



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 litter 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 detailed work, AMSA is seeking your comments and advice on these two issues – 1) mandatory marking of fishing gear and 2) reporting of fishing gear.

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

Background – Global commitment to reduce plastic litter from ships

1. The [International Convention for the Prevention of Pollution from Ships](#) (MARPOL) is the main international convention for addressing 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\(71\)](#)). Annex V applies to **all** vessels and covers **all** garbage generated during normal operations, such as plastics, fishing gear, food, and cargo residues.
2. Australia is a party to MARPOL and implements it through the [Protection of the Sea \(Prevention of Pollution from Ships\) Act 1983](#) (POTS Act), the [Navigation Act 2012](#) and [Marine Order 95](#). In addition, most state-territory jurisdictions have given effect to MARPOL Annex V in their legislation.
3. In 2018, the IMO adopted an [Action Plan to Address Marine Plastic Litter from Ships](#) (the IMO Action Plan) in response to growing global concerns about the impact of plastic litter on the marine environment and human health.
4. While discharging plastics into the sea is already prohibited under MARPOL, the IMO Action Plan aims to enhance existing regulations and introduce new measures to further reduce vessel sourced marine plastic litter by 2025.
5. Two of the actions within the IMO Action Plan concern fishing gear and form the basis of the proposals being considered in this paper. These are:
 - Action 2: Consider making mandatory, through an appropriate IMO instrument (e.g. MARPOL Annex V), the marking of fishing gear, in cooperation with the Food and Agriculture Organisation of the United Nations (FAO).
 - Action 22: Consider extending the reporting requirement in regulation 10.6 of MARPOL Annex V to include reporting data on discharge or accidental loss of fishing gear by the Flag State to IMO via GISIS or other means if appropriate.
6. In addition, in 2018, the Australian Government released the [National Waste Plan](#), supported by the subsequent 2019 [Action Plan](#). The 2019 Action Plan aims to reduce landfill and improve the circular economy and includes an action to implement measures to reduce ship-sourced waste as per the IMO Action Plan.

Issue 1) Mandatory Marking of Fishing Gear

7. In June 2022, the IMO agreed that amendments would be made to MARPOL Annex V to introduce mandatory marking requirements for fishing gear. It was agreed that the new requirements should be goal-based, to provide flexibility for countries to adopt regulations that reflect the characteristics of regional fishing operations, while also providing a uniform international regulation on marking.
8. The marking requirements were proposed to disincentivise unnecessary discharges of fishing gear and encourage the reporting and retrieval of lost or discharged fishing gear. Reducing the volume of lost fishing gear will help protect our marine environment and benefit marine uses, including fishing, tourism, and navigation.
9. In general, the Australian Government supports actions to disincentivise the unnecessary discharge of fishing gear but believes that any new marking requirements must be reasonable in application and not unduly burden industry or duplicate existing marking requirements.
10. Requirements should have appropriate thresholds for what gear is marked, and to which vessel types or industries the requirements apply. The new mandatory marking measures should provide flexibility to align with existing regional fisheries management organisation (RFMO) arrangements.
11. The IMO will consider the new mandatory marking requirement in further detail at a meeting scheduled for April 2023. Your advice and comments are sought on the scope and application of any new mandatory marking measures, to inform Australia's position.

- *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 you believe should be **excluded** from mandatory marking requirements? Why?*
- *What technical or feasibility limitations are there for marking gear?*
- *How should these limitations be considered when determining the types of marking systems used (e.g., physical, chemical, electronic marking)?*
- *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? If yes, please provide details.*
- *What do you believe are the main factors currently limiting or preventing participation in gear marking schemes?*

Issue 2) Reporting of Fishing Gear

12. MARPOL Annex V currently requires vessel operators to report accidental losses and discharges of fishing gear which pose a “significant threat” to the marine environment or navigation to the vessel’s flag State Authority (for Australian vessels, this is AMSA), and the coastal State Authority where the discharge/loss has occurred. There is no current requirement for State Authorities to report losses and discharges to the IMO.
13. In May 2019, the IMO agreed that MARPOL Annex V would be amended to expand the reporting requirements to include all losses and discharges of fishing gear, not just those which are accidental or pose a significant threat. It was also agreed that countries would report to the IMO on losses and discharges from their vessels.
14. The intention behind the reporting requirements is to increase understanding of the contribution of fishing gear to marine plastic litter and provide a database to measure trends so

that appropriate measures can be developed to further prevent and reduce fishing gear losses and discharges. The types of gear which will be included in the new reporting requirements is yet to be determined.

15. The information to be reported could include the type of gear, amount/volume of gear lost, 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).
16. The Australian Government supports the intention of the expanded reporting requirements but recognises that they should be based on reasonable thresholds for reporting and have flexibility to accommodate existing reporting requirements, to reduce any undue burden on industry. In addition, any data reported to the IMO should protect commercial-in-confidence information, such as fishing vessel location.
17. The IMO is currently developing the amendments to MARPOL to expand the reporting requirements through a Correspondence Group. Australia is participating in this Correspondence Group, which is considering the reporting mechanisms and information to be reported. 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 guide Australia's advice to the IMO in developing these requirements.

- *Do you participate in any existing reporting requirements or voluntary reporting schemes? If yes, please provide details (e.g. what is reported, who reports 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 you believe should be **excluded** from expanded reporting requirements? Why?*
- *When considering the list of information proposed to be reported (see point 15):*
 - *Is there any information you believe should not be reported to the:*
 - *Vessel's flag State Authority (for Australian vessels, this is AMSA);*
 - *Coastal State Authority of where the discharge has occurred; or*
 - *IMO?*
 - *For the information you do not support being reported to the IMO, would you support that information being reported if it was aggregated and anonymised?*
 - *Is there any additional information you believe should be reported? If yes, to which of the parties named above?*
- *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

18. The IMO Member States, will further consider amendments to MARPOL Annex V for the mandatory marking of fishing gear and reporting lost and discharged gear at the 10th session of the IMO's Pollution Prevention and Response Sub-Committee (PPR 10), tentatively scheduled for April 2023. Australia will attend and participate in the meeting.

19. The outcomes of the Correspondence Group working on the reporting requirements will be considered, as well as any other submissions on the issue. 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.
20. Your feedback and advice will be used to develop the policy position that Australia will take at the IMO meetings. While we will work to ensure that our policy position is representative of the needs of Australia's fishing industry and Australia's environmental and community interests, our position may not be the one that is internationally supported and adopted by the IMO.
21. 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 **[DATE]** via email to imoenvironment@amsa.gov.au or by post to:

**Manager Environment and Strategy
Policy and Regulation, AMSA
GPO Box 2181
Canberra ACT 2601**

If you would like to continue to receive updates on these issues, please register your interest by emailing imoenvironment@amsa.gov.au, or by notifying us in your submission.

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