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Intersessional review of CMM 2017-04 on Marine Pollution

WCPFC-TCC22-2026-23A

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Submitted by Canada



Intersessional review of CMM 2017-04 on Marine Pollution

Fisheries and Oceans Canada
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Context

- CMM 2017-04 on marine pollution states that the measure will be reviewed by the Commission every 3 years to consider expanding its scope with respect to the elimination of marine pollution caused by fishing vessels (paragraph 12 of CMM 2017-04).
- 2024: Canada submitted a proposal to WCPFC21 to amend CMM 2017-04 (WCPFC-2024-DP04). In response, WCPFC21 requested CCMs to develop a proposal with a view to adopt a revised measure by WCPFC23 (paragraph 605 of WCPFC21 Summary Report).
- 2025: Canada initiated the review by seeking two rounds of written feedback on WCPFC-2024-DP04. Key themes were identified to focus the review in 2026. WCPFC22 requested that work continue and that recommendations and any proposed amendments to the measure be submitted to SC22 and TCC22 in 2026 (paragraphs 335 and 336 of WCPFC22 Summary Report).
- 2026: Canada circulated a new proposal to amend CMM 2017-04 which sought to address input received throughout 2025. Canada requested two additional rounds of written feedback on the new proposal in 2026.

Issues for TCC consideration

- Throughout the informal intersessional review process, TCC review and advice were requested on issues related to the:
 - Inclusion of **underwater noise** within the scope of this measure;
 - Inclusion of **greenhouse gas emissions** within the scope of this measure;
 - Requirement for all receiving vessels conducting **transshipment** activities on high seas to receive waste;
 - Utility of Abandoned, Lost or otherwise Discarded Fishing Gear (**ALDFG**) **data**, and how it may best be collected and transmitted to the Science Service Provider;
 - **Revision period** to ensure it aligns with the TCC workplan; and,
 - Any other issue on which the TCC may wish to provide advice.

Underwater noise

Proposed amendments to CMM 2017-04:

[3. quarter CCMs shall encourage their fishing vessels to assess and, where feasible, mitigate sources of underwater noise generated by fishing vessel operations, particularly through the adoption of quiet vessel technologies (e.g., quieter propellers, hull coatings, machinery insulation) and operational practices (e.g., speed reductions and route adjustments in sensitive areas).]

11. CCMs are encouraged to conduct training and awareness programs for the crew and master of fishing vessels flying their flag regarding the impacts of marine pollution [, including underwater noise,] and operational practices to [prevent and] eliminate marine pollution caused by fishing vessels.

[11. bis CCMs are encouraged to undertake research into marine pollution [, including underwater noise,] related to fisheries in the WCPFC Convention Area to further develop and refine measures to reduce marine pollution, and are encouraged to submit to SC and TCC any information derived from such efforts.]

Underwater noise

Summary of comments:

- Many CCMs do not support incorporating underwater noise within the scope of this measure, as scientific discussions on its impacts on species covered by the Convention and the ecosystem have not yet been sufficiently developed or concluded.
- A CCM also noted the complexities associated with measuring underwater noise and with the ability to assess compliance with any relevant obligations.
- Some CCMs are willing to consider how underwater noise impacts can be addressed in the work program of the Commission.
- Some CCMs suggested that a recommendation from the SC would be necessary to consider underwater noise for inclusion in the revised measure.
- SC22 noted that several CCMs considered that further scientific discussion is required before underwater noise could be included in the measure, and that the proposed amendments have management implications more appropriately considered by TCC.

Draft recommendation for consideration:

TCC recommends that the Commission consider including underwater noise and its impact on WCPFC fisheries within the workplan of the Commission and its subsidiary bodies, as appropriate.

Greenhouse gas emissions

Proposed amendments to CMM 2017-04:

[Preamble paragraph: Recalling the [Advisory Opinion issued by the] International Tribunal for the Law of the Sea (ITLOS) [Advisory Opinion Case No. 31] which affirmed that Parties to the United Nations Convention on the Law of the Sea (UNCLOS) have specific obligations to prevent, reduce, and control pollution of the marine environment from anthropogenic sources;]

3.ter CCMs [other than SIDSs] shall [take all necessary measures] [meet their obligations] to prevent, reduce and control pollution [from] [of the marine environment] anthropogenic GHG emissions from their fishing operations within the Convention Area.]

Greenhouse gas emissions

Summary of comments:

- While there was some support to reference GHG emissions in the preamble, many CCMs did not support the inclusion of GHG emissions within the scope of the measure at this time for similar reasons as those given on the inclusion of underwater noise.
- Some CCMs suggested that a recommendation from the SC would be necessary to consider including this preambular paragraph.
- SC22 noted that several CCMs considered that further scientific discussion is required before greenhouse gas emissions could be included in the measure, and that the proposed amendments have management implications more appropriately considered by TCC.

Draft recommendations for consideration:

(1) TCC recommends that the Commission consider including an encouragement to exchange information on GHG emissions within the measure, with a view to informing the next marine pollution review.

(2) TCC recommends that the Commission consider including GHG emissions and its impact on WCPFC fisheries within the workplan of the Commission and its subsidiary bodies, as appropriate.

Transshipment of waste at sea

Proposed amendments to CMM 2017-04:

[8.bis During a transshipment event [on the high seas] [at sea], CCMs shall [ensure] [encourage] their flagged vessels receiving fish to also accept [garbage, including all plastic and e-waste,] and manage it, in accordance with this measure and other applicable international instruments [, wherever possible].]

Transshipment of waste at sea

Summary of comments:

- CCMs expressed a range of views, from full support to no support.
- A CCM suggested that the provision should apply to all at-sea transshipment activities.
- It was noted that the flag CCM of the offloading vessel may not have jurisdiction over the receiving vessel, and suggested that the flag CCM of the receiving vessel should ensure that their vessel receives the garbage.
- A CCM suggested the provision be retained as an encouragement.
- Concerns were raised as this text introduces an obligation that is not reflected in existing international instruments, and whose effectiveness and practical feasibility remain unclear.
- WCPFC legal advisor input is being sought on this point and advice from TCC is being sought on the expected effectiveness of this proposed obligation.

Draft recommendation for consideration:

TCC recommends that the Commission consider the transshipment of waste within the workplan of Commission and its subsidiary bodies, as appropriate.

ALDFG data

Proposed amendments to CMM 2017-04:

[8. ter CCMs shall ensure their fishing vessels annually report all ALDFG. The Secretariat shall create and present an annual summary report to the Commission [and relevant subsidiary bodies] on ALDFG related data using the information provided in CCM annual reports.

8. quater CCMs shall [ensure their fishing vessels][encourage their fishing vessels to] notify their competent authority [within 24 hours] of the following information when vessels cannot retrieve ALDFG [linked to that vessel] [deemed to pose of significant risk of ghost fishing and/or navigational safety (e.g., nets and more than X meters of longline)]:

a. through g.

CCMs shall [promptly] transmit this information to the Secretariat [within 48-72 hours] for its dissemination to all CCMs, as appropriate, so that every attempt can be made to retrieve the lost gear.

8. quinquies CCMs shall [ensure their fishing vessels][encourage their fishing vessels to] report the following information to its competent authority [within 24 hours of returning to port] regarding any retrieved ALDFG: a. through g.]

ALDFG data

Summary of comments:

- Several CCMs did not support mandatory annual ALDFG reporting, noting that such requirements would be administratively burdensome and that the scientific justification has not yet been well demonstrated.

Relevant SC22 outcomes:

- SC22 advised that the scientific value of additional ALDFG reporting will remain limited while observer coverage in longline fisheries remains low, and supported increasing independent monitoring, whether human or electronic, of longline fishing operations
- SC22 also recommended that the TCC and Commission:
 - consider strengthening observer monitoring of ALDFG across relevant WCPFC longline observer programmes, as appropriate and practicable, including through electronic reporting systems and associated observer training.
 - encourage CCMs to expand monitoring of longline ALDFG beyond the 13 CCMs with current monitoring and also encourage CCMs to expand monitoring of additional WCPFC fleets.
- SC22 noted that some CCMs suggested data monitoring use standardized fields instead of “comments” to record whether gear was ALD, the reasons for the event, and estimated quantities of gear involved, including mainline and branchline length or weight and numbers of floats and beacons.
- On the proposal to limit ALDFG related requirements to gear that poses a significant risk of ghost fishing and/or navigational safety, SC22 noted that it did not have the necessary information to advise.

ALDFG data

Draft recommendations for consideration:

(1) Utility of ALDFG data: TCC notes that the value of ALDFG data is challenging to assess until the data is collected and analyzed, and therefore recommends that the Commission seek to enhance data collection as outlined in the SC22 outcomes to inform future reviews of the marine pollution measure.

(2) ALDFG data flow: TCC recommends that the ROP-IWG and EM-IWG consider strengthening ALDFG reporting across relevant WCPFC fisheries, including within regional observer programs, electronic reporting systems, and associated observer training, as outlined in the SC22 outcomes.

(3) Significant risk of ghost fishing and/or navigational safety: Without a clear definition for ALDFG that pose a significant risk of ghost fishing and/or navigational safety, the TCC recommends that the Commission avoid the inclusion of a risk qualifier, recognizing it would be challenging to assess compliance with any requirement that includes an undefined qualifier.

Revision period

Proposed amendments to para 12 of CMM 2017-04:

12. This measure will be reviewed by the Commission every 3 years [starting in 20XX] to consider expanding the scope of measure with respect to the elimination of marine pollution caused by fishing vessels. [The Commission is invited to consider, inter alia, [issues that have yet to be addressed].]

Summary of comments:

- A CCM recommended that the review clause reference all issues flagged by this review that were not addressed. These may include how biodegradable fishing gear should be treated, and considering underwater noise and GHG emissions.
- Some CCMs suggested that the revision period be discussed by SC and TCC, to ensure it aligns with workplans of subsidiary bodies and the Commission.
- SC22 recommended that the Commission consider scheduling a three-year review period following the adoption of the new measure, which aligns with the SC's workplan

Draft recommendation for consideration:

TCC recommends that the Commission consider scheduling a three-year review period following the implementation of the new marine pollution measure.

Recommendations

- (1) GHG emissions and underwater noise:** TCC recommends that the Commission consider including GHG emissions and underwater noise, and their impact on WCPFC fisheries, within the workplan of the Commission and its subsidiary bodies, as appropriate.
- (2) GHG emissions:** TCC recommends that the Commission consider including an encouragement to exchange information on GHG emissions within the measure, with a view to informing the next marine pollution review.
- (3) Transshipment of waste at sea:** TCC recommends that the Commission consider the transshipment of waste within the workplan of the Commission and its subsidiary bodies, as appropriate.
- (4) Utility of ALDFG data:** TCC notes that the value of ALDFG data is challenging to assess until the data is collected and analyzed, and therefore recommends that the Commission seek to enhance data collection as outlined in the SC22 outcomes to inform future reviews of the marine pollution measure.
- (5) ALDFG data flow:** TCC recommends that the ROP-IWG and EM-IWG consider strengthening ALDFG reporting across relevant WCPFC fisheries, including within regional observer programs, electronic reporting systems, and associated observer training, as outlined in the SC22 outcomes.
- (6) Significant risk of ghost fishing and/or navigational safety:** Without a clear definition for ALDFG that pose a significant risk of ghost fishing and/or navigational safety, the TCC recommends that the Commission avoid the inclusion of a risk qualifier, recognizing it would be challenging to assess compliance with any requirement that includes an undefined qualifier.
- (7) Revision period:** TCC recommends that the Commission consider scheduling a three-year review period following the implementation of the new marine pollution measure.