**Follow up to the European Parliament non-legislative resolution on
the impact on fisheries of marine litter**

1. **Rapporteur:** Catherine CHABAUD (Renew / FR)
2. **Reference numbers:** 2019/2160 (INI) / A9-0030/2021 / P9\_TA-PROV(2021)0096
3. **Date of adoption of the resolution:** 25 March 2021
4. **Competent Parliamentary Committee:** Committee on Fisheries (PECH)
5. **Brief analysis/ assessment of the resolution and requests made in it:**

This resolution analyses the impact of marine litter on fish stocks. More particularly, it calls for more research and knowledge, to speed up the circular economy to tackle the problem of marine litter, for management programmes for marine waste and for limiting nano- and microplastic pollution.

The resolution also contains calls for action to the Commission in the following areas: collection of marine litter, maritime spatial planning, international initiatives, monitoring and data collection, research and its financing, single-use plastics, circular economy, waste reduction at its source, awareness raising and the spread of micro-plastics.

1. **Response to the requests and overview of the action taken, or intended to be taken, by the Commission:**

The Commission welcomes the resolution and agrees with most of its findings. More particularly, the Commission welcomes that it covers both sea and land-based sources of pollution. Based on the impact assessment undertaken by the Commission in view of adopting the Single Use Plastics Directive (SWD(2018) 354 final), it is estimated that the contribution of land-based activities to marine litter may reach up to 80%. The same impact assessment shows that fishing gear containing plastic represents 27% of plastic marine litter.

Regarding the collection of marine litter (paragraphs 2, 33 and 48), the Commission is currently preparing the delegated and implementing acts planned by Directive (EU) 2019/833 on port reception facilities[[1]](#footnote-1), including implementing acts for green waste management on board of ships and reporting/monitoring of passively fished waste, to be adopted in the third quarter 2021. The directive provides for a right of delivery without any additional charges in order to incentivise the delivery of passively fished waste. Furthermore, both the current and the future European Maritime, Fisheries and Aquaculture Fund (EMFAF) support the protection of the marine environment and promote the circular economy, including through the collection of marine litter and lost fishing gear and “fishing for litter” projects. In its assessment of the draft EMFAF programmes submitted by the Member States, the Commission will consequently take into account the contribution of the Member States to the protection and restoration of marine ecosystems and to the reduction of marine litter.

The 2014 Maritime Spatial Planning (MSP) Directive[[2]](#footnote-2) (paragraphs 7 and 13) establishes a framework for all the Member States aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources. Nevertheless, it is for the Member States to develop a vision of how they see the use of their seas, and to decide what marine space will be allocated to each activity at sea. Article 15(3) of the directive fixes 31 March 2021 as the deadline for the Member States to establish maritime spatial plans. Under Article 14(1) of the directive, Member States have of a maximum of three months following publication of the plans to send copies of them to the Commission and to any other Member States concerned. Hence, the Commission will only have a complete picture of the submitted plans by mid-2021. The Commission will then report to the Parliament and the Council on the implementation of the directive by 31 March 2022, pursuant to its Article 14(2). In its report, the Commission will address, among other issues, the contribution of maritime spatial plans to environmental protection and to the European Green Deal as a whole.

In addition, maritime spatial plans should apply an ecosystem-based approach as referred to in Article 1(3) of Directive 2008/56/EC[[3]](#footnote-3) -the Marine Strategy Framework Directive (MSFD)- with the aim of ensuring that the collective pressure of all activities is kept within levels compatible with the achievement of good environmental status. The MSFD sets a specific descriptor (Descriptor 10) to ensure that "properties and quantities of marine litter do not cause harm to the coastal and marine environment". The spatial dimension of all descriptors will be analysed within the framework of the MSFD review, which started in 2021.

The Commission encourages a coordinated approach between those environmental directives with a strong spatial component. The Maritime Spatial Planning Directive leaves enough room to the Member States to align their timetable to other related directives, as it only requires them to review their plans whenever needed and at least every 10 years. In addition, the Commission will report every four years after 2022 on the implementation of the directive (Article 14(2)) and will look at the interactions between spatial plans and environmental legislation. With the idea to support the Member States in the integration of environmental aspects in their maritime spatial plans, the Commission launched a study on the ecosystem-based approach in MSP in 2019[[4]](#footnote-4). The study will lead to the publication of a guidance on the ecosystem-based approach and will notably advise Member States on how to better integrate the data and monitoring tools from the implementation of the directives cited above in their maritime spatial plans.

Taking into account land-sea interactions is also a requirement of the MSP Directive, which involves looking at pollution from the land and how to better articulate land/ coastal planning and maritime planning in order to limit it. The Commission will, in the context of the review of the MSFD, look into improving the links with other legislation and examine the possibility to extend this directive to outermost regions (paragraph 6). The MSFD monitoring guidelines are currently updated and will focus on the items covered by the Single-Use Plastic Directive, in particular products found on the beaches.

On the international front (paragraphs 8, 9, 10, 11, 19, 23, 52 and 54), the Commission continues to support activities carried out under the Global Partnership on Marine Litter. The Commission also continues to actively engage with a large number of third countries and relevant stakeholders in view of the resumed 5th session of the United Nations Environment Assembly, currently planned to take place in February 2022. In this Assembly, the Commission will work towards the adoption of a resolution establishing an intergovernmental negotiating committee and the launch of negotiations for a legally binding agreement aimed at tackling plastic pollution in the environment through circular approach to plastics. The Commission supported the development and adoption of the FAO (Food and Agriculture Organization) Voluntary Guidelines on the Marking of Fishing Gear[[5]](#footnote-5). These Voluntary Guidelines are comprehensive and include the retrieval of fishing gear and Fishing Aggregating Devices.

The European Commission is already a recognised partner in the UN Decade of Ocean Science. Ongoing and planned Commission initiatives and programmes such as Horizon Europe will contribute to achieving the Decade’s outcomes. The Commission also participates actively in the fight against marine litter in the Mediterranean, for example under the Barcelona Convention[[6]](#footnote-6). The Commission is committed to revising the rules on the export of waste and aims to table a legislative proposal to this end in 2021. One of its aims will be to make sure that the EU takes a greater responsibility for the management of its waste and does not export its waste challenges to third countries. The EU candidate countries have committed to gradually align their legislation with the EU environmental acquis. In bilateral co-operation meetings with the candidate countries within the framework of the Stabilisation and Association Agreements the Commission raises the need to respect environmental standards and to progress with the approximation to the EU waste management acquis, including the establishment of integrated waste management infrastructure.

As regards the link between illegal, unreported and unregulated (IUU) fishing and pollution by means of discarded fishing gear (paragraph 11), the Commission will continue to follow a zero tolerance approach” towards it. Furthermore, the Commission recognises that we all share individual and collective responsibilities for the preservation of our oceans (paragraph 8). The Commission will therefore engage with the Member States in view of considering the most suitable conceptto be proposed as preambular language in the negotiations of the future Agreement on marine biodiversity beyond national jurisdictions. However, currently the focus of the negotiations is on finding an agreement in relation to the benefit sharing scheme related to marine genetic resources collected in areas beyond national jurisdiction, where there is a strong push from developing countries to refer to the concept of common heritage of mankind.

For monitoring and data collection (paragraph 14), the Technical Group on Litter, in close cooperation with the European Marine Observation and Data Network (EMODnet), is updating monitoring guidelines and baselines for litter quantities in coastlines, sea bed and water column, for all types of litter, including microplastics; for beach litter this work is completed. Monitoring and assessment of litter quantities and impacts, including its spatial distribution (i.e. identification of hot spots of lost or abandoned fishing gear) as required by the MSFD is the first necessary step for elucidating litter effects on fishing. Furthermore, the adoption of the Commission Implementing Act on reporting of fishing gear placed on the market and waste fishing gear containing plastic (under the Single-Use plastics directive) is imminent. This implementing act will provide for harmonised reporting throughout the EU Member States. This will result in compatible data regarding fishing gear, better information on the scale of the marine litter problem and more efficient and effective future actions when revising the Single-Use plastics Directive in 2027. The first reporting period is the year of 2022 (the first reports by the Member States have to be submitted to the Commission by

1 July 2024). Based on the Single-Use plastics Directive, the Commission shall review the quality of the data and information reported and their collection method in view of having it improved.

Regarding more research and its financing (paragraphs 24 and 26), harmonised data on beach litter for all EU coastal countries, made available through EMODnet, provides the baseline for the Marine Strategy Framework Directive assessment of environmental status. Work is ongoing to do the same for floating, seafloor litter and microplastics. The Scientific Advice Mechanism (SAM) and corresponding reports from the Science Advice for Policy by European Academies (SAPEA) on microplastic pollution and on the biodegradability of plastics point to the fact that although knowledge is growing, some evidence remains uncertain and it is by its nature complex. There are a number of ongoing projects under Horizon 2020 addressing the issue of plastic pollution, including marine aspects and including understanding exposures to micro- and nanoplastics and impacts on human health. Horizon Europe will provide further research opportunities for building on the results of these projects with the view of addressing knowledge gaps.

Very concretely, the Commission manages many projects supporting data collection and litter monitoring in the EU and in its neighbourhood (e.g. INDICIT (Implementation Of Indicators Of Marine Litter On Sea Turtles And Biota In Regional Sea Conventions And Marine Strategy Framework Directive Areas), several LIFE projects, projects supporting under regional plans against litter in the Mediterranean, the North East Atlantic, the Baltic and the Black Sea). The Blue Economy call 2017 resulted in 5 projects on marine litter with the aim to develop new technologies and monitoring approaches. Following the recommendations by Mission Starfish, the European Commission is preparing an implementation plan for the future Horizon Europe Mission on Ocean, Seas and Waters. The relevant actions will complement the measures under the Zero Pollution Action Plan. For measures on fishing gear, the Horizon Europe framework programme is expected to support technological solutions improving the marking of fishing gear.

Concerning single-use plastics (paragraph 25), the Commission is committed to carry out an evaluation of the Single-Use Plastic Directive[[7]](#footnote-7) by 3 July 2027 in accordance with Article 15 of that directive. A report will be submitted to the European Parliament, the Council and the European Economic and Social Committee. The need for a legislative proposal setting binding quantitative consumption reduction targets and binding collection rates for waste fishing gear, will also be assessed in that context. The report will also include: (a) an assessment of the need to review the Annex listing single-use plastic products, including as regards caps and lids made of plastic which are used for glass and metal beverage containers; (b) a study of the feasibility of establishing binding collection rates for waste fishing gear and binding quantitative Union targets for the consumption reduction of, in particular, single-use plastic products listed in Part A of the Annex of the directive, taking into account consumption levels and already achieved reductions in the Member States; (c) an assessment of the change in materials used in the single-use plastic products covered by this directive as well as of new consumption patterns and business models based on re-usable alternatives; this shall, wherever possible, include an overall life cycle analysis to assess the environmental impact of such products and their alternatives.

Concerning incentives under the circular economy (paragraph 35), the Single Use Plastics Directive promotes circular approaches that give priority to sustainable and non-toxic re-usable products and re-use systems rather than to single-use products. It also provides, among other, for the Commission to request the European standardisation organisations to develop harmonised standards relating to the circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life. The Commission requested this standard on 10 February 2021. The same directive obliges the Member States to establish in their territories extended producer responsibility schemes. These schemes have to cover for the costs of the separate collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities, as provided for by the Port Reception Facilities Directive (see above), the costs of its subsequent transport and treatment and the costs of awareness raising measures. Furthermore, the Member States with marine waters have to set annual collection rates of waste fishing gear. They have to establish extended producer responsibility schemes and set annual collection rates of waste fishing gear containing plastic by 31 December 2024 at the latest. The EU provides financing for initiatives towards circular economy through InvestEU, Horizon Europe and the European Maritime, Fisheries and Aquaculture Fund.

The Commission points to the numerous measures taken under existing EU legislation, in particular Directive 2008/98/EC on waste (as amended by Directive 2018/851/EC)[[8]](#footnote-8), when it comes to reducing waste at its source (paragraphs 38 and 53). The obligations on the development of waste prevention programmes and waste management plans under this directive also apply to the outermost regions. Existing Union funding opportunities for waste management are also available to these regions. In addition,the Water Framework Directive **(**Directive 2000/60/EC)[[9]](#footnote-9) requires the Member States to ensure that all surface water bodies are brought into good surface water body status. Where litter is found to be a pressure on water quality, the Member States are held to take appropriate measures to ensure water quality is not deteriorating and, where applicable, is brought into good status within the timelines set by the directive.

On awareness raising (paragraphs 41 and 56), the Commission, working together with the Member States, is actively promoting environmental regulations and awareness through its involvement in the work of the International Maritime Organisation, which has adopted a wide range of internationally accepted measures to prevent and control pollution caused by ships and to mitigate the effects of any damage that may occur as a result of maritime operations and accidents. Since 2017, the Commission coordinates the coalition "World aquariums against plastic pollution" together with UN Environment Programme, involving more than 200 aquariums worldwide. Also implemented since 2017, the "EU beach clean ups" are organised every year with EU representations and delegations, Member States’ embassies and UN staff worldwide. In 2018-2019, the Commission organised the "Ready to change" campaign focusing on single-use plastics. The Commission also helps the promotion of many initiatives, such as the European Week for Waste Reduction and the World Clean-up Day.

Regarding further spread of micro-plastics (paragraph 58) the Commission will take action to reduce the releases of these microplastics in particular from tyres, pellets and textiles under the Plastics Strategy and the new Circular Economy Action Plan. Taking into account recent accidents resulting in plastic pellets and other litter spills and in view of the Action plan against plastic litter of the International Maritime Organisation, the Commission considers that accidental containers’ losses deserve closer monitoring and probably additional initiatives in order to combat resulting pollution. Microplastics intentionally used in products will be restricted under the Chemicals Legislation (REACH).

1. Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC [↑](#footnote-ref-1)
2. Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning [↑](#footnote-ref-2)
3. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy [↑](#footnote-ref-3)
4. To be published in June 2021 [↑](#footnote-ref-4)
5. [mofglarge.JPG (563×797) (fao.org)](http://www.fao.org/fishery/static/news/pics/mofglarge.JPG) [↑](#footnote-ref-5)
6. Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean [↑](#footnote-ref-6)
7. Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment [↑](#footnote-ref-7)
8. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [↑](#footnote-ref-8)
9. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy [↑](#footnote-ref-9)