

Convention on Plastic Pollution

Essential Elements: Fishing Gear

January 2022

Contents

Introduction	1
Existing governance framework	2
Toward a comprehensive global ALDFG strategy	4
Conclusion	5
Annex I: Preventive measures	6
Annex II: Mitigative and remedial measures	11

Introduction

“Fishing is not an escape from life, but often a deeper immersion into it” – Harry Middleton

Abandoned, lost or otherwise discarded fishing gear (ALDFG) – also known as ‘ghost gear’ – is a major contributor to marine plastic pollution.

Approximately 640,000 tonnes of fishing gear are lost or abandoned in our oceans each year,¹ although this is likely a gross underestimation due to fragmented data availability.² Moreover, regional differences exist, with fishing gear comprising an estimated 27 per cent of beach litter in Europe, 46 per cent of the floating debris in the Great Pacific Garbage Patch³ and, in a study in the North Pacific Ocean, nearly 90 per cent of marine debris intercepted by longline fisheries was ghost gear.⁴

ALDFG is an ever-growing problem, impacting marine resources, wildlife and habitats.⁵ When fishing gear is lost, it continues to catch both target and non-target species – also known as ‘ghost-fishing’ – entangling and killing threatened and protected marine animals and commercially important fish species.⁶ Lost gear also damages coral reefs and the seabed, while surface ALDFG presents a significant safety hazard for shipping and maritime activities, such as through propeller entanglement. Once washed ashore, ALDFG blights beaches with plastic litter.

The causes of ALDFG are multiple and include enforcement pressure leading illegal fishers to abandon their gear to avoid capture, operational pressure leading to gear conflict and accidental losses, weather events increasing the likelihood of loss or discarding for safety reasons and spatial and temporal pressures on fishing areas from both legal and illegal fishing activity. Indirect causes, such as expensive, inaccessible or non-existent disposal facilities at or around ports, also increase gear dumping and mismanagement.⁷

Existing governance framework

The existing governance framework to address fishing gear requires significant improvement.

In 2019, UN Environment published a report calling for the “development of a comprehensive global strategy to address ALDFG”, building on existing work and ensuring coordination across several key areas.⁸

A comprehensive global ALDFG strategy would extend across and beyond the intersections of existing regional and international governance frameworks, with supportive roles for existing multi-stakeholder platforms and the global seafood network with its certification bodies and eco-labels. In short, a bespoke and tailored approach to fishing gear should form part of the design of a global agreement on plastic pollution, taking into consideration existing instruments contributing within their core competencies, the supportive role of regional governance and, importantly, their current limitations.

I. International governance

Several international environmental agreements touch upon sea-based sources of marine plastic pollution, targeting pollution from fishing vessels, cruise liners, maritime platforms, ports and shipping operations, among others. For example, state responsibility to protect the marine environment and “prevent, reduce and control pollution of the marine environment by dumping” is expressly captured in the UN Convention on the Law of the Sea (UNCLOS).⁹

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal further requires parties “to ensure the environmentally sound management” of fishing gear delivered to ports.¹⁰

But beyond these general and vague obligations, some measures addressing pollution from fishing vessels fall within the mandates of the International Maritime Organization (IMO) and Food and Agriculture Organization (FAO).

- **International Maritime Organization (IMO).** Under the IMO, the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL) and the London Convention and its Protocol provide recourse to tackle ALDFG. The prohibition on the discharge of plastics under MARPOL Annex V specifically prohibits the discharge of synthetic fishing nets. However, MARPOL Annex V does not apply to the accidental loss of such nets, provided that all reasonable precautions have been taken to prevent such loss, and smaller vessels of less than 100 gross tonnage are outside its scope. In recognition of the need to intensify efforts to tackle ALDFG, the Marine Environment Protection Committee (MEPC) adopted the *IMO Action Plan to Address Marine Plastic Litter from Ships*, which identified several potential measures, with work ongoing to prioritise the actions and develop a strategy to implement them.¹¹ This includes several distinct references to the need for action on fishing gear,¹² with measures on the reporting and marking of fishing gear currently progressing through the relevant IMO sub-committee, but a clear lack of consensus on whether MARPOL Annex V should be amended to incorporate them.
- **Food and Agriculture Organization (FAO).** In recent years, the FAO has played a leading role in advancing understanding and promoting technical guidance on ALDFG, most notably via recognition of the issue in the FAO Code of Conduct for Responsible Fisheries, the development of the Voluntary Guidelines for the Marking of Fishing Gear (VGMFG)¹³ and the hosting of technical workshops as part of a strategic capacity-building programme on ALDFG.¹⁴ Additionally, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) provides another regulatory instrument with the potential to aid efforts in reducing ALDFG from IUU fishing through improved enforcement.¹⁵

The IMO and FAO have collaborated at times. Notable examples include the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG), which was established in 2000 at the initiative of the FAO Committee on Fisheries (COFI) to obtain assistance from the IMO on fishing vessels flying flags of convenience,¹⁶ as well as the GloLitter Partnerships Project, which was established in 2019 to collaborate on certain areas under the IMO Action Plan to Address Marine Plastic Litter from Ships, including supporting the provisions of the VGMFG.¹⁷

Other international institutions also provide scientific and other support. This includes the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) and the UNEP-managed Global Partnership on Marine Litter (GPML). This also includes international instruments that focus on the impacts to sensitive species, including the Convention on Biological Diversity, International Whaling Commission and Convention on Conservation of Migratory Species of Wild Animals.

Despite these efforts, the existing international governance of fishing gear is fragmented and incomplete, plagued by an unclear delineation of responsibilities and authority among the multilateral environmental agreements themselves as well as with regional bodies and conventions. For example, many IMO member states believe that MARPOL should not extend into the land-sea interface to regulate activities at ports, preventing this forum from setting out requirements for fishing ports or re-structuring cost frameworks to promote delivery of fishing gear to port reception facilities.

For its part, the FAO is often limited to providing non-binding codes or technical guidance with no clear avenue for operationalising them because of the lack of binding instruments. While joint IMO and FAO collaboration via the JWG and GloLitter Partnerships Project will bridge the gap on some issues, more is needed to ensure a coordinated and comprehensive international approach to fishing gear.

II. Regional governance

Situated beneath international governance is the regional infrastructure for fisheries management, in particular the Regional Fisheries Bodies (RFBs) and Regional Seas Conventions (RSCs).

- **Regional Fisheries Bodies (RFBs)**. RFBs exist to provide fishery or location-specific structure to the international management of fisheries and include the Regional Fisheries Management Organisations (RFMOs). International bodies such as FAO provide support to the RFBs in several ways, including advice, technical assistance and secretariat services, with some able to make binding decisions for their members.¹⁸ Binding measures on ALDFG would be well-situated within the RFB structure, as the Regional Fishery Body Secretariats' Network (RSN) meets in the margins of the bi-annual FAO COFI meeting where, to date, international development of guidance on ALDFG has taken place. However, analysis has shown that while several binding and non-binding measures to prevent and reduce ALDFG have been introduced by RFBs in the past years, their application varies widely and craves harmonisation to be effective.¹⁹ Moreover, a comprehensive plan for how to reduce ALDFG, in particular from high impact gear such as Fish Aggregating Devices (FADs),²⁰ currently lacks global coordination and is politically fraught at RFMO level.
- **Regional Seas Conventions (RSCs)**. RSCs play an important role in coordinating horizontally between other regional bodies and vertically through engagement with the UN institutions and at national focal point level. There are 18 RSCs, with seven directly administered by UNEP and all underpinned by conventions of varying strength.²¹ RSCs act as hubs for catalysing regional actions, ranging from data collection and monitoring to providing feedback and input on emerging issues, as well as managing region-specific action plans designed to respond to the specific challenges, fisheries and priorities and in some cases implementing regional aspects of global agreements such as the London Convention and Protocol. An effective example of an RSC working on ALDFG is the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), which has undertaken research on the circular design and recycling potential of fishing gear, informing policy development at the European level while also responding swiftly to national requests for information and guidance to catalyse national action.²²

At the regional level, while an infrastructure exists to facilitate regional action and knowledge-sharing as well as for mainstreaming activities and piloting solutions with a specific regional focus, cross-regional coordination and harmonisation are lacking. Analysis has shown that regional instruments may be well-suited to transfer global objectives and obligations into regional agreements, roadmaps or action plans – tailored accordingly to meet regional needs – but the development of those global objectives and obligations within their current formation is a challenge, given the variation between the regional approaches and sporadic application of international measures.²³

For example, while in theory each RSC should already have or be developing a marine litter action plan that includes fishing gear, these are at different stages of maturity and, without a comprehensive global ALDFG strategy, are not mutually reinforcing nor wholly effective.

Of the 12 adopted regional action plans on marine litter and four under development, only the plan for the Mediterranean currently contains binding measures, with the others being simply voluntary in nature.²⁴

III. Complementary initiatives

Independent of the international and regional governance frameworks, several complementary initiatives exist to tackle ALDFG.

- **Multi-stakeholder platforms.** In 2015, the Global Ghost Gear Initiative (GGGI) was launched to provide a multi-stakeholder platform expressly focused on this topic.²⁵ Formed of government, civil society, industry and academia, the GGGI develops shared tools and resources such as the Best Practice Framework for the Management of Fishing Gear (BPF),²⁶ the Ghost Gear Data Portal, ALDFG legislation analysis²⁷ and guidance and support for solutions projects, in addition to networking prospective projects and funders and providing an incubation space for innovation. Such platforms can provide a conduit for channelling funds, aggregating data, developing best practice and stimulating dialogue between a diverse range of stakeholders while also assisting governments in delivering on globally agreed commitments.
- **Certification bodies and eco-labels.** To date, certification bodies and eco-labels as market incentives to prevent ALDFG have been under-utilised. Such certification and labels hold the potential to bridge the gap between consumer concern and industry actions on ALDFG while otherwise ensuring compliance with national, regional and international obligations and providing a key performance indicator for fisheries implementing best practices. In 2020, the Marine Stewardship Council (MSC) undertook work to update its standard to reflect growing interest and pressure from investors on this issue²⁸ and, in 2021, committed to further develop policy criteria on management strategies for fisheries to minimise gear loss and its impacts and extend the definition of ghost gear to encompass FADs.²⁹ Other standards bodies and certifiers have also incorporated criteria on ALDFG, including Global Seafood Assurances Responsible Fishing Vessel Standard,³⁰ Monterey Bay Aquarium Seafood Watch programme³¹ and Friend of the Sea,³² among others. The World Benchmarking Alliance's Seafood Stewardship Index will also be including more detailed indicators on ALDFG in 2022.³³

Within the scope of a global agreement on plastic pollution, an important role is to be played by these complementary initiatives. For example, certification bodies and eco-labels could be enlisted to help develop internationally agreed criteria on ALDFG and thereafter assist with mainstreaming it through knowledge-transfer and capacity-building to boost compliance.

Toward a comprehensive global ALDFG strategy

The ALDFG issue is dynamic and will require a package of policies coordinated globally and implemented nationally, regionally or internationally. While some initiatives arguably fall under the competencies of existing instruments – for example, reporting on losses could be included in MARPOL Annex V for larger fishing vessels – significant shortcomings exist in the current international and regional governance framework to secure the full range of measures needed to address fishing gear as part of a comprehensive global ALDFG strategy.

EIA believes a global agreement on plastic pollution should serve as the umbrella framework for the adoption and implementation of a comprehensive global ALDFG strategy. This should be in full recognition that, on topics where there exists a potential overlap of competencies with existing instruments, joint working groups would be established to clarify respective roles and align activities.

On other topics where cross-regional coordination is needed, knowledge-exchange networks could be useful channels for convening stakeholders and deploying international policies and approaches at the national and regional levels.

In the annexes, a non-exhaustive list of measures under a comprehensive global ALDFG strategy is provided with discussion on the potential role of the global agreement.³⁴ **Annex I** reviews preventative measures, including marking and logging of fishing gear, extended producer responsibility (EPR) for fishing gear, training and capacity-building, reasonable precautions and best practices, circular design of fishing gear, cost frameworks, “adequate” port reception facilities, illegal unreported and unregulated (IUU) fishing fiscal incentives and certification and eco-labels. **Annex II** reviews mitigative and remedial measures, including lost gear reporting, passively fished waste and hotspot clean-ups.

Conclusion

To address ALDFG, international coordination and collaboration will ensure a coherent approach to fishing gear across regions and at the national level. Yet the existing international governance framework, comprised predominantly of the IMO and FAO, is inadequate for this task, while the existing regional governance framework is uneven and ill-equipped. The reason for this is simple – those frameworks were never designed for this purpose, resulting in fishing gear often being treated as a political hot potato.

To deliver on the 2030 Agenda for Sustainable Development, notably Sustainable Development Goal (SDG) 14.1, more is required than the existing frameworks provide.

Into this vacuum enters a global convention on plastic pollution. It would establish a single forum to oversee a comprehensive body of work to discuss and promote measures across the full lifecycle of fishing gear, ensuring coherent regional and national actions. It would create a clearinghouse for data gathering and monitoring and serve as a platform for scientific assessment and knowledge exchange. It would also provide a venue to convene states, secretariats and stakeholders to discuss emerging issues as well as to coordinate funding and capacity-building. Importantly, it could build upon the existing regional frameworks, such as RFBs and RSCs, empowering them in their role as intermediaries between international commitments and national action.

For more information

Tim Grabel

Senior Lawyer

Environmental Investigation Agency
timgrabel@eia-international.org

Christina Dixon

Deputy Ocean Campaign Leader

Environmental Investigation Agency
christinadixon@eia-international.org

Annex I
Preventative measures

Marking and logging of fishing gear	Role of the global agreement
<p>In 2018, FAO member states adopted the VGMFG as a tool “to improve the state of the marine environment ... by combatting, minimising and eliminating abandoned, lost or otherwise discarded fishing gear (ALDFG) and facilitating the identification and recovery of such gear.”³⁵ VGMFG provides, for the first time, specificity on how gear marking could be an essential tool within a comprehensive strategy to address ALDFG and IUU fishing by facilitating the identification of gear, both in terms of ownership but also its position in the water, tracking and locating of gear and supporting detection of violations during port state control inspections. Although an important first step in promoting the responsible management of fishing gear, the VGMFG are voluntary and lack widespread uptake required to be effective. For its part, IMO is considering the inclusion of gear marking in MARPOL Annex V but differences exist in the need for – as well as the scope and specificity of – any obligation.</p>	<p>Fishing gear marking is a prime example of a policy initiative being passed between IMO and FAO with no clear agreement on how operationalise the VGMFG and promote compliance. To this end, a global agreement could provide the umbrella framework for implementing gear marking in tandem with FAO, IMO and regional bodies. To the extent IMO considers it outside its remit to make the marking of fishing gear a legal obligation under MARPOL Annex V, the global agreement could fill this void. Other activities include support for policy development and implementation at the national level and periodic review and update of marking best practices.</p>
Extended Producer Responsibility	Role of the global agreement
<p>Well-designed EPR schemes for fishing gear have the potential to play a significant role in preventing accidental losses and discouraging illegal discharges, in addition to promoting design with environmental impacts considered. Moreover, requirements on producers to cover the costs of separate collection, transport and recycling can overcome hurdles to end-of-life treatment, supported by upstream obligations on fishing-gear design for re-use and recyclability. Developing and adopting a common approach to EPR schemes could help bridge several gaps, including setting out key elements such as definitions, governance mechanisms, financial contributions, reporting, monitoring, enforcement controls, separate collection, transport obligations and treatment. Work has already begun in the EU to implement such a system across the bloc, which is anticipated to “contribute to easing cost burdens for small scale ports and/or fishing operators by ensuring that some or all of the costs linked to increased collection and treatment of litter from fishing gear in ports, and treatment, is taken over by the producers of fishing gear.”³⁶</p>	<p>At present, EPR for fishing gear does not fall squarely within the remit of any existing international instrument and is being advanced unevenly at the national and regional levels. A global agreement could assist with setting out a common approach to EPR schemes for fishing gear through the development and adoption of guidelines and support for policy development and implementation at the national level.</p>

Training and capacity-building	Role of the global agreement
<p>Training and capacity-building can play an important role in addressing ALDFG. For example, for fishing vessel personnel, training and capacity-building could cover such topics as the precautions to be taken to prevent accidental losses, reduction of soak times, best stowage practices and gear-use limits in high-risk areas and during high-risk times, among others. In 2021, the IMO's International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) was reviewed and the Marine Safety Committee (MSC) will work on provisions to ensure "all fishing vessel personnel received appropriate training on marine environmental awareness focused on marine plastic litter and [ALDFG]."³⁷ However, training and capacity-building should extend beyond fishing-vessel personnel and cover all relevant stakeholders as part of a globally coordinated approach, including national focal points, port authorities and certification bodies, among others. For its part, the FAO has experience in developing technical training materials and coordinating capacity-building programmes in countries around the world.</p>	<p>Training and capacity-building is an ongoing area of activity that, to be effective, should cover all relevant stakeholders and evolve over time. A global agreement could provide the umbrella framework for coordinating work on training and capacity-building in tandem with the FAO, IMO and regional bodies. Other activities include the development of training modules and support for policy development and implementation at the national level. There is a clear benefit to using the FAO as a strategic partner for technical advice and implementation support for training and capacity-building on ALDFG and for exploring how the IMO can support this work through targeted updates to its conventions.</p>
Reasonable precautions and best practices	Role of the global agreement
<p>MARPOL Annex V prohibits the "discharge into the sea of all plastics, including but not limited to synthetic ropes (and) synthetic fishing nets" subject to an exception for the "accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss."³⁸ Yet nowhere in MARPOL Annex V are the reasonable precautions to be taken outlined, creating an exception that swallows the prohibition. Several best practices should be deemed reasonable precautions at the global level to ensure effective application across jurisdictions, for example:</p> <ul style="list-style-type: none"> (i) fishing vessels should have equipment on board to attempt immediate retrieval of any lost fishing gear; (ii) certain types of fishing gear should be equipped with buoys and trackers to enable their location and recovery; (iii) periodic training of fishing-vessel personnel should be undertaken, covering topics such as the precautions to be taken to prevent accidental losses, reduction of soak times, best stowage practices and gear-use limits in high-risk areas and during high-risk times, among others. <p>The FAO and regional bodies have undertaken significant work to develop best practices at the global level, in tandem with the Global Ghost Gear Initiative (GGGI), but how to operationalise them is unclear.³⁹</p>	<p>A global agreement could provide the umbrella framework for coordinating work on reasonable precautions and best practices in tandem with the FAO, IMO, regional bodies and multi-stakeholder platforms. To the extent the IMO considers it outside its remit to clarify those reasonable precautions that should be taken under MARPOL Annex V to claim the exemption to the discharge prohibition, the global agreement could fill this void. Other activities include the adoption of guidance on reasonable precautions to prevent ALDFG and support for policy development and implementation at the national level.</p>

Circular design of fishing gear	Role of the global agreement
<p>A significant opportunity for bringing fishing gear into the circular economy and reducing the impacts of ALDFG exists through the development of global standards on the circular design of fishing gear. Recent work undertaken by the European Commission to inform such standards identified numerous challenges in current fishing gear, such as mixed materials and polymers, lack of support or legal obligation to standardise design, lack of support for development of alternatives, low use or lack of suitable collection points in ports, contamination risk and logistical challenges with the value chain for recycling.⁴⁰ Fundamentally, the current practices in gear design do not facilitate reuse or recycling. Despite this, numerous projects around the world have demonstrated the financial viability of fishing net recycling and, in some cases, the economic benefits for fishing communities through participation in community-led net collection and recycling projects.⁴¹ Fishing gear supply chains are global, for example about 60 per cent of fishing gear material in the EU is imported.⁴²</p>	<p>A global approach to the circular design of fishing gear is required. At present, ensuring fishing gear is designed to promote a circular economy does not fall within the remit of any existing international instrument. A global agreement could undertake a workstream to develop design standards for fishing gear to promote their reuse and recycling at end-of-life, building on the experiences in Europe and elsewhere to create a global marketplace that facilitates collection, ease of disassembly and recycling.</p>
Cost frameworks	Role of the global agreement
<p>Effective cost frameworks at ports can play a critical role in promoting responsible on-board behaviour and removing incentives to dump plastic at sea. For example, cost frameworks that allow fishing vessels to deliver their gear for free or ships to deliver all their garbage at port for a fixed fee based on ship type (referred to as a 100 per cent indirect fee) eliminates incentives for these fishing vessels and ships to illegally dump their gear and garbage at sea, respectively, in order to reduce fees paid at port under other cost frameworks based on weight or volume.⁴³ Moreover, well-designed cost frameworks could also reduce fees for fishing vessels that systematically engage in waste minimisation to reduce the burden on ports or participate in passively fished waste programmes, for example.⁴⁴</p>	<p>Cost frameworks do not fall within the remit of any existing international instrument, although some progress has been made at the regional level. A global agreement could serve as a knowledge-exchange platform on costs frameworks, in tandem with multi-stakeholder platforms such as GloLitter Partnerships Project, and could work toward adopting guidance or commitments on cost frameworks and supporting policy development and implementation at the national.</p>

“Adequate” port reception facilities	Role of the global agreement
<p>Although MARPOL Annex V outlines the expectation that port reception facilities be “adequate,” it provides very limited guidance as to what this means for fishing ports nor how to approach implementation.⁴⁵ This can be attributed to reluctance to have MARPOL extend too far into the land-sea interface, creating a significant gap in the existing international legal framework on port-side measures such as: mandatory waste management plans at each fishing port, developed in consultation with port users, waste management operators, local municipalities and other stakeholders;⁴⁶ separate collection and handling of plastic waste at ports, including fishing gear;⁴⁷ reporting on port waste management plans; and development of effective cost frameworks. GloLitter shows there is an appetite to enhance “government and port management capacities” and foster collaboration between stakeholders; however, to be effective this initiative would require scaling it up globally and ensuring resources and coordination.⁴⁸</p>	<p>Port-side measures do not fall squarely within the remit of any existing global instrument, although some guidance has been produced by the IMO. A global agreement could coordinate and expand the reach of joint initiatives (ie, GloLitter) while also promoting integration with other measures (eg, national EPR schemes, cost frameworks and net collection and recycling programmes) and supporting policy development and implementation at the national level.</p>
Illegal, Unreported and Unregulated (IUU) Fishing	Role of the global agreement
<p>IUU fishing vessels disproportionately contribute to marine plastic pollution because they are more likely to lose their gear by fishing in risky areas, use gear that conflicts with other gear and heightens the risk of loss, engage in dangerous practices such as fishing in poor weather or at night and dump gear to evade capture, destroy evidence or ensure port access.⁴⁹ The FAO’s Agreement on Port State Measures (PSMA) is a binding international agreement specifically targeting IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches.⁵⁰ However, the PSMA focuses on preventing IUU fishing, not necessarily reducing ALDFG from IUU fishing, and coordination is needed to prevent unintended consequences.</p>	<p>IUU fishing is an activity that poses a significant risk to the marine environment, including plastic pollution. The global agreement could coordinate with the PSMA to ensure that, in terms of monitoring, control and surveillance, plastic pollution is mitigated and addressed.</p>

Fiscal incentives	Role of the global agreement
<p>Fiscal incentives could play a significant role in eliminating ALDFG. Such measures include buy-back or deposit-refund schemes that incentivise fishing vessels to return derelict gear and retrieve lost gear, subsidies or tax breaks to install collection, cleaning and recycling systems at small-scale fisheries or ports and financial support for transitioning to alternative gear types, presenting a lower likelihood of being lost or causing environmental damage.⁵¹ Moreover, on the business end, such measures include scaling up of business models for the collection, reuse, repair and recycling of fishing gear, globally recognised criteria in certification and sourcing policies and requirements for insurers and investors to include guidance on ALDFG mitigation.</p>	<p>Fiscal incentives do not fall within the remit of any existing international instrument and have been unevenly advanced at the national level. A global agreement could serve as a knowledge-exchange network and repository on fiscal incentives, coordinating the development and adoption of guidance on best practices and supporting policy development and implementation at the national level.</p>
Certification and eco-labels	Role of the global agreement
<p>Certification and eco-labels have the potential to create market incentives which recognise and reward responsible fishing, but the current guidance on ALDFG is inconsistent or non-existent. Such approaches could include benchmarking and guidance recognising preventative measures and strategies, with criteria on avoiding ALDFG and monitoring its impacts.⁵²</p>	<p>The global agreement could provide support for reviewing and updating guidance, promoting collaboration between stakeholders and overseeing globally agreed standards to inform certification bodies and industry codes of practice. Fundamentally, scoring criteria could reflect international obligations agreed under a global agreement, providing a clear performance metric to be reported on.</p>

Annex II
Mitigative and remedial measures

Lost gear reporting	Role of the global agreement
<p>Reporting losses has numerous benefits for aiding recovery, avoiding navigational risks, identifying high risk areas for gear loss or ghost fishing and promoting data collection to inform future mitigation efforts.⁵³ In the instance of discharges or accidental losses of fishing gear, certain minimum information should be reported to a central body, including the ship identification number and name of the vessel, the type of gear lost, the time the gear was lost, the position where the gear was lost and the measures undertaken to retrieve it. Such harmonisation of reported information across jurisdictions ensures comparability and usefulness of reported data. Efforts are currently under way to amend MARPOL Annex V to clarify and standardise reporting obligations with a desired outcome being a centralised repository of lost gear data and clear guidance on information to be reported; however, the appetite for a comprehensive approach under MARPOL remains unclear.</p>	<p>Reporting gear losses should be made in real time to relevant coastal authorities, with information shared with the IMO so that data is available at the global level to analyse trends and abundances and inform mitigation initiatives. This legal obligation should sit in the IMO remit, but greater coordination support could be provided under the global agreement between flag and coastal states, RFBs, the FAO and relevant stakeholders such as GGGI to ensure the information is collected and being used most effectively.</p>
Passively fished waste	Role of the global agreement
<p>In many countries, fishing-for-litter initiatives have demonstrated the potential for industry-led efforts to collect, store and responsibly dispose of waste collected during fishing operations at no additional burden to fishers.⁵⁴ Fishing-for-litter initiatives also sensitise fishing communities to the harmful impacts of plastic pollution, fostering greater responsibility for preserving the marine environment.</p>	<p>There is a need at the global level for the sharing of best practices, the production of guidelines and the scaling of existing efforts to new regions and fisheries, drawing on existing expertise and with support from certification schemes and other incentives to drive uptake. Promotion and coordination of global passively fished waste programmes could be housed within the global agreement.</p>
Hotspot clean-ups	Role of the global agreement
<p>While hotspot clean-ups should not be the focus of an ALDFG reduction strategy, communities and ecosystems adversely affected by historic gear dumping and accumulation of fishing debris could be targeted for strategic interventions.</p>	<p>Guidance for safe, environmentally sound and cost-effective recovery operations should be drawn from existing research and expertise from global experts, with data from clean-ups contributed to globally coordinated datasets tracking abundances of ALDFG such as the GGGI Ghost Gear Data Portal. These activities could be coordinated under the global agreement, bringing together stakeholders such as GGGI, the FAO, RFBs and civil society.</p>

References

1. Macfadyen, G. et al (2009). Abandoned, Lost or Otherwise Discarded Fishing Gear (FAO Fisheries and Aquaculture Technical Paper No. 523, UNEP Regional Seas Reports and Studies No.185). Page 11. [Available here](#).
2. Stelfox, M. et al (2016). A Review of Ghost Gear Entanglement Amongst Marine Mammals, Reptiles and Elasmobranchs (Marine Pollution Bulletin, Volume 111, Issues 1–2). [Available here](#).
3. European Commission (2018). New Proposal will Tackle Marine Litter and “Ghost Fishing.” [Available here](#). Lebreton, L. et al. (2018). Evidence that the Great Pacific Garbage Patch Is Rapidly Accumulating Plastic (Sci Rep 8, 4666). [Available here](#).
4. Uhrin, A.V. et al (2020). Relative Abundance of Derelict Fishing Gear in the Hawaii-based Pelagic Longline Fishery Grounds as Estimated from Fishery Observer Data (Sci Rep 10, 7767). [Available here](#).
5. GESAMP (2020). Sea-Based Sources of Marine Litter – A Review of Current Knowledge and Assessment Data Gaps (Second Interim Report of GESAMP Working Group 43). [Available here](#).
6. Convention on Biological Diversity (2016). Marine Debris: Understanding, Preventing and Mitigating Significant Adverse Impacts on Marine and Coastal Biodiversity (Report of the Subsidiary Body on Scientific, Technical and Technological Advice, UNEP/CBD/SBSTTA/20/INF/9). [Available here](#). Greenpeace (2006). Plastic Debris in the World’s Oceans. [Available here](#).
7. Macfadyen, G. et al (2009). Abandoned, Lost or Otherwise Discarded Fishing Gear (FAO Fisheries and Aquaculture Technical Paper No. 523, UNEP Regional Seas Reports and Studies No.185). [Available here](#).
8. UNEP (2019). Addressing Marine Plastics: A Systemic Approach - Recommendations for Action. Pages 59-60. [Available here](#).
9. UNCLOS, Article 210.
10. UNEP. Note from the Secretariat: Draft Guidance Manual on How to Improve the Sea-Land Interface. (UNEP/CHW.13/INF/37). Paragraph 87. [Available here](#).
11. Marine Environment Protection Committee (2018). Action Plan to Address Marine Plastic Litter from Ships (MEPC 73/19/Add.1/Annex 10. [Available here](#).
12. Marine Environment Protection Committee (2018). Action Plan to Address Marine Plastic Litter from Ships (MEPC 73/19/Add.1/Annex 10. [Available here](#).
13. Food and Agriculture Organization (2019). Voluntary Guidelines on the Marking of Fishing Gear. [Available here](#).
14. Committee on Fisheries. Report of the 2019 FAO/GGGI Regional Workshops on Best Practices to Prevent and Reduce Abandoned, Lost and otherwise Discarded Fishing Gear (COFI/2020/SBD.6). [Available here](#).
15. Food and Agriculture Organization (2016). Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. [Available here](#).
16. Joint FAO/IMO Ad Hoc Working Group on IUU Fishing. [Available here](#).
17. GloLitter Partnerships Project. [Available here](#).
18. Food and Agriculture Organization. Regional Bodies Involved in the Management of Deep-Sea Fisheries. [Available here](#).
19. Institute for Advanced Sustainability Studies (2021). Stronger Together: The Role of Regional Instruments in Strengthening Global Governance of Marine Plastic Pollution. [Available here](#).
20. See Pew Estimating the use of FADs around the world [here](#) and IPNLF [here](#) for further reading
21. Institute for Advanced Sustainability Studies (2021). Stronger Together: The Role of Regional Instruments in Strengthening Global Governance of Marine Plastic Pollution. Page 13. [Available here](#).
22. OSPAR Commission (2020). Scoping Study on the Development of Best Practices for Design and Recycling of Fishing Gear as a Means to Reduce Quantities of Fishing Gear Found as Marine Litter in the North-East Atlantic. [Available here](#).
23. Institute for Advanced Sustainability Studies (2021). Stronger Together: The Role of Regional Instruments in Strengthening Global Governance of Marine Plastic Pollution. Pages 13-15. [Available here](#).
24. Institute for Advanced Sustainability Studies (2021). Stronger Together: The Role of Regional Instruments in Strengthening Global Governance of Marine Plastic Pollution. Page 14. [Available here](#).
25. Global Ghost Gear Initiative. [Available here](#).
26. Global Ghost Gear Initiative (2016). Best Practice Framework for the Management of Fishing Gear. [Available here](#).
27. Global Ghost Gear Initiative (2021). Ghost Gear Legislation Analysis. [Available here](#).
28. Global Ghost Gear Initiative (2019). Investors Support for the Inclusion of Ghost Gear in Marine Stewardship Council’s (MSC) Sustainable Fisheries Standard (open letter). [Available here](#).
29. Marine Stewardship Council. Supporting the Prevention of Gear Loss and Ghost Fishing (website). [Available here](#).
30. Global Seafood Assurances (2020). Responsible Fishing Vessel Standard (RFVS). [Available here](#).
31. Monterey Bay Aquarium Seafood Watch. [Available here](#).
32. Friend of the Sea. [Available here](#).
33. Seafood Stewardship Index. [Available here](#).
34. GESAMP (2020). Sea-Based Sources of Marine Litter – A Review of Current Knowledge and Assessment Data Gaps (Second Interim Report of GESAMP Working Group 43). [Available here](#).
35. Committee on Fisheries. Report of the 2019 FAO/GGGI Regional Workshops on Best Practices to Prevent and Reduce Abandoned, Lost and otherwise Discarded Fishing Gear (COFI/2020/SBD.6). [Available here](#).
36. Commission Staff Working Document Impact Assessment, Reducing Marine Litter: Action on Single Use Plastic and Fishing Gear SWD (2018) 254 final. [Available here](#).

37. IMO (2021). Comprehensive Review of the 1995 STCW-F Convention: Report of the Working Group on the Comprehensive Review of the 1995 STCW-F Convention (HTW 7/WP.7). Section 6.4.
38. International Convention for the Prevention of Pollution from Ships (MARPOL). Annex V, Regulation 3.1.2. [Available here](#).
39. Food and Agriculture Organization (2020). Report of the 2019 FAO Regional Workshops on Best Practices to Prevent and Reduce Abandoned, Lost or Discarded Fishing Gear in Collaboration with the Global Ghost Gear Initiative. [Available here](#).
40. European Commission (2020). Study on Circular Design of the Fishing Gear for Reduction of Environmental Impacts (EASME/EMFF/2018/011 Specific Contract No.1). [Available here](#).
41. Centre for Sustainable Design (2018). Products from Waste Fishing Nets: Accessories, Clothing, Footwear, Home Ware, Recreation. [Available here](#).
42. European Commission (2018). Commission Staff Working Document - Impact Assessment: Reducing Marine Litter: Action on Single Use Plastic and Fishing Gear. [Available here](#).
43. Marine Environment Protection Committee (2018). Marine Litter from Sea-Based Sources: Input to the IMO Action Plan on Marine Plastic Litter from Ships (MEPC 73/8/3, submission by EU Member States and the European Commission).
44. Marine Environment Protection Committee (2018). Draft Action Plan to Address Marine Plastic Litter from Ships (MEPC 73/8/2, submission by Chile, Cook Islands, Fiji, Ghana, Iceland, Jamaica, Kiribati, Marshall Islands, Monaco, Norway, Palau, Solomon Islands Tuvalu, Vanuatu and SPREP). Paragraphs 67 and 70 ; see also Official Journal of the European Union L 151, 7.6.2019, p. 116. Directive (EU) 2019/883 on Port Reception Facilities for the Delivery of Waste from Ships (17 April 2019), Article 8(5)
45. Marine Environment Protection Committee (2016). Inadequacy of Reception Facilities: Updated Version of the Draft Manual on "Port Reception Facilities – How to do it." [Available here](#). Marine Environment Protection Committee (2000). Guidelines for Ensuring the Adequacy of Port Waste Reception Facilities. [Available here](#). Guidelines for Providing and Improving Port Reception Facilities and Services for Ship-Generated Marine Litter in the Northwest Pacific Region, IMO and UNEP, [Available here](#)
46. Marine Environment Protection Committee (2018). Marine Litter from Sea-Based Sources: Input to the IMO Action Plan on Marine Plastic Litter from Ships (MEPC 73/8/3, submission by EU Member States and the European Commission). Paragraph 15.
47. Marine Environment Protection Committee (2018). Marine Litter from Sea-Based Sources: Input to the IMO Action Plan on Marine Plastic Litter from Ships (MEPC 73/8/3, submission by EU Member States and the European Commission). Paragraph 12.
48. GloLitter Partnerships Project. [Available here](#).
49. Macfadyen, G. et al (2009). Abandoned, Lost or Otherwise Discarded Fishing Gear (FAO Fisheries and Aquaculture Technical Paper No. 523, UNEP Regional Seas Reports and Studies No.185). Page 56. [Available here](#).
50. Food and Agricultural Organization (2017). Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. [Available here](#).
51. Eunomia (2016). Study to Support the Development of Measures to Combat a Range of Marine Litter Sources: Report for European Commission DG Environment. Page 344. [Available here](#).
52. Global Ghost Gear Initiative (2016). Best Practice Framework for the Management of Fishing Gear. Page 38. [Available here](#).
53. Official Journal of the European Union. Council Regulation (EC) No 1224/2009 Establishing a Union Control System for Ensuring Compliance with the Rules of the Common Fisheries Policy (OJEU L 354, 28.12.2013, p. 1–21). Article 48. [Available here](#).
54. KIMO. Fishing for Litter: What Is Fishing for Litter? (website). [Available here](#). OSPAR Commission (2017). Fishing-for-Litter Guidelines (EIHA 17/9/1). Annex 13. [Available here](#).

