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

**Addressing abandoned, lost and discarded fishing gear through gear
marking and lost gear reporting**

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SUMMARY

Executive summary: This document discusses the progress to address abandoned, lost and discarded fishing gear (ALDFG) at IMO through proposed amendments to MARPOL Annex V for the marking of fishing gear and the reporting of lost fishing gear. This document asks whether these amendments will be facilitated by IMO action and requests an update from the IMO Secretariat on the discussions surrounding a proposed global agreement on plastic pollution and the inclusion of sea-based sources within such an agreement.

*Strategic direction,
if applicable:* 4

Output: 4.3

Action to be taken: Paragraph 18

Related documents: MEPC 75/8/1, MEPC 75/8/2, MEPC 75/8/4, MEPC 75/INF.23;
MEPC 77/8/2; MEPC.310(73), MEPC.341(77); PPR 7/17,
PPR 7/17/1; PPR 8/8 and PPR 8/8/1

Introduction

1 In 2018, IMO Members adopted resolution MEPC.310(73) in recognition of the need to urgently implement actions to tackle sea-based sources of marine plastic litter. The resolution acknowledges the importance of preventing marine plastic pollution from ships and the contribution IMO can make to delivering the 2030 Agenda for Sustainable Development, particularly SDG 14.1 (A/RES/70/1). It resulted in work commencing on the IMO Action Plan to address marine plastic litter from ships, which most recently also includes the adoption of an accompanying Strategy (MEPC.341(77)).

¹ The development of this paper was supported by the Antarctic and Southern Ocean Coalition and the Global Ghost Gear Initiative.

2 Since the adoption of the Action Plan, two critical measures have been proposed for the management of fishing gear as a form of plastic pollution. Document MEPC 75/8/1 (FAO) on the reporting protocols of lost fishing gear, document MEPC 75/8/2 (FAO) on the progress in the implementation of the voluntary guidelines on the marking of fishing gear to reduce ALDFG and its impacts and document MEPC 75/8/4 (Vanuatu) on the marking of fishing gear. Both areas of work were directed to PPR for further development as they specify potential amendments to MARPOL Annex V to make mandatory both the reporting of lost fishing gear and the marking of fishing gear. A proposal from Japan and the United Kingdom (MEPC 77/8/2) was also considered at MEPC 77 to provide an alternative to the suggestions from Vanuatu.

Fishing gear: a major source of marine plastic pollution

3 The publication of the report of GESAMP Working Group 43 (MEPC 75/INF.23) highlights the growing body of evidence about the scale and impact of plastic pollution from sea-based sources, in particular, abandoned, lost or discarded fishing gear (ALDFG). The report highlighted that despite limitations in availability of literature and existing knowledge gaps, an estimated 5.7% of all fishing nets, 8.6% of all traps and 29% of all lines are lost to the world's oceans annually (Richardson et al., 2019a).

4 Fishing gear comprises an estimated 27% of beach litter in Europe, 46% of the floating debris in the Great Pacific Garbage Patch^{2,3} and, in a study in the North Pacific Ocean, nearly 90% of marine debris intercepted by longline fisheries was ghost gear.⁴

5 ALDFG is an ever-growing problem, impacting marine resources, wildlife and habitats.⁵ When fishing gear is lost, it continues to catch both target and non-target species, also known as "ghost-fishing", entangling and killing threatened and protected marine animals and commercially important fish species.^{6,7} Lost gear also damages coral reefs and the seabed, while surface ALDFG presents a significant safety hazard for shipping and maritime activities, such as through propeller entanglement. Once washed ashore, ALDFG blights beaches with plastic litter and causes problems for nesting birds and other coastal species.

6 The causes of ALDFG are multiple and include enforcement pressure leading illegal fishers to abandon their gear to avoid capture, operational pressure leading to gear conflict and accidental losses, weather events increasing the likelihood of loss or discarding for safety reasons and spatial and temporal pressures on fishing areas from both legal and illegal fishing activity. Indirect causes, such as expensive, inaccessible or non-existent disposal facilities at or around ports, also increase gear dumping and mismanagement.⁸ These issues can be exacerbated by a lack of waste containers on board vessels.

² European Commission (2018). *New Proposal will Tackle Marine Litter and "Ghost Fishing."* Available [here](#). Lebreton, L. et al. (2018).

³ *Evidence that the Great Pacific Garbage Patch Is Rapidly Accumulating Plastic* (Sci Rep 8, 4666). Available [here](#).

⁴ Uhrin, A.V. et al (2020). *Relative Abundance of Derelict Fishing Gear in the Hawaii-based Pelagic Longline Fishery Grounds as Estimated from Fishery Observer Data* (Sci Rep 10, 7767). Available [here](#).

⁵ GESAMP (2020). *Sea-Based Sources of Marine Litter – A Review of Current Knowledge and Assessment Data Gaps* (Second Interim Report of GESAMP Working Group 43). Available [here](#).

⁶ Convention on Biological Diversity (2016). *Marine Debris: Understanding, Preventing and Mitigating Significant Adverse Impacts on Marine and Coastal Biodiversity* (Report of the Subsidiary Body on Scientific, Technical and Technological Advice, UNEP/CBD/SBSTTA/20/INF/9). Available [here](#).

⁷ Greenpeace (2006). *Plastic Debris in the World's Oceans*. Available [here](#).

⁸ Macfadyen, G. et al (2009). *Abandoned, Lost or Otherwise Discarded Fishing Gear* (FAO Fisheries and Aquaculture Technical Paper No. 523, UNEP Regional Seas Reports and Studies No.185). Available [here](#).

7 Despite this, work on ALDFG at IMO is making slow progress, in particular with regard to making the reporting of lost fishing gear mandatory, an essential step in preventing, remediating and mitigating this source of pollution. Frustratingly, there is a lack of consensus on the specificity of the regulation despite general support for action through the Correspondence Group working on this topic.

The current regulatory framework⁹

8 Several international environmental agreements touch upon sea-based sources of marine plastic pollution, targeting pollution from fishing vessels, cruise liners, maritime platforms, ports and shipping operations, among others. For example, state responsibility to protect the marine environment and "prevent, reduce and control pollution of the marine environment by dumping" is expressly captured in the UN Convention on the Law of the Sea (UNCLOS)¹⁰ and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal further requires parties "to ensure the environmentally sound management" of fishing gear delivered to ports.¹¹

9 However, the most significant regulation at the international level regarding obligations for the management of plastic pollution from fisheries sit within the mandates of IMO and the Food and Agriculture Organization (FAO), most notably within the FAO Voluntary Guidelines on the Marking of Fishing Gear (VGMFG)¹² and MARPOL Annex V. Several regional agreements in both Regional Fishery Bodies and Regional Fishery Management Organisations also exist, but these are fragmented and generally voluntary in nature. At the time of writing this document, FAO had just published a paper covering the current legal framework for ALDFG with further detail.¹³

Marking and logging of fishing gear

10 In 2018, FAO Member States adopted the VGMFG as a tool "to improve the state of the marine environment...by combatting, minimising and eliminating abandoned, lost or otherwise discarded fishing gear (ALDFG) and facilitating the identification and recovery of such gear".¹⁴ VGMFG highlights that marking and logging should be considered as part of a comprehensive strategy to address ALDFG, not measures in isolation.

11 Although an important first step in promoting the responsible management of fishing gear by facilitating identification in terms of ownership and position in the water, the VGMFG are voluntary and lack the widespread uptake required to be effective. At PPR 9, IMO Member States will consider a proposal to amend MARPOL Annex V to require marking of fishing gear, however differences exist in the need for, and the scope and specificity of such an obligation, which need to be addressed at this meeting.

⁹ Hodgson, S. 2022. *Legal aspects of abandoned, lost or otherwise discarded fishing gear*. Rome, FAO and IMO.

¹⁰ UNCLOS, Article 210.

¹¹ UNEP. *Note from the Secretariat: Draft Guidance Manual on How to Improve the Sea-Land Interface*. (UNEP/CHW.13/INF/37). Paragraph 87. Available [here](#).

¹² Food and Agriculture Organization (2019). *Voluntary Guidelines on the Marking of Fishing Gear*. Available [here](#).

¹³ Hodgson, S. 2022. *Legal aspects of abandoned, lost or otherwise discarded fishing gear*. Rome, FAO and IMO.

¹⁴ Committee on Fisheries. *Report of the 2019 FAO/GGFI Regional Workshops on Best Practices to Prevent and Reduce Abandoned, Lost and otherwise Discarded Fishing Gear* (COFI/2020/SBD.6). Available [here](#).

Reporting lost fishing gear

12 Reporting losses of fishing gear has numerous benefits for aiding recovery, avoiding navigational risks, identifying high risk areas for gear loss or ghost fishing and promoting data collection to inform future mitigation efforts. In the instance of discharges or accidental losses of fishing gear, certain minimum information should be reported to a central body, including the ship identification number and name of the vessel, the type of gear lost, the time the gear was lost, the position where the gear was lost and the measures undertaken to retrieve it.¹⁵ Such harmonization of information across jurisdictions ensures comparability and usefulness of reported data.

13 Work has been ongoing since PPR 7 to consider how to amend MARPOL Annex V to clarify and standardize reporting obligations with a desired outcome being a centralized repository of lost gear data and clear guidance on information to be reported; however, the appetite for a comprehensive approach under MARPOL, which includes reporting and now marking, remains unclear and this must also be considered and resolved through the progression of this work.

Towards a comprehensive approach to prevent plastic pollution from fisheries

14 In 2019, the UN Environment Programme published a report calling for the "development of a comprehensive global strategy to address ALDFG", building on existing work and ensuring coordination across several key areas.¹⁶ A comprehensive global ALDFG strategy would extend across and beyond the intersections of existing regional and international governance frameworks, with supportive roles for existing multi-stakeholder platforms and the global seafood network with its certification bodies and eco-labels.

15 To date, both IMO and FAO have adopted a piecemeal approach to the management of fishing gear, with neither organization seeking responsibility or indeed having the mandate to oversee the full lifecycle of plastic fishing gear. There has also been a clear reluctance to adopt the binding measures which are clearly needed to drive implementation of measures.

16 Discussions on a global treaty have also now entered the governance space. In recent years there has been widespread recognition of the scale and severity of the plastic pollution crisis, culminating in successive United Nation Environment Assembly (UNEA) resolutions (1/6, 2/11, 3/7, 4/6, 4/7 and 4/9). The establishment of the Ad Hoc Open-Ended Expert Working Group on Marine Litter and Microplastics (AHEG) and, most recently, the tabling of two draft resolutions for UNEA 5.2 have led to a call for the establishment of an Intergovernmental Negotiating Committee (INC) to negotiate a new legally binding global instrument to reduce plastic pollution. As global momentum coalesces around this topic, discussion about the critical roles of IMO and FAO and the binding and non-binding measures available on sea-based sources of plastic is essential, and as the adoption of a binding plastics treaty becomes inevitable, it is time for IMO to decide what practical action it is willing to take.

17 It is the view of the co-sponsors that a bespoke and tailored approach to fishing gear should form part of the core design of a global agreement on plastic pollution, and more specifically the binding measures within taking into consideration existing instruments contributing within their core competencies, the supportive role of regional governance and,

¹⁵ Official Journal of the European Union. *Council Regulation (EC) No 1224/2009 Establishing a Union Control System for Ensuring Compliance with the Rules of the Common Fisheries Policy* (OJEU L 354, 28.12.2013, p. 1–21). Article 48. Available [here](#).

¹⁶ UNEP (2019). *Addressing Marine Plastics: A Systemic Approach - Recommendations for Action*. Pages 59-60. Available [here](#).

importantly, their current limitations. In particular, clarity is sought on the international obligations and strategy for gear marking and reporting, port reception facilities, fisher education and awareness, extended producer responsibility (EPR), refund systems for derelict gear and onboard management practices for damaged gear. In pursuit of this global strategy, the pace of action on the marking and reporting of fishing gear work at IMO must be accelerated and consensus reached on what actions will be taken to inform those discussions and clarify what gaps remain.

Action requested of the Sub-Committee

18 The Sub-Committee is invited to:

- .1 consider documents MEPC 75/8/1 and MEPC 75/8/4 and identify whether an amendment of MARPOL Annex V to make mandatory both reporting and marking of fishing gear will be facilitated by IMO action; and
 - .2 request the Secretariat to provide an update on engagement with the UNEP-led work related to global governance on plastic pollution, in particular regarding any discussions on the role IMO and sea-based plastics will play in such a future agreement.
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