

## Public consultation on marine litter

### Background document

#### Introduction

The European Commission is preparing to set an EU-wide quantitative reduction headline target for marine litter, as called for in the recently-agreed 7<sup>th</sup> Environment Action Programme. To this end, the Commission wishes to consult European citizens and stakeholders in order to get additional input. Your views will help us to identify an appropriate level of ambition for such a target. The results of this consultation will be made available at:

[http://ec.europa.eu/environment/consultations\\_en.htm](http://ec.europa.eu/environment/consultations_en.htm)

This note accompanies the public consultation. Please read it carefully before filling in the questionnaire. It is meant to provide background information to respondents, as well as to provide guidance on the structure of the questionnaire.

#### Marine litter: types, sources and impacts

Approximately 10 million tonnes of litter end up in the world's oceans and seas each year. This waste takes the form of a range of persistent, manufactured or processed solid materials (e.g. plastic, glass, wood, metals etc.) which are discarded, disposed of or lost into the sea and on beaches. Although available data is limited in scope, it has been demonstrated that plastics are the predominant form of debris found in the marine environment<sup>1</sup>, with plastic packaging waste (e.g. beverage bottles and single-use bags) particularly prevalent. In addition, experience from the fishery sector shows that a significant amount of fishing gear (damaged nets, ropes) is discarded, while sanitary waste (sanitary towels, tampons, cotton bud sticks, condoms) and smoking-related materials (cigarette butts, disposable lighters) are also prevalent. The problem is exacerbated by the extremely long lifetime of discarded plastic in the marine environment, which can degrade into tiny particles and may enter the food chain if ingested by marine organisms.

As an environment that is constantly in motion, measuring the amount of existing debris in the seas and oceans is challenging, with wide variations observed both geographically and seasonally. In attempting to measure the prevalence of marine litter, it is thus useful to monitor the amount of new litter entering the marine environment. Debris can enter the oceans directly in the case of waste from fishing activities, shipping, fixed installations (e.g. oil rigs) or the sewage system. However, in most sea regions, up to 80% of the debris which ends up in the marine environment is transported there from land by rivers, drainage or wind.<sup>2</sup> In particular, poor waste management practices occurring near rivers or seas can contribute significantly to the problem. For this reason, land-based waste management policy is a crucial part of the solution, and ensuring the implementation of legislation is crucial in preventing waste from ending up in the marine environment.

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<sup>1</sup> For further discussion and studies on the sources of marine litter, see [Commission Staff Working Document: Overview of EU policies, legislation and initiatives related to marine litter](#), SWD(2012) 365 final, p. 2

<sup>2</sup> Bipros Final Report (ENV.D.2/ETU/2011/0043): [Study of the largest loopholes within the flow of packaging material](#), p. 22

The negative impacts of marine litter are diverse and significant. The direct environmental impacts include threats to marine wildlife, primarily through ingestion (causing physical injury, poisoning and even death of fish and other animals) and entanglement (which can cause suffocation, strangulation or drowning). There is also growing concern about the possible impact on human health as potentially toxic substances released by plastic waste may enter the food chain. The economic impacts have not been measured systematically, but are significant when the costs of beach clean-ups are assessed (e.g. approximately €18 million per year in the UK) as well as the costs to the fishing industry of stock lost to 'ghost fishing' (catches made by abandoned fishing gear but never landed), spoiled catches and damaged material. A prevalence of marine litter can also negatively impact tourist numbers, with knock-on social impacts on local coastal communities whose economies are linked to the tourism sector.

### **Current policy and legislation**

There are a number of policies in place which directly and indirectly tackle the problem of marine litter. At a strategic level, resource efficiency features as one of the seven flagship initiatives of the Europe 2020 strategy<sup>3</sup>. The concept is further elaborated in the Resource Efficiency Roadmap<sup>4</sup>, which sets out a range of actions aimed at shifting Europe away from waste generation and includes provisions on the need to contribute to marine litter strategies in all four EU marine regions. In October 2012, a *Staff Working Document* (SWD) was published<sup>5</sup> setting out an overview of all initiatives and potential measures aimed at addressing the problem of marine litter, both in terms of its sources, and its impacts.

#### *Policies addressing sources of marine litter*

At the legislative level, three waste-related Directives are of particular interest for this consultation. The *Waste Framework Directive*<sup>6</sup> establishes a binding five step waste hierarchy which prioritises waste prevention and encourages (in descending order) preparation for re-use, recycling and recovery including of energy recovery and disposal, thereby aiming to decrease absolute waste generation. In this context, Member States must establish waste prevention programmes by 2013, and the European Commission has developed [guidelines](#) to assist with this process. The *Packaging and Packaging Waste Directive*<sup>7</sup> sets out requirements to reduce the environmental impact of packaging and packaging waste, with specific provisions corresponding to each step of the waste hierarchy. As with the Waste Framework Directive, waste prevention is prioritised. The *Landfill Directive*<sup>8</sup> establishes technical requirements for the operation of landfills, with particular emphasis on their environmental impact. Factors such as the proximity to water bodies and coastal waters are taken into account, when deciding on the location of landfills so as to minimise the risk that waste material blown by the wind pollutes surface water.

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<sup>3</sup> [Europe 2020: A strategy for smart, sustainable and inclusive growth](#), COM(2010) 2020 final

<sup>4</sup> [A resource-efficient Europe: Flagship initiative under the Europe 2020 Strategy](#), COM(2011) 21 final

<sup>5</sup> [Overview of EU policies, legislation and initiatives related to marine litter](#), SWD(2012) 365 final

<sup>6</sup> [Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives](#)

<sup>7</sup> [Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste](#)

<sup>8</sup> [Council Directive 99/31/EC of 26 April 1999 on the landfill of waste](#)

Taken together, these Directives aim to reduce the amount of material which ends up as waste (and thereby having the potential to become marine litter) as well as ensuring that the waste that is generated is managed properly to avoid reaching the marine environment. However, significant gaps remain in the implementation and enforcement of this legislation, and further measures are under consideration in order to strengthen EU action on waste prevention and management, including a possible increase in the ambition level of relevant targets. This review will form part of the basis for an initial reduction target for marine litter. (see "In the pipeline", below).

Apart from the three waste Directives currently under review, the *Urban Wastewater Treatment Directive*<sup>9</sup> sets standards for the treatment of sewage discharges from coastal and estuarine areas above a given population threshold. Appropriate treatment prevents larger items of sanitary waste from escaping into the marine environment. The *Ship Source Pollution Directive*<sup>10</sup> transposes internationally agreed standards relating to the prohibition of polluting discharges at sea into EU law, while the *Port Reception Facility Directive*<sup>11</sup> aims at reducing such discharges, by improving the availability and incentivising the use of port reception facilities in all EU ports.

#### *Policies addressing impacts of marine litter*

The *Marine Strategy Framework Directive* (MSFD)<sup>12</sup> specifically identifies marine litter as one of the 11 'descriptors' which must be addressed in order to achieve 'Good Environmental Status' (GES) by 2020. In 2010, the Commission set criteria for Member States to assessing progress towards achieving GES, several of which relate to marine litter. As part of their obligations under the MSFD, Member States must report on such progress. Although most Member States have submitted the reports, the level and comparability of data provided on marine litter and target-setting is modest.

The *Integrated Maritime Policy*<sup>13</sup> aims at facilitating cooperation between Member States as well as with the Commission in order to maximise the sustainable use of the oceans and seas while enabling growth of the maritime economy. In this context, the Marine Knowledge 2020 initiative<sup>14</sup> aims to improve access to marine-related data, including the distribution and composition of marine litter.

#### **In the pipeline: on-going developments and target setting**

The conclusions of the Rio+20 UN Sustainable Development Conference highlighted the issue of marine litter, with delegations committing to take further action to achieve reductions by 2025.<sup>15</sup> At

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<sup>9</sup> [Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment](#)

<sup>10</sup> [Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements](#)

<sup>11</sup> [Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues](#)

<sup>12</sup> [Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy \(Marine Strategy Framework Directive\)](#)

<sup>13</sup> [An Integrated Maritime Policy for the European Union](#), COM(2007) 575 final

<sup>14</sup> [Green Paper: Marine Knowledge 2020: from seabed knowledge to ocean bed forecasting](#), COM(2012) 473 final

<sup>15</sup> 'The Future We Want', paragraph 163 states: "We note with concern that the health of oceans and marine biodiversity are negatively affected by marine pollution, including marine debris, especially plastic, [...] We further commit to take action to, by 2025, based on collected scientific data, achieve significant reductions in marine debris to prevent harm to the coastal and marine environment."

EU level, this commitment was picked up in the 7<sup>th</sup> Environment Action Programme, which calls for the establishment of a "Union-wide quantitative reduction headline target for marine litter, supported by source-based measures and taking into account the marine strategies established by Member States".<sup>16</sup>

In April 2013, the Commission, in cooperation with the German Federal Environment Agency (*Umweltbundesamt*), organised a high-level conference on the prevention and management of marine litter. In the outcome document, participants called for the development of "ambitious targets to reduce marine litter at all relevant levels, giving priority to sources of marine litter with the strongest impact".<sup>17</sup> In the context of this conference, a toolbox was also developed featuring information on existing and new measures to combat marine litter. This toolbox highlights the ongoing work not only of policymakers, but also of industry, civil society and professionals in the fisheries sector. We invite you to search for or to add your activity to this toolbox on <http://www.marine-litter-conference-berlin.info/tbdb.php>.

As outlined above, the European Commission is carrying out a review of the *Waste Framework Directive*, the *Landfill Directive* and the *Packaging and Packaging Waste Directive*. As well as fulfilling the review clauses set out in these Directives, the exercise aims to bring the targets contained therein into line with what has been agreed in the 7<sup>th</sup> Environment Action Programme, while maintaining consistency with the [Roadmap to a Resource Efficient Europe](#). As part of this process, a [public consultation](#) was organised by the European Commission, closing on 10 September. The review will also assess ways to address the gaps in the implementation of the legislation, which, if closed, would have positive impacts on the generation of marine litter.

The Commission also published a Green Paper in March 2013 which specifically addresses plastic waste in the environment<sup>18</sup>. This Green Paper highlights the significant contribution of plastic waste to marine litter and, in the accompanying [public consultation](#), asks stakeholders to respond to a series of questions on how best to tackle the problem (see questions 23 and 24). Also within the context of action on plastic waste, the issue of plastic bags has been the subject of particular attention, with the Commission organising a public consultation in 2011, in response to a call from Environment ministers<sup>19</sup> to analyse possible responses to the negative environmental impact associated with their use. At present, a range of policy options are under consideration.

In addition, work is underway within a number of the regional sea conventions to which the EU is party on developing regional action plans to tackle marine litter. Discussions on developing such a plan are at quite an advanced stage within the framework of the Barcelona Convention, while good progress is also being made within the OSPAR convention.

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<sup>16</sup> 7<sup>th</sup> Environment Action Programme (pending formal adoption by European Parliament and Council), paragraph 26 iii

<sup>17</sup> ['The Message from Berlin': Conclusions of the chairpersons of the International Conference on Prevention and Management of Marine Litter in European Seas, held in Berlin, Germany, 10-12 April 2013](#)

<sup>18</sup> [Green Paper on a European Strategy on Plastic Waste in the Environment](#), COM(2013) 123 final

<sup>19</sup> [Press Release: 3075th Council meeting](#), PRESSE 61

In light of all of these developments, a number of complementary activities are being undertaken at EU level in order to tackle the marine litter problem, including through the development of reduction targets. To assist in this process, DG Environment has commissioned a study on the appropriate scope and ambition level of such a target with reference to various scenarios for strengthened waste legislation. This exercise will build on the result of three earlier studies which examined some of the existing loopholes in the flow of packaging material, and the plastic cycle in particular, as well as the feasibility of introducing certain litter prevention instruments.<sup>20</sup> The measures proposed in the questionnaire are largely inspired by the findings of these three studies, complemented with suggested actions for other relevant stakeholders.<sup>21</sup>

### **Next steps**

Based on the outcome of the current consultation and in conjunction with the other policy developments outlined above, the Commission intends to propose an initial headline reduction target for marine litter. The aim is to include this target in a wider Communication on waste, to be adopted in 2014. In addition, the results of the ongoing study as well the public consultation will also explore the potential for additional measures which could contribute to a further substantive reduction in the future.

### **Format of the questionnaire**

The questionnaire is divided into two sections. The first section is intended to gather information about the respondent and his or her background. The second section asks respondents to assess a series of possible actions which could be undertaken by various stakeholders (consumers, industry, policymakers etc.). Respondents are also asked to indicate the most relevant criteria against which these actions should be judged (feasibility, cost, effectiveness etc.).

Only one reply per individual or organisation is accepted. The questionnaire should be filled in on-line in one single session. This means that the respondent cannot save incomplete questionnaires. We strongly recommend first saving the questionnaire text as a .pdf file, in order to examine the questions and elaborate the replies before starting an on-line session. Please note that you will only have 90 minutes to fill in the questionnaire and that if you have not been able to fill it all in and save it within this time frame, the session will automatically expire and the replies will be lost. This is why it is so important to prepare the answers in advance, before starting to work on-line. In addition to filling in the online survey, it is also possible to send in further relevant information to ENV-MARINE-LITTER-TARGET@ec.europa.eu.

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<sup>20</sup> For further information, see: [http://ec.europa.eu/environment/marine/good-environmental-status/descriptor-10/index\\_en.htm](http://ec.europa.eu/environment/marine/good-environmental-status/descriptor-10/index_en.htm)

<sup>21</sup> A common chapter for the three studies has been developed, including suggested measures for a variety of stakeholders. It is available here: <http://ec.europa.eu/environment/marine/pdf/Integration%20of%20results%20from%20three%20Marine%20Litter%20Studies.pdf>