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NOTE POINT "I"

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents (1 ^{re} partie)
N° doc. Cion:	5494/22
N° doc. préc.:	5572/22
Objet:	Projet de soumission des États membres et de la Commission à la 9 ^e session du Sous-comité de la prévention de la pollution et de l'intervention de l'Organisation maritime internationale contenant des observations sur le rapport du Groupe de travail par correspondance sur la perte accidentelle ou le rejet des engins de pêche – <i>Approbation</i>

I. INTRODUCTION

1. Le 19 janvier 2022, la Commission a transmis au Conseil un document de travail des services de la Commission contenant un projet de soumission à la 9^e session du Sous-comité de la prévention de la pollution et de l'intervention (PPR 9) de l'Organisation maritime internationale (OMI), proposant des observations sur le rapport du Groupe de travail par correspondance sur les déchets plastiques rejetés dans le milieu marin par les navires (document PPR 8/8) en ce qui concerne la notification des pertes accidentelles ou rejets d'engins de pêche. Le délai pour transmettre la soumission au secrétariat de l'OMI est le 11 février 2022.

2. Les engins de pêche constituent une partie considérable des déchets plastiques provenant des navires. Dès lors, il est nécessaire de faciliter et renforcer la notification des pertes accidentelles ou rejets d'engins de pêche afin de mieux comprendre l'ampleur du problème et d'y remédier.
3. L'objectif de la présente soumission est de faire avancer les travaux de l'OMI sur ce sujet important en proposant de constituer un groupe de travail par correspondance additionnel avec le mandat d'élaborer des amendements à l'Annexe V de la Convention internationale pour la prévention de la pollution par les navires (MARPOL) ainsi que des amendements appropriés aux *Directives de 2017 pour la mise en œuvre de l'Annexe V de MARPOL (résolution MEPC.295(71))* et de soumettre un rapport écrit au PPR 10.

II. TRAVAIL DES INSTANCES PRÉPARATOIRES DU CONSEIL

4. Le groupe "Transports maritimes" a examiné le projet de soumission lors de ses réunions du 21 et 28 janvier 2022. À cette dernière réunion, le groupe est parvenu à un consensus sur le projet de soumission.
5. Le groupe a convenu que la présidence pourrait indiquer au secrétariat de l'OMI, lors de la transmission de la soumission, que celle-ci peut être rendue publique avant le PPR 9.
6. La question de savoir qui devrait transmettre le projet de soumission reste toutefois non résolue. La Commission considère que la soumission devrait être transmise par "la Commission européenne au nom de l'Union européenne", tandis que les États membres sont de l'avis qu'elle devrait être transmise au nom des États membres et de la Commission européenne.
7. Vu l'importance et l'urgence de la soumission, le groupe a décidé de suggérer qu'elle soit transmise au nom des États membres et de la Commission européenne, en prenant bonne note de la position de la Commission.

III. CONCLUSION

8. Compte tenu de ce qui précède, le Comité des représentants permanents est invité à approuver le projet de soumission en vue de sa transmission par la présidence à l'OMI le 28 janvier 2022 au plus tard.
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SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
9th session
Agenda item 8

PPR 9/8/xx
DD/MM/2020
Original: ENGLISH
Pre-session public release:

MARINE PLASTIC LITTER FROM SHIPS

Comments on document PPR 8/8, the report of the Correspondence Group on Marine Plastic Litter from Ships as regards reporting of the accidental loss or discharge of fishing gear

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the European Commission

SUMMARY

Executive summary:	This document comments on document PPR 8/8. It proposes to establish a Correspondence Group to develop amendments to MARPOL Annex V together with corresponding draft amendments to the <i>2017 Guidelines for the implementation of MARPOL Annex V</i> . The group would then report to PPR 10.
Strategic direction, if applicable:	4
Output:	4.3
Action to be taken:	Paragraph 19
Related documents:	MEPC 73/19, MEPC 74/8/3, MEPC 75/8/5, 75/INF.23, MEPC 76/8, PPR 7/22, PPR 7/17, PPR 8/8

Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2). It comments on document PPR 8/8, the report of the Correspondence Group on Marine Plastic Litter from Ships.

2 The Correspondence Group was instructed by PPR 7 to consider how to amend MARPOL Annex V and the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)) to facilitate and enhance reporting of the accidental loss or discharge of fishing gear, as currently provided in regulation 10.6 of MARPOL Annex V, and consider the information to be reported to Administrations and the Organization, the reporting mechanisms and the modalities.

3 Considering the urgent need to progress this work, the co-sponsors suggest that PPR 9 establish a correspondence group and propose terms of reference. This is based on the report of the Correspondence Group on marine plastic litter (PPR 8/8). Its aim would be to present a report at PPR 10 with a draft resolution amending annex V of MARPOL and the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)).

Background

4 PPR 7 established a Correspondence Group on Marine Plastic Litter on reporting of the accidental loss or discharge of fishing gears coordinated by France.

5 The terms of reference of the Correspondence Group set out in PPR 7/17 instructed the Group to: “consider how to amend MARPOL Annex V and the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)) to facilitate and enhance reporting of the accidental loss or discharge of fishing gear, as currently provided in regulation 10.6 of MARPOL Annex V, and consider the information to be reported to Administrations and IMO, the reporting mechanisms and the modalities”.

6 The quality of the various contributions made by the participants enabled the Group to draw up a concrete response to the first term of reference. This was done by favouring the hypothesis of two MEPC resolutions, the first amending MARPOL Annex V, the other amending the IMO guidelines for its implementation (Resolution MEPC.295(71)). The hypothesis agreed by the participants established a priority relationship between the two resolutions. This was because the work on the resolution amending the guidelines for implementing MARPOL Annex V could not be completed without a consensus being reached on the resolution amending MARPOL Annex V.

7 The report of the Correspondence Group on marine plastic litter (PPR 8/8) recognises the Group made good progress but states that further work is needed. The Group therefore agreed to recommend establishing a working group at PPR 8 with the draft terms of reference 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; and
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.

8 It also invited the Sub-Committee to note the above information on the outcome of the Group's work in general, and in particular, to:

1. consider the issues associated with the application of MARPOL Annex V (paragraphs 66 and 67), data confidentiality and the thresholds for reporting (paragraphs 42 to 46) and decide as appropriate;
2. endorse the establishment of a working group and consider the terms of references proposed (paragraph 91); and
3. take action as appropriate.

9 PPR 8 noted the progress made by the Correspondence Group but due to time constraints was unable to consider the Group's report and document PPR 8/8/1 in detail (see the report of PPR 8 in document PPR 8/13). It recognised that further deliberations would be facilitated by:

- in-person discussions in a working group (see also paragraphs 9.4 and 9.5 of the report);
- additional written proposals. These would either contain draft text building on the Correspondence Group's framework for proposed amendments or elaborate items requiring further consideration, such as reporting frequency, data management, information sharing and harmonising reporting formats;
- additional consultations with the fishing industry and FAO.

10 The Sub-Committee forwarded document PPR 8/8 and PPR 8/8/1 to PPR 9 for detailed consideration. It invited interested Member States and international organizations to submit additional proposals or commenting documents building on the work done to PPR 9. The Sub-Committee further noted that potentially relevant documents on marine plastic litter, were due to be considered by MEPC and might be forwarded to PPR 9 if so decided by the Committee. This includes the progress report of the GESAMP Working Group on sea-based sources of marine litter and a submission by FAO on reporting protocols and practices.

Discussion

11 The co-sponsors consider the prevention and reduction of plastic litter generated from, and retrieved by, fishing vessels as key to achieve Sustainable Development Goal 14 by 2025. In the EU, 80 to 85 % of marine litter (beach litter counts), is plastic, with single-use plastic making up 50% and fishing-related items representing 27 % of the total litter items.

12 The final report of the GESAMP Working Group 43 on Sea-based Sources of Marine Litter highlighted the need for an up-to-date and accurate estimate based on available data on the portion of marine litter that is abandoned, lost and otherwise discarded fishing gear.

13 GESAMP considers the estimate that 640,000 tonnes of fishing gear enter the world's oceans each year, based on National Academy of Sciences (NAS 1975) studies and FAO/UNEP study (Macfadyen et al. 2009), unreliable. This is based on the dramatic variances in these statistics, and the significant changes that have occurred over the last 50 years in the global scale of commercial fisheries and the materials used in the manufacturing of gear. Lost, abandoned or otherwise discarded fishing gear containing plastic is therefore a particularly serious problem. It poses a severe risk to marine ecosystems, navigation, biodiversity and to human health. It is also harmful for tourism, fisheries and shipping.

14 Furthermore, the report of GESAMP WG 43¹ considers that “Mandatory and no-fault gear loss and ALDFG reporting requirements for both vessels that lose gear and for others that observe ALDFG at sea ensure that loss events are recorded and reported, which contributes to knowledge around total gear losses for a given fishery and/or location, and facilitates lost gear recovery, as well as location of gear that may present a navigational hazard (Macfadyen et al. 2009; Richardson et al. 2019a).“

Proposals

15 The co-sponsors believe that the framework for the MEPC resolutions annexed to document PPR 8/8 could be an appropriate basis for further discussions in a Correspondence Group if PPR 9 decides to establish one. The proposed amendments to regulations 7.3, 7.4 and 10.6 and new regulation 10.7 introducing an appendix III listing the items to be reported to the IMO by Contracting Parties to MARPOL Annex V when fishing gear is lost or discarded meet the objectives of document PPR 7/7 cited as a basis for consideration in the terms of reference adopted at PPR 7. In particular, the co-sponsors welcome the proposed amendments to regulations 7.1.3 and 10.6, which clarify that all lost or discharged fishing gear are covered by the scope of those regulations.

16 The progress of the Correspondence Group's discussions and its recommendations are set out in document PPR 8/8. Further progress was delayed by the COVID-19 pandemic and its effects on the work of the Sub-Committee. The co-sponsors therefore suggest that PPR 9 establish a further Correspondence Group and propose terms of reference with a view to present a report to PPR 10 with a draft resolution amending Annex V to MARPOL and the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)).

17 It is proposed that the Correspondence Group be instructed by the Sub-Committee to:

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; and
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.
3. submit a written report to PPR 10.

18 PPR 9 will be held remotely. Furthermore, there is a need to progress work on this important output and propose to PPR 10 appropriate draft amendments to MARPOL Annex V and to the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)) for consideration at MEPC 80.

Action requested of the Sub-Committee

19 The Sub-Committee is invited to consider the proposals in paragraphs 16-18 and take action as appropriate.

¹ <http://www.gesamp.org/publications/sea-based-sources-of-marine-litter>; released October 2021