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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: ICCAT Annual Meeting, 14-21 November 2022, Vale do Lobo, Portugal
- Presidency compromise

Delegations will find attached a Presidency compromise on the Commission non-paper concerning the above-mentioned subject (ST 1348/22/22), prepared on the basis of the oral and written comments made by delegations (ST 13595/22 + ADD 1 to 4).

Changes to the original version of the Commission non-paper are marked in **bold underline** and ~~strikethrough~~.

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ICCAT Annual Meeting

14-21 November 2022, Vale do Lobo, Portugal /Hybrid Meeting

1. GENERAL CONTEXT

This year's ICCAT annual meeting will be take place in a hybrid format from 14 to 21 November. In contrast to the purely online format in 2021, it is hoped that this year's hybrid format will facilitate constructive discussion leading to the adoption of some more ambitious and much awaited initiatives.

2. STOCKS

2.1. Tropical tunas

Tropical tunas remain high on ICCAT's agenda and it is one that requires urgent resolution after unsuccessful attempts at several annual meetings. Limited preparatory work took place during an intersessional meetings on 28-30 June ~~this year~~ in Ponta Delgada **and in a virtual format on 13 October.**

According to the 2021 bigeye tuna stock assessment, catches corresponding to the established TAC for 2021 (62,000t) predicted the status of the stock being in the green zone with a probability greater than 80% at the end of 2021, i.e. much higher than the probability estimated for the year 2019 (41%). Actual catches in 2020 and 2021 have been lower than the established TAC and this provides enough leeway for additional flexibility for a higher level of the TAC in 2023 and thus, create more favourable conditions for reaching an agreement on the allocation of fishing opportunities, which will involve a certain degree of reallocation in favour of developing coastal states.

The focus of the discussions is expected to be the Chair's text, on which the EU has submitted extensive comments. The main elements to be agreed are the allocation of the TAC for bigeye and in particular the demands from developing countries for additional fishing opportunities. Following the June intersessional, there seems to be a general understanding that most CPCs actively fishing for bigeye should be included in the allocation table. On this point, the EU position should be that any extra allocation should be commensurate with the needs and capacity of the CPCs and should not end up being transferred to other CPCs in Asia. The second pressing issue is the agreement on a TAC for bigeye tuna. Following the June intersessional meeting, there seems to be an emerging consensus among CPCs that the TAC should be increased from its current level of 62,000t to

somewhere between 70,000-75,000t, where the EU should be pushing for the upper end which would still ensure a more than 64% probability of maintaining the stock in the green zone of the Kobe plot by 2034 (over 70% by 2028). **Moreover, the EU should promote an allocation method that takes into account the needs of the artisanal fisheries of the ICCAT Contracting Parties.**

There are also other pressing issues to be agreed, including setting a TAC for yellowfin tuna, setting up a regional observer programme and establishing a registry for FADs, and better managing capacity. The EU should push for these elements in line with its previous proposals.

Moreover, this year's SCRS report provides some favourable indications for skipjack tuna. With both the Eastern and Western stocks not overfished or subjected to overfishing and both generally in a healthy state. If there is a discussion on this stock at ICCAT this year, it is suggested that the EU supports a TAC around 200,000t that would maintain the Eastern stock in the green zone with a high probability (more than 70% on average) that would nonetheless be slightly higher than current catches. In any event, having a TAC for bigeye risks that bigeye becomes a choke species for skipjack as they are both being caught in the same FAD fishery. Moreover, having all the tropical tuna species under a TAC system, will prepare the ground for further reflections on management objectives and management framework for the multi-stock MSE for tropical tuna that is under development.

Proposed position: The EU should remain consistent with the position it has previously taken in ICCAT. It should work towards reaching agreement on a comprehensive multiannual management plan for tropical tunas. The EU should support the setting of the TAC for bigeye, yellowfin and skipjack tuna at a level consistent with the long-term sustainable exploitation of the stock as provided by scientific advice and taking into account to the extent possible socio-economic considerations. The EU should also support a reasonable reallocation of fishing opportunities in favour of developing coastal states and taking into account the needs of the artisanal fisheries of the ICCAT Contracting Parties.

2.2. Bluefin Tuna Management Evaluation Strategy

The Atlantic bluefin tuna is considered to be composed of two stocks: the Western and Eastern stocks which, so far, have been independently managed. At this year's annual meeting ICCAT is expected to decide upon a major development of an integrated management of these two stocks through the adoption of an empirical Management Procedure ('MP') tested through a Management Strategy Evaluation ('MSE') for both stocks.

Eastern bluefin tuna (East Atlantic and Mediterranean; 'EBFT') is a high-profile stock in ICCAT which traditionally attracts a lot of attention. Following the 2006 rebuilding plan the stock has recovered and since 2018 following scientific advice it has been subject to a management plan under which the TAC was increased gradually to reach 36,000t in 2020 (and still in force). An update of the 2017 stock assessment for EBFT has been conducted by ICCAT's Standing Committee for Research and Statistics ('SCRS') this year in parallel to the development of the Management Procedure (MP) for both bluefin tuna stocks. The stock assessment shows that EBFT is not subject to overfishing and, it supports, together with the analysis of indicators, the renewal of the existing TAC of 36,000t in case no MP is agreed this year.

As regards the development of a MP, considering the movements and mixing of both Eastern and Western stocks and the equivalence of the management objectives a single MP will apply both for Eastern and Western stocks whilst the TAC will be stock specific. The TAC will extend over either 2 years (2023-2024) or 3 years (2023-2025) management period depending on the MP finally adopted. The advantage of an MP over a traditional stock assessment is that it takes account of recent scientific knowledge on movement and migrations across the Atlantic of both stocks, and provides a transparent and more robust management framework, against identified uncertainties of BFT fisheries and stocks dynamics. The EU should aim to adopt a MP which performs well in order to achieve the management objectives that match with trade-offs between stock status, safety, catch stability and fishing yields and that are consistent with the EU priorities and the CFP principles.

As regards possible requests for a higher TAC, the EU should **agree to an increase in line with a selected MP** expressing, however, concerns regarding possible claims for allocation of fishing opportunities from CPCs without a track record in catching bluefin tuna and without the presence of this stock in waters under their jurisdiction.

Proposed position: The EU should support adopting the best performing Management Procedure across most of the relevant performance metrics by giving priority to the status/safety of the stock and the stability of the management framework without neglecting the importance of high yields. If no MP is adopted, the EU should support the SCRS recommendation for a roll-over of the current EBFT TAC (36,000t) to 2023. If any discussion on the allocation key takes place during this year's annual meeting, the EU should oppose the allocation of quotas permitting additional CPCs to enter this fishery.

2.3. Mediterranean Albacore

Following the 2021 evaluation which concluded that this stock is overfished (i.e. the biomass is below the Bmsy) and experiencing overfishing (i.e. the fishing mortality is higher than the MSY level), a rebuilding plan has been established setting up a TAC at 2,500t for 2022. An ICCAT Working Group established in February 2022 an allocation of the associated fishing opportunities. That allocation scheme was not supported by Turkey which established its own independent quota and lodged an objection with the ICCAT Commission. The key allocation agreed will be presented to the ICCAT Commission by the Chair of Panel 2. The EU should work with Turkey and the other CPCs in a spirit of compromise in 2023 to find a solution that would allow Turkey to withdraw its objection but that would also require Turkey to adjust its expectations to a more realistic level. ~~The EU should therefore propose, to the Chair of Panel 2, to establish an ad hoc Working Group with the specific mandate to review whether it is possible to accommodate Turkey's request into the TAC allocation table and to revise that table accordingly.~~ **Should it prove impossible to find an agreement during the annual meeting itself, the EU should support carrying forward the agreed allocation key for 2023.**

Proposed position: The EU, as the main player in this fishery, should support the key allocation established in February 2022 and work with the relevant Contracting Parties to either accommodate all CPCs within allocation for 2023 or if that proves impossible to carry forward the agreed allocation for 2023 as well.

2.4. South Atlantic Swordfish

Both stock of Atlantic swordfish (North and South) were assessed this year by the SCRS. The North Atlantic stock is not overfished, nor is it subject to overfishing. The SCRS projections show that with TAC at the current level (13,200 t) there is a 60% probability of being in a green quadrant by 2033. Therefore, the EU should follow the scientific advice and not propose any changes.

For the South Atlantic swordfish, stock status is 'overfished and subject to overfishing'. The projections show very low probability (3%) of the stock being in the green quadrant of the Kobe plot by 2033 if the TAC is maintained at the current level of 14,000 t. It should, however, be noted that the level of reported catches for 2021 was 9,454 t. The EU should therefore support revision of TAC that will accelerate the recovery of the stock.

Proposed position: The EU should support revision of the TAC for South Atlantic Swordfish that will allow the acceleration of the rebuilding of the stock in line with scientific advice and taking account of catches' level being below TAC over past years.

2.5. Shortfin mako

North Atlantic

Recommendation 21-09 adopted last year as the ICCAT's measure on the conservation of North Atlantic shortfin mako (SMA) provides for a review mechanism of the prohibition on retaining on board, transshipping and landing, whole or in part, SMA based on data provided by Contracting Parties and a formula designed to determine possible retention.

In 2022, the SCRS used the mechanism in Annex 1 to Recommendation 21-09 to calculate possible North Atlantic shortfin mako retention allowed in 2023. Based on this formula, the possible retention allowance for 2023 was calculated at 0t. It was therefore agreed that in accordance with the Recommendation, CPCs should continue to prohibit retaining onboard, transshipping, and landing, whole or in part, North Atlantic shortfin mako caught in association with ICCAT fisheries in 2023.

South Atlantic

Indications from the SCRS are that there is a significant risk that this stock could follow a similar path to that of the Northern stock. If the stock declines it will, like the North stock, require a long time for rebuilding even after significant catch reductions. The EU will table a proposal at the 2022 ICCAT annual meeting for the South Atlantic stock of shortfin mako that will mirror the model put in place for the northern stock.

Proposed position: The EU should support conservation of both stocks of shortfin mako in line with a scientific advice and support the adoption of an ICCAT measure on the conservation of South Atlantic shortfin mako drawing from the model adopted for the Northern stock.

2.6. Sea turtles by-catch

In response to numerous unsuccessful attempts by other ICCAT Contracting Parties, the EU will table its own proposal at the 2022 ICCAT annual meeting with the aim to strengthen the existing rules, notably by effectively reducing bycatch and increasing post-release survival of sea turtles.

The EU proposal has drawn elements from past proposals submitted to ICCAT and of the recently adopted Recommendation from the General Fisheries Commission for the Mediterranean (GFCM) (GFCM/44/2021/14).

The EU proposal aims at: i) mitigating most if not all the key sources of sea turtles' bycatch in ICCAT fisheries, ii) ensuring that post-interaction survival rates are optimized, iii) streamlining reporting requirements that will ensure a future assessment of the effectiveness of the new measure based on robust data and science and iv) providing directions to the SCRS for future work.

The EU proposal aims to strike a balance between the objective of bycatch reduction and burden on fishers.

Proposed position: The EU should support the adoption of an ICCAT measure to reduce bycatch and increase post-release survival of sea turtles which strikes a balance between the aims of bycatch reduction and burden on fisheries.

3. CONTROL AND ENFORCEMENT

3.1. Control measures on Eastern bluefin tuna

The revision of control measures in the management plan for Eastern bluefin tuna sponsored by the EU was adopted in 2021. Unsurprisingly considering the complexity of this revision, the implementation of this package of new rules and requirements during the 2022 fishing season has revealed a number of practical issues and minor flaws which need to be addressed at the 2022 annual meeting.

Additionally, in line with the EU's objective to beef up control over this sensitive fishery, the EU will also table a new pilot project for the use of stereoscopic cameras during the first transfers, which intends to address one of the main remaining control weak points that cannot be addressed with current control means.

Moreover, two EU specific provisions under the ICCAT Recommendations 20-08 on the application of an eBCD system (electronic Bluefin Catch Document) will expire at the end of this year. To prevent trade related issues, the EU should support the rollover the existing measures for another year, at the least.

Proposed position: The EU should continue to work on improvement of control of bluefin tuna fishery, and closing potential loopholes revealed by the Tarantelo case, including the modification of the list of serious infringements. The EU should also support the rollover of the EU specific provisions in relation to eBCD.

3.2 EU horizontal proposals to improve control and enforcement

In order to further improve control and enforcement in ICCAT, the EU will re-submit again this year the proposal to promote compliance by natural or legal persons with ICCAT conservation and management measures. The purpose of the proposal tabled is to target the natural and legal persons engaging in or supporting IUU fishing.

Proposed position: The EU will propose and support the adoption of ICCAT measure addressing natural and legal persons engaging in or supporting IUU fishing.
