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Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
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Item 4 of the provisional agenda

Preparation of an international legally binding instrument on plastic pollution, including in the marine environment

Information submitted by the International Maritime Organization

Note by the Secretariat

1. UNEA resolution 5/14 reaffirmed the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment.

2. Accordingly, the Secretariat of IMO has attended all INC sessions and, as requested by IMO's Marine Environment Protection Committee (MEPC) and the Sub-Committee on Pollution Prevention and Response (PPR), provided information to the Committee and Sub-Committee regarding the outcome of each INC session.

3. MEPC 83 (7 to 11 April 2025) requested the IMO Secretariat to submit information on the work of the Organization with regard to marine plastic litter to INC-5.2. This information is set out in the annex to the present note.

4. The present note, including its annex, has not been formally edited.

Annex

Information on the work of IMO that could be of relevance to the Intergovernmental Negotiating Committee

I. MARPOL Annex V: Regulations for the prevention of pollution by garbage from ships

A. General

1. The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

2. MARPOL Annex V regulates the prevention of pollution by garbage from ships and achieved sufficient ratifications to enter into force on 31 December 1988. To date, 156 Contracting States, representing more than 98 percent of the world's tonnage, have acceded to the Annex[1]. It should be noted that the prohibition of the discharge of all plastics anywhere into the sea from ships and fixed or floating platforms, has been in effect ever since the entry into force of MARPOL Annex V.

B. Regulations

3. An important feature of MARPOL Annex V is the general prohibition of the discharge of garbage into the sea, except as provided otherwise in the Annex with regard to, for example, food wastes, animal carcasses, cleaning agents and additives contained in hold washwater, deck and external surface washwater and cargo residues which are not considered to be harmful to the marine environment.

4. While the prohibition of the discharge of plastics is implicit in the general prohibition, the prohibition of discharge of plastics was expressly retained in the language of the revised Annex for emphasis. In support of this, plastics and fishing gear are included in the definition of garbage (regulation 1.9) and separate definitions of plastic (regulation 1.13) and fishing gear (regulation 1.6) are also present.

5. MARPOL Annex V regulations that are relevant to the work of the of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, are reproduced below:

Definitions

Regulation 1.6 *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 sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms.

Regulation 1.9 *Garbage* means all kinds of food wastes, domestic wastes and operational wastes, <u>all plastics</u>, cargo residues, incinerator ashes, cooking oil, <u>fishing gear</u>, and animal carcasses <u>generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention</u>. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage, or as a result of aquaculture activities which involve the transport of fish including shellfish for placement in the aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing.

Regulation 1.13 *Plastic* means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and/or pressure. Plastics have material properties ranging from hard and brittle to soft and elastic. For the purposes of this annex, "all plastics" means all garbage that consists of or

[1] http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/StatusOfTreaties.pdf

includes plastic in any form, including synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products.

General prohibition on discharge of garbage into the sea

Regulation 3.1 Discharge of all garbage into the sea is prohibited, except as provided otherwise…

Regulation 3.2 Except as provided in regulation 7 of MARPOL Annex V, discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products is prohibited.

Regulation 4.4 When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements, the more stringent requirements shall apply.

Exceptions (regulation 7)

The regulations prohibiting or restricting the discharge of garbage into the sea from ships do not apply to:

.1 the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

.2 the accidental loss of garbage resulting from damage to a ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the accidental loss; or

.3 the accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss; or

.4 the discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.

Port reception facilities

Regulation 8.1 Each Party undertakes to ensure the provision of adequate 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.

Regulation 8.3 Small Island Developing States and States with ports in Arctic waters may satisfy the requirements for 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 shall develop a Regional Reception Facilities Plan, taking into account the guidelines developed by the Organization.

Port state control on operational requirements

Regulation 9.1 A ship when in a port or an offshore terminal of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under MARPOL Annex V, 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.

Regulation 9.2 In the circumstances given in regulation 9.1, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.

Garbage management plan

> **Regulation 10.2** Every ship of 100 gross tonnage and above, and every ship which is certified to carry 15 or more persons, and fixed or floating platforms shall carry a garbage management plan which the crew shall follow. This plan shall provide written procedures for minimizing, collecting, storing, processing and disposing of garbage, including the use of the equipment on board. It shall also designate the person or persons in charge of carrying out the plan. Such a plan shall be based on the guidelines developed by the Organization and written in the working language of the crew.

Recording of exceptional discharges or losses of garbage under regulation 7

> **Regulation 10.3.6** In the event of any discharge or accidental loss referred to in regulation 7 of MARPOL Annex V an entry shall be made in the Garbage Record Book, or in the case of any ship of less than 100 gross tonnage, an entry shall be made in the ship's official logbook of the date and time of occurrence, port or position of the ship at time of occurrence (latitude, longitude and water depth if known), the reason for the discharge or loss, details of the items discharged or lost, categories of garbage discharged or lost, estimated amount for each category in cubic metres, reasonable precautions taken to prevent or minimize such discharge or accidental loss and general remarks.

Reporting of exceptional discharges or losses of fishing gear under regulation 7

> **Regulation 10.6** The accidental loss or discharge of fishing gear as provided for in regulations 7.1.3 and 7.1.4 which poses a significant threat to the marine environment or navigation shall be reported to the State whose flag the ship is entitled to fly, and, where the loss or discharge occurs within waters subject to the jurisdiction of a coastal State, also to that coastal State.

C. Supporting guidelines

6. The general implementation of MARPOL Annex V requirements is supported by the *2017 Guidelines for the implementation of MAPROL Annex V* (resolution MEPC.295(71)) (the Guidelines). The Guidelines contain a number of recommendations in section 2 (Garbage Management) that are pertinent to marine plastic litter and, inter alia, relate to research, technology development, reporting and information sharing. A summary of relevant recommendations is provided below.

7. With respect to waste minimization:

a. options are provided in the Guidelines for decreasing the amount of garbage that may be generated, including avoiding supplies that are packaged in plastic, unless reusable or recyclable plastic is used, as well as using reusable coverings for cargo protection instead of disposable or recyclable plastic sheeting; and

b. Governments are encouraged to undertake research and technology development to minimize potential garbage and impacts on the marine environment, with one of the suggested areas of study being the development of technology for use of biodegradable materials to replace current plastic products as appropriate.

8. On the subject of fishing gear, taking into account that the accidental loss or discharge of fishing gear which is required to be reported by regulation 10.6 of MARPOL Annex V (i.e. gear which poses a significant threat to the marine environment or navigation) should be determined specifically by the Government concerned, the Guidelines list examples and factors that should be considered in making such a determination.

9. Additionally, in accordance with the Guidelines, Governments are encouraged to:

a. report to the Organization measures taken to address the loss or discharge of fishing gear, with a view to promoting information sharing and opinion exchange among Governments and relevant international organization

b. report to the Organization progress made in implementing the above-mentioned measures, including summaries of where gear was lost and, if applicable, actions taken to address the gear loss

c. develop communication frameworks to enable the recording and sharing of information on fishing gear loss where necessary in order to reduce loss and facilitate recovery of fishing gear, and

d. develop frameworks to assist fishing vessels in reporting the loss of gear to the flag State and to a coastal State while taking into consideration implementation challenges in small scale and artisanal fisheries and recreational operations.

10. Furthermore, the fishing industry, relevant international organizations and Governments are encouraged to undertake such research, technology development, information sharing and management measures as may be needed to minimize the probability of loss, and maximize the probability of retrieval of fishing gear from the sea.

II. The London Convention and Protocol: Prevention of marine pollution by dumping of wastes and other matter

11. The 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention or LC), and its 1996 Protocol (London Protocol or LP), regulate the dumping of various types of wastes and other matter into the sea. The London Convention has been in force since 1975 and currently has 87 Parties. The London Protocol entered into force on 24 March 2006 and currently has 54 Parties.

12. The disposal of plastics into the sea is in effect prohibited under both the LC and the LP. The issue of marine litter has been on the LC/LP agenda since 2009, when the governing bodies agreed to collaborate with the UNEP-Global Programme of Action on several issues of joint interest, including marine litter (LC 31/15, paragraphs 8.19 to 8.25). In 2015, the LC/LP Contracting Parties completed a review of the current state of knowledge with respect to how wastes may contribute to the presence of debris, in particular plastics, in the marine environment. The report, which was prepared in the context of, and with funding from, the Global Partnership on Plastic Pollution and Marine Litter (GPML), concludes that dredged material and sewage sludge are the most likely of the waste streams to contribute to the presence of marine litter and highlights the need to address the upstream sources of marine litter. The final report is available on the LC/LP website[2]. The policy implications of the findings of the review were discussed by the Contracting Parties in 2016, leading to the adoption of a "Recommendation to encourage action to combat marine litter" (LC 38/16, annex 8). The Recommendation encourages States to make every effort to combat marine litter, including through the identification and control of marine litter at its source.

13. LC/LP are also addressing the issue of the end-of-life management of fibreglass vessels, through the development of guidance. Furthermore, under the LC/LP, the issue of abandoned or drifting fish aggregating devices (FADs), as well as polystyrene and Styrofoam buoys used in aquaculture, as sources of marine litter have also been discussed, noting that source control and best practices are important elements to reduce these problems.

14. Work to identify further actions to strengthen the implementation of the treaties with respect to marine litter, is currently a high priority issue, being addressed through a Correspondence Group under the LC/LP governing bodies (LC 45/17 and LC/SG 46/16).

III. IMO Strategy and Action Plan to address marine plastic litter from ships

15. The regulations in MARPOL Annex V and the London Convention/Protocol prohibit the discharge and dumping of plastics from ships, respectively. Notwithstanding the above, the Marine Environment Protection Committee (MEPC) of IMO, at its 73rd session (October 2018), adopted the *Action Plan to Address Marine Plastic Litter from Ships* (resolution MEPC.310(73)) to contribute to a

[2] Available at: https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/Marine%20litter%20review%20for%20publication%20April%202016_final_ebook_version.pdf

global solution for preventing marine plastic litter from entering the oceans through ship-based activities. Subsequently, MEPC 77 (November 2021) adopted the *Strategy to address marine plastic litter from ships* (resolution MEPC.341(77)).[3]

16. Following the review of resolution MEPC.310(73) by the twelfth session of the PPR Sub-Committee, MEPC 83 adopted resolution MEPC.404(83) on *2025 Action Plan to Address Marine Plastic Litter from Ships* (2025 Action Plan) in April 2025.

A. Regulatory work

17. Since the adoption of the Action Plan, work has been initiated and is ongoing or has been completed, as follows:

a. draft amendments to MARPOL Annex V to enhance the reporting of lost fishing gear and to make the marking of fishing gear mandatory, in cooperation with FAO (this work is ongoing and may take time to complete given the diverse nature of the fishing industry and the variety of elements that need to be taken into account to ensure flexibility in implementation of potential requirements at a national/ regional level);

b. approval by MEPC 81 of *Recommendations for the carriage of plastic pellets by sea in freight containers* (MEPC.1/Circ.909);[4]

c. inclusion of a dedicated action in the 2025 Action Plan for developing mandatory measures to reduce the environmental risks of plastic pellets transported by sea in freight containers (the PPR Sub-Committee has been tasked with analysing potential mandatory instruments that could be amended, with a view to providing policy recommendations to MEPC for decision on the preferred regulatory approach);

d. amendments to the International Convention for the Safety of Life at Sea (SOLAS) to require mandatory reporting of all losses of freight containers from a ship (entering into force 1 January 2026), not just freight containers used to transport dangerous goods; and

e. amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) to improve environmental awareness of crews and fishers (entering into force 1 January 2026).

B. GloLitter Partnerships Project

18. In addition, one of the measures of the Action Plan, namely the establishment of an externally funded major project under the auspices of IMO in support of the Plan, has been fulfilled through the establishment of the GloLitter Partnerships Project, jointly implemented with FAO.[5]

IV. GESAMP

19. The *Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection* (GESAMP) is an independent group of experts, established in 1969 to advise the UN system on the scientific aspects of marine environmental protection. At present, the group is sponsored by IMO, FAO, IAEA, UN (DOALOS), UNDP, UNEP, IOC-UNESCO, UNIDO, WMO and ISA, all having responsibilities relating to the protection of the marine environment. The purpose of GESAMP is to provide a mechanism for mutual coordination and collaboration, and to avoid duplication of efforts in ocean sustainability matters within the UN system. Each sponsoring organization allocates a Technical

[3] See the In Focus page on the IMO website: https://www.imo.org/en/MediaCentre/HotTopics/Pages/marinelitter-default.aspx

[4] See the In Focus page on the IMO website: https://www.imo.org/en/MediaCentre/HotTopics/Pages/FAQ-Plastic-pellets.aspx

[5] https://glolitter.imo.org/

Secretary who acts as liaison with GESAMP and contributes to the sponsorship of the GESAMP members, as well as to its working groups.

20. IMO fulfils the Secretariat function of GESAMP (GESAMP Office) since its launch in 1969 and has continued to uphold this role throughout the reporting period, through its Marine Environment Division (MED), providing the time of the Administrative Secretary (Director, MED), the Technical Secretary (Head, Office for LC/LP and Ocean Affairs, MED) and the GESAMP Administrative Coordinator in MED, as well as the time of professional and administrative staff in MED to support IMO-led working groups. The GESAMP Office maintains a website for dissemination of information and publications: http://www.gesamp.org.

21. The Group currently consists of 18 experts and is chaired by Dr Wendy Watson-Wright (Canada). The 51st annual session of GESAMP was held from 2 to 6 September 2024, hosted by IAEA at its environmental laboratories in Monaco.

22. GESAMP has an active work programme, with ten working groups, co-sponsored by the ten UN organizations. IMO is leading/co-leading six of these and co-sponsoring another three. Several of these working groups feed directly into the regulatory work of IMO, on issues under both MEPC and LC/LP.

23. The two GESAMP Working Groups relating to plastics are Working Group 40 on "Sources, fate and effects of microplastics in the marine environment: a global assessment" (see http://www.gesamp.org/work/groups/40) and Working Group 43 on “Sea-based sources of marine litter” (see http://www.gesamp.org/work/groups/wg-43-on-sea-based-sources-of-marine-litter).

V. Global Partnership on Plastic Pollution and Marine Litter (GPML)

24. GPML is a multi-stakeholder partnership which brings together all the actors working on marine litter and plastic pollution prevention and reduction. It was launched at the UN Conference on Sustainable Development (Rio+20) in June 2012, in response to a request in the *Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities* (now called Pollution Free Ecosystems Unit). The partnership is led by a Steering Committee and UNEP provides secretariat services.

25. GPML provides a platform for cooperation and coordination, sharing ideas, knowledge and experiences, and to identify gaps and emerging issues, by harnessing the expertise, resources and enthusiasm of all stakeholders. The work is focusing on five Action Tracks: science-policy linkages; road maps/plans for action; harmonization of data, standards and methodologies; sustainable and innovative financing; and access for all.

26. IMO is one of the four permanent members of the Steering Committee (together with UNEP, FAO and GESAMP) and is co-chairing the Committee with Canada since 2020. For more information, see https://www.gpmarinelitter.org/.