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COMM7-Prop07

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Submitted by: EUROPEAN UNION

Summary of the proposal:

The current EU proposal establishes a regulatory framework on the marking of fishing gear (new Article 3) and the discharge of plastics (new Article 4) from fishing vessels in the SPRFMO Convention Area.

Every year very large quantities of plastic waste leak into the environment from sources both on land and at sea, generating significant economic and environmental damage. Globally, 5 to 13 million tonnes of plastics — 1.5 to 4 % of global plastics production — end up in the oceans yearly. It is estimated that plastic accounts for over 80 % of marine litter.

Plastic debris is then transported by marine currents, sometimes over very long distances. It can be washed up on land, degrade into microplastics or form dense areas of marine litter trapped in ocean gyres. UNEP estimates that damage to marine environments is at least USD 8 billion per year globally.

The marking of fishing gear is a tool to contribute to sustainable fisheries and to improve the state of the marine environment by combatting, minimising and eliminating Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG), and facilitating the identification and recovery of such gear as enshrined in the FAO Voluntary Guidelines on the Marking of Fishing Gear by the SPRFMO.

Objective of the proposal:

Marine litter from sea-based sources is significant. While MARPOL bans the discharge of garbage from all ships, including fishing vessels, it provides no mechanism for monitoring the effective implementation of this obligation. RFMOs, such as SPRFMO, are then called to play an essential role in ensuring the application of the MARPOL obligations.

The implementation of the relevant provisions of the of the FAO Voluntary Guidelines on the Marking of Fishing Gear by the SPRFMO would help in ensuring that all fishing gear is marked, and, if lost or discarded, could be traced back to its original owner. The objective is to contribute to improved safety at sea by reducing the hazard to navigation caused by ALDFG and helping to identify illegal, unreported and unregulated (IUU) fishing activities.

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EU PROPOSAL TO AMEND CMM 08-2013¹

Conservation and Management Measure on Fishing Gear and Marine Pollution in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECOGNISING that the Convention calls on the Commission, in giving effect to the objectives of the Convention, to adopt Conservation and Management Measures (CMMs) that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance, from significant adverse impact of unregulated and unmanaged fishing practices (Articles 3(1)(a)(i) and (vii) and 20(1)(d));

FURTHER RECOGNISING Article 3(1)(b) and (2) which calls on the Commission to apply the precautionary approach and ecosystem based approach to fisheries under the mandate of the Convention;

MINDFUL of Article 31(1) of the Convention that calls on the Commission to cooperate with other regional fisheries management organisations (RFMOs), the FAO and other specialised agencies of the United Nations and other relevant organisations on issues of mutual interest;

RECALLING that Parties to the 8th International Consultation on the establishment of the South Pacific RFMO (November 2009) adopted an interim measure for deepwater gillnet fishing in the Convention Area which came into effect on 1 February 2010;

NOTING Resolution 61/105, adopted by UNGA at the 61st Plenary Meeting on 8 December 2006 and subsequent resolutions of the United Nations General Assembly (UNGA) that call on states and regional fisheries management organisations to regulate bottom fisheries and implement measures in accordance with the precautionary approach and ecosystem approaches to fisheries management;

FURTHER NOTING Resolution 46/215 *Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas* adopted by the UNGA at the 79th Plenary Meeting in 1991;

CONCERNED by the possible impact of large-scale pelagic gillnets and deepwater gillnets on fishery resources, bycatch species and deep sea habitats, including the impact of lost and/or abandoned gillnets;

MINDFUL of the Commitment made under Article 5 (f) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (UNFSA) to minimise pollution, waste, and catch by lost or abandoned gear;

AWARE of Article 18(3)(d) of UNFSA in relation to the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels and the Voluntary Guidelines on the Marking of Fishing Gear;

CONCERNED of the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) and plastic residues in the ocean greatly affecting marine life and the need to facilitate the identification and recovery of such gear;

RECALLING that the International Convention for the Prevention of Pollution from Ships (MARPOL) seeks to eliminate and reduce the amount of garbage being discharged into the sea from ships and that its Annex V applies to all vessels;

hereby *ADOPTS* the following CMM in accordance with Articles 8 and 20 of the Convention:

¹ CMM 08-2013 (Gillnetting) supersedes CMM 1.02 (reference change only)

GILLNETS

1. Members and CNCPs shall require that vessels flying their flag prohibit the use of large-scale pelagic driftnets² and all deepwater gillnets³ in the Convention Area.
2. Members and CNCPs whose flagged vessels seek to transit the Convention Area with gillnets onboard shall:
 - a) Give at least 36 hours advanced notice to the Secretariat prior to entering the Convention Area. In particular, Members shall report the expected entry and exit dates and length of gillnet carried onboard;
 - b) Ensure their vessels operate a vessel monitoring system polling once every two hours while in the Convention Area;
 - c) Submit VMS position reports to the Secretariat within 30 days of the vessel leaving the Convention Area; and
 - d) If gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position (using WGS84) and length (metres) of gillnets lost to the Secretariat as soon as possible and within 48 hours of the gear being lost.

RETRIEVAL OF ABANDONED, LOST OR OTHERWISE DISCARDED FISHING GEAR

3. Each Member and CNCP shall ensure that:
 - a) vessels flying its flag operating with any gear on board shall make all reasonable efforts to combat, minimise and eliminate abandoned⁴, lost⁵ or otherwise discarded⁶ fishing gear (ALDFG linked to those vessels);
 - b) no vessels flying its flag shall deliberately abandon fishing gear linked to those vessels, except for safety reasons, notably vessels in distress and/or life in danger;
 - c) vessels flying its flag that have lost gear shall not abandon it without making every reasonable attempt to retrieve it as soon as possible;
 - d) any vessels flying its flag operating with any gear on board have equipment, where possible, on board to retrieve ALDFG linked to those vessels.
 - e) if gear cannot be retrieved, a vessel flying its flag shall promptly notify its competent authority of the following information:
 - i. the name, IMO number and call sign of the vessel;
 - ii. the type/material of lost gear;
 - iii. the quantity of gear lost or abandoned;
 - iv. the time when the gear was lost or abandoned;
 - v. the position (longitude/latitude) where the gear was lost or abandoned;
 - vi. measures taken by the vessel to retrieve lost or abandoned gear, and
 - vii. report, if known, the circumstances that led to the gear being lost, or abandoned for safety reasons.

² 'Large-scale pelagic driftnets' (drift gillnets) are defined as a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water.

³ 'Deepwater gillnets' (trammel net, set nets, anchored nets, sink nets) are defined as strings of single, double or triple netting walls, held vertically, on or near the bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. These nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.

⁴ 'Abandoned fishing gear' means fishing gear deliberately left at sea by the vessel due to force majeure or other unforeseen reasons.

⁵ 'Lost fishing gear' means fishing gear over which the vessel has accidentally lost control and cannot be located and/or retrieved.

⁶ 'Discarded fishing gear' means fishing gear released at sea without any attempt for further control or recovery by the vessel.

- f) following retrieval of any ALDFG not linked to the retrieving vessel, a vessel flying its flag shall notify its competent authority of the following:
- i. the name, IMO number and call sign of the vessel that has retrieved the gear;
 - ii. the name, IMO number and call sign of the vessel that lost or abandoned the gear (if known);
 - iii. the type of gear retrieved;
 - iv. the quantity of gear retrieved;
 - v. the time when the gear was retrieved;
 - vi. the position (longitude/latitude) where the gear was retrieved and
 - vii if possible, photographs of the gear retrieved.
- g) The Secretariat shall compile the information received pursuant to paragraphs 3 (d) and (e) and include it in the annual national report of the relevant Member or CNCP. The Secretariat shall develop the template for the notifications referred to in subparagraphs d) and e).
- h) The authorities of the flag state referred to in paragraphs f) and g) shall promptly transmit the information received to the Executive Secretary for its notification to all Members and CNCPs.

MARINE POLLUTION

4. Each Member and CNCP shall prohibit vessels flying its flag from discharging into the sea of all garbage⁷ and plastics⁸, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products by vessels flying the flag of Members and CNCPs. All plastics on board shall be stored on board the vessel until they can be discharged at adequate port reception facilities.
5. Paragraph 4 shall not apply to the discharge of plastics from a vessel necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;

⁷ Garbage includes all kinds of food, domestic and operational waste generated during the normal operation of the vessels and excluding offal.

⁸ Plastic means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure.