

(COURTESY TRANSLATION)

**MANAGEMENT PLAN FOR FISH AGGREGATING DEVICES
(FAD)**

1. Basis and background of this plan

The current legislation in force covers the following provisions that justify the elaboration of this management Plan for fishing aggregating devices utilized by the Spanish purse seiner fleet targeting tropical tunas:

- The 1995 United Nations Stock Agreement has as the main goal the assuring of long term conservation and sustainable exploitation of the stocks of highly migratory species.
- FAO code of good practices, with regard to fishing investigation, sets the obligation of the reliable data collection which enables the due stock assessment just like the implementation of studies on fishing gear selectivity and its environmental impact and to promote the results of the investigation as the basis to establish the management objectives.
FAO code of conduct points out that “fishing gear should be marked according to national legislation to identify the owner of the gear. The requirements of this marking should have into account uniform marking systems and internationally acknowledged.”
Lastly, and following the FAO Code, “the States should cooperate in the perfection and implementing of operative fishing technologies, materials and methods to minimize the loss of fishing gear and its effect as ghost fishing”.
- EU Regulation 1380/2013, 20th Dec 2002, on the Common Fisheries Policy, points out as the main target is the sustainable exploitation of living aquatic and aquaculture resources in the context of sustainable development, having into account environmental, economic and social aspects in a balanced fashion. This regulation modifies EC Regulations 1954/2003 and 1224/2009, and repeals Regulations 2371/2002 and 639/2004, as well as Council Decision 2004/585.
- Law 3/2001, of Maritime Fisheries, sets amongst its goals, in article 3 the safeguard of the responsible fisheries resources exploitation, encouraging its development and adopting all necessary measures to protect, preserve and regenerate the said resources and their ecosystems and promote the fisheries and oceanographic research.

The experience from the first FAD plan in Spain of 2010, as well as the new international provisions, has led to the current revision of the Plan.

2.- Scope of application of the present plan

The present plan is aimed at Spanish-flagged freezer tuna purse seiners operating in the Indian, Atlantic and Pacific Ocean, targeting tropical tuna as well as Spanish

flagged supply vessel supporting the mentioned purse seiner vessels.

The Secretary General for Fisheries shall be the authority that ensures the implementation of this plan.

3. Objectives

- Improving information collection for scientific advice purposes.
- Contributing to enhanced knowledge of catch composition in FAD sets.
- Increasing knowledge of these devices with regard to their technical features and their possible impact on ecosystems.
- Establishing information-sharing mechanisms among operators, scientists and administrations, in order to achieve better knowledge of progress made in this field and the implications thereof.

4.- Definitions

The following definitions shall only affect the present plan, in order to enhance understanding thereof.

- Main vessel: Fishing vessel making catches and to which catches made are assigned.
- Support vessel: Fishing vessel acting as an auxiliary vessel for main vessels, assisting in fishing; for example in deploying, monitoring and hauling in FADs.
- Fishing activity: Extracting fishing resources in external waters, as well as crustaceans and mollusks, using fishing gears and methods.
- Fish Aggregating Device (FAD): Natural or artificial objects deposited on the surface, under which various species aggregate, thus making them more accessible for fishing vessels to locate and catch.

Types of FADs

- Anchored FADs: Those artificially moored to the seabed to prevent drifting, including support vessels anchored to a seamount.
- Drifting raft with a net: Unanchored FADs composed of a panel— either continuous or grill-shaped—associated with a net used as a sail at sea.
- Drifting raft without a net: Unanchored FADs composed of a panel— either continuous or grill-shaped.
- Natural FADs: Any FAD found at sea (e.g. plant remains, dead animals, man-made waste) used as a FAD
- Other drifting FADs: Any FAD other than those above.

FAD-related activities

- Deployment: Operation by which a vessel release a FAD at sea.
- Verification: Operation by which a vessel monitors a previously deployed FAD in order to perform maintenance activities or to check the aggregation of fish around the device.
- Set: Fishing maneuver to catch shoals of fish associated with a FAD.
- Hauling: Operation by which a vessel retrieves a FAD from the sea.

- Beacon: Device whose purpose is locating or monitoring a FAD.

Types of beacons

- GPS beacon: Beacon accompanied by a global positioning system (GPS)
- Radio beacon: Beacon accompanied by a radio system
- Visual beacon: Beacon without any electronic device, only identifiable by sight

- Oceanographic buoy: Buoys used for oceanographic research

5.- Obligations under the RFMOs regarding FADS.

Tuna RFMO have adopted the following provisions:

WCPFC:

- Conservation and Management Measure for bigeye, skipjack and yellowfin tuna (CMM 2015-01). It includes provisions on FADs.
- Conservation and Management Measure on the application of high seas FAD closures and catch retention (CMM 2009-02), which sets out the specifications regarding FAD closure.
- Conservation and Management Measure on instrumental buoys (CMM 2009-05)
- Conservation and Management Measure on cetaceans (CMM 2011-03)

IOTC:

- Resolution 10/02, on mandatory statistical requirements for IOTC members and cooperating non contracting parties (CPCS), sets that all parties shall submit on a quarterly basis the number of FADS deployed per vessel.
- Resolution 15/08, on FAD management Plan.
- Resolution 15/02, on the recording of statistical data. Sets the obligation of reporting number of FADS by quarter, including position, type and other information.
- Resolution 15/09 that sets a Working Group on FADS
- Resolution 12/03 on recording catches, including information on deployment of FADs.
- Resolution 13/04, on the conservation of cetaceans.
- Resolution 13/05 on the conservation of whale sharks.

IATTC:

Resolution 2013-01 on the multiannual program for the conservation of tunas in the East Pacific Ocean (2014-2016), which sets the intention of this Commission to undertake a pilot program for research into and gathering information on FADS.

Resolution 15-03 on recording FAD information, which also sets a working group on FADs.

ICCAT:

Recommendation 14-03 which sets a working group on FADs.

Recommendation 14-01 on a multiannual program for the conservation of tropical tunas.

6.- Identification of FADs

Each FAD shall have a sequence of characters serving as an identifier for each device to be used. This sequence shall not vary during the device's lifespan.

Operators may choose the identification system, with the only prerequisite that it be individual and unique for each FAD.

Depending on the results obtained through the implementation of the present plan, in the future—if it is considered appropriate—a single

7. Register and information-sharing regarding FADs

7.1. Inventory

As an initial measure, operators shall send the Deputy Directorate General for Agreements and Regional Fisheries Organizations, by 31 December 2010, a list of operative FADs being used by the fleet at that date.

This list shall include, for each FAD, the information contained in Annex I. As far as possible, this information should be provided at the detail level of fishing vessels.

This list shall be promptly updated whenever a change takes place, and such updates must be sent at least quarterly. The aim of this inventory is to provide as much information as possible on the characteristics of FADs being used, and to enable scientists to analyze the data collected in fishing logs thanks to the individual identification of each FAD.

7.2. Specific Activity Register (FAD logbook)

Operators shall keep a register where FAD-related activities shall be recorded. The information that must be recorded in this register is included in Annex II of this plan.

If operators use any natural FADs, this information shall also be recorded, and in such cases deployment shall be understood as assigning a beacon, and hauling as withdrawing the beacon. Should this FAD be intended for periodical use, information regarding it shall be included within the inventory envisaged above.

Whenever an activity is conducted involving a FAD that does not initially belong to the fishing or auxiliary vessel that detected it, all the information regarding this activity shall also be reported. The word "external", together with the visible character sequence leading to its identification, shall be recorded in the section corresponding to identification.

Finally, for each activity conducted involving a FAD, every incident regarding accidental catches shall be recorded: species, number of specimens, and number of specimens released alive.

This activity register shall be sent at least quarterly to the Deputy Directorate General for Agreements and Regional Fisheries Organizations.

7.3. Records in fishing logbooks

In addition to the specific register set forth above, ship captains shall record in the fishing logbook if each set has been done on Fads or free schools.

When the set is done on FADs, the identification must be recorded, according to the criteria set in the preceding point.

8. Monitoring of FADs

As far as possible, vessels must record monitoring information for each FAD that has a satellite beacon, based on its assigned number.

Moreover, efforts should be made to record information obtained from other beacons (e.g. visual, radio).

There shall be no obligation to communicate the recorded information. However, such information may be requested in order for the designated scientific personnel to conduct specific studies or in order to carry out monitoring activities. This information may be requested, prior approval by the operators for its use.

9. Measures to prevent loss of FADs

Vessel operators shall prevent, as far as possible, loss of FADs at sea.

In the event of a loss or of the impossibility of hauling in a FAD (areas or seasons closed to fishing), operators must record, in the Specific Activity Register, its last known date and position.

10. Measures to mitigate the catch of juvenile tuna and non-target species

From January 1, 2015 on, all entangling FADs should be progressively replaced by others which minimize incidental catches, including these features:

- The upper part will not be covered, and if that is metallic, the material should be tightly covered or with a maximum of net size of 3 cm.
- The tail should be of non entangling material. If that include nets, its maximum size will be 3 cm.

All withdrawal or replacements should be recorded in the In the FAD logbook and the inventory

From June, 30, 2015 on all activity on entangling FADs is forbidden.

From September, 30, 2015 on all entangling FADs must have been removed, even if they are recorded in the inventory of the vessel.

The use of methods that reduces juvenile catches and associated species is encouraged in order to get cleaner catches.

The Parties to this plan may propose pilot actions in order to advance in some of the aspects described.

11. Specific closures on fishing with FADs

ICCAT:

Fishing for, or supported activities to fish for bigeye, yellowfin and skipjack tunas in association with objects that could affect fish aggregation, including FADs, are prohibited during the period 1 January to 28 February in the following area:

- Southern limit: parallel 4° / South latitude
- Northern limit: parallel 5° / North latitude
- Western limit: meridian 20° / West longitude
- Eastern limit: the African coast

The prohibition referred to in paragraph includes:

- launching any floating objects, with or without buoys;
- fishing around, under, or in association with artificial objects, including vessels;
- fishing around, under, or in association with natural objects;
- towing floating objects from inside to outside the area.

In order to comply with the FAD limit set in Recommendation 15-01, each vessels must submit a certificate issued by the company that supplies the beacons or by a scientific institute that certifies the following data:

- Number of instrumental buoys per vessel at any time by quarter.

IOTC

In order to comply with the FAD limit set in Resolution 15-08, each vessels must submit a certificate issued by the company that supplies the beacons or by a scientific institute that certifies the following data:

- Number of instrumental buoys per vessel at any time by quarter.
- Number of instrumental bouys contracted by year.

Non instrumental bouys shall be gradually eliminated by January 1, 2017.

12. Measures to monitor and follow up the present plan

The relevant authorities may perform documentary monitoring of the provisions envisaged in the present plan, and they may require, if necessary, the data described in section 6.

The Spanish Institute of Oceanography (IEO), as the Spanish scientific authority in this regard, shall be responsible for processing and monitoring the information provided by the operators, and shall be authorized to draft the follow-up reports for this plan and to propose the measures it deems appropriate in order to improve the functioning thereof.

Moreover, the General Secretariat for Fisheries may determine, in coordination with the IEO, the participation of other scientific bodies in order to fulfill the objectives set forth in the present plan.

13. Confidentiality measures for the information provided by operators

The information provided by the operators shall be treated as confidential at all times, and its use shall be restricted solely to scientific or monitoring purposes, if necessary. The General Secretariat for the Sea undertakes not to disclose this sensitive information, other than for the aforementioned purposes, without the express consent of the shipowners.

14. Amendments to the present plan

This plan shall be amended in line with future measures adopted within the different RFMOS and with the conclusions of the reports envisaged in section 12.

15. Implementation

All provisions in this Plan will be in force until further modifications are adopted or new international provisions are set.



The infringements of these provisions would be considered as a non compliance to the conditions required to obtain the Temporary Fishing Permit and will be penalized according to Title V of LAW 3/2001, 26 May, on Maritime Fishing of the State.