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

Report of the Correspondence Group on Marine Plastic Litter from Ships

Submitted by Norway and Spain

SUMMARY

Executive summary: This document contains the report of the Correspondence Group on Marine Plastic Litter from Ships, established by PPR 9 to consider the options for reducing the environmental risk associated with the maritime transport of plastic pellets; and the draft amendments to MARPOL Annex V to provide for the reporting mechanisms, 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.

Strategic direction, if applicable: 4

Output: 4.3

Action to be taken: Paragraph 97

Related documents: MEPC 77/8/3; MEPC 75/8/1; PPR 9/15/1; MEPC.275(71); PPR 8/8, PPR 8/8/1; PPR 9/15/3, PPR 9/15/5, PPR 9/15/4, PPR 9/15/7, PPR 9/15/8, PPR 9/INF.23, PPR 9/WP 5; PPR 10/INF.5, PPR 10/INF.6 and PPR 10/INF.7

INTRODUCTION

1 The Sub-Committee on Pollution Prevention and Response agreed at its ninth session to establish the Correspondence Group on Marine Plastic Litter from Ships under the coordination of Norway and Spain.

PARTICIPANTS

2 The Correspondence Group had participants from the following Member Governments:

ARGENTINA
AUSTRALIA
BAHAMAS
BELGIUM
BRAZIL
CANADA
CHILE
DENMARK
ECUADOR
FRANCE
GERMANY
ICELAND
ITALY
JAPAN
LIBERIA
MALAYSIA
MARSHALL ISLANDS
MEXICO

NETHERLANDS
NEW ZEALAND
NORWAY
PALAU
PANAMA
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SINGAPORE
SOUTH AFRICA
SPAIN
SRI LANKA
SWEDEN
THAILAND
UNITED ARAB EMIRATES
UNITED KINGDOM
UNITED STATES OF AMERICA
VANUATU

from the following Associate Member of IMO:

HONG KONG, CHINA

from the following intergovernmental organization:

EUROPEAN COMMISSION (EC)

and from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
BIMCO
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL GROUP OF PROTECTION AND INDEMNITY ASSOCIATIONS
(P&I CLUBS)
DANGEROUS GOODS ADVISORY COUNCIL (DGAC)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
WORLD SHIPPING COUNCIL (WSC)
CLEAN SHIPPING COALITION (CSC)

TERMS OF REFERENCE

3 The Sub-Committee established the Correspondence Group on Marine Plastic Litter from Ships, under the coordination of Norway and Spain, and instructed it to:

- .1 take into consideration documents MEPC 77/8/3, PPR 9/15/1, PPR 9/15/4, PPR 9/15/8 and PPR 9/15/9, as well as the comments and decisions made by PPR 9, and further consider the options for reducing the environmental risk associated with the maritime transport of plastic pellets and advise the Sub-Committee on the way forward;

- .2 using document PPR 8/8 as a basis, taking into consideration documents PPR 8/8/1, MEPC 75/8/1, PPR 9/15/3, PPR 9/15/5, PPR 9/15/7 and PPR 9/INF.23, as well as the comments and decisions made by PPR 9:
 - .1 further consider the draft amendments to MARPOL Annex V to provide for the reporting mechanisms, 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;
 - .2 develop appropriate draft amendments to the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)) to support the implementation of the contemplated draft amendments to MARPOL Annex V; and
 - .3 submit a written report to PPR 10.

METHOD OF WORK

4 The Correspondence Group coordinators outlined to the Group the terms of reference (ToRs), as set out above, and the timeline together with identified tasks the Group had to complete. To facilitate the best use of the Group's limited time, the coordinators issued clear guidance on the tasks to be undertaken and the tasks were divided in two workflows; one related to the options for reducing the environmental risk associated with the maritime transport of plastic pellets and another on the reporting mechanisms for loss of discharge of fishing gear, amendments to 2017 Guidelines and to MARPOL Annex V to support the implementation of the contemplated draft amendments

5 The Correspondence Group undertook three rounds of consultation. For each round, the coordinators circulated a matrix or a document containing mostly questions that allowed for open feedback and/or providing options without pre-empting the outcome, with the aim of clearly identifying trends while allowing participants to comment on their choices and thus enriching the development of proposals.

6 For the sake of clarity, this document is divided in two parts, one for ToR 1 related to the options for reducing the environmental risk associated with the maritime transport of plastic pellets and ToR 2 related to the reporting mechanisms for loss of discharge of fishing gear, amendments to 2017 Guidelines and to MARPOL Annex V to support the implementation of the contemplated draft amendments to MARPOL Annex V

SUMMARY OF DISCUSSIONS ON TERMS OF REFERENCE 1

7 When starting the consideration of the various options for reducing the environmental risk associated with the maritime transport of plastic pellets, the coordinators suggested that the Group should focus on measures that are directed towards the maritime transport of plastic pellets specifically and not consider measures that will prevent the loss of containers at sea. The coordinators also provided the Group with a short summary of related work under the auspices of the Maritime Safety Committee (MSC), specifically the joint industry project Top Tier JIP (MSC 104/17/4) aiming to lower the probability of loss of containers at sea and ongoing work on detection and mandatory reporting of containers lost at sea.

8 The Group acknowledged the importance of this work and that it would contribute to reduce marine pollution, but also noted that it was not in the Group's mandate to consider such measures.

9 In order to identify and consider the various options for reducing the environmental risk associated with the maritime transport of plastic pellets, the Group was invited to identify measures that are relevant in reducing the environmental risk associated with the maritime transport of plastic pellets and to assess the identified measures by providing input to the following questions:

- .1 What questions of principle do the measure raise, if any; and
- .2 What are the positive and negative effects of the measure, how lasting are they, and who is affected?

10 In structuring the comments received during round 1, the coordinators noted that clarification was needed for round 2 on what was meant by a measure and a clear distinction between a "primary measure" and an "instrument" was included in the summary of comments that was circulated for the next round of the Correspondence Group (CG). The "primary measure" could be, for example, a stowage requirement, while the "instrument" is the vehicle that is used to implement the measure, for example, a circular if the measure is voluntary or MARPOL if the measure is mandatory.

11 To provide more clarity in the next round of discussions, the coordinators also provided a brief description of relevant instruments that could be used as a legal basis for mandatory measures and relevant instruments that could be used to communicate voluntary measures.

12 It should be noted that the questions of principle and the positive and the negative effects of any measure or instrument were not things that were agreed by the Group, and what might be regarded as a positive effect by some, might be regarded as a negative effect by others, depending on interests.

13 After the initial identification of the measures/options during round 1, in round 2 the coordinators invited the Group to recommend which "primary measure(s)" they believe should be taken forward and the "instrument(s)" that should be used in order to implement these measures. Instruments for both long and short-term solutions could be indicated, if that was a preferred option. The Group was also invited to provide input on the prerequisites for a successful implementation of the recommended measures and how any negative effects of the measure could be reduced or eliminated.

14 Based on the input from the participants in round 2, the coordinators suggested to conclude on some matters, and invited the Group to provide input on those suggestions during round 3. The following sections summarize the matters considered and the Group's recommendations on the way forward.

Primary measures that could reduce the environmental risk associated with the maritime transport of plastic pellets

15 The following primary measures were suggested by the members of the Group as means to reduce the environmental risk associated with the maritime transport of plastic pellets:

- .1 notification of containers containing plastic pellets in order for them to be identified;
- .2 stowage requirements/recommendations for containers containing plastic pellets;

- .3 packing requirements/recommendations for plastic pellets carried at sea;
- .4 development of a transportation standard that would require plastic resin feedstock to be transported as plastic resin bricks or ingots;
- .5 protective measures such as grids, sieves and filters;
- .6 consistent and harmonized incident reporting;
- .7 best practices sharing and assessment of response to plastic pellets release; and
- .8 implementation of various measures that can reduce the number of containers lost overboard, which could be a possible outcome of the Top Tier JIP project.

16 Among the primary measures identified, the coordinators suggested to take forward the three primary measures that the majority of the Group identified as particularly relevant to reduce the environmental risks associated with the maritime transport of plastic pellets. Below is a brief summary of the positive and negative effects of these primary measures. The other primary measures identified were not further discussed or elaborated by the Group.

Packaging provisions for plastic pellets carried at sea

17 The main positive effects identified by implementing packaging provisions would be that a minimum packaging quality level could reduce the risk of release of plastic pellets during loading, transport and unloading operations, and potentially in case of incidents with container loss or damage. Robust packaging could also better contain plastic pellets in their primary packaging, so they could be more easily retrieved in the event of an incident.

18 Some members of the Group argued that packaging provisions would not reduce the environmental risk associated with the maritime transport of plastic pellets, since packagings and lined bulk containers of any goods, including dangerous goods currently regulated in the IMDG Code, were not designed to withstand fire, container loss or exceptional damage, but only conditions likely to occur under normal conditions of transport.

19 Other members of the Group argued that more robust packaging was valuable in relation to tackling the chronic losses of pellets during everyday operations and that it increases the probabilities of cargo recovery by maintaining the integrity of packaging for a longer time period.

20 The main negative effects identified with implementing packaging provisions could be that it would lead to higher costs to ensure that the packaging meets minimum requirements, and it might increase the overall plastic waste generated due to a stringent packaging requirement. Manufacturers would also have to validate if the existing packaging materials and installations can meet the new requirements which might risk that existing packaging material and installations can no longer be used. Some members of the Group expressed the view that packaging provisions would significantly delay the implementation time of a measure.

Provisions for notifying the carrier so that containers containing plastic pellets can be identified

21 The main positive effects identified by implementing provisions for notifying the carrier would be that freight containers containing plastic pellets could be readily identified on board which would raise awareness among crew and be a prerequisite for implementing stowage provisions. Also, if containers were lost overboard, more detailed cargo information would facilitate a more focused response and a more detailed report following an incident.

22 The main negative effect identified of such notification provisions could lead to an increase in administrative work, i.e. consignors would have to modify the transport documents and carriers would have to record the presence of containers with plastic pellets.

Stowage provisions for freight containers containing plastic pellets

23 The main positive effects identified of implementing stowage provisions would be that freight containers containing plastic pellets could be stowed below deck or inboard in sheltered areas of exposed decks, which would lower the probability of containers with plastic pellets being damaged or lost during transport.

24 The main negative effects of such stowage provisions could be that it might lead to the re-arrangement of cargo stowage on board, contributing to other types of cargo being more exposed to the risk of falling overboard. It could also lead to a reduced utilization of a ship's carrying capacity if less containers are taken onboard in order to achieve the stability criterion.

25 Some members noted that the potential fire risks associated with below-deck stowage of plastic pellets should be assessed. In that respect, the Group noted that the transport of plastic pellets in containers under deck is currently permitted, and one member informed the Group that there were no reports of a fire extinguishing system being ineffective on this type of cargo.

Recommendations for the carriage of plastic pellets in freight containers

26 As a short-term measure with the aim of reducing the environmental risks associated with maritime transport of plastic pellets in packaged form, the Group agreed to develop a preliminary draft circular with recommendations for the carriage of plastic pellets by sea in freight containers, containing provisions for the three primary measures described above, i.e. packaging, notification and stowage. Some members of the Group did not support the inclusion of packaging requirements in the circular for the reasons stated in paragraphs 18 and 20.

27 It should be noted that other voluntary options were identified by the Group that could reduce environmental risks associated with the maritime transport of plastic pellets, such as Operation Clean Sweep (OCS)¹ and in the form of industry best practices. However, the Group agreed that an IMO circular would be the most appropriate option.

28 When discussing the draft definition of plastic pellets as proposed by CEFIC and DGAC in the second round of discussions, the Group noted general support. However, the majority of the Group questioned the proposed size limit or the inclusion of a size limit in the definition at all, since it only covered plastic pellets of 5 mm or less and it was argued that also larger plastic pellets represent a hazard to the marine environment and could be just as challenging to clean up as smaller pellets. The arguments for the inclusion of a size limit were that size is one of the key features presenting a potential environmental concern and that the proposed size limit of 5 mm was generally the upper limit of what is regarded as "microplastics".

29 With regard to the proposed definition, some members suggested that other properties of plastic pellets should also be reflected in the definition such as density (with the view of covering only floating pellets), the intended use of the plastic pellets and that biodegradable pellets should be excluded from the definition.

¹ A voluntary programme aimed at improving awareness, promoting best practices and providing guidance and tools to support companies from the plastic value chain in the implementation of the necessary pellet loss prevention measures.

30 Other members noted that the application of the circular had not been properly discussed in the Group and that it also could apply to other cargo transport units (CTUs) than freight containers, such as trailers.

31 Following consideration and taking into account the comments received, a draft circular was developed by the Group as set out in annex 1. It was recognized that the draft text of the whole circular could be further modified in a working group at PPR 10 and by the Sub-Committee on Carriage of Cargoes and Containers (CCC), as appropriate.

Considerations regarding mandatory provisions for the carriage of plastic pellets in freight containers

32 As described above in paragraphs 9 to 13, the Group identified both voluntary and mandatory instruments that could be used to implement provisions leading to a reduced environmental risk associated with the maritime transport of plastic pellets. Among the mandatory options identified, the following options/instruments were considered in more detail:

- .1 an assignment of an individual UN Number (class 9) for plastic pellets transported at sea in freight containers (UN Number);
- .2 an amendment to appendix I of MARPOL Annex III that would recognize plastic pellets as a "harmful substance²" (harmful substance); and
- .3 a new chapter to MARPOL Annex III that would prescribe requirements for the transport of plastic pellets in freight containers without classifying the cargo as a harmful substance/dangerous goods.

33 Below is a brief assessment of the instruments described above.

34 With regard to the assignment of a new individual UN Number for plastic pellets, the Group noted that this option was outside the remit of IMO, and that a document containing an application for a new UN Number needs to be submitted for consideration of the UN Sub-Committee of Experts on the Transport of Dangerous Goods (TDG Sub-Committee). If the proposal is supported within the TDG Sub-Committee, the process could take at least four to five years before the applicable amendments to the IMDG Code enters into force. It was also noted that this approach would allow the development of carriage requirements that are tailor-made to reduce the environmental risk associated with the maritime transport of plastic pellets.

35 If this approach is recommended by MEPC, clarifications will be needed on how a proposal is made to the TDG Sub-Committee to seek assignment of a new UN Number.

36 With respect to the option of amending Appendix I of MARPOL Annex III to recognize plastic pellets as a "harmful substance", the Group noted that such an approach would not be in line with the Globally Harmonized System (GHS) and would be against the primary goal of the general framework to provide uniformity on regulations concerning transport of dangerous goods for all transport modes. The Group also noted that the current test guidelines and the GHS criteria were unable to determine and recognize solid substances like plastic pellets as hazardous to the marine environment. The Group further noted that this option could be implemented by IMO alone without the involvement of other UN agencies.

² The requirements (primary measures) for a "harmful substance" are predefined in MARPOL Annex III and the IMDG Code and would be the same as for other substances that are classified as a "harmful substance" or a "marine pollutant."

37 One member of the Group noted that there were outstanding questions regarding the applicability of the IMDG Code if amendments to appendix I of MARPOL Annex III were taken forward, and that this would necessitate further considerations.

38 It was noted that for both options described above (UN Number and harmful substance), plastic pellets would be classified as dangerous goods in class 9 and therefore would be subject to the IMDG Code, meaning that many of the positive and negative effects of these two options would be similar.

39 Some members of the Group noted the benefits of using the IMDG Code which provides an internationally established and well-developed regulatory framework where the general requirements for dangerous goods/harmful substances would apply, such as transport information and a requirement to have onboard a special list, manifest or stowage plan. Reporting of incidents involving dangerous goods/harmful substances would also be required, which would mean that emergency response measures could start sooner, and plastic pellets would be covered by the definition of acute pollution in any national pollution control acts and would be subject to the HNS Convention once it enters into force.

40 One member of the Group argued that if plastic pellets would be subject to the HNS Convention, damage caused by container loss would have to be covered by (liquid) bulk HNS receivers which have nothing to do with plastic pellet transport. This goes against the polluter pays principle.

41 The Group also noted that classification of plastic pellets as dangerous goods would have an impact on the entire supply chain and could lead to increased costs as technical and logistical improvements to the supply chain and transport operations may be necessary. It could also mean that existing "non-dangerous goods facilities" used for plastic pellets would have to be converted into "dangerous good facilities," which would require new registrations, compliance management programmes and training of employees.

42 In this context, some members of the Group noted that some of the negative effects would be transient and that the effects on the supply chain could be reduced by developing precise transport, packaging and stowage requirements for plastic pellets, but the effects may not be fully eliminated. Other members of the Group noted that this option would result in a significant delayed compliance period.

43 As an alternative mandatory option, the Group noted a proposal from CEFIC and DGAC to add a new chapter to MARPOL Annex III that specifically prescribes mandatory requirements for the maritime transport of plastic pellets without the need for classifying the cargo as a harmful substance and/or a dangerous goods.

44 Some members of the Group were of the view that this option would allow for a faster implementation of mandatory carriage requirements and could avoid most of the negative impacts associated with the classification of plastic pellets as dangerous goods/harmful substance.

45 Other members of the Group were of the view that adding a new chapter to MARPOL Annex III for what is essentially one product sets a precedent and that careful consideration is needed in to avoid any unintended legal consequences and increased administrative burden, since there is a risk of duplicating existing provisions that apply to dangerous goods.

46 One mandatory option that was suggested by a couple of members was to amend the title of MARPOL Annex V to include the loss of cargo and equipment from ships and adding applicable new chapters. It was argued that this would help address loss of plastic pellets, containers and fishing gear which pose harm the marine environment. However, no substantial proposal was submitted to the Group and the idea was not considered any further.

47 Following consideration, the Group agreed that there was a need to develop mandatory requirements for the transport of plastic pellets, but, at this stage, it was not in a position to conclude on the most appropriate instrument. The Group noted that experience gained from the implementation of the voluntary measures could be useful in the further consideration of the most appropriate mandatory option.

Shipments of plastic pellets in bulk under the IMSBC Code

48 During the consideration of the various options to reduce the environmental risk associated with the maritime transport of plastic pellets the emphasis had been on transport of plastic pellets in freight containers. However, the Group noted that plastic pellets could also be transported in bulk under the IMSBC Code, either under a tripartite agreement or possibly using the existing schedule for CHOPPED RUBBER AND PLASTIC INSULATION.

49 In this context, the Group noted that cargos transported under this IMSBC Code schedule were identified as group C cargos with no special hazards or requirements. The Group also noted that an incident with a bulk carrier fully laden with plastic pellets would be devastating and cause permanent environmental impacts on the marine environment. The Group further noted that there was no indication that the cargo is currently transported in bulk. However, any information on such carriage and the expected volumes of plastic pellets carried in bulk would be useful to support determination of the relevance of the matter.

50 In conclusion, the Group agreed to invite the Sub-Committee on Carriage of Cargoes and Containers (CCC) to:

- .1 clarify whether the schedule CHOPPED RUBBER AND PLASTIC INSULATION could be used for bulk transport of plastic pellets;
- .2 clarify how plastic insulation in granular form differ from the description of plastic pellets in the draft circular;
- .3 invite relevant stakeholders to provide information on whether plastic pellets are currently transported in bulk; and
- .4 consider the relevance, benefits and impacts of a possible prohibition of transport of plastic pellets in bulk, considering the environmental impacts the release of plastic pellets into the marine environment would have.

Outcome of CCC 8 that is relevant for the work on reducing the environmental risk associated with the maritime transport of plastic pellets

51 With regard to other relevant matters considered by other IMO bodies, the Group noted that CCC 8 endorsed amendments to SOLAS chapter V and Article V of protocol I of the MARPOL Convention regarding mandatory reporting of freight containers lost or observed at sea and that technical possibilities regarding the detection of lost freight container(s) were also considered.

Summary of discussions on terms of reference 2

52 The first round focused on setting the frame for the data to be collected, to reassure the conclusions agreed during PPR 8. In the second round of discussions, the Group focused on specific ways forward for the database, amendments to mandatory instruments for data collection and to existing instruments. Round 3 was used to try to reach more consensus and a more focused oriented discussion during PPR 10 to allow for decisions to be taken during that meeting.

Purpose of the database

53 Despite the objectives of the data collection system agreed in the previous Correspondence Group, some participants indicated that the purpose of the data collection system was not clear. Hence there was a need to clearly define the purpose and initial objectives were proposed to the working group. In rounds 2 and 3 such objectives were determined as follows:

- .1 to be able to make an inventory of fishing gear lost or discharged in the seas allowing an accurate assessment of the extent and spatial distribution of lost and discharged fishing gear and improve understanding of the contribution of lost and discharged fishing gear to marine plastic litter;
- .2 to support robust data analysis for preventing and reducing lost and discharged fishing gear;
- .3 to provide the Organization, Member States and other stakeholders a database to measure trends and monitor the loss and discharge of fishing gear at the national and international levels;
- .4 to allow for the identification of fishing gear which may present a hazard to the navigation of surface and sub-surface vessels; and
- .5 to allow assessment of the level of marking, its evolution, the impact of marking requirements on the amount of fishing gear being lost and/or discharged, and the degree of compliance with international or regional marking requirements developed by IMO, FAO and other regional fisheries bodies³.

54 In this regard there was not a general agreement on the possible use of the database to allow for identification of fishing gear which may present a hazard to the navigation of surface and sub-surface vessels (item 4). At the same time some delegations indicated that, since the discussions on the marking of fishing gear had not taken place yet in PPR, addressing this issue in the database should not be taken into consideration and could exceed the scope of the ToRs (item 5).

55 Other proposals such as the deletion of the term "accurate" were taken into consideration. With regards to close consultation and avoiding duplication with FAO data the coordinators want to indicate that FAO was offered to contribute to this discussion before the Correspondence Group was established.

56 Upon the responses provided by the members of the Group and the agreed data to be collected it was recommended to agree on objectives 1 to 3, to take a final decision on objective number 4 and to discuss, in view of any proposals in relation to mandatory marking of fishing gear and any submission to PPR 10, objective 5 indicated in this section.

Reporting data by ships

57 During the discussion members were asked how data would be collected. To ensure how data collection would commence, members were questioned whether there was a need to amend MARPOL so that fishing vessels had to mandatorily report to the flag State or, alternatively, allow Member States to collect the data using their own resources and legislation.

³ Only if terms of reference were extended and this inclusion is agreed by the Group. This scope is updated in the guidelines.

58 A large majority of the participants supported an amendment to MARPOL so that each ship losing or discharging fishing gear has to report to the State whose flag the ship is entitled to fly or to the coastal State. However, other members advocated for flag States to develop the necessary national legislation to gather the necessary data, which would allow for flexibility in their current systems.

59 In this regard, it was decided to leave both possibilities open by the insertion of the text "in the form specified in appendix III to this Annex" in the amendments to regulation 10.6 in square brackets. In this regard, guidelines developed would also need to be adapted depending on the preferred option.

Ways to collect the data and who would collect the data

60 Members were requested to indicate how notifications would be made to IMO by either reporting all the cases allowing for a continuous update of the database, or just submitting aggregated data that would be uploaded as a minimum once per year or allow for both possibilities. A majority supported both possibilities. To further clarify the possibilities four options were offered to the members for discussions at the Working Group.

61 Option 1:

- .1 flag States collect information from ships and uploads an event or a group of events with the data in compliance with appendix III, which would be uploaded in IMO GISIS, on a continuous basis;
- .2 this data would only be accessible to the Member State and the IMO Secretariat;
- .3 the data would be aggregated automatically in the database;
- .4 IMO would anonymize the data when needed, for publication or research; and
- .5 GISIS would contain all the information which may be used for research and IMO could extract all information to produce a report.

62 Option 2:

- .1 each country would accumulate the data obtained;
- .2 at the end of a calendar year (or the time agreed by the Working Group) the country would upload all the data aggregated in the form of a database/table in GISIS (this option is similar to option 1 but the flag State would need to provide a table with all the data);
- .3 IMO would anonymize the data when needed, for publication or research;
- .4 this data would only be accessible to the Member State and the IMO Secretariat; and
- .5 GISIS would contain all the information which may be used for research and IMO could extract all information to produce a report.

63 Option 3:

- .1 combination of options 1 and 2.

64 Option 4:

- .1 information would be collected by the flag State, on a case-by-case basis or through aggregated tables, but would not be uploaded in the database. The information collected would only be in the hands of the States and be used by the country for its own needs;
- .2 flag States would collect all the information and prepare an aggregated data report (not database) to IMO;
- .3 data would be aggregated conforming a report. Further harmonization would be needed creating a burden for the IMO Secretariat;
- .4 IMO would anonymize the data if needed, for publication or research;
- .5 GISIS would not contain a database of fishing gear lost but a collection of reports; and
- .6 the IMO Secretariat could find it burdensome to provide global data.

65 The Group was offered the possibility to develop mechanisms in the database so that RFMOs and RFBs could report data after entering in agreement with the flag State or coastal States.

66 It was also questioned whether guidelines should include such flexibility mechanisms so that flag Administrations could enter in agreements with RFMOs and/or RFBs in relation to data collection.

67 A slight majority of the Group supported the idea of reporting being made only by flag States to the database; however, the guidelines should include the possibility that RFMOs and RFBs could enter into agreements to support data to the lag State. Hence the following text was included in the guidelines. "Irrespective of the possibility to enter into agreements with RFBs and RFMOs reporting of loss of fishing gear to IMO shall be done by the flag State". Notwithstanding this, one participant recommended that the working group consider whether IMO should work with RFBs and RFMOs to explore information exchanges and other collaborative approaches, and if yes, develop recommendations on how collaboration and information exchanges should occur. Finally, it was agreed that the functionalities needed to include appendix III in GISIS would have to be developed (further information below).

68 During round 3, the Group gave their view on the different options and, in this regard, the following options with some improvements are offered for discussions in the working group.

69 Option 1:

- .1 vessels would submit report to the flag State;
- .2 each flag State would collect information from ships, review it for completeness and accuracy and upload an event or a group of events with the data in compliance with appendix III, which may be uploaded in IMO GISIS, on a continuous basis;
- .3 this data would only be accessible to the Member State and the IMO Secretariat;

- .4 the data would be aggregated automatically in the database;
- .5 IMO would anonymize the data when needed, for publication or research; and
- .6 GISIS would contain all the information which may be used for research and IMO and may extract a report for each country. Parties would have access to information depending on their profile as either flag States or coastal States.

70 Option 2:

- .1 vessels would submit report to the flag State;
- .2 each flag State would collect information from ships and review it for completeness and accuracy as specified in appendix III;
- .3 at the end of a calendar year (or other time agreed by the working group), flag States would aggregate the collected data into an agreed tabular format, for consistency of aggregate reporting across States, and upload it to IMO in the form of a database/table in GISIS;
- .4 this data would only be available to the flag State at the individual event/record level;
- .5 IMO would make anonymized data available where appropriate for publication or research; and
- .6 GISIS would contain all the data, which may be used for research, and IMO and may extract a report for each country. Parties would have access to information depending on their profile as either flag States or coastal States.

71 Option 3

- .1 any combination of options 1 and 2.

72 One participant recommended to include two additional elements:

- .1 port States and flag States would provide IMO with an annual summary and analysis – parameters and form of summary and analysis to be determined; and
- .2 every set number of years (to be determined) IMO would issue a global report based on the information in GISIS and an annual summary and analyses from port States. One such report should be available to the public and another should be confidential and only available to port and flag States.

73 It is recommended that a working group at PPR 10 considers this matter further and decides on the options so that the GISIS database may be developed accordingly. It is also recommended that, considering the options and limitation of GISIS, a Secretariat GISIS representative is present during the next discussion at the proposed PPR working group to discuss the possibilities.

Data to be collected

74 During the discussions there was a general agreement on the data to be collected. It was agreed that nearly all the information related to the ship's particulars and the incidents related to loss of discharge of fishing gear would have to be reported. The same would apply to the fishing gear particulars. There was also a general agreement on which data would be of a mandatory nature and which would be voluntary as provided in annex 2 to this document, which would be reflected in the guidelines and in the new Appendix III to MARPOL Annex V.

75 With regard to thresholds for reporting and whether States should have the flexibility to determine their own thresholds, the comments provided were very useful. No final decision could be made regarding thresholds and the level of flexibility which should be allowed and therefore this issue needs to be decided during PPR 10, preferably in a working group. In this regard a variety of perspectives were offered:

- .1 further discussion to develop and introduce consistent thresholds is needed;
- .2 introduction of thresholds would lessen the administrative burden being placed on industry and administrations, whilst still allowing assessment of the scale of fishing gear's contribution to marine plastic litter;
- .3 use of thresholds would also eliminate the regulatory difficulties associated with the reporting of very small pieces of gear, where it would be hard to determine if a loss/discharge has occurred and which are likely to be subject to variable reporting. Some States offered that these thresholds could be based on type of fishing gear, or size of fishing gear, to remove the technical difficulties and time costs of determining thresholds for each type of gear;
- .4 allowing Parties to introduce their own thresholds would introduce an inconsistency in reporting requirements. It could also result in confusion where States have different thresholds in place and vessel operators are required to report losses/discharges to their flag administration and the coastal State. If the flexibility of States to introduce thresholds is supported by the Group, consideration should be given to the development of guidelines that specify when it would be appropriate to introduce thresholds, i.e. for small pieces of fishing gear;
- .5 one participant indicated that the chances of compliance for very small pieces are very low and studies show that a large amount of washed up fishing gear are in fact small pieces;
- .6 one participant noted the need to quantify or otherwise provide a threshold for when vessels would need to report lost or discharged fishing gear, to ensure the practical implementation of any requirement;
- .7 IMO should consider establishing additional information sources besides reporting of gear, e.g. conducting studies on washed-ashore nets or asking stakeholders for input;
- .8 some participants suggested that Governments should be required to report all losses, but the actions that governments then take can be proportionate based on the risk to the marine environment. Other delegations thought that reporting of all losses would be cost prohibitive and impractical, and a threshold should be required;

- .9 there needs to be a legal view as to whether the voluntary guidelines can suggest that not all gear needs to be reported when the MARPOL Annex V text does not specify a minimum threshold to inform discussions at PPR 10 and MEPC;
- .10 some participants contended that the reporting requirement should remain of a general nature and avoid giving the Administration the impression that a threshold could be established to minimize their reporting requirement. It was stated that it would seem obvious that Administration will inevitably exclude small hooks and thin lines from their reporting requirement, and this does not need to be regulated; and
- .11 one participant indicated its concerns with regards to some of this data being proprietary. It was indicated that, some governments may have confidentiality requirements that would not allow them to share this information. They recommend a provision in appendix III that notes these concerns and limitations.

76 Therefore, it is recommended that the proposed working group takes a final decision on the data to be reported, and further discusses on the thresholds for reporting with a view to reaching an agreement on that matter.

Data management and GISIS functionalities

77 It was agreed that data provided by flag States would be anonymized by IMO. It was also agreed that based on the information either mandatory or voluntary GISIS functionalities would be based on the information provided in Appendix III and the chosen option out of the three offered.

78 As an example, in the event that the Administration decides to send all data to IMO GISIS on a continuous basis, the GISIS form is to be used. Alternatively, if the Administration is providing all aggregated data it is expected that a table containing all the information will be submitted to IMO in an agreed tabular format to ensure consistency of data aggregation across states and enable collation into the database. This table may contain for each row an incident of loss of fishing gear and the columns will contain the necessary information.

79 With regards to the inclusion of FADs most of the Group concluded that FADs are fishing gear and therefore when a FAD is lost it should be considered "lost fishing gear", subject to the same requirements as all lost fishing gear in MARPOL Annex V and therefore be reported (pending the discussion on the thresholds). Therefore, FADs will be added to the menus together with parts of fishing gear.

80 In relation to the possibility to develop a "standard" for the information to be provided in appendix III there was a wide support to develop it. The coordinators offered different possibilities for ships categorization and fishing gear categorization. The division of the fishing gear types provided by FAO, which was supported by most participants of the Group with some modifications to include FADs.

81 Annex 2 offers some of the GISIS functionalities to be developed for the template pending the discussion at the working group in the following areas:

- .1 a subdivision between gears and buoys. A majority of the Group supported to create this subdivision. A final decision needs to be taken in the proposed working group;

- .2 with regard to the ship type there was not agreement to develop a menu based on two options provided, either IHS Fairplay or FAO. This discussion is open to the proposed working group; and
- .3 some members of the Group indicated that the mass or volume would be necessary to determine what type of threat is faced. A final decision to consider the need to have mandatory data is open to the proposed working group.

82 It is also recommended that based on the discussions at the proposed working group the functionalities indicated in the non-exhaustive list previously agreed, as listed in annex 2 to document PPR 8/8 (France), are maintained and communicated to the IMO Secretariat for analysis.

Accessibility to the database by coastal States

83 Based on the answers provided, it is proposed that coastal States have access to the database since the information in the database is of interest for a coastal State, to have a better understanding of the possible amount of plastic discharged near its coasts, and take action on this basis. In this regard data provided to coastal States should pertain to information of lost and discharged fishing gears in their waters. However, it is necessary to further discuss conditions for access to GISIS by coastal States to:

- .1 allow to facilitate ALDFG prevention measures, due to the ability to identify hotspots of gear loss;
- .2 to inform coastal States of the ALDFG in their waters so they are able to assess the risk of harm to the marine environment posed by gear losses from foreign vessels;
- .3 to assist in recovering lost fishing gears and possibly identify them if the database is meant for this purpose; and
- .4 allow the position data from the notification (appendix III) to be allocated to coastal State territory to contribute also in matters of safety of navigation.

84 Some participants indicated that coastal States should only have knowledge of the aggregated information. Therefore, it is also recommended to discuss this issue further in the working group and consult with the IMO Secretariat on the technical functionalities necessary to meet the requirements.

MARPOL amendments

85 Based on the discussions held during the Correspondence Group established at PPR 7, the Group was questioned during rounds 2 and 3 about the amendments. In this regard:

- .1 amendments agreed for paragraph 7.1.3 in document PPR 8/8 remain unchanged;
- .2 amendments to paragraph 10.6 reflecting the need to discuss mandatory ship's reporting are also included for final decision;
- .3 with regards to the inclusion or exclusion of recreational vessels from this regulation the Group was split. Some advocated that they had to be included, since the issue at hand was not the application to ship types but the loss of gear itself, therefore recreational craft could not be exempted since MARPOL Annex V of the MARPOL Convention applies to all ships. Others advocated to provide such exemption and others considered that the FAO Guidelines could be considered for this decision. Two options are offered for discussion while allowing to consider other alternatives for final decision;

- .4 consequential amendments to paragraph 10.7 to accommodate the new requirements were also agreed; and
- .5 amendments to include mandatory reporting by the flag States to IMO were largely agreed with the addition of paragraphs 10.8 to 10.10 pending final decision on the name of the database and when data has to be reported considering, as a default option, "until 3 months after the end of each calendar year". One participant suggested to merge paragraphs 10.7 and 10.8; however, this was not sufficiently supported. Another indicated that the overall proposed changes to MARPOL Annex V could have significant resource implications and therefore no proposals from the Correspondence Group could be considered finalized or closed due to the high implications.

86 It is recommended that the amendments provided in annex 3 to this document are discussed by the working group to decide or agree on them as appropriate, based on discussions held in plenary, if any.

Guidelines for the development and management of the lost or discharged fishing gear IMO database

87 To be able to report, the coordinators offered draft guidelines to facilitate data collection and to support the implementation to the amended MARPOL regulations. Following discussions in the previous Correspondence Group the instruments related to data collection system for fuel oil consumption of ships regime was used as a reference. They refer to how data should be collected and handled. In general, there was support for the guidelines.

88 Specific comments provided by some Correspondence Group members have been included. During two rounds the guidelines were discussed. Pending items are left in square brackets for discussion and final decision at the working group in areas such as recreational craft, marking and others.

89 In general, there was support for the guidelines and specific comments provided by some Correspondence Group members have been included. In round 3 a general examination was requested to the amended guidelines. In line with the decisions taken, part of the text has been left in square brackets for discussion and final decision at the working group in areas such as recreational craft, marking and others. Relevant footnotes were added for this analysis. These draft guidelines are provided in annex 4 to this document for further drafting and decision taking at the proposed working group.

2017 Guidelines for the implementation of MARPOL Annex V

90 Following the terms of reference and in support to the amendments to the MARPOL Convention the coordinators engaged in the task to develop amendments to the 2017 Guidelines in particular to item 2.2 of the guidelines related to fishing gear. The intention is that these amendments aimed at providing additional guidance and details to promote more consistent implementation in particular to:

- .1 contain supporting explanations as to the meaning of "reasonable precautions that have been taken to prevent such losses" contained in regulation 7.1.3;
- .2 encourage other stakeholders involved in the prevention of pollution from marine plastic litter to share information on lost, abandoned or discarded fishing gear they have observed or collected; and
- .3 clarify the Correspondence Group's understanding that the loss of fishing gear can only be accidental.

91 The coordinators proposed text for the guidelines as per annex 5 to this document which was open for comments during rounds 2 and 3.

92 Regarding incentives there was a general support to the text provided in the 2017 Guidelines. Based on some comments by Member States so that the incentives are developed at national level.

93 With regard to the retrieval of fishing gear, the following areas of development in the 2017 Guidelines were proposed:

- .1 to contain supporting explanations as to the meaning of "reasonable precautions that have been taken to prevent such losses" contained in regulation 7.1.3. It was supported by a clear majority, but no text was proposed to include in the 2017 Guidelines;
- .2 to encourage other stakeholders involved in the prevention of pollution from marine plastic litter to share information on lost, abandoned or discarded fishing gear they have observed or collected. This was supported by a clear majority. One participant proposed text as follows: "Observer organizations and other stakeholders can submit information to IMO regarding lost, abandoned or discarded fishing gear they have observed or collected, using the reporting template Appendix III", which is included in the draft to amend the 2017 Guidelines in square brackets; and
- .3 to clarify the Correspondence Group's understanding that the loss of fishing gear can only be accidental. The Group was split. No text was proposed but it was advised not to use the term "accidental" since it has been removed from the amendments to the annex.

94 Therefore, text in paragraph 2.2. of the draft amendments to the guidelines is proposed for discussions in the working group which amendments on the retrieval of fishing gear. Relevant footnotes were added for this analysis. It is also recommended to discontinue the discussion on accidental loss.

Role of the Garbage Record Book (GRB)

95 With regards to modifications on the Garbage Record Book there was a majority indicating that there will be a need to amend it; however, it was better to complete consideration of any amendment to MARPOL Annex V and the tasks referred to in the ToRs before embarking on amendments to the GRB. In this regard, it was indicated that:

- .1 lost fishing gear is not garbage;
- .2 the current 2017 Guidelines state that fishing gear that is released into the water with the intention of later retrieval is not considered garbage;
- .3 it needs to be ensured that there is no undue burden by duplicating reporting requirements in different documents i.e. appendix III, GRB, etc.;
- .4 if reporting is not easy and quick, then this will hinder and put fisheries off;
- .5 as a preference, consequential amendments to the GRB need to be made, if any, with mandatory provisions. Also, it may be worthwhile considering if it is sufficient to only complete appendix III and keep this record on board. This would cover fishing vessels that may fall outside of the GRB criteria; and

- .6 amendments to MARPOL Annex V, regulation 10 were adopted at MEPC 79 to mandate the garbage record book to ships from 100 GT and mandating recording an entry in case of discharge or accidental losses.

Proposed establishment of a working group at PPR 10

96 The Group agreed to recommend, taking into account the work of the Correspondence Group, the establishment of a working group on marine plastic litter from ships at PPR 10. The proposed working group could further consider the outcome of the Correspondence Group in relation to the transport of plastic pellets should that be required following the consideration of this report, as well as the outcome of the Correspondence Group in relation to ToR 2. Specifically with regard to ToR 2, the Group prepared draft terms of reference as outlined below, subject to additional changes as may be decided by the Sub—Committee:

- .1 further consider the draft amendments to MARPOL Annex V to provide for the reporting mechanisms, the modalities and the information to be reported to Administrations and IMO to facilitate and enhance reporting of the accidental loss or discharge of fishing gear;
- .2 decide on the purpose of the database (paragraph 56);
- .3 take a decision on the mandatory obligation for ships to report (paragraph 59 and annex 3) based on discussions held on plenary, if any:
 - .1 to decide on the options to collect data and data to be sent to IMO (that would also allow to develop a GISIS database) (paragraph 68);
 - .2 based on the discussions at the Correspondence Group established at PPR 9 and this Correspondence Group to take a final decision on:
 - .1 the data to be collected (annex 2); and
 - .2 the thresholds to be reported (paragraph 75) from vessels to administrations and from Administrations to IMO based on the discussions held in plenary, if any;
 - .3 further develop functionalities for the templates (paragraph 80 and annex 2) and discuss whether any other functionalities need to be added to the database in addition to those of document PPR 8/8, annex 2 (paragraph 81), while asking the IMO Secretariat GISIS experts on data collection to be available for the working group to discuss this issue;
 - .4 to discuss and agree on the accessibility to the database by coastal States (paragraph 83 and annex 4);
 - .5 to further consider and agree as appropriate the draft amendments to MARPOL Annex V to provide for the reporting mechanisms, the modalities and the information to be reported to the Administrations and IMO to facilitate and enhance reporting of the accidental loss or discharge of fishing gear (paragraph 85 and annex 3) based on discussions held on plenary, if any; and

- .6 based on the discussions to the above topics to further consider development and approval of Guidelines for the development and management of the lost or discharged fishing gear IMO database (paragraph 88 and annex 4);
- .4 further develop appropriate draft amendments to the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)) to support the implementation of the contemplated draft amendments to MARPOL Annex V (paragraph 93 and annex 5);
- .5 to note the comments on the garbage record book (paragraph 95); and
- .6 to consider the need for the establishment of a correspondence group and develop draft terms of reference, as appropriate.

Action requested of the Sub-Committee

97 The Sub-Committee is invited to:

- .1 note the Group's consideration of the primary measures (i.e. packing, notification and stowage provisions) for reducing the environmental risk associated with the maritime transport of plastic pellets (paragraphs 15 to 25);
- .2 concur with the recommendation of the Group on a circular with the recommendations for the carriage of plastic pellets by sea in freight containers to be developed, as a short-term measure (paragraph 26 and annex 1);
- .3 further develop the draft circular with the recommendations for the carriage of plastic pellets by sea in freight containers as set out in annex 1, noting the Group's view that the CCC Sub-Committee should provide substantive input to the circular, given the nature of the Guidance which focuses on cargo related matters (paragraphs 27 to 31);
- .4 note the Group's consideration of the different instruments that could be used as a legal basis for mandatory regulations for the maritime transport of plastic pellets (paragraphs 32 to 46);
- .5 endorse the view of the Group that mandatory requirements should be developed for the maritime transport of plastic pellets and that experience gained from the implementation of any voluntary measures could be useful in the consideration of these measures (paragraph 47);
- .6 further consider the instruments that could be used in order to develop mandatory requirements;
- .7 invite MEPC 80 to instruct CCC 9 to:
 - .1 review the text of the draft circular in its entirety with the recommendations for the carriage of plastic pellets by sea in freight containers, with a view to it being finalized and issued as a CCC circular prior to MEPC 81, given the urgency of providing guidance on the maritime transport of plastic pellets;

- .2 further consider the different instruments that could be used as a legal basis for mandatory regulations for the transport of plastic pellets, taking into account the discussions at PPR 10, and advise the PPR Sub-Committee with a view to it to advising MEPC; and
- .3 consider matters identified in paragraph 48 concerning the shipment of plastic pellets in bulk under the IMSBC Code, and advise the PPR Sub-Committee and MEPC as appropriate (paragraphs 48 to 50).
- .8 consider the issues associated with the application of MARPOL Annex V on the thresholds for reporting (paragraph 76), mandatory ships reporting (paragraphs 81.2 and 82) and on application to recreational vessels (paragraphs 85.3 and 86) and decide as appropriate;
- .9 endorse the establishment of a working group and consider the terms of references for ToR 2 as proposed (paragraph 96); and
- .10 take action as appropriate.

ANNEX 1

DRAFT PROPOSED CCC CIRCULAR RECOMMENDATIONS FOR THE CARRIAGE OF PLASTIC PELLETS* BY SEA IN FREIGHT CONTAINERS

[1 The Sub-Committee on Carriage of Cargoes and Containers (CCC), at its ninth session (xx to xx September 2023), considered matters related to the maritime transport of plastic pellets.

2 In this connection, the Sub-Committee noted several incidents involving the release of plastic pellets into the marine environment and that such pollution will have an irreversible impact on the marine environment.

3 The Sub-Committee also noted that the Marine Environment Protection Committee is considering options to address the environmental risks of the carriage of plastic pellets in freight containers.

4 As a short-term measure with the aim of reducing the environmental risks associated with the carriage of plastic pellets in packaged form by sea, pending the Committee's consideration of other provisions for the carriage of plastic pellets in freight containers, the Sub-Committee agreed on the following recommendations for the maritime transport of plastic pellets:

- .1 Plastic pellets should be packed in good quality packagings which should be strong enough to withstand the shocks and loadings normally encountered during transport. Packaging should be constructed and closed so as to prevent any loss of contents which may be caused under normal conditions of transport, by vibration or acceleration forces. The use of packaging which is type approved in accordance with part 6 of the IMDG Code is recommended.
- .2 Transport information should clearly identify, as an addition in the cargo information required by SOLAS Regulation VI/2, those cargoes containing plastic pellets.
- .3 Freight containers containing plastic pellets should be properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of the ship and persons on board. Specifically, freight containers containing plastic pellets should be stowed:
 - .1 under deck wherever reasonably practicable; or
 - .2 inboard in sheltered areas of exposed decks.

5 Member States are invited to bring the above information to the attention of shippers, manufacturers, terminal operators, shipowners, ship operators, charterers, shipmasters and all other entities concerned, requesting that additional care and appropriate action be taken during maritime transport of plastic pellets in packaged form.]

* Plastic pellets means solid polymeric substances, or blended mixtures (consisting of polymers and other substances of varying percentages), that are insoluble in water and transported in granule or nurdle form, or as powder or flakes [and have a diameter of x mm or less]. Plastic pellets include, but are not limited to, polymers such as polyethylene, polypropylene, polystyrene, polyethylene terephthalate, or polyvinyl chloride].

ANNEX 2

DATA TO BE REPORTED IN THE DATABASE AND GISIS POSSIBLE MENUS

Information to be submitted to the flag State and coastal States as applicable on the loss or discharge of fishing gear [for the IMO Lost or Discharged fishing gear Database]

Ship particulars:

1. Name*
2. IMO number or registration. XXXXXXX*
3. Length of the ship. XX.XX m
4. Type of fishing vessel [or recreational craft]*

Notes :

- Open to discussion at the working group. No agreement was reached on the ship type
- Further explanation will be provided as footnotes and a potential list which could be similar to the one in GISIS added as a footnote. Open free text allowed too.

Event particulars

5. Position where the fishing gear has been lost or discharged. LAT XX` XX` XX" LONG XX` XX` XX"
6. Date when the gear has been lost or discharged.DD/MM/YYYY*
7. Time when the gear has been lost or discharged. HH:MM
8. Cause(s) of the loss or discharge.(OPEN TEXT)*
9. Any measures taken by the fishing vessel to retrieve the gear (OPEN TEXT)*

Fishing gear lost

10. Fishing gear's types*

Notes :

- Open free text allowed too.
- List of fishing gears from FAO database adding FADS and Parts (in square brackets gears that may not need to be included since it is not operated from vessels/ships for further discussion in the working group)
-

Part of fishing gear

FAD

Surrounding nets (nei**)

Gear nei

Surrounding nets without purse lines

Beach seines

Boat seines

Seine nets (nei)

* This data is mandatory.

** Means non-specified (from FAO database).

Bottom trawls (nei)
Twin bottom otter trawls
Multiple bottom otter trawls
Semipelagic trawls
Trawls (nei)
Towed dredges
Hand dredges
Portable lift nets
Boat-operated lift nets
Lift nets (nei)
Cast nets
Cover pots/Lantern nets
Set gillnets (anchored)
Drift gillnets
Encircling gillnets
Trammel nets
Gillnets and entangling nets (nei)
Pots
Fyke nets
Stow nets
Barriers, fences, weirs, etc.
Aerial traps
Traps (nei)
Vertical lines
Set longlines
Drifting longlines
Longlines (nei)
Trolling lines
Hooks and lines (nei)
Harpoons
Pumps
Mechanized dredges
Dredges (nei)
Electric fishing
Gear not known
Stationary uncovered pound nets
Fixed gillnets (on stakes)
Handlines and hand-operated pole-and-lines
Purse seines
Combined gillnets-trammel nets
Pushnets
Scoopnets
[Shore-operated stationary lift nets]
Beam trawls
Single boat bottom otter trawls

Bottom pair trawls
Single boat midwater otter trawls
Midwater pair trawls
Mechanized lines and pole-and-lines
Hand Implements (Wrenching gear, Clamps, Tongs, Rakes, Spears)
Drive-in nets
[Diving]
Midwater trawls (nei)
Falling gear (nei)
OPEN TEXT

11. Description of the part of the fishing gear (dimensional characteristics, number of units) that was lost or discharged.*
i. Options: Gears/Bouys
ii. OPEN TEXT for description
12. Approximate volume of plastic (m³)
13. Approximate mass of plastic (kg)
Note:
○ Open for final discussion in the working group
14. Sequential number or other identification marks of the tags attached to the lost or discharged fishing gear.[*]
Note.
○ Should follow decisions taken at MEPC 78 agreeing on the mandatory marking of fishing gear.
○ It might be premature to assess the implementation status of gear marking for lost or discharged fishing gear at this stage. Regarding fishing gear marking, MEPC entrusted the further development and amendments to IMO instruments for mandatory marking to PPR as applicable.

* This data is mandatory.

ANNEX 3

DRAFT MEPC RESOLUTION

AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

Preamble

[Aim of the resolution]

[Objectives of data collection system]

- 1 Be able to make an inventory of fishing gear lost or discharged in the seas allowing an accurate assessment of the extent and spatial distribution of lost and discharged fishing gear, and improve understanding of the contribution of lost and discharged fishing gear to marine plastic litter.
- 2 To support robust data analysis for preventing and reducing lost and discharged fishing gear.
- 3 Provide the Organization, Member States and other stakeholders with a database to measure trends and monitor the loss and discharge of fishing gear at the national and international levels.
- 4 [Allow for identification of fishing gear which may present a hazard to the navigation of surface and sub-surface vessels].
- 5 [To allow for assessing the level of marking, its evolution, the impact of marking requirements on the amount of fishing gear being lost and/or discharged, and the degree of compliance with international or regional marking requirements developed by IMO, FAO and other regional fisheries bodies]¹.

.....

ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex V, the text of which is set out in the annex to the present resolution;

.....

¹ Only if terms of reference were extended and this inclusion is agreed by the Group. This scope is updated in the guidelines.

ANNEX

AMENDMENTS TO MARPOL ANNEX V

(New text shown as underlined and text to be deleted as strikethrough)

MARPOL Annex V is amended as follows

Regulation 7.1.3

7.1.3 The ~~accidental~~ loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss; or

...

Regulation 10.6

Option 1

"10.6 The ~~accidental~~ loss or discharge of fishing gear as provided for in regulations 7.1.3 and 7.1.4, ~~which poses a significant threat to the marine environment or navigation~~ shall be reported to the State whose flag the ship is entitled to fly, and, where the loss or discharge occurs within waters subject to the jurisdiction of a coastal State, also to that coastal State [in the form specified in appendix III to this Annex].

Option 2

Add a definition of recreational craft in MARPOL Annex V/Reg 2

(X) "Recreational vessels" are ships not used for commercial purposes

10.6 The ~~accidental~~ loss or discharge of fishing gear as provided for in regulations 7.1.3 and 7.1.4, ~~except that of recreational vessels which poses a significant threat to the marine environment or navigation~~ shall be reported to the State whose flag the ship is entitled to fly, and, where the loss or discharge occurs within waters subject to the jurisdiction of a coastal State, also to that coastal State [in the form specified in appendix III to this Annex]."

...

Regulation 10.7 to 10.10 (new)

10.7 Each Party shall notify the Organization of the loss or discharge of fishing gear from ships flying their flag, as provided for in regulations 7.1.3 and 7.1.4 and specified in appendix III to this annex taking into account the guidelines developed by the Organization² on a yearly basis.

10.8 From calendar year 20XX, each Administration collecting data under regulation 10.6 of MARPOL Annex V, for that calendar year, shall transmit to the Organization, in accordance with regulation 10.7 its data concerning each loss or discharge of fishing gear at least on a yearly basis [until 3 months after the end of each calendar year].

² Refer to the Guidelines for the implementation of MARPOL Annex V (resolution MEPC.XXXX(YY))."

10.9 On the basis of the reported data submitted to the [IMO Lost or Discharged fishing gear Database], the Secretary-General of the Organization shall produce an annual report to the Marine Environment Protection Committee summarizing the data collected, the status of missing data, and such other relevant information as may be requested by the Committee.

10.10 The Secretary-General of the Organization shall manage and maintain an anonymized database pursuant to guidelines developed by the Organization such that identification of a specific ship will not be possible. Parties shall have access to the anonymized data strictly for their analysis and consideration.

APPENDIX III

Information to be submitted [by the ships to the flag and coastal States] and by the parties to IMO lost or discharged fishing gear from ships Database

Ship particulars

1. Name.*
2. IMO number or registration. XXXXXXX*
3. Length of the ship. XX.XX m
4. Type of fishing vessel [or recreational craft].*

Event particulars

5. Position where the fishing gear has been lost or discharged.
6. Date when the gear has been lost or discharged.
7. Time when the gear has been lost or discharged.
8. Cause(s) of the loss or discharge.*
9. Any measures taken by the fishing vessel to retrieve the gear*

Fishing gear lost

10. Fishing gear's types*
11. Description of the part of the fishing gear (dimensional characteristics, number of units) that was lost or discharged.*
12. Approx volume of plastic (m³)
13. Approx mass of plastic (kg)
14. Sequential number or other identification marks of the tags attached to the lost or discharged fishing gear.[*]

The data shall be sent by electronic communication using a standard format to be developed by the Organization.

* This data is mandatory.

ANNEX 4

GUIDELINES FOR THE DEVELOPMENT AND MANAGEMENT OF THE LOST OR DISCHARGED FISHING GEAR IMO DATABASE.

PREAMBLE

.....

The IMO lost or discharged fishing gear database is a response to the problem of marine plastic pollution from fishing vessels. This database would also contribute to a better understanding of the scale of the problem of lost gear and would also help to identify areas of potential high loss and assist in returning lost gear if found to the fishing sector, the flag States.

This database should also be a source of information for coastal States where fishing gear has been lost or discharged complementing the mandatory reporting to coastal States as applicable.

In addition, to assisting flag States to avoid navigational hazards caused by the loss of fishing gear it is encouraged to upload those losses that may cause incidents related to navigation and bring this to the attention of the Organization.

It is important to note that this database is not to be used to penalize fisheries, fishing vessels and flag States with the reporting of loss or discharge of fishing gear.

Note: Appropriate references to Sustainable Development Goals was also suggested as well the need to ensure close coordination and cooperation with FAO and other organizations to share data and avoid duplication of work.

.....

1. INTRODUCTION

IMO, as per resolution MEPC XX (XX), adopted the mandatory reporting of the loss or discharged fishing gear by fishing vessels. This resolution also requests Administrations to notify the Organizations on the loss or discharged fishing gear at least on a yearly basis.

2. PURPOSE

The purpose of this notification system is to be able to make an inventory of the amount of fishing gear lost or discharged in the seas. This inventory would be accessible to the flag, which is reporting the loss, the coastal States as appropriate, and to IMO.

To do this all types of lost or discharged fishing gears [taking into account feasibilities of small plastic gears [and some thresholds]¹] would need to be reported to the organization to understand the issue of marine plastic pollution from fishing vessels and its evolution over time, and to assist in developing efficient measures to reduce the loss of fishing gear.

Hence the purpose of the database is:

- .1 be able to make an inventory of fishing gear lost or discharged in the seas allowing an accurate assessment of the extent and spatial distribution of lost and discharged fishing gear and improve understanding of the contribution of lost and discharged fishing gear to marine plastic litter;

¹ Pending final decision during the working group in how to consider thresholds.

- .2 to support robust data analysis for preventing and reducing lost and discharged fishing gear;
- .3 provide the Organization, Member States and other stakeholders a database to measure trends and monitor the loss and discharge of fishing gear at the national and international levels;
- .4 [to allow for identification of fishing gear which may present a hazard to the navigation of surface and sub-surface vessels]; and
- .5 [to allow for assessing the level of marking, its evolution, the impact of marking requirements on the amount of fishing gear being lost and/or discharged, and the degree of compliance with international or regional marking requirements developed by IMO, FAO and other regional fisheries bodies]².

For the establishment of the database, a module within the Global Integrated Shipping Information System (GISIS) platform is developed, with the integrated IMO Web Accounts framework utilized to manage secure access to the module.

3. DEFINITIONS

For the purpose of these Guidelines, the definitions in MARPOL Annex V and those in the 2017 Guidelines for the implementation of MARPOL Annex V as amended would apply.

4. DATA ANONYMIZATION AND CONFIDENTIALITY

Regarding data confidentiality, regulation 10.10 of MARPOL Annex V stipulates that *"The Secretary-General of the Organization shall manage and maintain an anonymized database pursuant to guidelines developed by the Organization such that identification of a specific ship will not be possible. Parties shall have access to the anonymized data strictly for their analysis and consideration"*. [These Guidelines balance data anonymization with the usability of data for analysis by the Parties and Organization].

Pursuant to regulation 10.10 of MARPOL Annex V, the data are to be anonymized such that identification of a specific ship is not possible.

5. DATA INPUT

The database will be able to integrate data provided by flag States following Appendix III of MARPOL Annex V.

Ship particulars

- .1 Name. This data has mandatory nature (IMO needs to anonymize in accordance with section 4).
- .2 IMO number or registration. This data has mandatory nature. (IMO needs to anonymize in accordance with section 4).

² It may be premature to assess the the implementation status of gear marking for lost or discharged fishing gear at this stage. Regarding fishing gear marking, MEPC and the PPR Sub-Committee will be discussing a revision of MARPOL Annex V and related guidelines separately, fishing gear marking should be considered in light of those discussions, therefore "this purpose" will be kept only if terms of reference were extended to include this topic.

- .3 Length of the ship. This data has voluntary nature.
- .4 Type of fishing vessel [or recreational vessels]³. This data is of mandatory nature.

Event particulars

- .1 Position where the fishing gear has been lost or discharged. This data is of mandatory nature.
- .2 Date when the gear has been lost or discharged. This data is of mandatory nature.
- .3 Time when the gear has been lost or discharged. This data has voluntary nature.
- .4 Cause(s) of the loss or discharge. This data is of mandatory nature.
- .5 Any measures taken by the fishing vessel to retrieve the gear. This data is of mandatory nature.

Fishing gear lost.

- .1 Fishing gear's types. This data is of mandatory nature.
- .2 Description of the part of the fishing gear (dimensional characteristics, number of units) that was lost or discharged. This data is of mandatory nature.
- .3 Approx Volume of plastic (m3). This data has voluntary nature.⁴
- .4 Approx Mass of plastic (Kg). This data has voluntary nature.
- .5 Sequential number or other identification marks of the tags attached to the lost or discharged fishing gear as applicable. [This data has mandatory nature.]⁵

Governments are encouraged to provide this form in electronic format to fishing vessels [and recreational vessels]⁶ which should be submitted to the flag Administration or coastal State as provided for in regulation 10.6.

³ Delete as appropriate depending on discussion in a working group.

⁴ Final decision at a working group.

⁵ It may be premature to assess the the implementation status of gear marking for lost or discharged fishing gear at this stage. Regarding fishing gear marking, MEPC and PPR will be discussing a revision of the MARPOL Annex and related guidelines separately, fishing gear marking should be considered in light of those discussions, therefore marking will be included as applicable and the mandatory nature may have to be changed to voluntary.

⁶ Delete as appropriate depending on discussions in a working group.

6. DATA SUBMISSION AND ACCESS

[Governments may choose to notify the Organization on single events (including in real time)], [or to notify at an aggregated level]. [The notification at aggregated level should be sent at least annually and as a minimum contain the mandatory information]⁷

An Administration should be able to log in to the online database to submit its data via an online form or data upload, in case aggregated data is provided. [The data input into the database should be checked by the database system to ensure that the data are being submitted in the standardized format and be cross-referenced with the data from the Ship Particulars module of GISIS]⁸.

GISIS will contain menus to introduce data in particular in relation to the fishing vessel type and the fishing gear type. Fishing vessels types and fishing gear types will follow existing international standard classifications and databases, such as the International Standard Statistical Classification of Fishery Vessels by Vessel Types (ISSCFV, 2019) ([FAO, 2021a](#)), the International Standard Statistical Classification of Fishing Gear (ISSCFG) and the Global Record⁹ However an open field text will be provided in case the menus do not match the case. [GISIS functionalities are stipulated in Circular letter XXXX]

An Administration should be able to log in to the online database to download the anonymized data. Parties shall have access to the anonymized data strictly for their analysis and consideration depending their role as a flag State or coastal State¹⁰.

An Administration should have access to non-anonymized data of ships flying its flag. [A coastal State should have access to data related to incident in their waters provided that adequate data protection is ensured]

Irrespective of the possibility to enter into agreements with RFBs and RFMOs reporting of loss of fishing gear to IMO shall be done by the flag State.

To encourage the consistent submission of data and improve the usability of the database, automatic notifications and reminders concerning data submission, modification and database update could be incorporated as features in the database.

The Administration should designate a contact person for the purposes of the database who is responsible for communication with the Secretariat if any matter arises with regards to the submission of data by the respective Administration.

⁷ Delete as appropriate depending on the option(s) chosen in a working group.

⁸ This will depend upon GISIS functionality and whether the IMO number, ship type and other information will be cross referenced with other databases similarly to other databases such as GHG data collection system.

⁹ [Information System | Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels | Food and Agriculture Organization of the United Nations \(fao.org\)](#)

¹⁰ Pending discussions at a working group on the level of accessibility to coastal States as appropriate to:

- .1 allow to facilitate ALDFG prevention measures, due to the ability to identify hotspots of gear loss;
- .2 to inform coastal States of the ALDFG in their waters so they are able to assess the risk of harm to the marine environment posed by gear losses from foreign vessels;
- .3 to assist in recovering lost fishing gears and possibly identify them if the database is meant for this purpose; and
- .4 allow the position data from the notification (Appendix III) to be allocated to coastal State territory to contribute also in matters of safety of navigation.

[Governments are encouraged to report to the Organization if a threshold has been established to address mandatory reporting, with a view to promoting information sharing and opinion exchange among Governments and relevant international organizations]¹¹

7. ANNUAL REPORT

In accordance with Regulation 10.10 the Secretary-General of IMO shall produce an annual report summarizing the data and analysing areas where fishing gear is found or lost, at national level and international level. It is recommended that this report is developed in collaboration with the FAO.

The annual report should also indicate trends (positive and negative), identify hotspots and facilitate identification of areas of improvement.

¹¹ Depending on the discussions at the working group related to thresholds. Delete if the policy is "no-threshold".

ANNEX 5

2017 GUIDELINES FOR THE IMPLEMENTATION OF MARPOL ANNEX V

NOTING that the Committee, at its sixty-second session, adopted the revised MARPOL Annex V by resolution MEPC.201(62), which entered into force on 1 January 2013 which was further amended by resolutions MEPC.216(63), MEPC.246(66), MEPC.265(68) and MEPC.277(70) and MEPC xxx(xx),

NOTING ALSO that the Committee, at its seventy first session, adopted the 2017 Guidelines for the Implementation of MARPOL Annex V by resolution MEPC.295(71),

HAVING CONSIDERED, at its xxx session, the proposed amendments to the 2017 Guidelines for the Implementation of MARPOL Annex V,

- 1 ADOPTS the amendments to the 2017 Guidelines for the Implementation of MARPOL Annex V, the text of which is set out in the annex to this resolution;
- 2 INVITES Governments, in implementation of the provisions of the revised MARPOL Annex V, to take into account the 2017 Guidelines for the Implementation of MARPOL Annex V, as amended by this resolution; and
- 3 AGREES to keep these Guidelines under review in light of the experience gained.

ANNEX

AMENDMENTS TO THE 2017 GUIDELINES FOR THE IMPLEMENTATION OF MARPOL ANNEX V

(New text shown underlined and text to be deleted is strikethrough)

2.2 Fishing gear

...

2.2.2 Fishing vessel operators are further required to report the ~~accidental~~ loss or discharge of fishing gear ~~which poses a significant threat to the marine environment and navigation~~. Reports should be made to the flag State, and where appropriate, the coastal State in whose jurisdiction the loss of the fishing gear occurred. The flag State is responsible for the reporting, as specified in regulation 10.6 of MARPOL Annex V [and in the form specified in Appendix III to the Annex]¹. [This data is to be provided as follows:

1 Ship particulars

- .1 Name. This data has mandatory nature.
- .2 IMO number or registration. This data has mandatory nature.
- .3 Length of the ship. This data has voluntary nature
- .4 Type of fishing vessel [or recreational vessel]². This data is of mandatory nature.

2 Event particulars

- .1 Position where the fishing gear has been lost or discharged. This data is of mandatory nature.
- .2 Date when the gear has been lost or discharged. This data is of mandatory nature.
- .3 Time when the gear has been lost or discharged. This data has voluntary nature.
- .4 Cause(s) of the loss or discharge. This data is of mandatory nature. It may include the conditions of the marine environment where it was lost or discharged.
- .5 Any measures taken by the fishing vessel to retrieve the gear [

3 Fishing gear lost

- .1 Fishing gear's types. This data is of mandatory nature.

¹ Pending decision to be taken at working group.

² Pending decision to be taken at working group.

- .2 Description of the part of the fishing gear (dimensional characteristics, number of units) that was lost or discharged. This description should include the amount of the gear lost or discharged. This data is of mandatory nature. Comprehensive consideration is needed on the characteristics of the gear that was lost, including types, size (weight and/or length), quantity, material (especially, synthetic/plastic or not), buoyancy.
 - .3 Approx Volume of plastic (m3). This data has voluntary nature.
 - .4 Approx Mass of plastic (Kg). This data has voluntary nature.
 - .5 Sequential number or other identification marks of the tags attached to the lost or discharged fishing gear as applicable. [This data has mandatory nature]³]
- .1 Since not all the data to be provided is mandatory the accidental loss or discharge of fishing gear which is required to be reported by regulation 10.6 of MARPOL Annex V should be determined specifically by the government administration while seeking harmonization with other administrations, RFMOs and RFBs. For such determination, the government is encouraged to consider various factors including:- (1) the amount of the gear lost or discharged and the need to report as well as the losses or discharges of small fishing gear [and their thresholds for reporting]]⁴. and (2) the conditions of the marine environment where it was lost or discharged. Comprehensive consideration is needed on the characteristics of the gear that was lost, including types, size (weight and/or length), quantity, material (especially, synthetic/plastic or not), buoyancy. In addition, Governments should consider the impact of the fishing gear lost or discharged in different locations in order to assess whether the lost gear represents a significant threat to the marine environment or navigation, taking into account the vulnerability of habitat and protected species to gear interactions [In order to assisting other ships to avoid navigational hazards caused by the loss of fishing gear it is encouraged to highlight the losses or discharges of fishing gear that may cause incidents related to navigation]. Governments are encouraged to report to the Organization [when a threshold has been established]⁵ to address this issue, with a view to promoting information sharing and opinion exchange among Governments and relevant international organizations.
- [.2 Notwithstanding the mandatory requirements reporting modalities could take benefit of the current reporting schemes implemented by Regional Fisheries Management Organizations (RFMOs) or Regional Fisheries Bodies (RFBs) but reporting to the flag States and coastal States is mandatory].
- .3 Further, Governments are encouraged to report to the Organization progress made in implementing measures, including summaries of where gear was lost or discharged and, if applicable, actions taken to address the gear loss;

³ It may be premature to assess the the implementation status of gear marking for lost or discharged fishing gear at this stage. Regarding fishing gear marking, MEPC and PPR will be discussing a revision of the MARPOL Annex and related guidelines separately, fishing gear marking should be considered in light of those discussions, therefore marking will be included as applicable and the mandatory nature may have to be changed to voluntary.

⁴ Deletion of this text is pending on the discussions in the working group.

⁵ Pending decision to be taken at a working group.

- .4. ~~2 examples of lost or abandoned fishing gear which could be considered to pose a significant threat to the marine environment include whole or nearly whole large fishing gear or other large portions of gear.~~ In determining the threat to the marine environment, Governments should give careful consideration to the impact of gear in sensitive areas, such as coral reefs, and in areas where interactions would have higher risks of detrimental impacts, such as foraging or breeding areas for protected species [and a hazard to the navigation of surface and sub-surface vessels];
- .5. ~~.3 Governments are encouraged to develop communication frameworks to enable the recording and sharing of information on fishing gear loss where necessary in order to reduce loss and facilitate recovery of fishing gear. Governments are further encouraged to develop frameworks to assist fishing vessels in reporting the loss of gear to the flag State and to a coastal State. Such frameworks should take into consideration implementation challenges among developing countries and least developed countries in small scale and artisanal fisheries [and recreational operations];~~
- .6. ~~.4~~ fishing industry, relevant international organizations and Governments are encouraged to undertake such research, technology development, information sharing and management measures as may be needed to minimize the probability of loss, and maximize the probability of retrieval of fishing gear from the sea; and
- .7. ~~.5~~ Governments should encourage vessel operators to implement appropriate onboard storage and handling of fishing gear, and should also consider relevant guidance issued by FAO and IMO.
- .8. Flag States are encouraged to consider the development of incentive measures for the reporting of lost or discharged fishing gear or their retrieval. Best practices such as environmental qualifications (national and international), tax incentives, environmental certifications or other initiatives at the level of regional organizations i.e., Global Ghost Gear Initiative (GGGI) could be aimed at.
- [.9 "Observer organizations and other stakeholders may submit information to IMO regarding lost, abandoned or discarded fishing gear they have observed or collected, using the reporting template Appendix III].

[Placeholder for interpretations on reasonable precautions as indicated in regulation 7.1.3 and retrieval of fishing gear]
