

5. PLASTIC POLLUTION FROM SHIPPING ACTIVITIES AT THE IMO

Summary of role: IMO is the global regulator of international shipping including disposal of waste from vessels at sea and in port reception facilities as well as other potential disposal of matter or substances from vessels that may contain plastic or other noxious contaminants such as possible additives to plastic. Marine environmental issues, including marine plastic pollution, are dealt with primarily by the IMO's Marine Environmental Protection Committee (MEPC). Since 2018, marine plastics have become an item under the Agenda of MEPC.

Summary of recommendations and work status: An Action Plan to Address Marine Litter from Ships and a Working Group was established under the MEPC, with measures to be completed by 2025. These include the reduction of marine plastic litter generated by shipping in general, as well as in particular from and retrieved by fishing vessels, effectiveness of port reception facilities and new regulatory measures. The MEPC also agreed on terms of reference of a study group on marine litter from ships, a regulatory framework matrix to identify all international regulatory instruments and best practices associated with the issue of marine plastic litter from ships. The last MEPC meeting mandated a Correspondence Group to develop a strategy to address marine litter from ships for discussion at MEPC75 in March 2020.

Keywords/research fields: International Maritime Organisation (IMO); function and mandate; international shipping; regulatory framework; Marine Environmental Protection Committee (MEPC); MARPOL; work on marine plastic pollution at the MEPC; marine litter from ships; garbage from ships; ALDFG; Action plan to address marine litter from ships; IMO Study on marine plastic litter from ships; correspondence group

5.1 Function and mandate

The International Maritime Organisation (IMO) defines itself as a specialized agency of the UN for international shipping. It is charged with the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.

With respect to the protection of the marine environment, all known adverse impacts from shipping activities are discussed at the IMO to determine whether they require an international treaty, recommendations, guidelines or more investigations. 16 international treaties have been negotiated and adopted by states at the IMO for this purpose. The body of the IMO that deals with negotiations of new regulations, amendments to old ones and review of implementation of treaties with respect to impact on the marine environment is the Marine Environmental Protection Committee (MEPC) of the IMO.

Disposal of plastic from vessels as garbage has been addressed at the IMO for decades through the International Convention for the Prevention of Pollution from Ships (MARPOL). MARPOL has 6

annexes; each is devoted to a different type of operational discharge from ships. Annex V deals explicitly with 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. However, other vessel sources of plastic litter and microplastics do not as easily fall within the scope of MARPOL annexes as currently drafted. These include plastic fibres and other microplastic in sewage and greywater as well as plastic in lost containers at sea. Greywater is not included in the regulations on discharge of sewage from ships (MARPOL Annex IV). There is also no mandatory requirement for the loss of containers at sea and/or their tracking in a way that would help combatting of unintended release of plastic materials at sea.

Another area under consideration at the IMO in the context of plastic pollution from shipping is the contribution of abandoned fishing gear to marine plastics as several publications highlight that in a number of marine areas they compose a substantial contribution to marine plastic particles that were sampled. Practices involved in this pollution appear to be the initial placement of fishing gear at sea and subsequent non-retrieval or abandonment which may be motivated by a variety of circumstances, including the legitimate loss or impossibility of retrieval of the gear. Whereas the discharge of plastic at sea is prohibited under MARPOL Annex V and its implementation guidelines, the current language of the provisions do not clearly envisage this situation of initial legitimate placement for fishing purposes and subsequent non-retrieval, except in the case of loss, leaving this situation open to opposite interpretations. One of the difficulties in regulating effectively this situation arises from the fact that it is at the interface of the mandate of the IMO and the FAO and that, unlike MARPOL Annex V, the relevant FAO instruments are non-mandatory.

The mandate of the MEPC includes all environmental impacts from shipping activities that are conducted under IMO regulations, and shipping activities that should be regulated. The MEPC holds three sessions over a two-year cycle. The last session, MEPC 74, and was held in May 2019. The MEPC 75 which planned for March 2020 has been postponed until further notice due to the Covid-10 crisis.

5.2 Adoption of MARPOL by ASEAN+3

Table 1.3.5.1. Status of adoption of the MARPOL Convention and its Annexes in ASEAN+3.

Legend: Red: no adoption; Green: adoption.

MARPOL	Status of Adoption												
	BRN	KHM	CHN	IND	JAP	KOR	LAO	MYS	MYN	PHL	SGP	THA	VNM
Annexes I and II: Oil and noxious liquid substances respectively	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Annex III: Harmful substances carried by sea in packaged form	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green
Annex IV: Sewage from ships	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green
Annex V: Garbage from ships	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green

MARPOL is widely adopted by ASEAN+3 countries, including Annex V. Of note, Adoption of Annexes III to VI require separate adoption process for each and are therefore independent from prior adoption MARPOL and its Annexes I and II. Governments of ASEAN+3 countries are also represented and active in working and correspondence groups of the MEPC.

5.3 Work on marine plastic pollution from shipping at the IMO

5.3.1 MEPC

Following UNGA's adoption of the SDGs, the SDGs were introduced into the strategic planning of a number of relevant international bodies. The IMO is one of them.

One of the two vision statements in the Strategic Plan for 2018–2023 adopted by the IMO Assembly in December 2017 (A 30/Res.1110) focuses on addressing emerging issues and supporting member states in their implementation of the SDGs. The Strategic Plan reiterates the importance of the SDGs in the overarching principles, and in the context of its Strategic Direction 4, 'engage in ocean governance'. The Assembly also recognized the ongoing problem of marine plastic pollution and referred the issue to the following MEPC (and to the meeting of the governing bodies of the London Convention and the London Protocol – see [Part 1, Section 3.6.1](#)) for detailed consideration and action as deemed necessary. The issue was widely supported as one that concerns plastic pollution from vessels and offshore structures.

Marine plastic litter was subsequently added as an agenda item of the MEPC in June 2018 (MEPC 72) with an output of 'development of an action plan to address marine plastic litter from ships'. The Working Group on Marine Plastic Litter was established at MEPC 73 (October 2018) and the Action Plan to Address Marine Plastic Litter from Ships was adopted, with measures to be completed by 2025. A paper submitted by Indonesia suggested the establishment of a database to store details on the state of marine plastic litter. However, this is still to be followed-up on once the work of the Working Group reaches this new workstream proposed by Indonesia.

Items of the Action Plan to Address Marine Plastic Litter from Ships include:

- Reduction of marine plastic litter generated from, and retrieved by, fishing vessels;
- Reduction of shipping's contribution to marine plastic litter;
- Improvement of the effectiveness of port reception facilities and treatment in reducing marine plastic litter;
- Enhanced public awareness, education and seafarer training;
- Improved understanding of the contribution of ships to marine plastic litter;
- Improved understanding of the regulatory framework associated with marine plastic litter from ships
- Strengthened international cooperation; and
- Targeted technical cooperation and capacity-building.

(Available: <http://www.imo.org/en/MediaCentre/HotTopics/marinelitter/Documents/IMO%20marine%20litter%20action%20plan%20MEPC%2073-19-Add-1.pdf>)

Under the Action Plan, the Regional Sea Conventions are associated partners to conduct a study on marine plastic litter, including macro- and microplastics, from all ships (see page 9 of IMO/MEPC/Reso.310(73), adopted on 26 October 2018).

At MEPC 74 on 13–17 May 2019, the MEPC approved the report of the Working Group on Marine Plastic Litter, including the terms of reference of an IMO study on marine plastic litter from ships, and a regulatory framework matrix that identified all international regulatory instruments and best practices associated with the issue of marine plastic litter from ships. This regulatory framework matrix is to be updated by the Secretariat and posted on IMO website.

A Correspondence Group was established to finalize a draft strategy to address marine plastic litter from ships, based on discussions during MEPC 74, and to report to MEPC 75. This strategy will include a table showing actions of the Action Plan in short-term, mid-term, long-term and continuous categories, as well as a timeline of follow-up actions. Available: <http://www.imo.org/en/MediaCentre/MeetingSummaries/MEPC/Pages/MEPC-74th-session.aspx>.

MEPC 74 also raised the question of determination of the most appropriate instrument to address the responsibility and liability for plastic consumer goods in containers lost at sea from ships and invited states and international organisations to submit proposals to the IMO Legal Committee (LEG 107), in March 2020. However, this meeting has been postponed.

5.3.2 At PPR

At the meeting of the Sub-Committee on Pollution Prevention and Response (PPR-7) in February 2020, PPR-7 established a Correspondence Group on Marine Plastic Litter from Ships, with a view to progressing work in relation to marine plastic litter. This includes:

- Several potential amendments to MARPOL Annex V to extend its scope and clarify it;
- New potential requirements in Annex V on the mandatory reporting of the loss or discharge of fishing gear to the coastal state or the administration of the flag of the vessel to the IMO; this could include the removal of a condition to the obligation of reporting linked to the fact that the discharged fishing gear ‘poses a significant threat to the marine environment or navigation’ (Annex V - Regulation 10.6) as it leaves the requirement open to interpretation; and
- Potential amendments to the 2017 Guidelines for the Implementation of MARPOL Annex V in accordance with the new provisions, to provide more detailed information on the implementation of the new provisions and to ensure compliance.

PPR-8 is scheduled for January 2021.

These ongoing issues are of great relevance to Southeast Asia where shipping density is particularly high and reception facilities for different waste streams from vessels are known to be commonly unavailable and generally inadequate. ALDFGs are also a growing issue in the region with a fishing fleet that is much larger than that of other regions and ghost nets being frequently found.