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**Submission of the North-East Atlantic Fisheries Commission
to Part I of the report of the Secretary-General
on developments and issues relating to ocean affairs and the law of the sea**

By the Secretary of NEAFC

Reference is made to the letter dated 10 December 2015, signed by Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and the United Nations Legal Counsel, inviting the North-East Atlantic Fisheries Commission (NEAFC) to submit its contribution to Part I of the report of the Secretary-General on developments and issues relating to ocean affairs and the law of the sea, relating to “marine debris, plastics and microplastics”.

NEAFC’s action against marine litter is primarily in the form of implementing rules regarding firstly limiting the use of certain fishing gear and secondly the marking and retrieval of fishing gear. The aspect of marine litter that NEAFC is thereby focused on is the issue of abandoned, lost and otherwise discarded fishing gear (ALDG). This is consistent with the legal competence that NEAFC has, which is regarding the management of fisheries and associated activities.

Inter alia due to the long term impact of lost or abandoned gears, vessels operating in the NEAFC Regulatory Area are prohibited from deploying gillnets, entangling nets or trammel nets at any position where the charted depth is greater than 200 metres. For further details, see Recommendation 3:2006 (http://www.neafc.org/system/files/rec-3_deep-water-gillnet.pdf).

NEAFC’s other rules in this context can be found in Chapter II of the NEAFC Scheme of Control and Enforcement (<http://www.neafc.org/mcs/scheme>). The rules include the following legally binding requirements:

- All fishing gear shall be marked in the appropriate way, ensuring that it can be traced to the vessel that deployed it.
- Fishing vessels fishing with fixed gear shall have equipment on board to retrieve lost gear.
- A vessel that has lost fixed gear shall attempt to retrieve it as soon as possible.
- If the lost gear cannot be retrieved the master of the vessel shall notify the competent authorities of its flag State within 24 hours, and include in its notification various explicitly required information. The flag State shall notify the information to the NEAFC Secretary, who shall put it on the NEAFC website.

These existing rules also include the requirement for NEAFC Contracting Parties that they shall, on a regular basis, undertake to retrieve lost fishing gear. If gear is retrieved that has not

been reported as lost, the Contracting Party that retrieved the gear may recover the cost from the master of the vessel that has lost the gear.

The rules furthermore explicitly state that Contracting Parties shall have the right to remove and dispose of fixed gear that is not marked in accordance with the rules or in any other way contravenes other Recommendations adopted by NEAFC as well as fish that is found in the gear.

In 2014, NEAFC started work on a new initiative regarding marine litter. This was in addition to the already existing rules regarding the subject. This new initiative took note of the fact that the OSPAR Commission for the Protection of the Marine Environment in the North East Atlantic (OSPAR) was already working on this issue, and on a wider basis than the fisheries-oriented approach that is unavoidable in NEAFC.

NEAFC undertook work in this context with the explicit aim of gathering fisheries-related information that was then submitted to OSPAR to enhance the overall effort in this context. NEAFC's legal mandate means that it takes a narrower look at the issue of marine litter than OSPAR does. NEAFC will therefore continue to work on this issue both by contributing to OSPAR's more widely focused work and by carrying out work for its own purposes which may in part be based on what OSPAR achieves.

All NEAFC Contracting Parties responded to a questionnaire where information was sought on the following issues: research addressing ALDG; initiatives to address ALDG taken by the fishing industry and/or its organisations; initiatives to address ALDG taken by NGOs; initiatives to address ALDG taken at national level; regulations limiting the risk of gear loss or limiting the consequences, e.g. relating to depth and areas where certain gears are allowed; regulations on what to do if gear loss occurs, e.g. on reporting and searches; hot spot areas identified if any; and, other information if considered relevant.

In addition to submitting the information gathered from the Contracting Parties to OSPAR, NEAFC's Permanent Committee on Management and Science (PECMAS) will address this issue at its meeting in October 2016, and make proposals for the next steps in NEAFC's work regarding marine litter, including the form of continued cooperation with OSPAR.

London, January 2016