

Discussion paper on driftnets
(document submitted by the European Union)

1. Introduction

This document aims at supporting a discussion on the elements that in the European Union's view call for improvements to the existing driftnets' ban in the Mediterranean and for extension to the entire ICCAT Convention area. The objective is to reach a consensus on the amendment of the relevant ICCAT recommendation needed to address the identified loopholes in ICCAT legislation so that a proposal can be presented for adoption at the 2025 ICCAT Annual Meeting.

The issue came to the European Union's attention during inspections carried out by the European Union on other CPC vessels in the Mediterranean Sea under the ICCAT Joint Scheme of International Inspection for bluefin tuna and swordfish in 2023. Those inspections highlighted control issues and difficulties in enforcing ICCAT rules on driftnets due to the lack of a sound legal basis. The weaknesses identified in the current ICCAT rules jeopardise the efforts the European Union makes in inspections at sea and need to be addressed.

2. ICCAT legislation

The [Resolution by ICCAT on large-scale pelagic driftnets \(Res. 96-15\)](#) calls for the implementation of "FAO Resolutions 44/225 and 46/215" adopted in 1989 and 1991, imposing a moratorium on large-scale driftnets.

Paragraph 3 of the [Recommendation by ICCAT relating to Mediterranean swordfish \(Rec. 03-04\)](#) stipulates that "*Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall prohibit the use of driftnets for fisheries of large pelagics in the Mediterranean*".

3. Main issues to be addressed

3.1 Problematic control and enforceability of the current measure

- a) The current prohibition is only for large pelagic fisheries, however *there is no legal definition of large pelagic fisheries in the context of ICCAT*. This is compounded by the fact that this prohibition is made in the Recommendation regulating Mediterranean swordfish, casting some doubts on the scope of this prohibition, or whether for example it would be allowed to use driftnets to catch albacore. A ban based on targeted species is more difficult to enforce compared to a general ban.

Proposal: the ban on the use of driftnets should be *for all ICCAT species*.

- b) The current prohibition is only for *the use of driftnets*. Several inspections at sea by the European Union have uncovered the presence of driftnets on board vessels of other CPCs and the current rule makes it difficult to take enforcement measures. Prohibiting only the use and not possession makes effective control of this measure very difficult, as a fishing gear operating without a link to the vessel, when the net is in the water it is difficult to establish the vessel owner, as illegal gear can be expected to be unidentified.

Proposal: Prohibit not only the use but *also the possession* on board of driftnets.

- c) The lack of a definition of driftnets makes it difficult to determine the infringement when this gear is detected on board. A definition of the gear and its technical characteristics would support better enforcement of on-board detection, helping to address possible claims alleging that the fishing gear has not drifting characteristics.

Proposal: to include a **definition of driftnets**.

- d) The use of driftnets which may be allowed under certain circumstances (e.g. the possibility to use driftnets of less than 2,500 m for the General Fisheries Commission for the Mediterranean (GFCM) stocks) may interfere with the controllability of the measure established in ICCAT. Proving that the length of driftnets exceeds this measure is exceedingly difficult in practice (both at sea or in port). At sea a vessel could also deploy different pieces of net with a much higher total length.

Proposal: move towards a *total ban* on the possession and use of driftnets for ICCAT species or establish rules prohibiting operating under a driftnet *licence* simultaneously with a licence for ICCAT species.

3.2 Legal Instrument

The driftnet ban is now in the Recommendation of a specific species (swordfish), which does not seem appropriate for a ban that is intended to prohibit its general use.

Proposal: to have a general prohibition with a dedicated *Recommendation on pelagic driftnets*. Additionally, the [Resolution 96-15](#) could be repealed (for simplification purposes).

3.3 Geographical scope limited to the Mediterranean area

The current legislation prohibits the use of driftnets only in the Mediterranean. Although perhaps at the time of establishing this ban it was intended to address a problem detected in this particular area, there seems to be no reason why this ban should not be applied in the rest of the ICCAT Convention area, since the environmentally damaging effects of this fishing gear are also applicable to the rest of the Convention area.

Proposal: extend the ban on the use or possession of drift nets to the *entire Convention area*.

4. Possible way forward

Following the presentation and the likely preliminary discussion at this Annual meeting, the European Union proposes to continue the technical discussions in the course of 2025 by undertaking intersessional discussions at the Integrated Monitoring Measures (IMM) level, as well as informing/consulting affected Panels.

At the same time, it will be important to have a parallel discussion with the GFCM to ensure proper coordination and coherence of the measures designed to ensure an effective and enforceable ban on the use of driftnets in ICCAT. In that respect, it is recalled that at the 28th Regular Meeting of the Commission in 2023 (New Cairo, Egypt), the GFCM Executive Secretary asked for that work to be performed in coordination with ICCAT. The European Union, being an important player in both Regional fisheries Management Organisations (RFMOs), stands ready to coordinate this work.

The European Union's objective is to reach a consensus to allow for the adoption of a proposal for a more effective control over driftnets at the 2025 ICCAT annual meeting.