

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
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Agenda item 13

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**FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS
MARINE PLASTIC LITTER FROM SHIPS**

**Comments on document PPR 10/13 regarding reporting of the accidental loss or
discharge of fishing gear**

Submitted by FOEI and CSC

SUMMARY

Executive summary: This document comments on document PPR 10/13 and calls for a working group at PPR 10 to consider effective mandatory measures towards addressing ALDFG through the reporting of lost fishing gear, with a broadened scope to advance discussions on the marking of fishing gear in parallel. It also highlights the need for a recommendation to MEPC to ensure coordination between efforts on fishing gear at IMO and negotiations towards a new legally binding instrument to end plastic pollution.

Strategic direction, if applicable: 4

Output: 4.3

Action to be taken: Paragraph 14

Related document: MEPC 77/8/3, MEPC 77/16; MEPC.341(77); PPR 9/15/4, PPR 9/15/7, PPR 9/15/5; PPR 10/INF.5, PPR 10/INF.6 and PPR 10/INF.7

Introduction and background

1 This document is submitted in accordance with paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.4). It comments on document PPR 10/13 (Norway and Spain), the report of the Correspondence Group on Marine Plastic Litter from Ships (CG).

2 The CG was instructed by PPR 9 to consider draft amendments to MARPOL Annex V to provide for the reporting mechanisms for lost fishing gear, the modalities and the information to be reported to Administrations and IMO to facilitate and enhance reporting of the loss or discharge of fishing gear (term of reference 2). The CG reached little consensus in the report on fishing gear, and a working group will need to conduct substantive discussions during PPR 10 to make any meaningful progress.

3 Given the significant contribution of abandoned, lost, or otherwise discarded fishing gear (ALDFG) to plastic pollution in the marine environment and the significant global momentum around binding measures to address plastic pollution, including in the marine environment, with the adoption of UNEA resolution 5/14, it is essential that IMO Member States reflect on the important contributions made during the CG and offer a clear direction on both matters at the forthcoming PPR Sub-Committee meeting.

Comments on the terms of reference related to fishing gear

4 ALDFG is a major contributor to marine plastic pollution.¹ 5.7% of all fishing nets, 8.6% of all traps and 29% of all lines are lost to the world's oceans each year.² PPR 9 instructed the CG to consider further previous draft amendments to MARPOL Annex V to enhance and promote measures for the mandatory reporting of lost gear. Despite global awareness and appetite for action on ALDFG,³ the CG did not reach a consensus on several issues and was unable to take any meaningful steps forward. As a result, the substantive discussion is now proposed for a working group at PPR 10.

5 The co-sponsors welcome the formation of a working group at PPR 10 as proposed by the CG⁴ and propose that the Sub-Committee task the group with progressing discussions to arrive at concrete next steps for the Sub-Committee. Work to amend MARPOL Annex V has been ongoing since PPR 7, and the co-sponsors seek to remind Member States about the purpose of considering these measures: in short, the need to create a comprehensive package of measures to *significantly reduce* sea-based sources of marine plastic pollution in line with SDG 14.1.⁵

6 Through that lens, the co-sponsors continue to support the draft text proposed in PPR 8/8 (France) for regulations 7.1.3, 10.6 and 10.7 that deletes "accidental" and "which poses a significant threat to the marine environment or navigation."⁶ Accidental is ambiguous, and given the accumulation of plastics in the marine environment, any loss of fishing gear should be considered a significant threat to the marine environment and navigational safety. More importantly, mandatory reporting is crucial to establishing the robust data necessary to measure and regulate ALDFG effectively, particularly in identifying high-risk areas for gear loss and the potential for targeted retrieval operations. The current absence of a global repository for reporting lost gear leaves significant knowledge gaps and limits effective policymaking.

7 Additionally, the co-sponsors do not support the new additions of draft regulations 10.8 to 10.10.⁷ Instead, the co-sponsors support those Member States calling for making reporting of lost gear data available to flag States through GISIS immediately, also known as "real-time reporting", while not undermining national reporting systems and ALDFG mitigation programmes. The IMO reporting requirements should rely on and be informed by successfully established operational reporting systems and work harmoniously with existing systems to avoid duplication. Real-time reporting is necessary to provide scope for potential

¹ Richardson, K. Hardesty, B. D., Vince, J., & Wilcox, C. (2022). Global estimates of fishing gear lost to the ocean each year. *Science Advances*, 8(41). Available [here](#).

² Ibid.

³ UNEA resolution 3/7(1), UNEA resolution 5/14, 2022 G7 Environment Ministers' Communiqué, paragraph 28.

⁴ PPR 10/13 paragraph 96.

⁵ Resolution MEPC.310(73), annex 10.

⁶ PPR 8/8, annex 1, regulation 7.1.3.

⁷ PPR 10/13, annex 3.

gear recovery, alert ships to potential navigational risks posed by lost gear, and collect accurate data on the location and details of lost gear, which will close knowledge gaps on the transboundary movement of lost gear. Without real-time reporting, the effectiveness of this policy measure is severely lacking.

8 In reviewing the report of the CG and discussions on lost gear reporting, it is essential to remember why the Sub-Committee is considering lost gear reporting. This practical measure is designed to form part of a comprehensive package of sustainability measures to protect the environment from marine plastic pollution. Thus, the final reporting system should complement existing national and regional efforts, including those coordinated through regional fisheries management organizations and regional fisheries bodies, providing essential real-time data to authorities without jeopardizing commercially sensitive information and remaining low-burden, accessible and relevant. The more information provided, the more useful it will be. It is essential that relevant experts and agencies are able to periodically access anonymized information to analyse trends and abundances of lost gear and make recommendations on appropriate mitigative measures.

9 In parallel with the discussion on the reporting of lost fishing gear and building on discussions at PPR 9, it is essential to view hand-in-hand the opportunity of marking fishing gear as a tool for combatting plastic pollution. Both measures should form part of a comprehensive package to address ALDFG that would be much more effective in tandem. Thus, the Sub-Committee must broaden the ToR for the working group at PPR 10 to develop those discussions further, given the lack of plenary time to date.

10 In summary, when paired with future regulations on marking gear, these changes in reporting will help, inter alia, better identify sources and causes of pollution, map high-risk areas for gear loss, help identify the presence of illegal, unregulated and unreported fishing and aid fisheries managers in more effective spatial and temporal management of fisheries to prevent future losses.

Relevance of the fishing gear issue to the global plastics treaty

11 Over the last few years, efforts to pursue mandatory measures related to fishing gear have been thwarted by a lack of consensus and ambition at IMO, exacerbated by the COVID-19 pandemic stalling opportunities for face-to-face negotiation. Despite this, the problem of ALDFG continues to pose a significant threat to environmental health and maritime safety that shows no sign of abating (please refer to the findings on ALDFG in GESAMP WG 43).

12 While discussions at IMO on plastic pollution have been ongoing, negotiations for a new global legally binding instrument to end plastic pollution, including in the marine environment (UNEA resolution 5/14), are now underway. Ahead of the second session of the Intergovernmental Negotiating Committee (INC-2), nearly one-third of pre-session submissions representing about 150 countries⁸ specifically call for regulations governing fishing gear to fall within the scope of the new instrument. There is even higher ambition from INC-2 Member States to address marine plastic pollution more generally. Thus, it is necessary for IMO to seriously consider what legally binding measures it can practically and effectively implement and what role will be played in supporting the development and implementation

⁸ For specific text on fishing gear, see pre-session submissions from the Alliance of Small Island States, the European Union, the Group of African States, Norway and Rwanda as co-chairs of the High Ambition Coalition to End Plastic Pollution, Argentina, Bosnia and Herzegovina, Canada, Colombia, Cook Islands, Ecuador, Gabon, Guinea, Kenya, New Zealand, Norway, Palau, Peru, Philippines, Rwanda, Sierra Leone, United Kingdom of Great Britain and Northern Ireland, and Uruguay. Available at <https://www.unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international>

of a dedicated programme of work on plastic pollution from fisheries, or dedicated ALDFG strategy, situated within the new instrument. In short, cooperation and synergy between ongoing IMO efforts and the new instrument will be essential. Thus we are now at a time when IMO Member States must send clear signals about the measures that fall within its remit and make concrete recommendations for where the new instrument can support and close the gaps.

13 Considering the information above, the PPR Sub-Committee should make a recommendation to MEPC to ensure such cooperation and coordination between global governance efforts on ALDFG are taking place and are adequate. There is a clear benefit of collaboration with negotiators working on the new legally binding instrument to end plastic pollution to understand better and address the current jurisdictional gaps and learn from the work already undertaken at IMO. Therefore, the IMO must signal its stance to the Secretariat ahead of INC-2 in May 2023 and provide direction for IMO participation in that session.

Action requested of the Sub-Committee

- 14 The Sub-Committee is invited to take note of the above comments and to:
- .1 support the establishment of a working group during PPR 10 to finalize the work to amend MARPOL Annex V to make the reporting of lost fishing gear mandatory;
 - .2 ensure that discussions on the mandatory marking of fishing gear are included in the scope of discussions for a Working Group on Marine Plastic Litter from ships at PPR 10;
 - .3 request an update on IMO engagement in the negotiations for a new global instrument on plastic pollution, in particular with regards to potential binding measures on sea-based sources; and
 - .4 make recommendations to MEPC on the effective governance of ALDFG and plans for future coordination with negotiations for the new global instrument to end plastic pollution.
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