



25.9.2018

# **OPINION**

of the Committee on Fisheries

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council  
on the reduction of the impact of certain plastic products on the environment

(COM(2018)0340 – C8-0218/2018 – 2018/0172(COD))

Rapporteur for the opinion: Renata Briano

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## SHORT JUSTIFICATION

The aim of the Commission's proposal is to prevent and reduce the detrimental impact of certain plastic products on the environment, particularly the marine environment, in line with the EU Plastics Strategy and in the broader context of the transition to a circular economy. The problem of plastic dispersal in the sea is a global one and it must therefore be tackled via actions on various levels and through better coordination of international efforts.

The initiative relates to 10 single-use plastic items and fishing gear containing plastic. These products were chosen on the basis of beach litter counts, and data gathered under the Marine Strategy Framework Directive was also used. Monitoring was carried out on 276 European beaches, with 355 671 items observed during a total of 679 surveys. The counts demonstrated that approximately half of all waste found on beaches comes from single-use plastic items, and 27 % from fishing gear.

The dispersal of plastic in the sea has an adverse impact on marine biological resources, particularly the most sensitive ones, and their environments. As a result, it also adversely impacts fishing activity, with estimated net losses for the European fleet of between EUR 70 million and 350 million per year. It also involves a risk to human health, since the plastic breaks down and ends up in the food chain, and therefore on our tables.

The rapporteur for the opinion believes, first and foremost, that fishermen have a key role to play in tackling the problem of the dispersal of plastic in the sea. The fishing for litter initiatives, funded partly through the European Maritime and Fisheries Fund (EMFF), are examples of a new paradigm in which fishermen are part of the solution, not the problem. Appropriate actions should therefore be promoted for recognising and highlighting the role of fishermen as 'guardians of the sea'.

In relation to fishing gear, the proposal brings in extended producer responsibility schemes and awareness-raising measures. The extended producer responsibility schemes will ensure better management of fishing gear waste, covering the costs of treatment of this waste as well as of awareness-raising measures. The rapporteur considers that these schemes should be complemented by a modulated tariff that encourages the placing on the market of fishing gear designed to be long-lasting, reusable and recyclable, in line with EU law on waste. The plastic components of fishing gear in fact have a high recycling potential, which is currently not being made the most of.

The extended producer responsibility schemes for fishing gear include the measures laid down in the proposal on port reception facilities for waste (COM (2018)33), reducing the financial burdens on ports and, therefore, on fisheries operators. It is therefore very important to ensure there is consistency between the two Directives. For that purpose, it is necessary, above all, to harmonise the terminology, since this proposal includes a definition of waste fishing gear, while the proposal on port facilities refers to derelict fishing gear, but does not define that term. It is also necessary to ensure that all ports where fishing vessels can be received are equipped with appropriate facilities for the collection and treatment of passively fished waste collected during fishing operations and that, in line with the 'polluter pays' principle, fisheries operators do not incur additional costs as a result of these operations. This will give the fishermen yet another incentive to bring waste fishing gear and passively fished waste back to shore. Finally, the extended producer responsibility schemes will also cover the costs of managing waste deriving from plastic materials used for aquaculture, which are

excluded, at least partially, from the measures proposed for port facilities. In this case too, the rapporteur believes it is necessary to ensure that the two proposals are consistent.

The Commission's proposal also includes Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy and containing some measures (both preventive and remedial) for reducing the impact of fishing gear lost at sea. The review of the regulation on control that is currently being carried out must therefore take the aims of this initiative into consideration.

Finally, with regard to innovation and research on alternative materials, the rapporteur for the opinion considers that the European Union should adopt a clear definition of biodegradable plastic and bio-based plastic, as well as harmonised standards on biodegradability, particularly marine biodegradability, and on compostability, with a view to providing a clear and uniform legal framework.

## AMENDMENTS

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) In order to ensure that the right action is taken to combat plastic waste in the sea, the issue of plastic waste on the sea bed and in the aquatic environment in general also has to be addressed, as does the issue of microplastics.***

### Amendment 2

#### Proposal for a directive Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) whereas the Member States are signatories of the International Convention for the Prevention of Pollution from Ships (MARPOL) and***

*should aim for full implementation of its provisions;*

### **Amendment 3**

#### **Proposal for a directive Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) An estimated 80% of marine litter is accounted for by plastic and microplastic, and somewhere between 20% and 40% of plastic marine litter is linked in part to human activities at sea, including merchant and cruise ships, with the rest originating on land. According to a recent FAO study, roughly 10% comes from lost and abandoned fishing gear. Lost and abandoned fishing gear is one component of plastic marine litter, and, given that an estimated 94% of the plastic entering the ocean ends up on the sea floor, the European Maritime and Fisheries Fund (EMFF) could be used in order to encourage fishermen to participate in ‘fishing for marine litter’ schemes by for example presenting them with financial or material incentives. The release of enormous quantities of plastic into the sea not only has an adverse impact on sustainable fish stocks, marine biological resources, particularly the sensitive ones, and on their environment, but also affects fishing activity, inter alia by increasing the costs involved in cleaning nets and disposing of litter collected; in the case of small-scale fishing the impact becomes larger and poses more of a financial burden. Given that marine litter has a cross-border impact, the Commission should make additional efforts, in cooperation with non-member countries, to prevent such litter from being produced and to encourage proper waste management;***

## Amendment 4

### Proposal for a directive Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) Resolution 11 of the UN Environment Assembly of the UN Environment Programme, adopted at the session of 23-27 May 2016, recognised that ‘the presence of plastic litter and microplastics in the marine environment is a rapidly increasing serious issue of global concern that needs an urgent global response taking into account a product life-cycle approach’. The link between microplastics and single-use plastics and fishing gear should be considered given these plastics may fragment into microplastics and cause harm. Studies have shown that the presence of microplastics in the marine environment can be significant with evidence showing that they can be ingested by marine animals and enter the food chain as a result<sup>1</sup>. The measures laid down in this Directive to reduce the impact of certain plastics is therefore has important environmental and health benefits. The Union should adopt a comprehensive approach to the problem of microplastics and should encourage all producers to strictly limit microplastics from their formulations, with particular attention to textile and tyre manufacturers since synthetic clothing and tyres contribute to 63 % of microplastics, which end up directly in the marine environment;***

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<sup>1</sup> ***EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2016. Statement on the presence of microplastics and nanoplastics in food,***

*with particular focus on seafood.”*

## Amendment 5

### Proposal for a directive

#### Recital 5

*Text proposed by the Commission*

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and ***are prone to littering***. A significant proportion of the fishing gear placed on the market is not collected for treatment. Single-use plastic products and fishing gear containing plastic are therefore a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems, biodiversity and, potentially, to human health and are damaging activities such as tourism, fisheries and shipping.

*Amendment*

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## Amendment 6

### Proposal for a directive

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) Ghost fishing occurs when lost or abandoned non-biodegradable fishing nets, lines, and traps catch, entangle, injure, starve, or cause the death of***

*marine life. The phenomenon of ‘ghost fishing’ is brought about by the loss and abandonment of fishing gear. Under Regulation (EC) No 1224/2009 gear has to be marked and lost gear reported and retrieved. Some fishermen, therefore, acting on their own initiative, bring lost nets back to port after retrieving them from the sea.*

## Amendment 7

### Proposal for a directive Recital 7

*Text proposed by the Commission*

(7) To focus efforts where they are most needed, this Directive should **only** cover the most found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union.

*Amendment*

(7) To focus efforts where they are most needed, this Directive should cover the most **commonly** found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union, **and also fishing gear. The transition to a circular economy will necessitate a reduction in the overall use of single use plastic.**

## Amendment 8

### Proposal for a directive Recital 8

*Text proposed by the Commission*

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>43</sup>

*Amendment*

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>43</sup>



should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

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<sup>43</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

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<sup>43</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

## Amendment 9

### Proposal for a directive Recital 11

#### *Text proposed by the Commission*

(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available

#### *Amendment*

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and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures to achieve a significant reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation<sup>44</sup>.

and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures to achieve a significant reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation<sup>44</sup>. ***Member States should aim at the highest possible ambition for those measures, which should be proportionate to the seriousness of the marine littering risk of the various products and uses covered by the overall reduction target.***

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<sup>44</sup> Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).

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<sup>44</sup> Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).

### *Justification*

*It should be underlined that Member States are de facto free to target their measures, and that these must be proportionate to the seriousness of the marine littering risk, and the most serious cases should be the priorities.*

## **Amendment 10**

### **Proposal for a directive Recital 12**

#### *Text proposed by the Commission*

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are

#### *Amendment*

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are

readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted.

readily available. In order to limit the adverse impact of such products on the ***environment, especially the marine*** environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted. ***Specific criteria should be laid down to determine whether these alternatives meet the requirements that are currently met by single-use plastic products, comply with EU legislation on waste and provide greater sustainability.***

**Amendment 11**  
**Proposal for a directive**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) Clear definitions should be laid down of both biodegradable plastic and bio-based plastic, as well as harmonised standards on biological content, on biodegradability (especially marine biodegradability) and on compostability, with a view to clarifying the ambiguities and misunderstandings that exist in relation to this subject.***

**Amendment 12**  
**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. Therefore, single-use plastic

(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. Therefore, single-use plastic

products that are frequently disposed of through sewers or otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided and/or about the negative environmental impacts of litter as a result of inappropriate disposal. The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable.

products that are frequently disposed of through sewers or otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided and/or about the negative environmental impacts of litter as a result of inappropriate disposal. The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable. ***With regard to fishing gear, the marking requirements adopted pursuant to Regulation (EC) No 1224/2009 shall apply. The Member States shall implement the FAO Voluntary Guidelines on Marking Fishing Gear.***

## Amendment 13

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the costs of waste management and clean-up of litter as well as the costs of awareness-raising measures to prevent and reduce such litter.

#### *Amendment*

(15) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives ***at present***, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the costs of waste management and clean-up of litter as well as the costs of awareness-raising measures to prevent and reduce such litter. ***Deposit-refund schemes as well as available EMFF funds should be used to support fishing for litter initiatives and recovery efforts for lost, discarded and abandoned fishing gear.***

## Amendment 14

### Proposal for a directive Recital 15 a (new)

*Text proposed by the Commission*

*Amendment*

***(15a) Every day, a great variety of waste – be it generated on land or discarded by vessels – ends up in the sea, with plastic waste (bottles, bags, etc.) making up a very significant proportion.***

## Amendment 15

### Proposal for a directive Recital 16

*Text proposed by the Commission*

*Amendment*

16. The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter indicates that the existing legal requirements<sup>1</sup> do not provide sufficient incentives to return such fishing gear to shore for collection and treatment. The indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring their fishing gear waste on shore to avoid any potential increase in the indirect waste fee to be paid. As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear containing plastic to facilitate separate collection of waste fishing gear and to finance sound waste management of such fishing gear, in particular recycling.

16. The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter ***and in passively fished waste collected during normal fishing operations*** indicates that the existing legal requirements<sup>1</sup> do not provide sufficient incentives to return such fishing gear ***or such passively fished waste*** to shore for collection and treatment. ***Under Regulation (EC) No 1224/2009, if lost fishing gear cannot be retrieved the master of the vessel must inform the competent authority of its flag Member State. However, Regulation (EC) No 1224/2009 does not monitor such losses of fishing gear in consistent way and implementation of the reporting requirements remains poor. Therefore, the revision of the Control Regulation should lay down further measures strengthening the capacity of retrieval of lost gear and of reporting and in particular the data on lost fishing gear should be collected and recorded by the Member States and forwarded annually to the Commission. Furthermore, the*** indirect fee system envisaged under Union

law on port reception facilities for the delivery of waste from ships takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring their fishing gear waste *and passively fished waste on shore as well as lost or discarded fishing gear, in order* to avoid any potential increase in the indirect waste fee to be paid. *The delivery of passively fished waste should not result in additional costs to be borne by fishermen.* As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear containing plastic to facilitate separate collection of waste fishing gear and to finance sound waste management of such fishing gear, in particular recycling as well *as recovery efforts for lost, abandoned and discarded fishing gear. Such systems should provide for modulated financial contributions for gear designed for reuse and recycling, in line with the requirements of Directive 2008/98/EC and should be supplemented by a collection target for waste fishing gear. In addition to such initiatives, Member States should undertake activities to promote the development of fishing gear using more sustainable and environmentally-friendly materials;*

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<sup>1</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC

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<sup>1</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC

## **Amendment 16**

### **Proposal for a directive Recital 17 a (new)**

***(17a) Whilst the fishers themselves and artisanal makers of fish gear containing plastic should not be covered by the extended producers' responsibility there should be consideration for supporting the introduction of sustainably sourced fish gear containing no plastic as an alternative.***

## **Amendment 17**

### **Proposal for a directive**

#### **Recital 18**

*Text proposed by the Commission*

(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear. Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear containing plastic should cover the costs of the awareness raising measures as part of their extended producer responsibility obligation.

*Amendment*

(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear, ***and available alternatives already on the market.*** Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear containing plastic should cover the costs of the awareness raising measures as part of their extended producer responsibility obligation.

**Amendment 18**  
**Proposal for a directive**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) In accordance with EU law, the Commission must assist the Member States to produce strategies and plans for the reduction of the dispersal at sea of fishing gear, including through subsidies from the European Maritime and Fisheries Fund (EMFF). The efforts may include awareness-raising campaigns and programmes on the impact of such waste on marine ecosystems, research on the feasibility of biodegradable/compostable fishing gear, educational projects for fishermen and specific public programmes for the removal of plastic and other items from the marine environment.***

**Amendment 19**  
**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the costs of clean-up of litter.

(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the costs of clean-up of litter. ***With regard to fishing gear, the Member States should adopt the measures required to ensure that financial contributions paid by producers of fishing gear containing plastic in fulfilment of their obligations deriving from producer responsibility are adjusted, in particular to take into account the durability,***



*repairability, re-usability and recyclability of such fishing gear placed on the market.*

## Amendment 20

### Proposal for a directive Recital 20 a (new)

*Text proposed by the Commission*

*Amendment*

***(20a) Raising awareness of the waste caused by single-use plastic and fishing gear, and the significant environmental impact it brings, should be considered an essential element of the EU Plastics Strategy given it will empower citizens to contribute to the reduction of plastic waste. Member States should take measures to raise awareness of the issue and the financial supports available for the purpose of tackling it, and facilitate the exchange of best practices between communities and networks.***

## Amendment 21

### Proposal for a directive Recital 22

*Text proposed by the Commission*

*Amendment*

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016<sup>1</sup>, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016<sup>1</sup>, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union,

listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO<sub>2</sub>), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

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<sup>1</sup> OJ L 123, 12.5.2016, p. 1.

## Amendment 22

### Proposal for a directive Recital 25 a (new)

*Text proposed by the Commission*

the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic *products or fishing gear containing plastic* in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition *conditions existing* in the marine environment, plastics would fully decompose into carbon dioxide (CO<sub>2</sub>), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

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<sup>1</sup> OJ L 123, 12.5.2016, p. 1.

*Amendment*

***(25a) In accordance with EU law on waste, the Commission and the Member States must support plans to collect litter***

*at sea with the involvement, where possible, of fishing vessels, and must ensure that port facilities have the capacity to receive and treat this waste, in particular through recycling; the same incentives provided for returning fishing gear should apply equally for returning waste that has been passively fished as well as for waste that has been caught under the fishing for litter initiatives; the requirements on port facilities should be proportionate and not put excessive administrative burden on small, unmanned ports or on remotely located ports, notable on remote islands;*

## Amendment 23

### Proposal for a directive

#### Article 1 – paragraph 1

*Text proposed by the Commission*

The objective of this Directive is **to prevent and reduce** the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health as well as **to promote** the transition to a circular economy with innovative business models, products and materials, thus also contributing to **the** efficient functioning of the internal market.

*Amendment*

The objective of this Directive is **for the Union to play its part in solving the global problem of marine litter due to plastic, by preventing and reducing** the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health as well as **by promoting** the transition to a circular economy with innovative business models, products and materials, thus also contributing to **a more efficient and more sustainable** functioning of the internal market.

*Justification*

*The aim of the proposal should be more visible: the European Union has a relatively small part in the generation of marine litter worldwide as it consumes around 16% of global singleuse plastics. However, it may play an important role in finding the solution and igniting a virtuous circle in leading by example.*

## Amendment 24

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) 'fishing gear' means any item or piece of equipment that is used in fishing and aquaculture to target or capture marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting **and** capturing such marine biological resources;

*Amendment*

(3) 'fishing gear' means any item or piece of equipment that is used in fishing and aquaculture to target or capture **or retain for farming** marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting, capturing **or retaining** such marine biological resources;

**Amendment 25**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) 'waste fishing gear' means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded;

*Amendment*

(4) 'waste fishing gear' means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded **or lost**;

**Amendment 26**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a) 'passively fished waste' means waste collected in nets during fishing operations;**

**Amendment 27**  
**Proposal for a directive**  
**Article 3 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

(10) ‘producer’ means any natural or legal person that, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011<sup>50</sup>, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities as defined in Article 4(28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council<sup>51</sup>;

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<sup>50</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<sup>51</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p 22).

(10) ‘producer’ means any natural or legal person that, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011<sup>50</sup>, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities *or aquaculture* as defined in Article 4(25) *and* (28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council<sup>51</sup>;

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<sup>50</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<sup>51</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p 22).

## Amendment 28

### Proposal for a directive Article 7

#### *Text proposed by the Commission*

1. Member States shall ensure that each single-use plastic product listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and

#### *Amendment*

1. Member States shall ensure that each single-use plastic product listed in part D of the Annex *and fishing gear containing plastic* placed on the market

indelible marking informing consumers of one or more of the following:

- (a) appropriate waste disposal options for the product or waste disposal means to be avoided for that product,
- (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, or
- (c) the presence of plastics in the product.

2. The Commission shall, by ... [12 months before the end-date for transposition of this Directive] adopt an implementing act laying down the specifications for the marking referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

bears a conspicuous, clearly legible and indelible marking informing consumers of the following:

- (a) appropriate waste disposal options for the product or waste disposal means to be avoided for that product,
- (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, **and**
- (c) the presence of plastics in the product **and, where applicable, the availability of alternative products with similar operational characteristics.**

2. The Commission shall, by ... [12 months before the end-date for transposition of this Directive] adopt an implementing act laying down the specifications for the marking referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

**3. Without prejudice to paragraph 1, the marking requirements adopted pursuant to Regulation (EC) No 1224/2009 apply to fishing gear.”**

## Amendment 29

### Proposal for a directive Article 8 – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the Union market, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC.

#### *Amendment*

3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the Union market, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC. **Member States shall ensure that those extended producer responsibility schemes achieve an improved collection and recycling level for fishing gear. In order to ensure that,**

*Member States shall require the schemes to inter alia:*

- (a) include monitoring, tracking and reporting programmes;*
- (b) cover retrieval operations.*

### **Amendment 30**

#### **Proposal for a directive Article 8 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. Member States may also establish deposit-refund schemes to encourage the return of old, derelict or unstable fishing gears, modulated in order to take into account the risk of accidental loss of the fishing gear or of parts of it.*

### **Amendment 31**

#### **Proposal for a directive Article 8 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

*3b. Member States shall adopt the measures required to ensure that financial contributions paid by producers of fishing gear containing plastic in fulfilment of their obligations deriving from producer responsibility are adjusted, in particular to take into account the durability, repairability, re-usability and recyclability of the fishing gear that producers place on the market;*

### **Amendment 32**

#### **Proposal for a directive Article 8 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c.** *Member States shall also implement additional financial incentives for fishermen to bring waste fishing gear on shore, as well as other plastic waste collected by fishermen at sea. Member States shall remove all unnecessary legal and financial bureaucratic burdens and impediments for fishing gear waste and plastic waste collection and landing by fishermen as far as possible.*

### **Amendment 33**

**Proposal for a directive**

**Article 9 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba)** *promote the establishment of a specific public programme to remove plastics and other items from the seabed;*

### **Amendment 34**

**Proposal for a directive**

**Article 9 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb)** *establish an EU wide, mandatory digital reporting system for individual fishing vessels to signal loss of gear at sea, in order to support recovery action*

### **Amendment 35**

**Proposal for a directive**

**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**



### *Incentive schemes*

- 1. In the operational programmes financed by the European Maritime and Fisheries Fund (EMFF), Member States shall include financial support for the development of an action plan in collaboration with producer organisations, shipowners' associations, public entities, environmental conservation organisations, and the entire sector concerned. This shall include measures relating to the recovery of waste and marine gear as well as the improvement of waste management infrastructure and processes in vessels and ports.*
- 2. Member States shall establish a scheme at the ports for depositing, recovering and returning fishing nets, which shall be included in the action plan established in accordance with paragraph 1.*
- 3. Member States shall establish a scheme at the ports for the control and registration of nets, which shall be included in the action plan established in accordance with paragraph 1.*
- 4. Member States shall devise support mechanisms for R & D for the development of more traceable and less polluting nets in the form of incentives for manufacturers of fishing gear. This shall include investments in the development of new materials with a lower impact on the environment.*

### *Justification*

*As set out in recital 16, there is a need for incentives for operators to promote a culture of protection of the marine environment, to gradually reduce marine litter and to eliminate the loss of nets at sea.*

### **Amendment 36**

**Proposal for a directive  
Article 9 b (new)**

**Article 9b**

***Passively fished waste***

- 1. Member States shall adopt proportionate national plans to ensure that all ports where fishing vessels can be received, except for small, unmanned ports and remotely located ports, notably on remote islands, are able to carry out the collection and subsequent treatment of passively fished waste collected during normal fishing operations with a view to encouraging the separate collection, re-use and recycling of such waste.***
- 2. Such plans shall be laid down in accordance with the guidelines set out in OSPAR Recommendation 2016/01 on the reduction of marine litter through the implementation of fishing for litter initiatives.***
- 3. In addition to the resources made available by the EMFF, the Member States may set up and maintain national funds to support the collection of waste that has been passively fished by fishing vessels. The funds may be used to ensure the functioning of fishing-for-litter initiatives, including the provision of dedicated on-board waste storage facilities, the monitoring of passively fished waste, education and promotion of voluntary participation in the initiative, costs of waste treatment and to cover the costs of personnel required for the functioning of such schemes.***

**Amendment 37**

**Proposal for a directive**

**Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Member States shall take measures to

Member States shall take measures to

inform consumers of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

inform ***all relevant actors, particularly consumers, the fishing sector, and fishing communities*** of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

#### **Amendment 38**

##### **Proposal for a directive**

##### **Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the ***available*** re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;

*Amendment*

(a) the ***availability of reusable alternatives***, re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;

#### **Amendment 39**

##### **Proposal for a directive**

##### **Article 10 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) Programmes shall be promoted to raise awareness of the impact of microplastics and plastics waste on the marine environment and to prevent it reaching the sea.***

#### **Amendment 40**

##### **Proposal for a directive**

##### **Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that guidance is made available to all relevant actors, notably those in the fishing sector, so that they are able to take the required actions***

*to reduce waste originating from fishing gear containing plastic.*

**Amendment 41**  
**Proposal for a directive**  
**Article 13 – title**

*Text proposed by the Commission*

*Amendment*

Information on monitoring of implementation

Information on monitoring of implementation *and reporting obligations*

**Amendment 42**

**Proposal for a directive**  
**Article 13 – paragraph 1 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) estimates of the amounts of marine waste originating in products covered by this Directive in order to monitor the effects of the measures taken;*

**Amendment 43**  
**Proposal for a directive**  
**Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. For every calendar year the Member States shall notify the Commission of the data on fishing gear containing plastic placed on the market and on waste fishing gear collected and treated. The data shall be reported in the format established by the Commission in accordance with paragraph 4.*

*The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with the provisions of paragraph 4.*

**Amendment 44**  
**Proposal for a directive**  
**Article 13 – paragraph 4**

*Text proposed by the Commission*

4. The Commission *may* adopt implementing acts laying down the format for the data set, information and data referred to in *paragraph 1*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

*Amendment*

4. The Commission *shall* adopt implementing acts laying down the format for the data set, information and data referred to in *paragraphs 1 and 3a*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

**Amendment 45**

**Proposal for a directive**  
**Article 15 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) A sufficient improvement of the recycling level for fishing gear has taken place and whether the introduction of quantitative targets is needed to ensure sufficient progress in the future*

**Amendment 46**  
**Proposal for a directive**  
**Article 15 – paragraph 3 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

*(bb) it is possible to establish binding quantitative Union targets for the recycling of fishing gear containing plastic;*

**Amendment 47**  
**Proposal for a directive**  
**Article 15 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

(c) sufficient scientific and technical progress has been made, and criteria or a

(c) sufficient scientific and technical progress has been made, and criteria or a

standard for biodegradability in the marine environment applicable to single-use plastic products within the scope of this directive and their *single-use* substitutes have been developed, in order to determine which products no longer need to be subject to the restrictions on placing on the market, where appropriate.

standard for biodegradability in the marine environment applicable to single-use plastic products *or to fishing gear containing plastic* within the scope of this directive and their substitutes have been developed, in order to determine which products no longer need to be subject to the restrictions on placing on the market, where appropriate.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Reduction of the impact of certain plastic products on the environment	
<b>References</b>	COM(2018)0340 – C8-0218/2018 – 2018/0172(COD)	
<b>Committee responsible</b> Date announced in plenary	ENVI 11.6.2018	
<b>Opinion by</b> Date announced in plenary	PECH 11.6.2018	
<b>Rapporteur</b> Date appointed	Renata Briano 14.6.2018	
<b>Discussed in committee</b>	20.6.2018	29.8.2018
<b>Date adopted</b>	24.9.2018	
<b>Result of final vote</b>	+: 15 –: 0 0: 3	
<b>Members present for the final vote</b>	Marco Affronte, Clara Eugenia Aguilera García, David Coburn, Linnéa Engström, Sylvie Goddyn, Mike Hookem, Carlos Iturgaiz, Werner Kuhn, Gabriel Mato, Norica Nicolai, Ricardo Serrão Santos, Ruža Tomašić, Peter van Dalen	
<b>Substitutes present for the final vote</b>	Ole Christensen, Rosa D’Amato, Norbert Erdős, John Flack, Francisco José Millán Mon, Nils Torvalds	
<b>Substitutes under Rule 200(2) present for the final vote</b>	John Howarth	

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
ALDE	António Marinho e Pinto, Norica Nicolai
ECR	Peter van Dalen, John Flack, Ruža Tomašić
PPE	Norbert Erdős, Werner Kuhn, Gabriel Mato, Francisco José Millán Mon
S&D	Clara Eugenia Aguilera García, Ole Christensen, John Howarth, Ricardo Serrão Santos
VERTS/ALE	Marco Affronte, Linnéa Engström

0	-

3	0
EFDD	David Coburn, Mike Hookem
ENF	Sylvie Goddyn

Key to symbols:

+ : in favour

- : against

0 : abstention