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**Proposed Amendments to the Conservation and Management Measure on Marine Pollution
(CMM 2017-04)**

WCPFC21-2024-DP04
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Submitted by Canada

EXPLANATORY NOTE

The Conservation and Management Measure on Marine Pollution (CMM 2017-04) was adopted in 2017 and entered into force January 1, 2019. This measure includes a review provision that states the measure will be reviewed every three (3) years to consider expanding the scope of the measure with respect to the elimination of marine pollution caused by fishing vessels. To our knowledge, no review has been conducted since the measure entered into force in 2019.

Canada proposes to amend CMM 2017-04 to strengthen the existing provisions and expand the scope of the measure to include:

- a prohibition on the abandonment and discard of fishing gear (paragraph 5),
- a prohibition on discharging all pollutants (paragraphs 6 and 7),
- a prohibition on open burning (paragraph 8),
- a vessel stowage plan (paragraph 10),
- a requirement to maintain a garbage record book (paragraph 11),
- reporting requirements for vessels that abandon, lose or discard fishing gear (paragraphs 17 and 19).

Combatting marine litter and addressing issues related to abandoned, lost or discarded fishing gear (ALDFG, otherwise known as “ghost gear”) is a Government of Canada priority. One of the biggest threats to our oceans is marine litter and in particular, ghost gear. This marine pollution is some of the most harmful debris found in our oceans and can be fatal to fish, marine mammals and other marine life, poses a navigation hazard, and also breaks down into other forms of pollution such as micro-plastics. Without new and effective control measures, global plastic production and waste is set to triple by 2060, with plastic pollution flows projected to grow 2.5 times from 2015 levels by 2040. Plastic pollution is a global problem that requires urgent attention.

As responsible marine stewards, Canada’s proposal aims to eliminate marine pollution caused by fishing vessels, except as would be permitted under applicable international instruments, and to ensure a mechanism is agreed to ensure vessel compliance with these prohibitions.

SPECIAL REQUIREMENT ASSESSMENT 2013-06

a. Who is required to implement the proposal?

All WCPFC CCMs would be required to implement the proposed revisions to the CMM to take collective action in reducing the detrimental impact of marine pollution on ocean and coastal environments, wildlife, economies and ecosystems. The proposed revisions would require CCMs to ensure that their vessels:

- Prohibit the abandonment and discard of fishing gear (paragraph 5),
- Prohibit the discharging all pollutants (paragraphs 6 and 7),
- Prohibit on open burning (paragraph 8),
- Maintain a stowage plan of fishing gear, garbage, e-waste, and plastics on board a vessel (paragraph 10),
- Maintain a garbage record book (paragraph 11), and
- Report gear they abandon, lose or discard (paragraphs 17 and 19).

b. Which CCMs would this proposal impact and in what ways and what proportion?

This measure equally impacts all CCMs. The proposed revisions would likely provide greater benefits to SIDS and Participating Territories over the long-term as this proposal aims to reduce marine pollution and its subsequent impacts to marine and coastal environments.

c. Are there linkages with other proposals or instruments in other Regional Fisheries Management Organizations or international organizations that reduce the burden of implementation?

Many neighbouring RFMOs have measures in place to deter marine pollution, including:

- SPRFMO prohibits the discard of fishing gear and marine pollutants and implements mandatory lost gear reporting.
- NPFC prohibits the abandonment and discard of plastics and fishing gear.
- IATTC prohibits the discard of plastic trash.

In addition, other international organizations such as the Global Ghost Gear Initiative (GGGI) support collaborative projects that have been designed by and funded through the GGGI and involve several GGGI members and other partners contributing to large-scale and often multi-phase projects. The GGGI also has the GGGI Small Grants Program which is a competitive bid-based program open to GGGI members only, pending available funding. GGGI Small Grants typically involve one or more GGGI members working on specific projects in select geographies.

d. Does the proposal affect development opportunities of SIDS?

The proposal will affect those SIDS which have vessels fishing in the Convention Area, but if the CMM is implemented by all CCMs the impact should not be disproportionate. The existing text in Paragraphs 16 and 23 provides development opportunities to SIDS and Participating

Territories as it relates to the provision of adequate port facilities for receiving and appropriately disposing of waste fishing gear, e-waste, garbage, and plastics from fishing vessels. SIDS can request capacity development assistance to use or upgrade their ports. No revisions have been proposed to existing Paragraphs 21-24 speaking to capacity development.

Note, pursuant to Paragraph 2, the provisions in this measure shall not prejudice the legitimate rights and obligations under international law of Commission Members, Cooperating Non-Members and Participating Territories (CCMs).

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

No.

f. What sources, including financial and human capacity, are needed by SIDS to implement the proposal?

SIDS may need to deploy technical and legislative resources to implement the newly proposed requirements. In particular, SIDS may need support to implement the stowage plan and record book (paragraphs 10 and 15), as well as the reporting requirements of abandoned, lost and discarded fishing gear (paragraph 17).

Although CCMs are encouraged to ensure port facilities are available to receive fishing gear, e-waste, garbage, and plastics from fishing vessels, this is not mandatory.

g. What mitigation measures are included in the proposal?

A proposed revision notes that the provisions in this measure shall not prejudice the legitimate rights and obligations under international law of Commission Members, Cooperating Non-Members and Participating Territories (CCMs; paragraph 2); with respect to the record book, there's an option for Parties to satisfy the requirement in paragraph 11, through their obligations under MARPOL to avoid duplicative efforts; and text on capacity development, training and research has remained relatively unchanged (paragraphs 21-24).

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

The proposed implementation timeline is 2026, which would hopefully provide CCMs with enough time to implement necessary regulations and legislation to comply with this proposal.



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CONSERVATION AND MANAGEMENT MEASURE ON MARINE POLLUTION

Conservation and Management Measure ~~2017-04~~ 2024-XX

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

Concerned that marine pollution is increasingly recognised as a significant global problem, with detrimental impacts on ocean and coastal environments, wildlife, economies and ecosystems,

Recalling paragraph (e) of Article 5 of the WCPFC Convention which states that members shall adopt measures to minimize waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;

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;

Convinced that certain activities associated with fishing may affect the Western and Central Pacific marine environment and that these activities may play a notable role in WCPFC’s efforts to minimise incidental mortality of non-target species and impacts on marine ecosystems,

Noting that abandoned, lost or otherwise discarded fishing gear in the marine environment can damage marine, reef and coastal habitats, be harmful to marine life through ghost fishing, entanglement, ingestion and acting as habitat for the spread of invasive species, and create a navigation hazard,

Noting that the provisions of Annex V of International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL), prohibit the disposal of all fishing gear and plastics at sea,

Further noting 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,

Recalling that information from observer reports suggests that fishing vessels are responsible for significant amounts of marine pollution in the Western and Central Pacific Ocean, even when observers are aboard, and that marine pollution is likely to be even more significant on fishing vessels, particularly longline fishing vessels, where observer coverage is very low,

Recognising that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular the small island developing States (SIDS) and Territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;

Recognising further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular SIDS and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and Territories,

Recalling the adoption of CMM 2013-07 which also recognises the special requirements of SIDS and territories:

Adopts, in accordance with Article 5 (d-f) and 10 (1)(h) of the Convention that:

Definitions:

1. For the purposes of this measure, the following definitions will apply:
 - a. (MARPOL) E-waste: electrical and electronic equipment used for the normal operation of the vessel or in the accommodation spaces, including all components, subassemblies and consumables, which are part of the equipment at the time of discarding, with the presence of material potentially hazardous to human health and/or the environment.
 - b. (WCPFC) Garbage: includes unusable fishing gear, oil or fuel products, oily residues, sewage, food waste, domestic waste, incinerator ashes, cooking oil.
 - c. (FAO) Open burning: uncontrolled combustion of garbage, e-waste, plastics, or fishing gear without emissions control.
 - d. (NPFC) Plastics: a material which contains as an essential ingredient one or more high molecular mass polymers and which is formed during either manufacture of the polymer or the fabrication into a finished product by heat or pressures.

General Provisions

2. (NEW) Provisions in this measure shall not prejudice the legitimate rights and obligations under international law of Commission Members, Cooperating Non-Members and Participating Territories (CCMs).
3. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) that are entitled to ratify, accept, approve or accede to the annexes of MARPOL and the London Protocol are encouraged to do so at the earliest possible opportunity if they have not already done so. CCMs that experience difficulties in becoming Parties to the MARPOL or London Protocol are encouraged to inform the International Maritime Organization of the circumstances thereof, so that consideration can be given to take appropriate action in this respect, including providing necessary technical assistance.
4. (NEW) The WCPFC Secretariat is encouraged to engage with the Secretariats of other international organizations, including Regional Fisheries Management Organizations, to discuss shared challenges and identify potential pathways for cooperation on addressing marine pollution from fisheries.

Prohibition on Marine Pollution

5. CCMs shall prohibit their fishing vessels operating within the WCPFC Convention Area from abandoning or discarding any fishing gear into the water, except where fishing gear is considered lost pursuant to Paragraph 7, or as would be permitted under applicable international instruments.
 - i. Fishing gear attached to, or controlled from a vessel is not considered abandoned or discarded.
 - ii. Fishing gear such as FADs, traps, static nets, released from the control of a vessel to undertake fishing activities, is not considered abandoned or discarded, at the time of release or while being used.
 - iii. Fishing gear such as FADs, traps, static nets, released from the control of a vessel to undertake fishing activities that is not in use and is not recovered is considered abandoned.
6. CCMs shall prohibit their fishing vessels from discharging any e-waste, garbage, plastics, ~~(including plastic packaging, items containing plastic and polystyrene)~~ but not including fishing gear, except as would be permitted under applicable international instruments.
7. Fishing gear, e-waste, garbage, and plastics released due to the following circumstances whereby every effort is made for retrieval, but retrieval is impossible, are considered lost:
 - i. For the purposes of securing the safety of a vessel and those on board;
 - ii. In an effort to save a life; or
 - iii. Due to environmental factors (severe weather, strong tides or currents, underwater snag).

8. (NEW) CCMs shall prohibit their vessels from the open burning of fishing gear, e-waste, garbage, and plastics.

~~CCMs are encouraged to prohibit their fishing vessels operating within the WCPFC Convention Area from discharging:~~

- ~~a) oil or fuel products or oily residues into the sea;~~
 - ~~b) garbage, including fishing gear[‡], food waste, domestic waste, incinerator ashes and cooking oil; and~~
 - ~~c) sewage;~~
- ~~except as would be permitted under applicable international instruments.~~

Retrieval

9. CCMs shall encourage their fishing vessels within the WCPFC Convention Area to retrieve abandoned, lost or discarded fishing gear. ~~and retain the material on board, separate from other waste for discharge to port reception facilities. Where retrieval is not possible or does not occur, CCMs shall encourage their fishing vessels to report the latitude, longitude, type, size and age of abandoned, lost or discarded fishing gear.~~

Storage, Retention and Disposal

10. CCMs shall ensure their vessels within the WCPFC Convention Area safely store and retain all unusable and retrieved fishing gear separately from e-waste, garbage, and plastics and have this information detailed in a vessel stowage plan. ~~the material on board, separate from other waste for discharge to port reception facilities. Where retrieval is not possible or does not occur, CCMs shall encourage their fishing vessels to report the latitude, longitude, type, size and age of abandoned, lost or discarded fishing gear.~~
11. (NEW) CCMs shall ensure their vessels carry and maintain a record of fishing gear, e-waste, garbage, and plastics that is onboard the vessel when they leave port and how/when these are discarded. Vessels flagged to CCMs who are signatories to MARPOL Annex V can use the Garbage Record Book to satisfy this requirement.
12. CCMs are requested to ensure adequate port reception facilities are provided to receive ~~waste~~ fishing gear, e-waste, garbage, and plastics from fishing vessels. ~~SIDS CCMs are requested to utilise, as appropriate, regional port reception facilities in accordance with international standards.~~
13. CCMs ~~are encouraged to ensure that~~ shall encourage their fishing vessels flying their flag and operating within the WCPFC Convention Area to inform their flag State of ports in

[‡]Fishing gear, for the purposes of this measure, that are released into the water with the intention of later retrieval such as FADs, traps and static nets, are not considered garbage.

countries that are Party to the annexes of MARPOL ~~which~~ that do ~~not~~ have adequate port reception facilities for MARPOL wastes.

14. (NEW) CCMs shall provide a list of its ports with adequate reception facilities, in accordance with international standards, to the WCPFC Secretariat for its dissemination to all CCMs.
15. (NEW) CCMs shall encourage their vessels to utilize, as appropriate, the ports identified as having adequate port reception facilities.
16. CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities, to actively support SIDS and Territories through the provision of adequate port facilities for receiving and appropriately disposing of ~~waste~~ fishing gear, e-waste, garbage, and plastics from fishing vessels.

Reporting Requirements

17. (SPRFMO) CCMs shall ensure that when their vessels cannot retrieve abandoned, lost or discarded fishing gear (ALDFG) linked to that vessel, the vessel notifies its competent authority within 72 hours of the following information:
 - a. the vessel name;
 - b. the type/material of the gear lost;
 - c. the quantity of the gear lost;
 - d. the date (DD-MM-YYYY) that the gear was abandoned, lost, or discarded;
 - e. the position (longitude/latitude) where the gear was abandoned, lost, discarded;
 - f. measures taken by the vessel to retrieve the ALDFG; and,
 - g. the circumstances, if known, that led to the gear being abandoned, lost, or discarded.
18. (SPRFMO) CCMs shall encourage vessels to report the following information to its competent authority regarding any retrieved ALDFG:
 - a. the vessel name;
 - b. the name and call sign of the vessel that abandoned or lost the gear (if known);
 - c. the type of gear retrieved;
 - d. the quantity of gear retrieved;
 - e. the date (DD-MM-YYYY) that when the gear was retrieved;
 - f. the position (longitude/latitude) where the gear was retrieved; and,
 - g. if possible, photographs of the gear retrieved.
19. (SPRFMO) CCMs shall promptly transmit the information received pursuant to paragraphs 17 to the Secretariat for its dissemination to all CCMs, as appropriate, so that every attempt can be made to retrieve the lost gear.

20. (NEW) Starting in 2027, the Secretariat shall create and present an annual summary report to the Commission on ALDFG related data using the information provided in CCM annual reports.

Capacity development, training and research

21. CCMs are encouraged to undertake research into marine pollution 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.
22. CCMs are encouraged to develop communication frameworks to enable the recording and sharing of information on ~~lost~~ fishing gear ~~loss~~ in order to reduce loss and facilitate recovery of fishing gear.
23. CCMs are further encouraged to develop frameworks or systems to assist fishing vessels to report the loss of gear to their flag State, relevant coastal States, and the Commission.
24. 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 and operational practices to ~~prevent and~~ eliminate marine pollution caused by fishing vessels.

Review and implementation

25. This measure will be reviewed by the Commission in 2028 to consider strengthening the measure. ~~every 3 years to consider expanding the scope of measure with respect to the elimination of marine pollution caused by fishing vessels.~~
26. The date of implementation for this measure is 1 January 2026~~19~~.