish aggregating devices shall be constructed with no netting or entangling material in both the surface structure (raft) and the submerged structure.
2. For the purposes of this Resolution, the following FAD categories are identified, on the basis of their degree of biodegradability (from non- biodegradable to 100% biodegradable), with the understanding that the respective definitions do not apply the electronic buoys that are attached to FADs in order to track them:

*Category I.* The FAD is made of fully biodegradable materials.

*Category II.* The FAD is made of fully biodegradable materials except for plastic-based flotation components (e.g., plastic buoys, foam, purse-seine corks).

*Category III.* The subsurface part of the FAD is made of fully biodegradable materials, whereas the surface part and any flotation components contain non-biodegradable materials (e.g., synthetic raffia, metallic frame, plastic floats, nylon ropes).

*Category IV.* The subsurface part of the FAD contains non-biodegradable materials, whereas the surface part is made of fully biodegradable materials, except for, possibly, flotation components.

*Category V.* The surface and subsurface parts of the FAD contain non-biodegradable materials.