



North Pacific Fisheries Commission

CMM 2023-15

(Entered into force 26 July 2023)

**CONSERVATION AND MANAGEMENT MEASURE ON THE PREVENTION,
REDUCTION, AND ELIMINATION OF MARINE POLLUTION**

The North Pacific Fisheries Commission (NPFC),

Concerned with the prevalence of marine pollution in the world's oceans, and its detrimental effects on marine species, marine ecosystems, and the livelihoods of legitimate fishers;

Recognizing the significant ecological threat posed by abandoned, lost, or discarded fishing gear (ALDFG) to the sustainability of fisheries resources;

Aware of both the role fishing vessels have in producing marine pollution during fishing activities from waste, harmful liquid substances, and ALDFG fishing gear, and their equal potential to combat marine pollution;

Committed to the use of the precautionary approach in fisheries management in light of the lack of data and information on marine pollution in the North Pacific Ocean;

Recalling that Article 3(k) of the Convention requires Commission Members and Cooperating non-Contracting Parties to minimize pollution or waste originating from fishing vessels, catch by lost or abandoned gear, and impacts on other species and marine ecosystems through measures including, to the extent practicable, the development and use of selective, environmentally safe, and cost-effective fishing gear and techniques;

Noting that the International Convention for the Prevention of Pollution from Ships (MARPOL) seeks to eliminate and reduce the amount of garbage being discharged into the sea from ships and that Annex V of MARPOL applies to all vessels but that there is limited monitoring and implementation of MARPOL obligations on fishing vessels, and consequently little information exists about illegal pollution activities by fishing vessels at sea;

Noting further that the need to prevent and significantly reduce marine pollution of all kinds was affirmed at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 through the adoption of paragraph 13(g) of the "Our ocean, our future: call for action" declaration;

Desiring to establish rules, and encourage advancements, in the prevention, reduction, and elimination of marine pollution in the North Pacific Ocean;

Adopts the following:

Definitions

1. This measure shall be interpreted, unless otherwise stated, in accordance with the Convention.
2. The following definitions apply:
 - (a) “fishing gear” means any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of catching, taking, or harvesting, or controlling for the subsequent catching, taking, or harvesting, of fisheries resources;
 - (b) “garbage” means all kinds of food wastes, domestic wastes, and operational wastes as defined under Annex V of MARPOL, including incinerator ashes, cooking oil, floating dunnage, or lining and packing materials¹, but excluding plastics; and
 - (c) “plastics” means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed during either manufacture of the polymer or the fabrication into a finished product by heat or pressure.

Scope

3. This measure applies to all fishing vessels in the Convention Area.

Prohibitions on Marine Pollution

Prohibition on Discard or Abandonment of Fishing Gear

4. No fishing vessel shall discard or abandon fishing gear at sea.
5. A fishing vessel is deemed to have discarded fishing gear if it relinquishes control of the fishing gear, except in the event of distress.

¹ For greater clarity, a reference to garbage in paragraphs 11 – 15 does not include garbage that is permitted to be released under Annex V of MARPOL

6. A fishing vessel is deemed to have abandoned fishing gear if it loses control of the fishing gear, or relinquishes control due to *force majeure*, and does not make every reasonable effort to retrieve the fishing gear.

Lost Fishing Gear

7. If a fishing vessel loses control of its fishing gear, or relinquishes control due to *force majeure*, and makes every reasonable effort to retrieve the fishing gear, but it is impossible to retrieve, the fishing gear is considered lost.

Prohibition on Release of Plastics

8. No fishing vessel shall release any plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, or incinerator ashes from plastics products, at sea.

Prohibition on the Release of Other Marine Pollutants

9. A Commission Member, or Cooperating non-Contracting Party, is encouraged to implement appropriate on-board storage for, and to prohibit the release of the following discharges at sea by its fishing vessels, except as permitted under applicable international instruments:
 - (a) oil, fuel products, or oily residues;
 - (b) sewage; and
 - (c) garbage.

Other Requirements

Preventive Measures

10. A fishing vessel shall take all reasonable precautions to prevent:
 - (a) the abandonment, loss, or discard of fishing gear at sea; and
 - (b) the release of garbage, and plastics, at sea.

Retrieval of Fishing Gear and Other Marine Pollutants

11. A fishing vessel shall make every reasonable effort to retrieve any abandoned, lost, or discarded gear, garbage, or plastics that it has released as soon as possible.

12. A fishing vessel is encouraged to retrieve any abandoned, lost, or discarded fishing gear, garbage, or plastics that it observes at sea.
13. A fishing vessel is encouraged to carry equipment on board to retrieve any abandoned, lost, or discarded fishing gear, garbage, or plastics that it released or observes.

Storage, Retention, and Disposal of Marine Pollutants

14. A fishing vessel shall, to the extent possible, safely store and retain on board all fishing gear, garbage, and plastics until they can be disposed of at an adequate port reception facility.

Review

15. The Commission shall review this measure annually, taking into account, *inter alia*:
 - (a) the effectiveness of this measure in preventing, reducing, and eliminating marine pollution, including the potential for reporting requirements; and
 - (b) the development of international standards, guidelines, or best practices, or international instruments related to the prevention, reduction, and elimination of marine pollution.