

10TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 24-28 January 2022

COMM 10 – Prop 11 PROPOSAL TO:

<input checked="" type="checkbox"/> Amend <input type="checkbox"/> Create	CMM 17-2019 on Marine Pollution
Submitted by: Secretariat	
Summary of the proposal: <ul style="list-style-type: none"> • Update the review date contained in paragraph 10. • Remove the prefix “sub” in any references to “subparagraphs”. 	
Objective of the proposal: <p>This proposal clarifies the next year in which this CMM shall be reviewed as part of the regular meeting of the Commission –a period of 3 years has been suggested as it seems to be the current default.</p> <p>Additionally, an amendment is suggested to standardise the term “paragraph” over “subparagraph” throughout the SPRFMO CMMs (this suggestion was made by the EU during technical editing, and this is the first opportunity since then to standardise this CMM).</p>	
Has the proposal financial impacts or influence on the Secretariat work? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

To be filled out by the Secretariat:

Ref: COMM10-PROP11	Received on: 05 December 2021
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This document is intended to be one page long only.

CMM 17-2022

Conservation and Management Measure on Fishing Gear and Marine Plastic 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;

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;

RECALLING that the need to prevent and significantly reduce marine pollution of all kinds was affirmed at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 through the adoption of paragraph 13(g) of the “Our ocean, our future: call for action” declaration;

MINDFUL of the Commitment made under Article 5 (f) of the 1995 *Agreement* to minimise pollution, waste, and catch by lost or abandoned gear;

CONCERNED about 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 retrieval 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;

RECALLING that the provisions of Annex I, Annex IV and Annex VI of MARPOL manage and restrict the discharge of oil, sewage and air pollutants from ships at sea;

NOTING that there is limited monitoring and implementation of MARPOL obligations on fishing vessels, and consequently little information exists about illegal pollution activities by fishing vessels at sea;

FURTHER NOTING that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and the 1996 Protocol (London Protocol) manage or prohibit through regulation the dumping into the sea of wastes or other matter;

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



Retrieval of abandoned, lost or otherwise discarded fishing gear

1. Each Member and CNCP shall ensure that:
 - a) vessels flying its flag operating with any fishing gear on board shall make all reasonable efforts to combat, minimise and eliminate abandoned¹, lost² or otherwise discarded³ fishing gear (ALDFG linked to those vessels);
 - b) no vessels flying its flag deliberately discard or 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 fishing 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) where a vessel flying its flag cannot retrieve ALDFG linked to that vessel, the vessel notifies its competent authority within 48 hours 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.
 - f) where a vessel flying its flag retrieves ALDFG not linked to that vessel, the vessel notifies its competent authority within 48 hours 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.
2. Each Member and CNCP shall compile the information received pursuant to paragraphs 1e) and 1f) and include it in its annual national report.
3. The authorities of the flag state of the vessels referred to in paragraphs 1e) and 1f) shall promptly transmit the information received to the Executive Secretary for its notification to all Members and CNCPs. The Executive Secretary shall develop the template for the notifications referred to in paragraphs 1e) and 1f).

¹ "Abandoned fishing gear" means fishing gear deliberately left at sea by the vessel due to force majeure or other unforeseen reasons.

² "Lost fishing gear" means fishing gear over which the vessel has accidentally lost control and cannot be located and/or retrieved.

³ "Discarded fishing gear" means fishing gear released at sea without any attempt for further control or recovery by the vessel.



Marine plastic pollution

4. Each Member and CNCP shall prohibit vessels flying its flag from discharging into the sea all plastics⁴, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products. 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 or to the accidental loss of plastics, synthetic ropes and fishing nets from a vessel provided that all reasonable precautions have been taken to prevent such loss.

Other Marine pollution

6. Members and CNCPs are encouraged to implement appropriate onboard storage and to prohibit their fishing vessels operating within the SPRFMO Convention Area from discharging:
 - a) oil or fuel products or oily residues into the sea;
 - b) other garbage⁵, including fishing gear, food waste, domestic waste, incinerator ashes and cooking oil; and
 - c) sewage,except as would be permitted under applicable international instruments.
7. Members and CNCPs are encouraged to ensure that fishing vessels flying their flag and operating within the SPRFMO Convention Area inform their flag State of ports in countries that are Party to the annexes of MARPOL which do not have adequate port reception facilities for MARPOL wastes.
8. Members and CNCPs are encouraged to undertake research into marine pollution related to fisheries in the SPRFMO Convention Area to further develop and refine measures to reduce marine pollution and are encouraged to submit to the Scientific Committee and the Compliance and Technical Committee any information derived from such efforts.
9. Members and CNCPs are encouraged to conduct training and awareness programmes for the crew and master of fishing vessels flying their flag regarding the impacts of marine pollution and operational practices to eliminate marine pollution caused by fishing vessels.
10. This measure will be reviewed by the Commission in 2025 to consider expanding the scope of measure with respect to the elimination of marine pollution caused by fishing vessels.

⁴ 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.

⁵ Other garbage, as defined under MARPOL Annex V, includes including fishing gear, food waste, domestic waste, incinerator ashes, clinkers, cooking oil, floating dunnage, lining and packing materials, paper, rags, glass, metal bottles, crockery and similar refuse.