

PEER TO PEER SUPPORT

on the implementation of the
EU legislation on marine litter



23rd November 2022,
Hotel Renaissance Brussels

CONFERENCE REPORT

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EXECUTIVE SUMMARY

• BACKGROUND

The ‘Peer to peer support on the implementation of the EU legislation on marine litter’ conference took place in Brussels on 23 November 2022.

The event, organised by the Commission’s Directorate-General for Maritime Affairs and Fisheries (DG MARE) explored the challenges and potential solutions of implementing key EU legislative tools in the fight against marine litter, notably regarding fishing gear containing plastic. The event was the second in a series of two on marine litter. It followed the DG MARE conference on ‘Fishing for litter activities and the use of the European Maritime and Fisheries Fund (EMFAF)’ on 21 September 2022. Stakeholders from many different European countries – including Belgium, France, Germany, Greece, Ireland, Malta, Norway, Sweden, and the UK – shared their experiences and ideas regarding the implementation of the new requirements set out in the Single-Use Plastics (SUP) and Port Reception Facilities (PRF) directives.

All EU Member States must introduce Extended Producer Responsibility (EPR) Schemes for fishing gear containing plastics by the end of 2024, as provided for in the Single-Use Plastics Directive (EU) 2019/904. Another new provision includes setting up national minimum collection targets for fishing gear, monitoring and reporting obligations as well as development of a harmonised standard for a circular design of fishing gear.

Participants in this conference discussed opportunities, challenges, concerns, ideas, and practices regarding the implementation of the new requirements set out in the SUP Directive. They also explored synergies with the new Port Reception Facilities Directive (EU) 2019/883, which creates incentives for ships to deliver all their waste, including fishing gear, back to shore.

• MAIN TAKEAWAYS

1. Under recent EU legislation targeted at reducing pollution from marine litter, all waste fishing gear containing plastics will require specific handling, monitoring and reporting when they are brought to EU ports. Member States should also set up their national collection targets for fishing gear for recycling.
2. Member States must introduce Extended Producer Responsibility (EPR) Schemes by the end of 2024 to cover the necessary costs for separate collection, transport and treatment of fishing gear and components of fishing gear containing plastic, as well as the costs of awareness-raising measures to prevent and reduce such litter.
3. A well-functioning EPR scheme should include all relevant stakeholders, including small producers, and avoid market distortion, free-riders and the cherry-picking of valuable waste streams.
4. All stakeholders in Europe – producers, manufacturers, fishers, harbours, distributors, importers, recyclers and authorities – must work together and learn from each other in order to build efficient EPR schemes and to successfully implement the requirements under the EU legislation.
5. Future EPR schemes for fishing gear can learn from the experience of successful EPR schemes in other sectors, such as packaging or electronics and electronic equipment, and in countries such as France, Germany and the UK. Keys to the success of an EPR scheme are good system design, fee modulation (to encourage circular design and sustainability), proper monitoring and reporting, as well as defined enforcement.
6. The definition of fishing gear as provided in the SUP Directive is vague. The definition of what is covered by the

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term “fishing gear and its components” should be better defined, so that producers and fishers know what to include in a country’s EPR scheme. Sweden for example has drafted laws to include gear used for recreational and sporting fishing in its EPR scheme. Ideally, definitions of fishing gear should be harmonised across the EU, to avoid grey zones and market distortions.

7. Recycling schemes for fishing gear containing plastics are being tested in several European countries. Under project INdIGO, the UK and France have developed infrastructure in and around ports to collect and sort this waste, often voluntarily, including characterisation of the polymers and their use in fishing gear. Projects like this must include awareness-raising campaigns among producers, fishers and the public about the importance of collecting and recycling plastics from this gear, including the use of good practice guides.

SETTING THE SCENE

Kęstutis Sadauskas, Deputy Director-General of the European Commission’s Directorate-General for Maritime Affairs (DG MARE), opened the conference. He provided participants with the context.

He noted that this event would build on the DG MARE ‘Promoting Fishing for litter activities and the use of EMFAF support’ conference, held on 21 September 2022. The goal this time was to dive deeper into the topic of marine litter, a major environmental and economic problem, in particular regarding the specific legislative provisions set out in the SUP and PRF Directives. Key marine litter statistics:

- Cleaning up European beaches costs €600 million annually;
- 85% of marine litter consists of plastics, about half of which are single-use plastics;
- Fishing-related items comprise a quarter of marine litter found on beaches;
- 11,000 tonnes of fishing gear are lost, abandoned or otherwise discarded by EU fishing vessels each year;
- 730 tonnes of plastic waste are dumped in the Mediterranean every day.

Urgent action is needed to tackle marine litter and the damage it causes to our coasts, wildlife (fish, seabirds, marine mammals, etc.) and human well-being. This involves cooperating with consumers and developing responsible societal attitudes. This conference was aimed at addressing the need to implement key EU legislative tools in the fight against marine litter, notably for fishing gear, including the SUP and PRF Directives.

Over the last seven years, the EU has taken steps towards a more circular economy. The European Green Deal included major initiatives to preserve and restore marine ecosystems as well as to fight marine pollution. Both the SUP and PRF Directives aim to prevent and reduce the impact of marine litter on our seas and ocean, including from fishing gear and passively fished waste. The SUP Directive is groundbreaking, being the first EU legislation to concentrate on single-use plastics and fishing gear within the circular economy approach.

The new provisions under the SUP Directive, including the monitoring and reporting requirements regarding fishing gear, will establish a baseline of data by 2027 (when the EU COM will evaluate the Directive and potentially propose further measures). Moreover, the EU is intensifying maritime research innovation. Under the EU framework research programme Horizon Europe, the EU Mission “Restore our Ocean and Waters by 2030” addresses different types of pollution from various sources and the whole system. It brings together scientists, technologists, financiers and users of products like fishing gear. There are also other funding opportunities specifically related to the fight

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against marine litter, including through the European Maritime Fisheries and Aquaculture Fund (EMFAF), LIFE programme, InvestEU and other EU programmes.

Two years after the SUPD came into force, many Member States are starting to implement marine litter measures, while others are only in the early stages of that journey. Today's event should help stakeholders learn from each other and find practical solutions to reduce and prevent marine litter through the implementation of the relevant legislative provisions. "We must ensure that implementation of these pieces of law are a success," concluded Sadauskas.

MORE IN-DEPTH CONTEXT

Andreea Strachinescu, Head of Unit, DG MARE, explored the EU policy framework on marine litter. Moving from theory to practice will be the hardest part of implementing both the SUP and PRF Directives. Marine litter legislation truly started with the Circular Economy Action Plan of 2015 and became a real focus within the European Green Deal of 2019. The SUP Directive covers 70% of all marine litter items, covering the top 10 single-use plastics items plus fishing gear (27%). The SUP Directive includes several provisions regarding fishing gear containing plastic:

- Member States must set up national collection targets for fishing gear for recycling by 31 December 2024.
- Member States must report to the Commission on the amounts of fishing gear placed on the market and waste fishing gear collected: 1st reporting period 2022.
- Member States must set up Extended Producer Responsibility Schemes for producers of fishing gear containing plastic by 31 December 2024.

Extended Producer Responsibility (EPR) Schemes, the main subject of the first part of this conference, is covered by Articles 8 and 9 of the SUP Directive. EU Member States "must ensure that the producers of fishing gear containing plastic cover the costs of the separate collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities and the costs of its subsequent transport and treatment." Producers must also cover the costs of the "awareness raising measures regarding fishing gear containing plastic". Article 8 of the SUP Directive includes a definition of a "producer" covered by the extended producer responsibilities. However, artisanal fishers are not covered.

EPR schemes are well established in the EU Member States for products such as packaging, electronic waste, batteries or cars. In addition, some Member States apply EPR schemes for other waste streams such as paper or furniture (FR and DE). Experience gathered in these schemes can guide their extension across the EU, including for new products such as fishing gear. EPR schemes entail several key aspects, including facilitating the separate collection, dismantling, reuse and recycling of the product, as well as providing relevant information to users or incentivising more sustainable and environmentally friendly products.

The second piece of legislation on marine litter, the Port Reception Facilities Directive, includes the following main provisions:

- Member States shall set up adequate port reception facilities.
- Obligation of delivery of waste from all ships before departure (incl. fishing vessels). Cost recovery system based on the 100% indirect fee.
- Specific focus on marine litter from ships, incl. waste from fishing vessels, waste fishing gear and passively fished waste.

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- Separate collection of waste.
- Annex 4, EU implementing regulation with rules on monitoring data methodologies and the format for reporting passively fished waste (EU) 2022/92.

There are synergies and complementarities between the SUP and PRF Directives. This conference should develop ideas and recommendations as to how they can be implemented in order to minimise the financial and administrative burden on fishers, while ensuring that waste is delivered to ports and adequately treated.

EXTENDED PRODUCER RESPONSIBILITY SCHEMES FOR PRODUCERS OF FISHING GEAR CONTAINING PLASTIC

- CONCLUSIONS/RECOMMENDATIONS FOR BEST PRACTICES FROM CASE PRESENTATIONS

The role of EPR – best practice learning from other sectors

Mike Jefferson, Verde Research and Consulting

EPR schemes have worked well in Europe for several decades, e.g. packaging, waste batteries, or electronics and electrical equipment. But marine waste streams are very specific and their challenges must be addressed. Some EPR schemes are voluntary, others mandatory. EPR schemes in the agriculture sector face similar challenges to fishing in that products are technically complex to process before recycling.

EPR is a very good tool for improving recycling levels and reducing littering. EPR plays a role throughout the value chain for financing (collection, sorting and recycling), as well as facilitating and coordination.

The EU Waste Framework Directive (Art. 8a) sets general minimum requirements for EPR schemes, on areas such as design, information, cost coverage, fee modulation of products, monitoring and enforcement, oversight of implementation, and dialogue.

Fee modulation is crucial (e.g. to encourage design for recyclability and actions taken by stakeholders in the supply chain), as are monitoring and enforcement. An EPR must cover costs (collection, sorting, pre-treatment) but can also generate revenue. Across the EU, there is a trend to include multi-service providers in EPR schemes for packaging and WEEE, with both pros and cons.

EPR works best with a well-designed legal framework and enforcement. It needs a clear vision of circularity for the sector concerned, plus industry involvement in scheme design and governance.

To be or not to be – the grey zone of the definition of fishing gear

Lisa Bredahl Nerdal, Swedish Agency for Marine and Water Management

Innovation project SPIRAL (Smart policy development for EPR for fishing gear) is helping Sweden to develop and test EPR schemes, including which fishing gear should be included in the scheme. However, the project does not represent the country's official position on this matter. Co-funded by Sweden's public innovation agency, Vinnova, the project brings together the Swedish Agency for Marine and Water Management, Swedish Environmental Protection Agency, and the municipality of Sotenäs, which operates Sweden's only recycling centre for fishing gear.

EPRs implemented with minimum cooperation and dialogue among the actors affected by a legislation can lead

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to uncertainty, a lack of participation and poor implementation. So the project's 'smart development' goal is to develop constructive collaboration with relevant stakeholders, to support the implementation of Sweden's EPR on fishing gear. Dialogues among producers and other actors focused on testing of collection and recovery of waste fishing gear, clarifying the definition of fishing gear for EPR, solutions to the free-rider problem, and the development of the EU standard on circular design of fishing gear (CEN/TC 466).

Swedish legislation to implement the EPR on fishing gear includes the recreational/sport fishing, and fishing gear used in both marine and limnic waters. It sets out the national minimum collection target of 20% of gear placed on the market for recycling.

The project found that 'fishing gear' is a heterogeneous term and could be interpreted differently, leading to potential market distortions between the EU Member States. Through a survey, workshop and stakeholder dialogues in spring 2022, SPIRAL has:

- Produced a list of gear used in professional fishing, recreational fishing and aquaculture that should be included in EPR.
- Identified a grey zone and suggested three delimitations.
- Forged a stronger commitment to and knowledge of EPR among producers.

The project should stimulate further dialogue at EU level on fishing and aquaculture gear definitions, and could be part of future DG MARE guidelines.

Perspective of fishing gear producers and manufacturers

Karin Eufinger, CENTEXBEL, CEN/TC 466

Stemming from the SUP Directive, the European Commission requested the EU standardisation organisations CEN and CENELEC to develop harmonised standards for a circular design of fishing gear and aquaculture equipment. This led to the setting up of CEN TC 466 Circularity and recyclability of fishing gear and aquaculture equipment in October 2020. The technical committee (TC) has three Working Groups and a work programme covering: general requirements and guidance; user manual and labelling; technical requirements; environmental and circularity requirements and guidelines; circular business model; and digitalisation of gear and components. The TC is also looking at terms and definitions for circular design of fishing gear.

CEN TC 466 is developing documents (standards) to assist the sector in transition to the circular economy, by providing the foundations for the design for circularity of fishing gear and aquaculture equipment. This includes a three-step approach: identify steps in the life cycle where waste is created; propose possible ways forward; and choose the way forward: (local) business model.

The business model must allow changes over time, as requirements and technology evolve. While taking into account local culture, a European approach should be adopted where possible, as fishers take their boats and haul from country to country. Our seas are not limited to European fishers, so fishing gear from outside the EU must be accounted for in EPR schemes.

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MONITORING AND REPORTING OF FISHING GEAR AND SETTING OF NATIONAL COLLECTION TARGETS FOR FISHING GEAR

EU POLICY FRAMEWORK ON MARINE LITTER II

Alena Petrikovicova-de Chevilly, European Commission, DG MARE

Under the SUPD, Member States shall:

- “set up national collection targets for fishing gear for recycling” by 31/12/2024; there are no quantitative collection targets in the SUPD regarding waste fishing gear containing plastic for recycling. The EU Commission hopes these national rates will be ambitious and will evaluate them in July 2027.
- report to the European Commission “on the amounts of fishing gear placed on the market and waste fishing gear collected”: first reporting period 2022, with reports to be delivered to the EU Commission 18 months after the end of the reporting period. The monitoring requirements are based on a Commission Implementing Decision, EU 2021/958, built around a supporting study in 2020 (Coffey/Poseidon). The Implementing Decision provides the two formats for reporting of data and authorities are encouraged to report in more detail on items collected (by material, type of the product).
- the European Commission has also requested the “development of the standard for a circular design of fishing gear” by May 2024. The EU harmonised standards for the circular design of fishing gear will be voluntary.

The Commission is focused on implementing measures set out in SUPD and PRFD, and it will use the data gathered from the monitoring and reporting obligations, including from EPR schemes, to evaluate the SUPD in 2027.

MONITORING & REPORTING FISHING GEAR: EU REQUIREMENTS AND IRELAND'S APPROACH

Rod Cappell, Poseidon

Fishing gear is part of the SUP's scope, because in Europe 80 to 85% of marine litter is plastic. The EU legislation aims to reduce marine litter by introducing new measures tackling fishing gear containing plastic. Member States must monitor and report on the amounts of fishing gear placed on the market and waste fishing gear collected. This is all part of the bigger picture: EPR schemes need monitoring; circularity is about the whole lifecycle: onward treatment and use of materials.

Ireland hopes to provide more than the minimum total of data in their monitoring reports. If other EU countries do this too, it will facilitate comparison of data and enhance quality. In 2022, data must be collected for all fishing and aquaculture gear containing plastic: a) placed on the market, and b) waste fishing gear collected.

Ireland's 'The Clean Oceans Initiative' includes work to understand and reduce marine litter and fishing gear including plastics. Irish national data on fishing gear is still lacking, but the country's major gear suppliers could easily report on them and want to participate in the EPR schemes. For its fishing gear taxonomy, Ireland is focused on defining gear items containing plastic and using conversion factors to turn product numbers into weights. To avoid double accounting, an EPR scheme requires good understanding and reporting on what fishing gear is put on and taken off the market. The industry wants to know who will pay for collection and treatment of gear that may not be of Irish origin, so as to ensure a level playing field. Awareness raising with gear producers and suppliers is vital for a functioning EPR scheme. National regulators need to be educated about fishing and aquaculture and generally about pollution from sea-based sources.

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DEVELOPING FISHING GEAR PLASTIC RECYCLING SCHEMES IN THE UK AND FRANCE CHANNEL REGIONS: THE CONTRIBUTION OF THE INdIGO PROJECT

Amanda Burton, University of Plymouth & Laurence Hégron-Macé, SMEL

INdIGO (Innovative fishing Gear for Ocean) is an EU Interreg project with 10 French and English partners, developing fishing gear plastic recycling schemes in the two countries' Channel regions. Besides aiming to reduce marine plastic pollution generated by fisheries and aquaculture, the partners are identifying biodegradable alternatives to some fishing gear (gill nets and mussel bags made from nylon). The University of Plymouth has worked with UK recyclers (Net Regeneration Scheme) to get more data on plastics in fishing gear; invested in collection infrastructure, plastic identification and processing; and developed a good practice guide for fishers, harbours and the public.

SMEL (Synergie Mer et Littoral), the INdIGO project's French partner, contributes to plastics collecting schemes to boost recycling, and works with 18 ports in France's Channel Region. Its four goals are: support harbours and fishers to collect used fishing gear; inventory of plastics and their use in fishing gear; investment in collection infrastructure, plastic characterisation and processing; and dissemination of good practices for fishers, harbours and the public. Quantification of fishing nets collected (90% gillnets and 10% trawl nets) is a challenge, hence the need for conversion factors for units or weights. A material library has been created for the plastics in fishing gear, including technical data sheets by type of gear. For collection and recycling, it is key to know each port's calendar for fishing activities. Some plastics collected are turned into new products, like sunglasses or surfboards.

TESTING OF WASTE/END-OF-LIFE FISHING GEAR COLLECTION IN FRANCE IN VIEW OF SETTING UP NATIONAL COLLECTION TARGETS FOR WASTE FISHING GEAR AND A NATIONAL SUSTAINABLE MANAGEMENT SCHEME

Karine Maignan, FILIPECH project

Under Coopération Maritime, several French projects have looked at sustainable management of waste fishing gear. FILIPECH, 2021-2022, builds on them by pilot testing collection of fishing gear in four French ports (Normandy, West coast, and the Mediterranean) and developing potential recycling solutions. One aim is to set up a voluntary management organisation for fishing gear with producers, under AGECE, France's anti-waste law for a circular economy. This organisation should be up and running soon and hopefully will be more flexible and efficient than an EPR scheme translating the EU SUPD into French law. For example, in Le Guilvinec, Brittany, the focus is on demersal and beam trawls from 70 boats. Trials show that it is challenging to dismantle trawl nets to isolate certain polymers, e.g. HEPD. This work – done by paid social inclusion workers or a local fishing company's employees – recently generated five tonnes of plastic materials for recycling in Denmark. FILIPECH has determined a number of quality collection targets for fishing gear in France, notably helping all ports to organise the collection and sorting of different types of fishing gear. Other quality collection targets include a focus on solutions for disassembly of waste fishing gear, recycling of fishing gear, avoiding disposal of the plastic components, building a national sustainable organisation led by the producers, and starting with the biggest quantities of waste fishing gear. A draft national sustainable management scheme sets responsibility levels locally (ports and fishers) and nationally (EPR organisation in France). Five fishing gear producers have already agreed to join a new association (2023) with Coopération Maritime for voluntary collection and recycling of (waste) fishing gear.

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MAIN MESSAGES FROM BREAK-OUT WORKSHOP SESSIONS

- BREAKOUT SESSION 1 – EPR SCHEMES FOR PRODUCERS OF FISHING GEAR CONTAINING PLASTIC
 - a. Pricing and costs

Challenge

Once an EPR scheme is in place, producers will bear the costs (of collection, transport, treatment) and it is expected that they will potentially pass these on to fishers and ultimately consumers/users. How could this impact the EPR scheme? There is a real danger that free-riders from outside the EU will further increase their competitive advantage by avoiding the scheme's additional costs.

Specific cost concerns

The UK's current fishing agreement with the EU is in place until 2025. Afterwards, could UK fishers indulge in 'jurisdiction shopping'? In other words, instead of complying with strict rules on the best way to dispose of their fishing gear waste, might they simply try to find the cheapest foreign port to do so? Such ports could include Dunkerque in France, Antwerp in Belgium or Scheveningen in the Netherlands.

Irish rope-makers fear cheap imports from China: an EPR scheme could push some Irish fishers to purchase smaller items like lobster pots or oyster bags on the web, to avoid scrutiny by agents monitoring use/purchases.

Sweden worries it will have to pay €3 to 4 million to handle historical fishing waste, i.e. 'legacy' fishing gear.

Solution

There is a potential danger that fishers will turn to other markets with cheaper and poorer quality products, such as countries in South-East Asia or elsewhere. In this regard it is important to get the pricing level right. There should also be maximum transparency about pricing, as in Belgium, and EU-wide coherence. One way to establish this would be through a European platform that could work on scope, as well as through a broad taxonomy and some sort of level-playing field for pricing. For example, Germany has been recycling waste fishing gear under a public-private partnership since early 2022. This voluntary scheme is also assessing how to improve and avoid any free-riders.

Other solutions

- Incentivise fishers to bring their waste nets back to shore.
- Some harbours bear the costs of recycling, but have no incentives to separate waste. Other fishers must pay for waste disposal, so need an incentive for collection.
- Ensure a good EPR system design.
- Involve all EPR stakeholders, especially relevant trade associations, in cost discussions.
- Monitor online purchases of fishing gear for use in the EU in a central register, if possible.
- Base costs on a carbon system: principle of recycled (or rented) fishing gear is better than new gear.
- Use findings and best practices from recent or ongoing projects, e.g. the MARELITT Baltic project looking at legacy fishing gear in the Baltic Sea.

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b. Grey zone on scope

Challenge

There should be greater clarity and guidance on what types of fishing gear and their components would be included in an EPR, e.g. recreational fishing gear, in order to avoid an unfair advantage to one producer over another.

Solution

One way to address this challenge is for the EU to establish a harmonised taxonomy of fishing and aquaculture. Europe-wide guidance is required to reduce misunderstandings in implementation and to protect the level-playing field between producers. There should be more guidance on what products are included in an EPR scheme, possibly in a long, but not necessarily exhaustive list. Definitions should be “as specific as needed and as open as possible, because you never know what innovations are coming.” The Circular Plastics Alliance could be a useful reference point regarding approaches to such issues.

c. To whom does EPR apply?

Challenge

Who should the EPR scheme for fishing and aquaculture gear apply to? Should it be to polymer producers, yarn producers, net producers or net lofting producers, the assemblers, manufacturers, distributors, or importers?

Solution

One should first address those who are the first to place the final product on the market and those selling gear to fishers, whether as a new product or as a product used for the repair of nets. Any solution must take account of those purchasing products from outside the EU. Any loopholes should be identified to limit free-riders, including for repair products and components.

d. Some waste streams are more valuable than others

Challenge

Sorting and cleaning costs for fishing gear are high, especially in harbours, so there is a risk of theft of valuable polymers like clean nylon, as well as metals like aluminium, gold or lithium. How can fishers deal with those costs and risks? Even successful EPR schemes may not be financially self-sustaining, with the risk of smaller recyclers cherry-picking some of the more valuable waste streams.

Solution

A broad scope is required to cover all fishing gear for EPR schemes and to avoid loopholes. Waste contractors must also become members of an EPR scheme, to avoid stripping high-value waste; just one contractor should be allowed. Recyclers should be given a contract and be audited to avoid stripping. There should be some sorting in harbours too by fishers, but they may need to be incentivised or given a single solution to remove waste. Recovery reports could help and there should be a mechanism to estimate streams not monitored.

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e. Logistics

Challenge

Harbours have limited infrastructure for cleaning/sorting/recycling waste fishing gear. Some ports have only very small access roads, making it hard and costly to transport containers to collect this gear. Germany only has five to ten collection points per region for large fishing gear.

Solution

Fee modulation is a mechanism that EPR schemes can use to encourage design for recyclability. Producers can place on the market products that are for example more easily recyclable, repairable, or dismantlable, based on circular and sustainable principles.

It is important to try and sort gear at source, wherever possible. Otherwise there is a danger of fishers becoming frustrated with the additional burden and turning to the easiest waste management solution: all gear gets thrown in a landfill.

f. Market transparency

Challenge

EPR schemes need market transparency across the EU, because fishing gear is more than 50% transnational, leading to many grey zones on borders.

Solution

As there are no EU-wide EPR schemes, each Member State has its own rules when it comes to setting up such schemes for fishing and aquaculture gear. Member States should create a platform to exchange knowledge and best practices on their implementation of fishing gear measures and to boost harmonisation of EPR rules across the EU.

- BREAKOUT SESSION 2 – MONITORING AND REPORTING REQUIREMENTS & HOW TO SET UP COLLECTION TARGETS FOR FISHING GEAR

a. Insufficient data

Challenge

Confidence in policy choices would be improved with finer-grained data. Eurostat includes marine gear as part of a wider category.

Solution

Fishing gear data can be gathered from various sources, though primarily from producers. There should also be a survey of fishers, aquaculture farmers and recreational fishers on their gear sources, volume and maintenance levels. In the framework of the EU Data Collection Framework, there is data reporting on the EU's fishing fleet's production and activity; although it checks the fleet's economic performance, only two codes are specific for fishing gear, for confidentiality reasons. The DCF could provide a full picture when preparing or implementing an EPR scheme.

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Other potential sources of gear data:

- National production and trade statistics (MS have different institutes/agencies for reporting).
- Harbour masters, waste contractors/permittees.
- Municipalities and regional authorities.
- Material flow analysis carried out at ports, e.g. just as Norway does for quantities of gear coming onto the market; but this is less helpful for data on repaired nets.
- RFID tagging of nets.

b. Different stakeholders for different data

Challenge

A distinction must be made between end-of-life/waste fishing gear reporting and placing-on-the-market gear reporting.

Solution

For end-of-life/waste fishing gear reporting, the cooperation of fishers, local, regional and national authorities and harbour and waste management is needed. For producers of placing-on-the-market gear, the main sources would be producers, importers, wholesalers, fishers, repairers and assemblers. While those involved in repairs do not constitute a large segment of the market, their data is still important.

c. Dealing with passively collected waste

Challenge

For reporting of waste collected by fishers, it would be useful to differentiate between waste belonging to the operator and waste that has been 'passively' collected, especially since the cost streams for each are different. Yet this is impractical for fishers, due to difficulties separating the different types of marine waste: some nets include batteries, sensors, or radio-frequency identification (RFID) tags, particularly in aquaculture.

Solutions

There are no easy sorting solutions for fishers, who are already busy enough in their regular jobs. An approximate figure could be used, providing a certain percentage of waste estimated to be from one source rather than another. But it may simply be better to insist on separation of waste by types. Another potential solution involves a product passport, or a colour code or other marking, to assist separating the different types of waste, e.g. based on polymer types. Distinguishing end-of-life gear from other gear, such as passively fished, is tricky – but they can all be classified as waste or pre-waste.

d. Data reporting

Challenge

There are different approaches to data reporting. Some administrations are already quite advanced in this, while others have only just started doing it.

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Solution

Swedish municipalities log the data they have collected on marine waste fishing gear, both from fisheries and from recreational activity, on a centralised website. This system aims to have a working system by the SUPD EPR application date, the end of 2024.

There is extensive debate about what data to collect in some jurisdictions, how exhaustive the data should be and to what extent the different types of information should be mandatory. Any collection of data will bring administrative costs and this must be accounted for.

RECOMMENDATIONS STEMMING FROM THE PANEL DISCUSSION AND Q&AS

- VOLUNTARY EPR SCHEMES

EU countries take different approaches to voluntary EPR schemes for various sectors. For disposal of waste fishing gear, fishers could emulate existing schemes for agriculture farmers. They pre-sort and separate plastic waste from agriculture, using specific containers per type of plastic and drop-off zones for materials sorted, just like for household waste parks.

- PUSHING AHEAD WITH EPR

All EU Member States must comply with the EU SUPD and set up an EPR scheme for fishing gear by the end of 2024. Sweden, for example, has started looking at this already.

Sweden has decided to include all fishing gear, professional and non-professional, in its EPR legislation. This could set a good example for other EU MS, as could the Swedish instruction for recreational fishers to recycle their fishing gear in local municipalities.

- FISHING GEAR PRODUCERS

EU SUPD legislation sets a deadline of the end of 2024 for setting up EPR schemes for fishing gear by the Member States. It covers anyone placing products on the market, with the legal responsibility to fund the collection, transport and treatment of the collected items. Every EU Member State must report on the amounts of fishing gear placed on the market and the amounts of waste fishing gear collected, starting for the first year of 2022. In Sweden, SPIRAL project has clearly communicated this information to producers around Sweden: they know they must report to the Swedish agency responsible for the fishing gear EPR. But there is still lack of clarity on who a 'producer' is – so this should be cleared up in national legislation, but with slight differences in interpretation per MS. Smaller producers should also be identified for EPR schemes.

- TACKLING EPR FREE-RIDERS

Some gear producers are concerned about market-distorting 'free-riders', as the SUPD specifically excludes fishers and artisanal producers of gear. A minority of Ireland's fishing gear for instance is bought directly by fishers from abroad, avoiding gear producers and selling agents. Therefore, an Irish survey is identifying gear that producers import (44 found so far). There are no simple EPR solutions to free-riding in EPRs for various sectors. One solution

PEER TO PEER SUPPORT

on the implementation of the
EU legislation on marine litter



is to add de minimis clauses for producers, e.g. Art 8a of Waste Framework Directive. EPR schemes usually have a de minimis level, where very small producers are not included in the scheme. In packaging, in some countries, de minimis covers goods placed on the market by tonnage or business turnover, or a combination of both. Other countries have no de minimis but producers must pay a fixed fee into a scheme and register. The fishing gear sector will require its own solution.

- EU-LEVEL EPR

The conference highlighted many good initiatives on EPRs for fishing gear, e.g. in Norway, Sweden, and France. There are already EU-wide reporting standards under the Single Use Plastics and Port Reception Facilities Directives. It was that further coordination at an EU level could be useful, for instance to identify best practice or potential sources of EU funding for EPR. This could be supported by DG-MARE or by the producers and fishers themselves.

- PASSIVELY FISHED WASTE

Regarding collection and disposal of passively fished waste and waste fishing gear, one recommendation was for nets coming from passively fished waste to be accounted for separately. These include a proportion of Abandoned, Lost, Discarded Fishing Gear (ALDFG), which could be from another country, or legacy gear, which would muddy an already complex picture. It may also be useful to distinguish between ALDFG recovered by boats and that deposited in the harbour: the latter is usually very contaminated and tangled, and thus not economic to separate and undergo further treatment. In the UK, much ALDFG is recovered by many voluntary organisations and is part of the Net Regeneration Scheme. But there is no one rule that fits all EPR schemes or recycling.

- ARTISANAL FISHING GEAR

Artisanal fishing gear is equipment produced by fishers themselves and this is not covered by SUPD. Although the goal for EPR legislation is not to overburden small businesses with extra administration or costs, SMEs should still be part of the system, which could require targeted engagement with them.

CONCLUSIONS FROM THE EUROPEAN COMMISSION

Alena Petrikovicova-de Chevilly from the European Commission's DG MARE concluded the event on what she termed the "very niche topic of fishing gear", while thanking everyone for their enthusiastic contributions to a great information exchange. EU legislation on marine litter is now starting to be implemented, boosted by excellent cooperation with all parties. There is clearly a willingness to come up with practical, meaningful and added value solutions for marine litter and specifically fishing gear – hopefully guided by further discussions and possibly a dedicated platform set up by DG MARE. Ultimately, the aim is to support Member States and stakeholders in implementing marine litter legislation now and in future. The next step should involve advancing progress on implementation at all levels, as well as pausing to assess further barriers and challenges. Ideally Member States should harmonise their implementation to the extent possible, rather than going their separate ways.