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# Guidance Document on the Country Status Assessment on Sea-Based Marine Plastic Litter





# **Guidance Document on the Country Status Assessment on Sea-Based Marine Plastic Litter**

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### **Preparation of the Guidance Document on the Country Status Assessment on Sea-Based Marine Plastic Litter**

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*This report is based on work conducted by Mr Edward Kleverlaan, under the technical supervision and coordination of the GloLitter Project Coordination Unit.*

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## Acronyms

ALDFG	abandoned, lost or otherwise discarded fishing gear
COFI	Committee on Fisheries
CSO	civil society organizations
EOI	expression of interest
FAD	fish aggregating devices
FAO	Food and Agriculture Organization of the United Nations
GGGI	Global Ghost Gear Initiative
GISIS	IMO Global Integrated Shipping Information System
GloLitter	GloLitter Partnerships project
GT	gross tonnage
HME	harmful to the marine environment
IMO	International Maritime Organization
IMSAS	IMO Member State Audit Scheme
LC/LP	London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the 1996 Protocol to the London Convention
LPC(s)	lead partnering country(ies)
LPIR	legal, policy and institutional reforms
MARPOL	International Convention for the Prevention of Pollution from Ships, 1973/78
MoU	memorandum of understanding
MPL	marine plastic litter
NAP	National Action Plan
NFP	National Focal Point
NGO(s)	non-governmental organization(s)
Norad	Norwegian Agency for Development Cooperation
NTF	National Task Force
PC(s)	partnering country(ies)
PRF(s)	port reception facilities
PSC	port state control
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009
RFB	regional fisheries body(ies)

RFMO/A(s)	regional fisheries management organization(s)/arrangement(s)
SBMPL	sea-based marine plastic litter
SIDS	small island developing States
STCW 1978	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
STCW-F	International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea, 1982
VGMFG	Voluntary Guidelines for the Marking of Fishing Gear, 2019



## 1 Introduction

The GloLitter Partnerships project (GloLitter), funded by the Norwegian Agency for Development Cooperation (Norad) and implemented by the International Maritime Organization (IMO) in partnership with the Food and Agriculture Organization of the United Nations (FAO), aims to assist developing countries to prevent, reduce and control marine plastic litter (MPL) from the maritime transport and fisheries sectors.

The main focus of GloLitter activities is at a country level where it is envisaged that the real actions need to be taken to prevent and reduce sea-based marine plastic litter (SBMPL). To this end, ten countries have been confirmed to participate as lead partnering countries (LPCs) and a further twenty countries have been confirmed to participate as partnering countries (PCs).

LPCs will take lead roles in their respective regions to champion national actions to support the IMO Action Plan on Marine Litter and promote compliance with relevant FAO instruments, including the Voluntary Guidelines for the Marking of Fishing Gear, 2019 (VGMFG) as well as the Global Ghost Gear Initiative (GGGI) voluntary guidelines. LPCs and PCs will work together, via a twinning working arrangement, to build regional support for GloLitter.

In first instance, country-level activities will heavily involve LPCs to reform their legal, policy and institutional structures through country assessments and the development of national policies and action plans for reduction of SBMPL.

This development requires close working relationships between the maritime administration, port authorities, fisheries authorities and environmental authorities to agree to the developed policies, strategies and action plans. While the activities will be coordinated by IMO, the main work will be implemented by the LPC National Task Force (NTF) under the oversight of the National Focal Point (NFP) and facilitated by a national consultant per LPC.

To support these activities, GloLitter will equip participating countries with tools such as guidance documents, templates, training materials and strategies as the main resources to help implement their legal, policy and institutional reforms (LPIR) at national levels.

This Guidance Document focuses on how to prepare a detailed Country Status Assessment on MPL with specific reference to the maritime and fisheries sectors.

This Guidance Document also includes an overview of the international legislative frameworks that prevent and reduce SBMPL from ships and wastes as defined by MARPOL Annex V and the London Convention/Protocol (LC/LP), as well as the relevant FAO codes and guidelines.



## 2 Overall objective of the Country Status Assessment

The “Country Status Assessment on Marine Plastic Litter (MPL) with specific reference to shipping and fisheries”, is the first step that must be undertaken to fully understand which LPIR activities and deliverables need to be developed. It gives a country a snapshot on how it is currently placed to address the reduction and management of SBMPL, which we call a baseline.

The assessment must identify this baseline by mapping and reviewing relevant existing national regulatory and policy frameworks as well as the institutional make-up and its capacity for implementation. From this assessment, countries can then identify gaps and priorities in these frameworks for preventing and reducing SBMPL, based on the existing international legal and policy framework (MARPOL Annex V, LC/LP and the FAO codes and guidelines, and other relevant regional arrangements).

In overall terms to achieve this assessment, each country must consider the following questions:

- Is there an overarching national policy addressing waste management and in particular marine (plastic) litter?
- Are there legal/legislative frameworks in place to effectively implement and enforce existing international, regional, and national requirements related to preventing and reducing marine plastic litter from sea-based sources?
- Are port reception facilities (PRFs) adequate, and, integrated into the national waste management system within a comprehensive waste management plan?
- Is there sufficient human, institutional and operational capacity, information access and resources to implement the policy or legislative frameworks?
- Is there effective institutional cooperation and capacity at national level as well as at regional and international levels?

While all LPCs have prepared initial baseline information, either provided in the expression of interest (EOI) phase or in follow-up communications with IMO a full identification of gaps (in the legal and policy frameworks as well as in the institutional capacity needed to deal with SBMPL) need to be fully identified, reviewed and assessed. The gaps identified could be in terms of absent or non-existent international regulations, guidelines or codes, best practices or market-based instruments, as well as training needs of personnel to carry out to implement the regulations, guidelines or codes particularly in terms of compliance, enforcement or monitoring.

The assessment itself, must identify priorities in the gaps and also provide an indication which agency or authority would be responsible for administrating or implementing a particular issue identified. The findings of the assessment will ultimately provide input to the development necessary reduction policy and strategy and an agreed National Action Plan (NAP) to be realized by the LPC consistent with the objectives of GloLitter.



### **3 Preparation of the Country Status Assessment and template**

In the paragraphs below, a short description is given of the key elements that need to be included in the Country Status Assessment.

For ease of reference and use, a basic template has been developed to assist each country in their efforts to complete the Assessment. The template for the Country Status Assessment is given at **Annex 1**.

As a reminder, under each heading, a short narrative should be provided to explain any background information, such as most recent adoption of relevant regulations or policies. Excessive detail should be avoided as it is important to be able to easily identify the gaps and priorities for future NAPs.

The following items need to be included:

- A brief overview of key country facts and the geographical scope of the assessment.
- A short description of the current governance system, including an overview of how laws are made and who is responsible for developing, guiding and passing new regulations into law. This description should include whether once a State ratifies or accedes to a new international agreement or treaty that has entered into force, if it would automatically have the force of law in that State (that is, international law is domestic law) or would it need to have implementing measures in its national legal system to give effect to an international agreement.
- A short overview of the policies and laws that are in place regarding maritime transport, fishing sector, marine environment protection and waste management of land-based and sea-based sources of marine litter and which authorities/institutions are responsible for implementing, monitoring and enforcing these policies. A description of how these policies mesh into the overall waste management system at various levels (local and national). Any existing coordination entity or relevant interministerial coordination should also be provided.
- An overview of relevant regional cooperation. These must be limited to MPL activities/agreements with a particular focus on SBMPL.
- A concise description of the key characteristics of its maritime and fisheries activities. Issues to be included are: size (tonnage) and characteristics (freighter, tanker, fishing, bulk carriers, tugs, etc.) of its registered domestic or national fleet; a list of main and secondary ports indicating those which have MARPOL Annex V waste PRFs and their capacity to receive (plastic) wastes; an indication of the number of port visits by ships (national or international cargo, passenger or fishing ships) to its main or primary ports and secondary ports on an annual basis; volumes of cargo and fishing catches; and estimates of MARPOL Annex V (plastic) wastes currently collected per year at any port facility, if known.
- Lastly, an overview of the current state of knowledge at country level regarding production of MPL from maritime and fisheries activities. This section may include scientific/academic work done at national level regarding the problem, its scale and impacts at environmental and socio-economic level and any collaborations between environmental authorities, academia, expert local NGOs, coastal communities, etc., engaged in addressing the MPL issue and collecting and analyzing relevant data through beach/seafloor clean-up campaigns, reporting of abandoned, lost or otherwise discarded fishing gear (ALDFG), etc. This section is important in terms of mapping potential partners that can inform/help to address relevant policies based on evidence.

#### **Overview of gaps and priorities**

In the assessment of the baseline conditions, it is important to gain a clear understanding of the gaps and issue(s) to be corrected and identify the most problematic or extent of the plastic use issue in fisheries or maritime transport that require action. For example, what is causing the problem – in terms of poor awareness or training, or poor collection at PRFs, no mandates within ports to collect, no direct destination or use for collected plastics, etc.

To assist in identifying the gaps in the policy and legislative or institutional frameworks and the relevant priorities of those gaps to achieve the GloLitter objectives, a list of a range of issues related to the baseline are listed in **Annex 2** – Data/information needed for the updated Baseline Report on Marine Plastic Litter (MPL) with specific reference to shipping and fisheries.

While the data/information list is comprehensive, it may not contain all aspects relevant to a particular country and therefore any additional aspects may be identified by reviewing the background information about international regulatory frameworks applicable to addressing SBMPL. This is given in **Annex 3**. Measures or policies suggested by relevant regional bodies (regional seas conventions/programmes or regional fisheries bodies (RFB)) can also provide information in this respect.

Furthermore, some relevant gaps/priorities may already have been identified through the IMO Member State Audit Scheme (IMSAS), which may have been conducted in recent years. Another avenue to identify gaps is to review the IMO Country Maritime Profile which resides on the IMO Global Integrated Shipping Information System (GISIS) using the Maritime Administration login credentials for access (see: <https://gisis.imo.org>).

For the fishing sector, every two years, FAO launches a questionnaire on the implementation of the Code of Conduct for Responsible Fisheries. Answers to this questionnaire from Members, RFBs and NGOs are analyzed and reported to the Committee on Fisheries (COFI) in the form of information documents and session background documents. The questionnaire contains three sections (6, 13 and 14) which relate to ALDFG and gear marking. The last reports on the implementation of the Code of Conduct for Responsible Fisheries and related instruments can be found in the following documents:

- 1 COFI/2020/2.1 <http://www.fao.org/3/ne746en/ne746en.pdf>
- 2 COFI/2020/Inf.7 <http://www.fao.org/3/ne627en/ne627en.pdf>
- 3 COFI/2020/SBD.4 <http://www.fao.org/3/cb2211en/cb2211en.pdf>

## Annex 1 Template for the Country Assessment Report on sea-based MPL with specific reference to shipping and fisheries

### Country Context

#### Key facts and geographical scope of the assessment

1 General Information	
Population:	Coastline (km)
Language:	

#### Brief description of governance system

This should explain briefly how laws are made and who is responsible for developing, guiding and passing new regulations into law.

## Overview of policies and legislation relating to maritime transport, fishing sector, marine environment protection and waste management, particularly in relation to sea-based marine plastic litter

Provide a brief description of existing prevention and/or reduction policies/laws of marine plastics (from international shipping, domestic shipping, fisheries and ports).

National Maritime Transportation Policy					
Major Industries			Imports and Exports		
Do your major industries include any of the following?			Do your imports/exports include any of the following?		
Crude oil	<input type="checkbox"/>		Crude oil	<input type="checkbox"/>	
Gas or natural gas	<input type="checkbox"/>		Gas or natural gas	<input type="checkbox"/>	
Dangerous goods (chemicals)	<input type="checkbox"/>		Dangerous goods (chemicals)	<input type="checkbox"/>	
Fishing	<input type="checkbox"/>		Other	<input type="checkbox"/>	
Shipbuilding or ship repair	<input type="checkbox"/>				
Tourism involving domestic ferries or passenger ships	<input type="checkbox"/>				
Other	<input type="checkbox"/>				
Passenger Transportation:			Maritime Tourism:		
(No. per annum)			(No. of Cruise Ships per annum)		
National Maritime Transportation Policy					
Adopted	<input type="checkbox"/>	In preparation	<input type="checkbox"/>	No information	<input type="checkbox"/>
Maritime Strategy & Policy: (Brief description)					

National Maritime Administration					
Focal Point (Ministry): (Name and brief contact details)					

Maritime Legislation					
National Legal Framework					
National Merchant Shipping Act/Merchant Marine Code:					
Adopted	<input type="checkbox"/>	Not adopted	<input type="checkbox"/>	In progress	<input type="checkbox"/>
Enforcement Monitoring Authority:					
Legal Framework for Marine Environment Protection (MARPOL)					
National Legislation:					
Adopted	<input type="checkbox"/>	Not adopted	<input type="checkbox"/>	In progress	<input type="checkbox"/>



Maritime Legislation	
<b>Enforcement Monitoring Authorities:</b> (Please list)	

Flag State Implementation & Port State Control Responsibilities			
<b>Flag State Implementation</b>			
No. of Surveyors:		No. of Ship Detentions (under National Flag): (last 2 years). Specify type of vessels (cargo, fishing, passenger, etc.)	
<b>Port State Control (PSC) Implementation</b>			
MoU(s) on PSC:			
Abuja MoU	<input type="checkbox"/>	Paris MoU	<input type="checkbox"/>
Black Sea MoU	<input type="checkbox"/>	Riyadh MoU	<input type="checkbox"/>
Caribbean MoU	<input type="checkbox"/>	Tokyo MoU	<input type="checkbox"/>
Indian Ocean MoU	<input type="checkbox"/>	Viña del Mar or Latin-American Agreement	<input type="checkbox"/>
Enforcement Monitoring Authorities: (Please list) Implementation of Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing			<input type="checkbox"/>
<b>Enforcement Monitoring Authorities:</b> (Please list)			
<b>No. of Port State Control Officers:</b>			
<b>Main and Secondary Ports:</b> (Please list, if known)			
No. of Fish Landing Sites/Fishing Ports:	<input type="checkbox"/>	No. of Cargo Terminals:	<input type="checkbox"/>
		No. of Cruise Ship Terminals:	<input type="checkbox"/>

Flag State Implementation & Port State Control Responsibilities			
<b>Marine Environment Protection</b>			
<b>Pollution prevention</b>			
Port Reception and Waste Management Facilities:			
Available	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If yes, which Annex of the MARPOL Convention is applicable?			

### Information on dumping under London Convention/Protocol (LC/LP)

Legal Framework for Dumping at Sea (LC/LP)			
National Legislation:			
Adopted	<input type="checkbox"/>	Not adopted	<input type="checkbox"/>
In progress	<input type="checkbox"/>		
<b>Enforcement Monitoring Authorities:</b> (Please list)			

Maritime/Fisheries Training			
<b>Competencies (STCW 1978 and STCW-F)</b>			
Authority Issuing Certificates of Competency:			
No. of Training Centres for officers for fishing vessels:		No. of Training Centres for officers for other vessels:	
No. of Certified Officers:		No. of Certified Ratings:	
Adopted	<input type="checkbox"/>	In preparation	<input type="checkbox"/>

National Fishing Administration	
<b>Focal Point (Ministry):</b> (Name and brief contact details)	
<b>Strategy &amp; Policy:</b> (Brief description regarding prevention and/or reduction of MPL and/or ALDFG)	

Fishing Legislation	
<b>National Legal Framework</b>	
Fishing Act/Code:	
Adopted <input type="checkbox"/>	Not adopted <input type="checkbox"/>
In progress <input type="checkbox"/>	
Does the Fishing Acts/Codes include provisions to prevent and/or reduce MPL? If yes, please list them.	
Does the Fishing Acts/Codes include provisions to prevent and/or reduce ALDFG? If yes, please list them.	
<b>Enforcement Monitoring Authority:</b>	

### Description of key maritime and fishing sector characteristics

This should briefly provide an overview of the maritime/fisheries industry in terms of international shipping and domestic shipping fleet, fisheries fleet, ports and cargoes/catch received at main and secondary ports.

Registered Cargo Fleet	No.	GT		No.	GT
Dry Cargo Ships			Passenger Vessels		
Tankers					
Other					

Cargoes	Volume	USD	Fishing ports/landing sites	Species/family	Volume (tons)	USD
Port 1			Fishing port/landing site 1			
Port 2			Fishing port/landing site 2			
Port 3						

Registered Fishing Fleet Industrial/ Large Scale*	No. vessels	No. fishers	Fishing Fleet Artisanal/Small Scale*	No. vessels	Registered/ Estimated?	No. fishers	Registered/ Estimated?
Surrounding Nets			Surrounding Nets				
Seine Nets			Seine Nets				
Trawls			Trawls				
Dredges			Dredges				
Lift Nets			Lift Nets				
Falling Gear			Falling Gear				
Gillnets and Entangling nets			Gillnets and Entangling nets				
Traps			Traps				
Hooks and lines			Hooks and lines				
Other gears†			Other gears‡				

National Fisheries Industry						
Major Industries			Fishing gear production and market			
Do your major industries include any of the following? Please include your national definition of industrial/ large scale fisheries.						
	Import	Export		National‡	Import	Export
Longline	<input type="checkbox"/>	<input type="checkbox"/>	Longline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Purse seine	<input type="checkbox"/>	<input type="checkbox"/>	Purse seine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seine nets	<input type="checkbox"/>	<input type="checkbox"/>	Seine nets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trawls	<input type="checkbox"/>	<input type="checkbox"/>	Trawls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gillnets and entangling nets	<input type="checkbox"/>	<input type="checkbox"/>	Gillnets and entangling nets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traps	<input type="checkbox"/>	<input type="checkbox"/>	Traps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hooks and lines	<input type="checkbox"/>	<input type="checkbox"/>	Hooks and lines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Please provide the national definition of industrial/large scale and artisanal/small scale fisheries.

† If other gears not listed in the table are used, please add a note to describe which gears are used and numbers if known.

‡ Fishing gear that is produced and marketed at national level.

### Overview of regional cooperation related to marine plastic litter reduction activities/agreements

Provide a short list of relevant agreements and activities related to MPL with a focus/component on sea-based sources.

Regional Cooperation and agreements
<b>Agreements related to Marine Plastic Litter (MPL):</b> (Brief description, including regional action plans)
<b>Focal point for each agreement related to MPL (ministry):</b> (Name and contact details)

### State of knowledge on SBMPL at national and local levels

Provide a list of relevant national and local stakeholders (government agencies, academia, experts, NGOs, civil society organizations (CSOs), etc.) working on building evidence of the marine plastic litter problem and their related activities with a focus/component on sea-based sources.

National and Local Stakeholders building evidence on SBMPL
<b>Name of the initiative/project/program:</b> (Brief description, including scope and objectives, timelines and main results until today)
<b>Focal point for each initiative listed:</b> (Name and contact details)



## Annex 2 Data/information needed for the updated Baseline Report on Marine Plastic Litter (MPL) with specific reference to shipping and fisheries

Describe the major gaps, if any, together with the priority for each gap, as well an indication of which agency or authority is responsible for this activity. Add this information as an appendix to the template above.

Framework/ Issue	Type of relevant information	Gaps and priorities identified (refer to EOI/baselines you provided and update as necessary)	Agency or Organization responsible
Ratification of MARPOL Annex V and domestic implementing legislation/ regulations	<ul style="list-style-type: none"> <li>– Dates of ratification and national implementing legislation.</li> <li>– List Enforcement Monitoring Authorities.</li> <li>– Indicate gaps and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>– List National Maritime Transportation Policy and Administration.</li> <li>– Indicate, gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>– Evaluate existing mandates, competencies, and capacities of relevant agencies relating to MARPOL Annex V, including the adequacy of PRFs and current waste management practices.</li> <li>– Indicate gaps, needs and priorities.</li> </ul>		
	<ul style="list-style-type: none"> <li>– To the extent known list number of trained PSC officers (in MARPOL Annex V) in each main port.</li> <li>– If none, or more is needed, list training necessary.</li> </ul>		
Operational/ technical practices aimed at reducing discharges of plastic litter from ships (notably in the context of MARPOL Annex V)	<ul style="list-style-type: none"> <li>– Identify and list any existing incentives to use PRFs, notably for repaired or used fishing gear, if any.</li> <li>– Identify gaps in existing regimes.</li> </ul>		
	<ul style="list-style-type: none"> <li>– List current guidance documents used to implement MARPOL Annex V.</li> <li>– Indicate gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>– Identify and list the use of on-board garbage management plans, incl. existing record-keeping practices for handling of garbage by ships under 400 GT (domestic fleet only). Note, for ships &gt; 400 GT, it is mandatory.</li> </ul>		
	<ul style="list-style-type: none"> <li>– Identify and list existing national or local on-board ‘best waste management practices or guidelines’, if known.</li> </ul>		

Framework/ Issue	Type of relevant information	Gaps and priorities identified (refer to EOI/baselines you provided and update as necessary)	Agency or Organization responsible
Ratification of LC/LP and domestic implementing legislation/regulations	<ul style="list-style-type: none"> <li>- Dates of ratification and national implementing legislation.</li> <li>- If no dates, then the relevant National Environment Policy.</li> <li>- Indicate gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>- List Agency responsible for implementation.</li> <li>- Indicate needs and priorities, if necessary, to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Evaluate existing mandates, competencies and capacities of relevant agencies relating to disposal of waste at sea from land-based sources (as defined by the LC/LP).</li> <li>- Indicate gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>- List current guidance documents used to implement LC/LP.</li> <li>- Indicate gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
	<ul style="list-style-type: none"> <li>- List Waste Management Laws or Policies for domestic waste and responsible administration.</li> <li>- Indicate gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.</li> </ul>		
Implementation of FAO VGMFG, domestic implementing legislation/regulations and related initiatives	<ul style="list-style-type: none"> <li>- Dates of national implementing legislation or policies, if any.</li> <li>- Indicate gaps, needs and priorities if revision/update is necessary to address ALDFG problems.</li> </ul>		
	<ul style="list-style-type: none"> <li>- List Agency responsible for implementation or administration.</li> <li>- Indicate needs and priorities if revision/updating is necessary to address ALDFG problems.</li> </ul>		
	<ul style="list-style-type: none"> <li>- List current projects/plans to address ALDFG problems, including fishing gear marking, fishing gear design modifications, incentives for delivery of unwanted/fished-up fishing gear to ports/landing sites, etc.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Identify and list existing national or local fishing gear best management practices or guidelines for fishers.</li> <li>- Indicate gaps, needs and priorities if revision/updating is necessary to address ALDFG problems.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Identify and list active promotion, and existing practices, of marking of fishing gear (allowing owner identification) and fishing vessel identification number schemes.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Is fishing gear marking (allowing owner identification) and/or fishing vessel identification associated to fishing licenses?</li> <li>- Please specify differences between fisheries if any (e.g. small scale vs large scale, differences between different fishing gears/methods, etc.)</li> </ul>		
<ul style="list-style-type: none"> <li>- Identify and list active promotion and existing practices reporting mechanisms for lost fishing gear, if any.</li> </ul>			



Framework/ Issue	Type of relevant information	Gaps and priorities identified (refer to EOI/baselines you provided and update as necessary)	Agency or Organization responsible
Inventory of relevant stakeholders and means of information	– Identify regional, national and local authorities responsible for maritime and fisheries sectors.		
	– Identify and list important local fishing and coastal communities and their representatives.		
	– Identify and list relevant environmental NGOs.		
	– Identify and list regional bodies and relevant RFMOs.		
	– Identify and list most effective information channels to reach out to the different stakeholders in your country.		
	– Identify and list national and/or local “champions” who can reach relevant communities.		
	– List existing relevant links with potential PCs in your region. – Identify and list relevant maritime transportation/fisheries companies both national and foreign companies operating in your country. – Refer to list of LPCs and PCs.		
General awareness of, and awareness-raising activities about, the impacts of pollution from ships and fisheries on the marine environment	– Identify maritime and fisheries training institutes or other bodies capable of instructing on MARPOL Annex V, LC/LP and FAO Codes and Guidelines. – Indicate needs and priorities if revision/update is necessary to address SBMPL, specifically.		
	– List any existing training programmes and materials used in national training programmes for seafarers and fishing vessel personnel in education and training centers (i.e. adaptations of the) IMO model course on marine environmental awareness). – Indicate gaps, needs and priorities if revision/update is necessary to address SBMPL, specifically.		
	– Identify and list any existing outreach and information campaigns (national/regional/local) specifically addressing fishing and other coastal communities.		
Any other relevant national or regional projects/action plans focusing on SBMPL	– List any relevant projects and national or regional contributors.		
	– List other relevant cross-sectoral activities (maritime-fisheries-environment), if any.		
Other issues of relevance	– List other issues of importance.		
Active registered fleet operating in your waters and main ports	– Number of vessels registered under national active fleet, including domestic operating fleet and fishing vessels.		
	– Number and characteristics (vessel type and length) of foreign flagged vessels active or licensed in your waters.		
	– List major ports for handling cargoes and fishing fleet.		
	– List of fishing harbors and landing sites with associated number of vessels and fishers.		

Framework/ Issue	Type of relevant information	Gaps and priorities identified (refer to EOI/baselines you provided and update as necessary)	Agency or Organization responsible
Dimension of the marine plastic pollution problem caused by ships	<ul style="list-style-type: none"> <li>- Any estimate/study of the current share of marine plastic litter that originate from ships (incl. fishing vessels) in the marine environment.</li> </ul>		
	<ul style="list-style-type: none"> <li>- If available, identify and list most frequently found plastic waste objects from ships (incl. from fishing vessels such as ALDFG and fish aggregating devices (FAD)) on beaches and/or in port waters.</li> </ul>		

## Annex 3 Background information about existing regulatory and policy frameworks

To assist in this analysis, this annex provides some background information related to the key international frameworks. These frameworks may have been partially implemented or not implemented at all, and therefore it is important to ascertain which elements are missing and which require strengthening or implementation.

A review of the international frameworks indicates (refer to GloLitter Project Document, Section 2.1.3) that the key global regulatory and policy frameworks addressing marine plastic litter include: United Nations (UN) Convention on the Law of the Sea (UNCLOS); London Convention and London Protocol (LC/LP); MARPOL Annex V; UN General Assembly resolutions; FAO Code of Conduct for Responsible Fisheries; FAO Voluntary Guidelines for the Marking of Fishing Gear (VGMFG); UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks; International Guidelines on Bycatch Management and Reduction of Discards; Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA); Manila Declaration and the IMO Action Plan on MPL.

However, while each of the above frameworks contribute to the management of MPL, GloLitter focuses on more effective implementation of MARPOL Annex V and the adequacy of PRFs, ratification and implementation of the LC/LP and also on implementation of relevant FAO Guidelines and Codes. A description of the key elements within these frameworks is given below.

### MARPOL Annex V

#### Introduction

IMO International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V is the main international regulatory framework that deals with all types of garbage generated during the normal operations of a ship and offshore platforms and, where this garbage includes plastic, bans its disposal in all maritime zones. It mandates the collection and delivery of the relevant garbage, including plastics, to PRFs. **It strictly prohibits the discharge of plastics into the sea from all types of ships.** When plastic is mixed with other garbage, the mixture must be treated as if it were all plastic. The most stringent procedures for the handling and discharge should be followed taking into account the applicable provisions of the garbage management plan.

MARPOL Annex V also addresses the fishing-based sources of marine garbage and specifies obligations relating to ALDFG including the obligation on States to ensure the reporting of ALDFG.

To assist Governments, ships and port operators in implementing relevant requirements under MARPOL Annex V, a full description of MARPOL Annex V discharge provisions\* and its implementation is given in *Guidelines for the Implementation of MARPOL Annex V* (resolution MEPC.295(71)).

There are several key elements of MARPOL Annex V that need to be in place to prevent and reduce SBMPL. All regulations under MARPOL Annex V require domestic legislation to be in place for enforcement and compliance. Furthermore, training, education and information access are crucial areas that need to be addressed for compliance. The following paragraphs detail the key elements of MARPOL Annex V and are useful to identify whether any gaps exist in national legal frameworks.

#### Training, education and information

Governments party to MARPOL Annex V should develop and undertake training, education and public information programmes suited for all seafaring communities (such as shipowners, ship operators, ships' crews, cargo owners, PRF operators and equipment manufacturers) under their jurisdiction, prepared and presented in such a way that they communicate with that segment of the community.

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\* Visit: <https://www.wcdn.imo.org/localresources/en/OurWork/Environment/Documents/Simplified%20overview%20of%20the%20discharge%20provisions%20of%20the%20revised%20MARPOL%20Annex%20V.pdf>

## Port reception facilities

The effectiveness of ships to comply with the discharge requirements of MARPOL depends largely upon the availability of adequate PRFs, especially within special areas. Hence, MARPOL Annex V also obliges Governments to ensure the provision of adequate reception facilities\* at ports and terminals for the reception of garbage without causing undue delay to ships, and according to the needs of the ships using them.

In March 2018, MEPC adopted the *MEPC.1/Circ.834/Rev.1† Revised consolidated guidance for port reception facility providers and users*, which consolidates in a single document the *Guide to good practice for port reception facility providers and users* (MEPC.1/Circ.671/Rev.1) and four other circulars related to port reception facilities (MEPC.1/Circ.469/Rev.2, MEPC.1/Circ.644/Rev.1, MEPC.1/Circ.645/Rev.1 and MEPC.1/Circ.470/Rev.1).

As provided in MARPOL Annex V, regulation 8.3, Small Island Developing States (SIDS) could satisfy the requirements for providing adequate port reception facilities through regional arrangements when, because of those States' unique circumstances, such arrangements are the only practical means to satisfy these requirements. Parties participating in a regional arrangement must develop a regional reception facility plan, taking into account the guidelines developed by IMO.‡

## Special areas

These are sea areas where for recognized technical reasons relating to their oceanographic and ecological condition and the particular character of traffic, such as heavy maritime traffic, low water exchange, extreme ice states, endangered marine species, etc., the adoption of special mandatory methods for the prevention of marine pollution by garbage is required.

The special areas§ established under Annex V are:

- the Mediterranean Sea area
- the Baltic Sea area
- the Black Sea area
- the Red Sea area
- the Gulfs area
- the North Sea area
- the Wider Caribbean Region and
- the Antarctic area.

Note that the Wider Caribbean Region is the only Special Area relevant for LPCs/PCs.

## Port State control

Like similar amendments to the other MARPOL Annexes, regulation 9 of Annex V makes it clear that PSC officers can inspect a foreign-flagged ship at a port or an offshore terminal of its State “where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by garbage”.

## On-board placards

Regulation 10.1 also requires every ship of 12 meters in length or over and every fixed or floating platform to display placards notifying passengers and crew of the disposal requirements of the Annex; these placards should be written in the working language of the ship's crew and also in English, French or Spanish for ships travelling to other States' ports or offshore terminals.

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\* Visit: <https://www.imo.org/en/OurWork/Environment/Pages/Port-Reception-facilities.aspx>

† Can be downloaded at: <https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/MEPC.1-Circ.834-Rev.1.pdf>

‡ Refer to the 2012 *Guidelines for the development of a regional reception facilities plan* (resolution MEPC.221(63))

§ Visit: <https://www.imo.org/en/OurWork/Environment/Pages/Special-Areas-Marpol.aspx>

## **Garbage management plan**

All ships of 100 GT and above, every ship certified to carry 15 persons or more, and every fixed or floating platform must carry a garbage management plan on board, which includes written procedures for minimizing, collecting, storing, processing, and disposing of garbage, including the use of the equipment on board (regulation 10.2). The garbage management plan must designate the person responsible for the plan and be written in the working language of the crew. Resolution MEPC.220(63) provides the *2012 Guidelines for the development of garbage management plans*.

## **Garbage Record Book**

Implementation and enforcement are also the focus of regulation 10.3, which requires all ships of 400 GT and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports and offshore terminals under the jurisdiction of another Party to the Convention and every fixed or floating platform to provide a garbage record book and to record all disposal and incineration operations.

The date, time, position of the ship, description of the garbage and the estimated amount incinerated or discharged must be logged and signed. The garbage record book must be kept for a period of two years after the date of the last entry. This regulation does not in itself impose stricter requirements, but it makes it easier to check that the regulations on garbage are being adhered to as it means ship personnel must keep track of the garbage and what happens to it. It could also prove an advantage to a ship when local officials are checking the origin of discharged garbage – if ship personnel can adequately account for all their garbage, they are unlikely to be wrongly penalized for discharging garbage when they have not done so. Appendix 2 of MARPOL Annex V provides a standard form for a garbage record book.

Note that lost fishing gear may harm the marine environment or create a navigational hazard. Fishing vessel operators are required to record the discharge or loss of fishing gear in the garbage record book or the ship's official log-book as specified in regulations 7.1 and 10.3.6 of MARPOL Annex V. Fishing vessel operators are further required to report the accidental loss or discharge of fishing gear which poses a significant threat to the marine environment and navigation. Reports should be made to the flag State, and where appropriate, the coastal State in whose jurisdiction the loss of the fishing gear occurred, as specified in regulation 10.6 of MARPOL Annex V.

## **Cargo residues**

While it is expected that cargo residues may not contain plastic material (unless it is carrying plastic feedstock), such residues are defined as the remnants of any cargo which are not covered by other Annexes to the Convention and which remain on deck or in holds following loading or unloading. They include loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water, but do not include cargo dust remaining on deck after sweeping or dust on the external surfaces of the ship (regulation 1.2 of Annex V). In addition to this definition, MARPOL Annex V also stipulates that only those cargo residues that cannot be recovered using commonly available methods for unloading could be considered for discharge.

A simplified overview of the regulations regarding the discharge of cargo residues under MARPOL Annex V can be accessed *here*. As a general rule, cargo residues which contain substances classified as harmful to the marine environment (HME) must not be discharged at sea but have to be taken to port reception facilities. Regarding the discharge of cargo residues which do not contain any HME substances, the Annex establishes different requirements depending on whether they are contained in wash water or not.

Solid bulk cargoes must be classified and declared by the shipper as to whether or not they are harmful to the marine environment, in accordance with the criteria set out in appendix 1 of MARPOL Annex V.

## **Verification of compliance**

Chapter 2 of MARPOL Annex V provides that Parties must use the provisions of the Code for Implementation in execution of their obligations and responsibilities and be subject to the IMSAS in accordance with the audit standard to verify compliance with and implementation of the Annex. The mandatory IMSAS commenced from 1 January 2016.

Compliance with MARPOL Annex V involves personnel, equipment and procedures for collecting, sorting, processing, storing, recycling, reusing and discharging garbage. Economic and procedural considerations associated with these activities include storage space requirements, sanitation, equipment and personnel costs and in port garbage service charges.

It is very important that personnel are fully acquainted with these procedures and requirements before embarking on vessels.

### Domestic accession and implementation to MARPOL Annex V

An overview of steps needed to be taken to implement and enforce MARPOL Annex V is set out in Figure 1 below. This can be used to evaluate if any regulations or policies are already in place in each country. If this is not the case this should be identified as a major gap in the frameworks to address SBMPL.

1	Accede to MARPOL
2	Give effect to Annexes I and II
3	Give effect to optional Annex V, accepted or given force by national law
4	Prohibit violations
5	Provide sanctions
6	Take proceedings
7	Inform Parties concerned
8	Monitor compliance
9	Avoid undue delay to ships
10	Monitor compliance
11	Avoid undue delay to ships
12	Report on incidents
13	Provide IMO with documents (Article 11 of the Convention)
14	Investigate casualties involving pollution and report findings
15	Ensure provision of adequate reception facilities

**Figure 1:** *Actions necessary in implementing and enforcing MARPOL Annex V*

## London Convention/Protocol

### Introduction

The 1972 Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (or the London Convention) and the 1996 Protocol to the London Convention (the London Protocol) aim to promote the effective control of marine pollution and to take all practicable steps to prevent pollution of the seas by dumping of wastes and other matter. In 1996, the “London Protocol” was agreed to further modernize the Convention and, eventually, replace it. Under the Protocol, almost all dumping is prohibited (with some exceptions that may be allowed following an assessment procedure and permitting). The prohibition of dumping of wastes is also regulated through most Regional Seas conventions.

Note that the London Protocol is a stand-alone instrument and has modernized the London Convention. Under the Protocol, all dumping is prohibited, except for possibly acceptable wastes on the so-called reverse list, which includes dredged material, sewage sludge, fish wastes, vessels and platforms, inert, inorganic geological material, bulky items primarily comprising iron, steel and concrete\* and carbon dioxide streams from carbon dioxide capture processes for sequestration. The Protocol also includes that the application of a “precautionary approach” as a general obligation; incineration of wastes at sea is prohibited; and export of wastes for the purpose of dumping or incineration at sea is prohibited. Extended compliance procedures and technical assistance provisions have also been included. A full description of the Protocol can be found at: <https://www.imo.org/en/OurWork/Environment/Pages/London-Convention-Protocol.aspx>. How to implement the Protocol can be found in: IMO Publications reference I533 (2014) *The London Protocol – What it is and how to implement it*.†

Disposal of “persistent plastics and other persistent synthetic materials” is prohibited under both the London Convention and its Protocol. A high proportion of any marine litter present in wastes dumped at sea under the LC/LP would comprise plastics, and various types of small and micro-sized plastics present the greatest hazards and warrant most concern. This includes the following LC/LP waste streams:

- Dredged materials – by and large the primary material disposed at sea.
- Sewage sludge – gradually being phased out and prohibited in many countries.
- Vessels (including fiberglass vessels), platforms, or other man-made structures at sea, and bulky items – could contain a large amount of plastic material.
- Spoilt cargoes (organic and inorganic materials) – packaging discarded at sea along with the spoilt cargo (prohibited).

There are several key elements of the London Protocol that need to be in place to prevent and reduce SBMPL from waste streams dumped at sea. All regulations require domestic legislation to be in place for enforcement and compliance. As with MARPOL Annex V implementation, training, education and information access are crucial areas that need to be addressed for full compliance.

The IMO Publications reference I535 (2018) *Revised Guidance on National Implementation of the London Protocol (2018 Edition)*‡ includes a checklist of Protocol provisions that must, or should be, implemented by binding norms (laws/regulations). Institutional requirements (such as national permitting system/authority, monitoring and reporting) can be set up under a national waste management policy. This can be used to evaluate if any regulations or policies are already in place in each country. If this is not the case this should be identified as a major gap in the frameworks to address SBMPL. A short discussion on each crucial provision is set out below for ease of reference.

\* Limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping

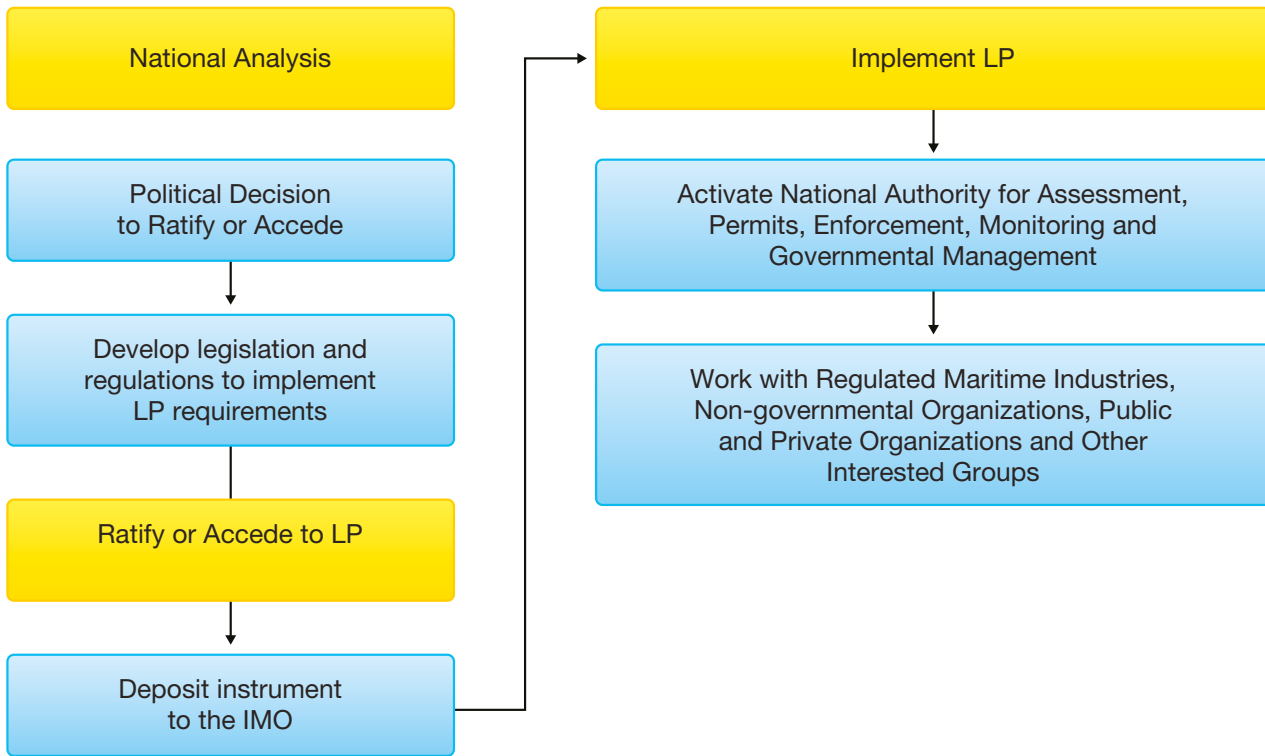
† Refer to <https://www.imo.org/en/OurWork/Environment/Pages/Resources-default.aspx> for further essential publications

‡ Can be downloaded from <https://www.imo.org/en/OurWork/Environment/Pages/Resources-default.aspx>

### Domestic accession and implementation to the London Protocol

It is clear that domestic regulations need to be in place to enforce compliance with these aspects of disposal of waste at sea. A schematic approach to ratification or accession (if not already in place) and implementation can be found in Figure 2 below.

#### Process for Joining the LP



**Figure 2:** Schematic of process for joining and implementing the London Protocol

### Training, education and information

Governments party to the LP/LC should develop and undertake training, education and public information programmes suited for all relevant communities (such as shipping community/operators, port operators, fisheries, local authorities, environmental authorities, coast guard, other maritime space users) under their jurisdiction, prepared and presented in such a way that they communicate with that segment of the community.

### Legislation and key provisions

When implementing LP/LC it is important to incorporate correct definitions of deliberate disposal of waste at sea (as opposed to operational wastes covered by MARPOL), the geographical extent to which the domestic legislation applies including sea-bed, its general obligations and which waste streams it applies to.

The key articles are set out below:

- Article 1: relevant terminology, definitions
- Article 2: objectives of the Protocol
- Article 3: general obligations of Contracting Parties
- Article 4: basic prohibition of all dumping plus Annex 1 that lists exceptions. Annex 2 requires an environmental impact assessment before permitting occurs plus monitoring compliance
- Article 5: prohibits incineration at sea



- Article 6: prohibits export of wastes for disposal at sea
- Article 7: pollution control in internal waters (optional)
- Article 8: exceptions to permit requirements
- Articles 9-29: administration, enforcement, etc.

The administrative and enforcement provisions are institutional provisions and require a national permitting authority to be established with sufficient legal force (to enforce) to implement the domestic law, including sanctions (or fines) and monitoring and reporting responsibilities as defined in Annex 2.

### **FAO Code of Conduct for Responsible Fisheries**

Although not a legally binding regulation, the 1995 Code of Conduct for Responsible Fisheries outlines, *inter alia*, recommendations concerning the management of garbage and fishing gear. With regards to on-board generated garbage, the FAO Code of Conduct states in its chapter 8 on fishing operations that:

- States should ensure that fishing is conducted with due regard to protection of the marine environment and the prevention of damage to or loss of fishing gear.
- States should introduce and enforce laws and regulations based on the IMO MARPOL Convention, including the provision of PRFs, storage of garbage on board and the reduction in ALDFG.
- Owners, charterers and managers of fishing vessels should ensure that their vessels are dealing with garbage as per MARPOL Convention, the crew are conversant with related on-board procedures and the provisioning of ship is done by taking into account the minimization of garbage.

Key elements in the Code of Conduct therefore involve greater adherence to MARPOL Annex V provisions and are discussed above.

### **FAO Voluntary Guidelines for the Marking of Fishing Gear**

Another key tool to prevent and reduce SBMPL is VGMFG endorsed by COFI in 2018. The Guidelines provide advice to States and regional fisheries bodies (RFBs) on how to combat, minimize and eliminate ALDFG through a holistic approach that covers all stages of the fishing gear life cycle, from its design until its final disposal at the end of its useful life.

#### **Key elements in the VGMFG**

The purpose of the Guidelines is to assist States and RFBs, including regional fisheries management organizations and arrangements (RFMO/As) in developing and applying a system for the marking of fishing gear and related measures to address ALDFG, that provide:

- Practical means of locating and identifying the ownership of fishing gear.
- Guiding text on the development of appropriate marking systems.
- A framework for undertaking risk assessment to identify the appropriateness or otherwise of implementing a system for marking fishing gear.
- A basis for the preparation of recommendations and regulations designed to minimize the abandonment, loss and discarding of fishing gears and encourage recovery of ALDFG.

While the Guidelines are voluntary and are global in scope, they do apply to all fishing gear types used in all type of fishing activities in all oceans and seas. Generally speaking, a system of marking fishing gear should be put in place for all gear types unless the relevant authority, as a result of risk assessment or other appropriate means, deems otherwise. The level of complexity of the gear marking should be based upon the necessity and practicality of such a system. A risk assessment can also facilitate prioritization of actions and guide additional phased mitigation approaches. These would be based on the level of severity and likelihood of potential impacts of different fisheries, using the best available information at the time of the assessment.

A system for the marking of fishing gear should be designed to take into account the practical requirements of the fishery to which it applies and the responsibilities of the States as flag, coastal and port States and, where appropriate, as members of RFBs including RFMO/As. There should be an active, inclusive and informed participation of interested parties, including fishing communities, in the whole decision-making process for the development, implementation and regulation of a fishing gear marking system in a transparent and open manner.

The system for the marking of fishing gear should:

- build on an assessment of risks associated with ALDFG so that gear marking actions are prioritized and are proportionate with the identified risks and designed to reduce, mitigate and eliminate these risks effectively;
- provide a simple, pragmatic, affordable and verifiable means of identifying the ownership and position of fishing gear, and its link with the vessel(s) and/or operator(s) undertaking the fishing operations;
- to the extent possible, be compatible with related traceability and certification systems;
- be supported by a monitoring process that ensures that the system is responsive to the changing conditions of all stakeholders;
- aid resource management systems;
- meet obligations of relevant international conventions and agreements;
- link, through any fishing authorization or license, to any vessel(s) or operator(s) engaged in fishing and related operations;
- be consistent with MARPOL Annex V and associated guidelines and contribute to implementing regulation 10.6 relating to reporting requirements; and
- promote employment of methods that do not pose an environmental risk, e.g. plastic pollution.

A system for the marking of fishing gear may also include a method for indicating the presence of fishing gear in the water column. The system of marking of fishing gear should be set out in, or supported by, national and subnational legislation and regional legal frameworks as appropriate, without prejudice to existing measures that achieve the same effect. Where Guidelines recommend that a particular mark be fitted on a fishing gear, or that another marking specification be complied with, the relevant national authority or RFB, including a RFMO/A as appropriate, may allow other mark or marking specification, provided it satisfies the minimum requirements set in these Guidelines and further aids in the marking of gear.

The risk assessments should also address the potential risks to navigation, safety and the environment, and the benefits of having an effective gear marking and reporting system established in a fishery. Guidance on criteria that can be used when preparing a risk assessment are set out in the Annex to the VGMFG.\*

Given the above key elements, it is clear that a well-resourced authority needs to work in cooperation with the fisheries and industry communities to implement the Guidelines.

Other fisheries agreements and measures:

- The **Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks** reinforces duties on flag States for marking of fishing vessels and gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems.
- The **Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing** (PSMA) of 2009, which entered into force in 2016, provides instructions for port control procedures of foreign-flagged fishing vessels, which also includes inspections of gears and whether the vessel and its gears used are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel.

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\* COFI/2018/Inf.30

- The **International Guidelines on Bycatch Management and Reduction of Discards** calls on States and RFMOs to consider measures to address the impact of ghost fishing on living aquatic resources including through actions for identification of gear ownership, reduction of gear losses, development of gear retrieval procedures and programmes and reducing, and where possible, eliminating, fishing power of lost gear. The Guidelines advocate for developing technologies and measures that quantify, and reduce, the mortalities and impacts associated with pre-catch losses and ghost fishing. This may include methods for estimating pre-catch losses by various gear types, modification of gears and fishing methods, identification of gear ownership, reduction of gear losses, development of gear retrieval procedures and programs and reducing, and where possible eliminating, fishing power of lost gear, e.g. using degradable materials.



**GloLitter**  
partnerships

This Guidance Document is part of the GloLitter Partnerships Knowledge Products Series. The GloLitter Partnerships project is implemented by the International Maritime Organization (IMO) and the Food and Agriculture Organization of the United Nations (FAO). GloLitter assists developing countries in reducing marine plastic litter from the maritime transport and fisheries sectors.