



24.7.2018

# **DRAFT 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 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5a) The release of enormous quantities of plastic into the sea not only has an adverse impact on 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.*

Or. it

### **Amendment 2** **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 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.

*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. ***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.***

Or. it

**Amendment 3**  
**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.***

Or. it

**Amendment 4**  
**Proposal for a directive**

## Recital 14

### *Text proposed by the Commission*

(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.

### *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 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.***

Or. it

## Amendment 5 Proposal for a directive Recital 16

### *Text proposed by the Commission*

(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>46</sup> do not provide sufficient incentives to return such fishing

### *Amendment*

(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

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*.

requirements<sup>46</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. In order to ensure harmonised monitoring, the data on lost fishing gear shall be collected and recorded by the Member States and forwarded annually to the Commission.* 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 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, *by laying down incentives for those sending these materials for recycling*.

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<sup>46</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.

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<sup>46</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.

Or. it

**Amendment 6**  
**Proposal for a directive**  
**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) 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 collect and treat this waste, in particular through recycling.***

Or. it

**Amendment 7**  
**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.***

Or. it

**Amendment 8**  
**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.***

Or. it

**Amendment 9**  
**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(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>48</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 listing single-use plastic

*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>48</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 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>48</sup> OJ L 123, 12.5.2016, p. 1.

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 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>48</sup> OJ L 123, 12.5.2016, p. 1.

Or. it

**Amendment 10**  
**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

*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

the sea surface and is deployed with the objective of attracting *and* capturing such marine biological resources;

resources or that is floating on the sea surface and is deployed with the objective of attracting, capturing *or retaining* such marine biological resources;

Or. it

**Amendment 11**  
**Proposal for a directive**  
**Article 3 – paragraph 1 – point 10**

*Text proposed by the Commission*

(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

*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 *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

Or. it

**Amendment 12**  
**Proposal for a directive**  
**Article 7 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the presence of plastics in the product.

*Amendment*

(c) the presence of plastics in the product ***and, if applicable, the existence of alternative products with similar operational characteristics.***

Or. it

**Amendment 13**  
**Proposal for a directive**  
**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The marking requirements adopted pursuant to Regulation (EC) No 1224/2009 shall apply to fishing gear.***

Or. it

**Amendment 14**  
**Proposal for a directive**  
**Article 8 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

With regard to the schemes established pursuant to paragraph 3, Member States shall ensure that the producers of fishing gear containing plastic shall cover the costs of the collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities in accordance with Union law on port

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reception facilities or to other equivalent collection systems that fall outside the scope of Union law on port reception facilities and its subsequent transport and treatment. The producers shall also cover the costs of the awareness-raising measures referred to in Article 10 regarding fishing gear containing plastic.

reception facilities or to other equivalent collection systems that fall outside the scope of Union law on port reception facilities and its subsequent transport and treatment. The producers shall also cover the costs of the awareness-raising measures referred to in Article 10 regarding fishing gear containing plastic.

*The Member States shall also 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.*

Or. it

**Amendment 15**  
**Proposal for a directive**  
**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Passively fished waste***

- 1. The Member States shall adopt national plans to ensure that all ports where fishing vessels can be received 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 should 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.*

4. *The Member States shall ensure that the data on the amounts of passively fished waste are aggregated and kept in regional or national databases for the purposes of monitoring and evaluation. The Member States shall inform the Commission concerning the establishment of their national funds by 31 December [2 years after entry into force of this Directive] and shall subsequently submit six-monthly reports every two years concerning the activities financed under this Article.*

Or. it

**Amendment 16**  
**Proposal for a directive**  
**Article 13 – title**

*Text proposed by the Commission*

Information on monitoring of implementation

*Amendment*

Information on monitoring of implementation *and reporting obligations*

Or. it

**Amendment 17**  
**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.

Or. it

## Amendment 18 Proposal for a directive Article 13 – paragraph 4

*Text proposed by the Commission*

*Amendment*

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).

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).

Or. it

## Amendment 19 Proposal for a directive Article 15 – paragraph 3 – point b a (new)

*Text proposed by the Commission*

*Amendment*

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

*plastic;*

Or. it

**Amendment 20**  
**Proposal for a directive**  
**Article 15 – paragraph 3 – point c**

*Text proposed by the Commission*

(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.

*Amendment*

(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 *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.

Or. it