



OSPAR Recommendation 2024/04 on the management of expanded polystyrene (EPS) and extruded polystyrene (XPS) fish boxes in ports, to prevent release of EPS/XPS into the marine environment

Preamble

RECALLING Article 3 of, and Annex I to, the Convention for the Protection of the Marine Environment of the North-East Atlantic (“the OSPAR Convention”) which require the Contracting Parties to take, individually and jointly, all possible steps to prevent and eliminate pollution from land-based sources in accordance with the provisions of the Convention;

RECALLING Annex V to the OSPAR Convention on the protection and conservation of the ecosystems and biological diversity of the maritime area, and in particular its Article 3 1.a, which makes it a duty of the OSPAR Commission to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;

RECALLING Strategic Objective 4 of the North-East Atlantic Environment Strategy, and the commitment of the OSPAR Commission to Prevent inputs of and significantly reduce marine litter, including microplastics, in the marine environment to reach levels that do not cause adverse impacts to the marine and coastal environment with the ultimate aim of eliminating inputs of litter;

RECALLING Strategic Objective 4 operational objective 3 (S4.O3), and its commitment to reduce by at least 50%¹ the prevalence of the most commonly found single-use plastic items and of maritime-related plastic items on beaches in order to contribute to the achievement of relevant regional and EU threshold values building upon requirements for EU Member States in the EU Single Use Plastics Directive (Directive 2019/904), and by at least 75%² by 2030³;

RECOGNISING the Second OSPAR Regional Action Plan on Marine Litter (RAP ML 2, 2022 - 2030) agreed in June 2022 and Action A.4.2⁴ of the RAP ML 2 (as set out in OSPAR Agreement 2022-05);

¹ From the baseline based on the 2016 beach litter monitoring data

² From the baseline based on the 2016 beach litter monitoring data.

³ The percentage targets in this operational objective are regional targets and relate to the OSPAR Maritime area.

⁴ ‘Reduce the impact of expanded polystyrene (EPS) and extruded polystyrene (XPS) in the marine environment’ including the development of OSPAR products.

RECOGNISING the prevalence of foamed plastics in the North-East Atlantic, as evidenced by the results of the latest OSPAR assessments on Beach Litter - Abundance, Composition and Trends (2019), where Plastic/polystyrene pieces < 50 cm are the most commonly found item (average 135.9 items per 100 m of coast) on OSPAR beaches;

RECOGNISING that foamed plastics are found in fulmar stomach, as evidenced by the results of the latest OSPAR assessments on Plastic Particles in Fulmar Stomachs in the North Sea (2019);

RECOGNISING the results of OSPAR's 2023 Quality Status Report that show that overall, the amounts of marine litter in the maritime area remain high, despite signs of improvement;

RECOGNISING the Background Document for the development of programmes and measures to reduce EPS / XPS pollution in the North-East Atlantic Ocean (OSPAR publication 2024/1056);

NOTING Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities establishing rules regarding the creation and use of port facilities for receiving waste generated on ships that use national ports, regardless of the flag they fly, and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste, requiring EU Member States to have one or more appropriate waste management plans, which cover the entire geographical territory of the Member State concerned. In that sense, Member States should have specific waste management plans in ports;

NOTING also Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, and the 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), and corresponding legislation in non-EU Member State Contracting Parties;

NOTING that the Port Reception Facilities Directive for the delivery of waste from ships is aligned with the requirements and Guidance of the International Maritime Organization (IMO), and that both IMO Guidance and MARPOL requirements have been incorporated into the Directive;

NOTING the 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) and corresponding legislation of other Contracting Parties.

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic RECOMMEND:

1. Definitions

1.1 For the purpose of this Recommendation:

- a. "**Expanded Polystyrene (EPS)**" means a lightweight plastic material made of polystyrene foam and consisting of small hollow spherical balls that are expanded through a moulding process; EPS is the most commonly used plastic foam in everyday life. It is used by many industries, including in the transport of food (mainly seafood and vegetables' boxes), transport of sensitive goods (packaging and packaging filling), construction of aquatic floating pontoons, fishing and recreational boating (floats), in construction (insulation and lightweight building blocks), amongst others. Its most remarkable property is that it consists of 95%-98% air;

- b. "**Extruded polystyrene (XPS)**" means a plastic material manufactured using extrusion of polystyrene: a continuous process which results in a closed-cell structure with a smooth skin on the top and bottom of the board. Its main use is in construction as an insulation material. It is also used for disposable food packaging;
- c. "**Polystyrene (PS)**" means a hard, stiff, transparent synthetic resin produced by the polymerization of styrene. It can be used to produce hard plastic materials but also foam plastic materials by its expansion or extrusion;
- d. "**Ports**" means a place, or a geographical area made up of such improvement works and equipment designed principally to permit the reception of ships, including the anchorage area within the jurisdiction of the port;
- e. "**Ship**" means a seagoing vessel of any type operating in the marine environment, including fishing vessels, recreational craft, hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- e. "**Fish box**" means a packaging device used to transport fish and shellfish products;
- f. "**Port reception facility**" means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from ships;
- g. "**EPS / XPS compaction equipment**" means equipment that compacts EPS and XPS waste or offcuts into a more compact form, making it easier to transport and store;
- h. "**cages**" or "**containers**" means a storage space that prevents EPS / XPS material from being blown by the wind or washed away by running water, and subsequently prevents EPS / XPS being released into the aquatic environment.

2. Purpose and scope

Purpose

2.1 The purpose of this Recommendation is to, in complement to the transposition of the EU Ports Reception Facilities Directive (PRF Directive)⁵, encourage all ports that handle EPS/XPS fish boxes to apply measures to guarantee appropriate disposal of EPS/XPS (specifically through the installation of cages (or containers) and if the volume is sufficient, through installation of an EPS / XPS compaction equipment).

2.2 This Recommendation intends to further involve port authorities and port management entities in the reduction of marine litter, encouraging those authorities and entities to keep their areas clean of marine litter.

Scope

2.3 This Recommendation shall apply to all ports within OSPAR Contracting Parties where EPS/XPS fish boxes are handled.

⁵ Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships

3. Programmes and Measures

3.1 Contracting Parties should encourage national port authorities, the entity managing the port facility under its jurisdiction or the entity managing fishing ports, as applicable, to ensure that measures are applied to guarantee appropriate disposal of EPS/XPS fish boxes specifically through the installation of cages (or containers) which are exclusively for storing EPS/XPS. The use of reusable fish boxes should be encouraged in line with the waste hierarchy.

3.2 In line with best environmental practice and in order to promote a circular economy approach, Contracting Parties should encourage ports to have the EPS/XPS compacted by compaction equipment prior to transport to a suitable waste facility, should the volume of EPS/XPS fish boxes be sufficient.

4. Entry into Force

4.1 This Recommendation enters into force on 28 June 2024.

5. Implementation Reports

5.1 Reports on the implementation of this Recommendation shall be submitted to the appropriate OSPAR subsidiary body in the intersessional period 2026/2027 in accordance with OSPAR's Standard Implementation Reporting and Assessment Procedure.

5.2 When reporting on implementation, the format as set out in Appendix 1 shall apply.

Implementation Report Format

Implementation report format on compliance with OSPAR Recommendation 2024/04 on the management of expanded polystyrene (EPS) and extruded polystyrene (XPS) fish boxes in ports, to prevent release of EPS and XPS into the marine environment.

Country:

Reservation applies: Yes / No

Is measure applicable in your country: Yes / No

1. If not applicable, then state why not (e.g. no relevant installation or activity):

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Means of implementations:

By legislation	By administrative action	By negotiated agreement
Yes / No	Yes / No	Yes / No

2. Please provide information on:

- a. specific measures taken to give effect to this measure by using the attached template;
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this Recommendation;
- c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
- d. if appropriate, progress towards being able to lift the reservation

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