



## INTERNATIONAL MARITIME ORGANIZATION REGULATION OF MARINE PLASTIC LITTER – PROPOSED CHANGES ON THE REGULATION OF FISHING GEAR

The International Maritime Organization (IMO) is the United Nations agency responsible for the safety and security of shipping and for preventing vessel marine pollution. As part of efforts to reduce the amount of plastic ending up in our oceans, the IMO is introducing mandatory marking of fishing gear worldwide and is expanding existing reporting requirements for lost and discharged fishing gear. Work is now underway to develop the detail of these requirements.

To inform this work, AMSA is seeking your comments and advice on two issues:

- 1) mandatory marking of fishing gear; and
- 2) reporting of lost and discharged fishing gear.

Several questions have been included in this paper to assist you in providing feedback. These questions are included as a guide, and you are welcome to provide additional comments.

### Background – Global commitment to reducing plastic litter from ships

1. The [International Convention for the Prevention of Pollution from Ships](#) (MARPOL) is the main international convention used by the IMO to address vessel sourced pollution. Annex V of MARPOL concerns the prevention of pollution by garbage and is supported by the *2017 Guidelines for the Implementation of MARPOL Annex V* ([Resolution MEPC.295\(71\)](#)).
2. MARPOL Annex V applies to **all** vessels and covers **all** garbage generated during normal operations, such as plastics, fishing gear, food, and cargo residues. Annex V currently prohibits the discharge of plastics from ships into the sea and includes mandatory reporting requirements for lost and discharged fishing gear that pose a significant threat to the marine environment or navigation.
3. Australia is a party to MARPOL and implements it through the [Protection of the Sea \(Prevention of Pollution from Ships\) Act 1983](#), the [Navigation Act 2012](#) and [Marine Order 95](#). In addition, most state-territory jurisdictions have given effect to MARPOL Annex V in their legislation.
4. In 2018, the IMO adopted an [Action Plan to Address Marine Plastic Litter from Ships](#) (IMO Action Plan) in response to growing global concerns about the impact of plastic litter on the marine environment and human health. The IMO Action Plan aims to enhance existing regulations and introduce new measures to further reduce vessel sourced marine plastic litter by 2025.
5. The IMO Action Plan includes actions to introduce new global requirements for the marking of fishing gear and expanding existing reporting requirements for lost or discharged fishing gear. The marking and reporting requirements aim to reduce the volume of lost fishing gear, protecting our marine environment and improving safety for all marine uses, including fishing, tourism, and navigation.

## Issue 1: Mandatory Marking of Fishing Gear

6. The IMO has agreed that amendments will be made to MARPOL Annex V to introduce mandatory marking requirements for fishing gear used for marine operations and activities. It was decided that the new requirements will be sufficiently flexible to allow countries to adopt regulations that reflect existing measures and the characteristics of regional fishing operations, while also providing uniform international requirements. This approach is referred to as a 'goal-based' measure.
7. The marking requirements were proposed to discourage intentional fishing gear discharges and preventable losses, improve the rate of retrieval, and support data collection for lost/discharged fishing gear. Global mandatory gear marking may also help identify the prevalence of illegal, unreported and unregulated fishing regionally and support the fight against these operations.
8. The Australian Government supports actions that aim to reduce the overall loss and discharge of fishing gear into the marine environment and is actively engaged in the IMO work to ensure that any new gear marking regulations are:
  - reasonable in scope and application;
  - do not place an unnecessary burden on industry;
  - do not duplicate existing measures and have sufficient flexibility to align with those already in place in Australia and internationally, including existing arrangements in regional fisheries management organisations (RFMOs);
  - apply sensible thresholds for types of fishing gear, operations and vessels included in the new requirements; and
  - not applied to recreational vessels.
9. IMO discussions are considering the range of gear types that could be included in the global gear marking scheme. The list is based on the Food and Agriculture Organizations' fishing database and includes seine nets, dredges, traps, gillnets and entangling nets, hooks and lines, surrounding nets, lift nets, trawls and falling gear.
10. The IMO will consider the scope of gear and vessels (including the potential inclusion of both commercial and recreational vessels) that will be included under the new mandatory marking requirement in further detail at a meeting scheduled for April 2023.
11. We seek your advice and comments on the scope and application of any new mandatory gear marking measures to further inform our position within the ongoing IMO discussions and negotiations.

- What types of fishing gear, vessels and operations do you believe should be **included** in mandatory marking requirements? Why?
- What types of fishing gear, vessels and operations do you believe should be **excluded** from mandatory marking requirements? Why?
- What technical or feasibility limitations should be considered when determining the types of marking systems used (e.g., physical, chemical, electronic marking)? Is there a way for these limitations to be addressed?
- What information should be recorded under the mandatory marking requirements (e.g. vessel identification number, ship name, company name)?
- Do you currently participate in any existing marking requirements or voluntary marking schemes? If yes, please provide details (e.g. what is marked, who requires the marking, how is gear marked).
- What do you believe are the main factors currently limiting or preventing participation in gear marking schemes?

## Issue 2: Reporting of Lost and Discharged Fishing Gear

12. MARPOL Annex V currently requires vessel operators to report fishing gear losses and discharges to their government and the government of the country where the loss/discharge occurred, where relevant – but only if they pose a significant threat to the marine environment or navigation. There is no current requirement for countries to report losses and discharges to the IMO.
13. The IMO has agreed that MARPOL Annex V will be amended to expand the reporting requirements to include all losses and discharges of fishing gear from marine operations and activities, not just losses/discharges which are accidental or pose a significant threat. The IMO also agreed that countries must provide a report to the IMO on losses and discharges from their vessels.
14. The new mandatory reporting requirements aim to provide data that will increase understanding of the contribution of fishing gear to global marine plastic litter. This data can then be used to measure trends and inform the development of future measures to prevent and reduce fishing gear losses and discharges.
15. The scope of vessels and gear included in the new reporting requirements is yet to be determined. Consideration is currently being given to the type of information to be reported, such as the type of gear, amount/volume, location and date/time of the losses, cause of the loss, attempts to retrieve the gear, and vessel types and ship identifiers (e.g. vessel identification number or registration numbers).
16. The Australian Government considers that the expanded reporting requirements should:
  - apply reasonable thresholds for the types of fishing gear, operations and vessels covered;
  - not apply to recreational vessels;
  - avoid duplication of existing reporting requirements;
  - have the flexibility to accommodate current reporting requirements;
  - not place an unnecessary burden on industry; and
  - provide for aggregating and anonymising any commercial data reported to the IMO.
17. The IMO will consider the scope of gear and vessels (including the potential inclusion of both commercial and recreational vessels) that will be included under the new mandatory marking requirement in further detail at a meeting scheduled for April 2023.
18. Your advice and comments are sought on the scope and application of any new reporting requirements, the reporting mechanisms, and information to be reported to the IMO to further inform Australia's position.

- Do you participate in any existing reporting requirements or voluntary reporting schemes? If yes, please provide details (e.g. what is reported, who reports are made to, how reports are made).
- What types of fishing gear, vessels (including recreational vessels) and operations do you believe should be **included** in expanded reporting requirements? Why?
- What types of fishing gear, vessels (including recreational vessels) and operations do you believe should be **excluded** from expanded reporting requirements? Why?

Questions continued over next page

- In considering the new mandatory reporting of lost/discharged gear, is there any information you believe should not be reported to either the: (a) Vessel's flag State authority (for Australian vessels, this is AMSA); (b) Coastal State authority of where the discharge has occurred; or (c) International Maritime Organization (IMO)
- If there is information you do not support being reported to the IMO, would you support it being reported if it was aggregated and anonymous? For example, total volumes and general locations reported rather than specific vessels/locations.
- Is there any specific information related to lost/discharged fishing gear which you believe should be reported? If yes, to which of the parties named above should this information be reported?
- When considering the information to be reported to the IMO, is there any specific information which you believe should not be made **publicly** available?
- For Australian-flagged vessels, do you have a preference on how you would report gear losses to the Australian Government?
- What do you believe are the main factors currently limiting or preventing the reporting of lost or discharged fishing gear? Do you have any suggestions for how these factors could be addressed?

### Next Steps

19. The IMO will further consider the requirements for the mandatory marking and reporting of lost and discharged gear at the April 2023 meeting of the IMO's Pollution Prevention and Response (PPR) sub-committee.
20. The discussion and outcomes of this meeting will determine the next steps taken by the IMO to adopt the new marking and expanded reporting requirements. If sufficient progress is made at the April 2023 PPR meeting, a recommendation may be provided to the IMO's Marine Environment Protection Committee (MEPC) for consideration at their next meeting in July 2023.
21. Once a recommendation is provided to MEPC, the committee will be invited to approve any amendments to MARPOL to give effect to new requirements globally. The amendments will then progress to a future session of MEPC, no sooner than six months after approval, for adoption and agreement on a suitable global entry into force date.
22. Your feedback and advice will inform the position that Australia will take at upcoming IMO meetings. While we will work to ensure that our industry, community and environmental interests are represented in the measures adopted by the IMO, our position may not be the one that is internationally supported and ultimately adopted by the IMO.
23. We will continue to provide updates on this work on the AMSA website.

## **Making a submission**

If you would like to submit any comments or feedback on the questions asked in this discussion paper or on these matters more broadly, we invite you to make a written submission by 11.59 pm on 29 January 2023 via email to [consultation@amsa.gov.au](mailto:consultation@amsa.gov.au), via our [consultation hub](#) or by post to:

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If you would like to continue to receive updates on these issues, please register your interest by emailing [consultation@amsa.gov.au](mailto:consultation@amsa.gov.au), or by notifying us in your submission.