RE-IMAGINING GEAR IN A CIRCULAR ECONOMY

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Supporting Documentation

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DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE REDUCTION OF THE IMPACT OF CERTAIN PLASTIC PRODUCTS ON THE ENVIRONMENT (EU) 2019/904

"Single Use Plastics Directive"

Non-legal Summary

Extended Producer Responsibility Schemes

- Extended Producer responsibility (EPR) schemes for fishing gear containing plastic to be set up by the end of 2024;
- Member States will have to ensure, under EPR schemes, that producers of fishing gear cover the costs of the separate collection of waste fishing gear and its subsequent transport and treatment;
- Producers will also have to cover the costs of awareness raising measures as part of their EPR obligations (1) to inform consumers of the availability of reusable alternatives, re-use systems, waste management options and best practices in sound waste management, and (2) the impact of littering and other inappropriate waste disposal of fishing gear on the environment and, in particular, on the marine environment;
- Any fishing gear producer which sells its products into another MS will be obliged to appoint an authorised representative to carry out its legal obligations in the MS in which it has sold its products;
- As part of the EPR schemes and as part of reporting obligations, Member States should monitor and assess the amounts of fishing gear containing plastics placed on the market and the amounts of waste fishing gear collected;
- In accordance with the Waste Framework Directive an extended producer responsibility scheme must define in a clear way the roles and responsibilities of all relevant actors involved, including producers, organisations implementing EPR obligations on their behalf, waste operators, local authorities and where appropriate, re-use and preparing for re-use operators and social economy enterprises.

Reporting

- MS will be required to monitor the amounts of fishing gear containing plastics placed on the market of the MS.
- MS will be required to monitor waste fishing gear collected.
- MS will be required to report annually to the COM data on fishing gear placed on the market and on waste fishing gear collected. Reports will be made electronically within 18 months from the end of the reporting year – the first reporting year period will be the calendar year 2022 (first report due in June 2024).
- The COM will adopt an implementing act laying down the format for reporting the above data by 3rd July 2020.

Other Provisions

The COM should request the EU standardisation organization 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. There is no legal deadline for this measure.

By 3rd July 2027 (8 years after the entry into force of the Directive) the COM will evaluate the effectiveness of the Directive which will include a study on feasibility of establishing binding collection targets for waste fishing gear.

Timeline

2019	Entry into force of the SUP and PRF directive
6/2020	Implementing act on reporting and quality check of fishing gear placed on the market and waste fishing gear collected (SUP)
6/2020	Guidelines on items covered by the Annex of SUP
12/2020	Define monitoring data methodology and format for reporting of passively fished waste (PRF)
12/2020	Report on the volume/quantity of passively fished waste collected in the MS (PRF)
2022	Member States to electronically report to the Commission data on fishing gear containing plastic placed on the market and on waste fishing gear collected (SUP)
06/2026	Evaluation of the Directive + new legislative proposal, if appropriate - Establish binding collection targets for waste fishing gear, following a study of the feasibility of establishing such binding targets (SUP)
No set deadline	Request to the European Standardisation organisation to develop a standard on circular design of fishing gear (SUP)
No set deadline	Guidelines on EPR cost coverage (Art 8(2b)) - SUP

Complementarity with existing legal framework

Marine Strategic Framework Directive

- 30% reduction target for marine litter in EU waters

Port Reception Facilities Directive

- Ensure that waste, including waste fishing gear, can be returned and adequately managed; 100% indirect fee

Fisheries Control Regulation (currently under revision)

- Mandatory marking of the gear, retrieval and reporting of (lost) gear, obligation to carry retrieval equipment

EMFF

- Support to the collection of marine litter and support to the port reception facilities

A more detailed summary can be found here: https://rethinkplasticalliance.eu/wp-content/uploads/2019/11/2019_22_10_rpa_bffp_fg_guide.pdf

DIRECTIVE (EU) 2019/883 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON PORT RECEPTION FACILITIES FOR THE DELIVERY OF WASTE FROM SHIPS (EU) 2019/883

"Port Reception Facilities Directive"

Non-legal summary

Objectives

1. Reduce discharges of waste from ships into the marine environment
2. Facilitate maritime transport operations by reducing the administrative burden

➔ Contribute to the Circular Economy

Links with the Circular Economy

The rationale for the Directive lies in the contribution of sea-based sources (merchant ships, fishing vessels, recreational craft) to the overall problem of marine litter. The environmental vulnerability of the different sea-basins is also at stake. Management of waste from ships in ports also links this Directive to the circular economy.

New provisions include:

Adequacy of port reception facilities: Operational and environmental conditions

- Definition: operational conditions and environmental operation (IMO Guidance)
- New categories of waste: MARPOL Annex VI, Passively fished waste
- Application of EU waste legislation in the context of ports: separate collection of waste
- Waste Reception and Handling Plans: consultations, 'appropriate plan', significant changes

Delivery of waste from ships on land

- Economic Incentives, main principles for all Cost Recovery Systems (CRS):
  - Transparency of fees and costs
  - calculation of **significant** contribution: to be applied to all ships, including fishing/recreational vessels
- 100% indirect fee for garbage (MARPOL Annex V) gives the right of delivery of the waste (including passively fished waste, and old/derelict fishing gear) without any additional direct charges based on the volume of waste delivered, for all vessels, including fishing vessels and recreational craft; -> EPR schemes for fishing gear included in the SUP directive should

support the proposed 100% indirect fee system and help avoid any increase in the fee and ensure a right of delivery

- Differentiation of the fee based on category, type, size and type of traffic
- Reductions for Green Ships and ships in short sea shipping
- Monitoring of the quantities of passively fished waste delivered to ports – COM will define methodology for the calculation of data through an Implementing act

Enforcement – mandatory delivery

- Mandatory delivery in line with MARPOL norms, Exception based on sufficient storage capacity
- Reporting of the Advance waste notification (Annex II) and Waste receipt (Annex 3);
- Information, Monitoring and Enforcement System for Electronic reporting /exchange of information (SSN/THETIS)
- Inspection regime: inspection commitment (15%) selection of ships based on Union Risk-Based targeting mechanism

Exemptions

- 'Ships in scheduled traffic with frequent and regular port calls'
- Evidence of an arrangement for delivery and payment in a port along the ship's route
- Standard exemption certificate: Annex 5
- Electronic reporting and exchange of information

Administrative provisions

- Expert group for the exchange of experience
- Amendment procedure and the Exercise of delegation: to amend the Annexes and references to IMO instruments
- Safeguard clause (dynamic reference to MARPOL)
- Amendments to Directive 2010/65/EU

Timeline adoption/implementation

- Adoption: 17 April 2019
- Entry into force: 7 June 2019

Implementing Acts:

- Calculation of sufficient storage capacity
- Criteria for Green Ships (Mid-2020)
- Union risk-based targeting mechanism
- Methodology for reporting passively fished waste

Overview of plastic types utilised in fishing gear

Material	Use	Characteristics	
		In use/recyclability	When lost
Nylon (Polyamide, PA)	Nets (mostly gillnet and seine nets), lobster and crab pots	Strong, elastic and abrasion resistant.	Will fragment, abrade and weather leading to secondary microplastic formation.
Polypropylene PP	Nets (mostly gillnet and trawl net), rope, mesh	Reasonably cheap floating rope but abrades fairly easily. Increasingly recycled.	Will fragment, abrade and weather leading to secondary microplastic formation.
Polyethylene PE	Nets (mostly trawl net, purse seine net); longlines	Cheap rope material.	Will fragment, abrade and weather leading to secondary microplastic formation.
High-Density Polyethylene HDPE	Trawl doors, dredges, small parts and cladding	Tough, chemically resistant rigid thermoplastic. Commonly recycled.	Will fragment, abrade and weather leading to secondary microplastic formation.
Polystyrene, Polyurethane	Insulation, floats and buoys, including in fish aggregation devices (FADs)	Extremely light and can be formed into specific shapes. Mainly expanded polystyrene (EPS) used to fill floatation devices, either by extrusion (within a plastic or metal shell) or as blocks. Is very light and has high insulation properties. Recyclable (see NOWPAP MERRAC, 2015)	Very buoyant, so accumulates on beaches. Easily abrades and breaks into smaller and smaller pieces.
Ultra High Molecular Weight Polyethylene	Rope, net (newer technology)	Expensive, very light and strong.	Unknown, but stronger than most materials.
Polyethylene terephthalate (PET) or Polyester	Rope	More expensive, strong but inelastic, water resistant rope material. Also used to make plastic bottles. Readily recyclable.	Will fragment, abrade and weather leading to secondary microplastic formation

Sources:

EUNOMIA. (2016). Study to support the development of measures to combat a range of marine litter sources.

Huntington, T (2019). Marine Litter and Aquaculture Gear – White Paper. Report produced by Poseidon Aquatic Resources Management Ltd for the Aquaculture Stewardship Council. 20pp plus appendices.

OSPAR Recommendation on 'handling (plastic) garbage in the fishing industry'

- Make it easy for the fishermen to dispose of their waste because 'Simplicity is the best'
- Work together and communicate (!), on small (local) and large (international) scale: Joint-Action, authorities facilitate and sector executes. Input of all parties is important
- Communications between all stakeholders involved is key. Develop a cooperation with all stakeholders involved with preferably an independent mediation party to facilitate. We have a shared value 'clean sea', so work together and help each other.
- Transparency on what you can (not) deliver at each port -> Communication is key -> location bound app? Harmonise this communication internationally or make sure that all information is in each country (and harbour) easily accessible.
- Make it easier to deliver Fishing for litter.
    - Structural funding (free of charge?) since most F4L litter is old litter. "tragedy of the commons", so we should all be paying for it.
    - Make it possible to deliver F4L waste everywhere (also at other port than own home port)
- Don't blame for past action, look forward. Create a positive message; Protectors of the Seas instead of Polluters of the Seas (use the media!).
- Review new biodegradable materials or deposit scheme to cope with ALDFG
- New PRF seems to capture a number of challenges and opportunities and should be considered closely

Source: OSPAR work session "Handling (plastic) garbage in the fishing industry" Report with conclusions and recommendations. 10-11-2017 Rotterdam, The Netherlands

Extended Producer Responsibility Schemes

Source: EC Study to support impact assessment for options to reduce the level of ALDFG. Final Report. 27-02-2018

"Extended Producer Responsibility (EPR) is a policy approach under which producers are given a financial and/or physical responsibility for the treatment or disposal of post-consumer products (products that have served their intended use)…

Despite EPR being, in theory, an individual obligation, in practice producers and manufacturers often exert this responsibility collectively. In collective schemes, a Producer Responsibility Organisation (PRO) is set up to implement the EPR principle on behalf of all the adhering companies (the obligated industry). A PRO is a collective entity set up by producers or through legislation, which becomes responsible for meeting the recovery and recycling obligations of the individual producers. PROs potentially exert three main functions (European Commission – DG Environment, 2014):

1. Financing the collection and treatment of the product at the end of its life (targeted waste stream) by collecting fees and redistributing the corresponding financial amounts;

2. Managing the corresponding data;

3. Organising and/or supervising these activities.

PROs can be implemented at three different levels:

Level 1	No collective EPR scheme (PRO), producers carry out responsibilities individually
Level 2	Collective EPR scheme, in the form of a PRO.
Level 3	2 sub levels are possible: • Multiple PROs, working together on responsibilities. The PROs can for example take on different parts of the waste treatment. E.g. within the packaging industry, one PRO takes on plastic whilst another takes on cardboard • Multiple PROs, competing for the same responsibilities.

Directive (EU) 2018/851 amending Directive 2008/98/EC on waste specifically describes minimum requirements for EPR and is relevant to this policy option (DG Environment):

- With regard to the costs, these are clearly defined to cover the costs of separate collection and all subsequent treatment of that waste. The minimum requirements do not specifically include costs of clean-up of litter or costs of the management of residual waste in the mixed bag (i.e. not collected separately), but MS can ask EPR schemes to cover these costs. Minimum requirements do however ask EPR schemes to cover the costs linked to providing information to consumers on waste prevention and better waste management.
- The requirement to modulate EPR fees is linked to 5 criteria: durability, reparability, re-usability and recyclability and the presence of hazardous substances. There is no direct link to considering the aspects that the products are prone to littering.
- Another minimum requirement that could have an impact is that EPRs have to have a clearly defined geographical, product and material coverage without limiting those areas to those where the collection and management of waste are the most profitable. And a requirement that EPRs provide an appropriate availability of waste collection systems."