

# Briefing note on OSPAR actions in relation to marine litter and their overlap with the revision of the Directive on port reception facilities for the delivery of waste from ships

## Aim

Whilst the OSPAR Commission has taken no formal position on the proposal for a new Directive on port reception facilities for the delivery of waste from ships (COM(2018)33), the proposed new directive does overlap with existing OSPAR commitments in our Regional Action Plan on Marine Litter<sup>1</sup>. The aim of this briefing note is to highlight these overlaps and to provide background information on the relevance of sea-based sources of marine litter, based on OSPAR's monitoring and assessments, in order to support the on-going debate on the proposed directive within the European Parliament.

It can be concluded that the OSPAR objective with regard to marine litter, as laid down in the Strategy for the protection of the Marine Environment of the North-East Atlantic for the years 2010-2020 to "substantially reduce marine litter in the OSPAR maritime area to levels where properties and quantities do not cause harm to the marine environment" has not been achieved.

## Background

OSPAR is the Convention for the Protection of the Marine Environment of the North East Atlantic. It has 16 Contracting Parties, which includes the EU and the following countries: Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom. The North East Atlantic Environment Strategy guides OSPAR's work and includes a commitment to "develop appropriate programmes and measures to reduce amounts of litter in the marine environment and to stop litter entering the marine environment, both from sea-based and land-based sources...". To fulfil this aim, OSPAR is currently implementing a Regional Action Plan on Marine Litter and carrying out monitoring programmes to assess its effectiveness.

<sup>1</sup>The Commission adopted its proposal for a new PRF Directive on 16 January 2018 as part of the Plastics Strategy, as it provides a key instrument to address the sea-based sources of marine litter.

## OSPAR Regional Action Plan on Marine Litter

[The OSPAR Regional Action Plan \(RAP\) on Marine Litter](#), which was adopted in 2014, has a number of actions that address sea-based sources of marine litter. These include actions 30 and 31 that focus on port reception facilities (PRF) and particularly the implementation and coordination of EU Directive 2000/59/EC on Port Reception Facilities in relation to MARPOL Annex V ship generated waste. The two actions are outlined below:

**30. Ensure regional coordination on the implementation of EU Directive 2000/59/EC in relation to MARPOL Annex V ship generated waste. Such coordination could:**

- a) **deliver a cost recovery system, ensuring the maximum amount of MARPOL Annex V ship generated waste is delivered to port reception facilities;**
- b) **not solely focus on reception facilities, but also other relevant differences;**
- c) **analyse the implementation of compulsory discharge of waste in each port for all ships leaving the OSPAR maritime area for non-EU ports, in line with EU Directive 2000/59/EC.**

**31. OSPAR will inform the ongoing revision of EU Directive 2000/59/EC.**

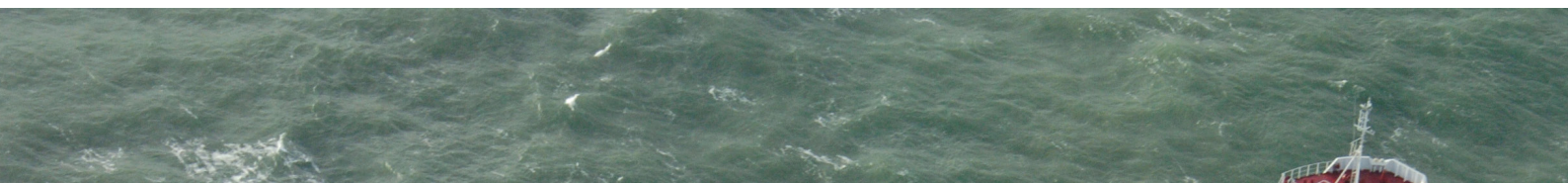
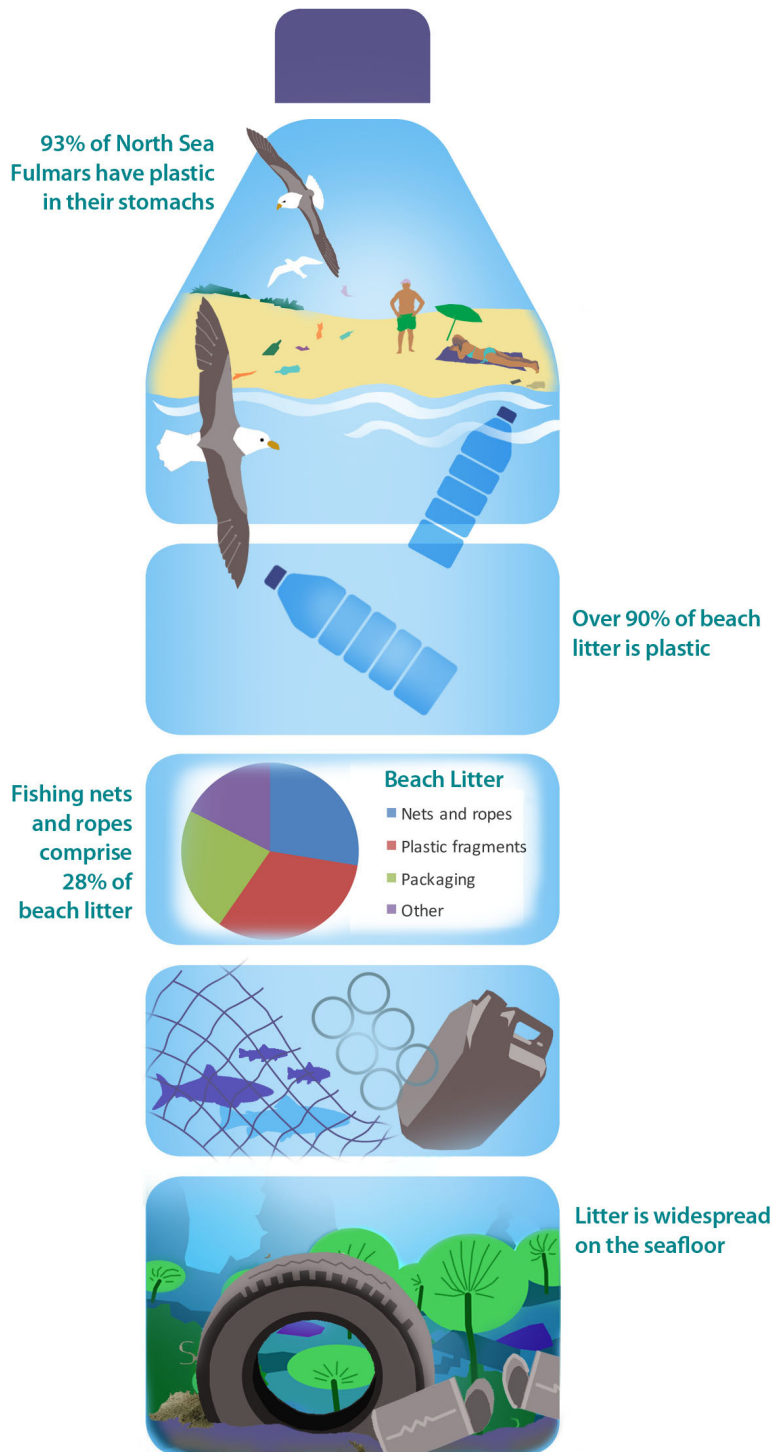
Following the adoption of the OSPAR RAP ML in 2014 most of the activity has focused on Action 31 due to the ongoing review of EU Directive 2000/59/EC by the European Commission. OSPAR has fed into this process through participation in the European Sustainable Shipping Forum PRF sub group, e.g. by providing evidence on the occurrence and impacts of litter items from sea-based sources in the Northeast-Atlantic. Following the publication of the European Commission proposal for a revised Directive in January 2018 OSPAR has discussed the current OSPAR marine litter assessments and the overlap between the RAP actions and the proposal at a dedicated meeting on 7 March 2018, in Brussels bringing together transport and environment colleagues from the different Contracting Parties.

## Marine Litter in the North-East Atlantic

One of the primary aims of the directive is to reduce the amount of MARPOL annex V waste (garbage) disposed of at sea by ensuring adequate reception facilities are available. As part of its monitoring and assessment strategy, OSPAR monitors a number of marine litter indicators. This reporting is also used to fulfil the monitoring obligations of the EU Marine Strategy Framework Directive and includes beach litter, seafloor litter and litter ingested by biota such as seabirds and turtles, which can provide information on land- and sea-based sources of marine litter. The most recent assessment of the relevant marine litter indicators was undertaken as part of the [Intermediate Assessment 2017](#), where OSPAR assessed the occurrence of marine litter in all regions within its Maritime Area, except for the Wider Atlantic where there was poor data availability.

The assessment found that marine litter, in particular plastics, was abundant on beaches, in the water column and on the seafloor. There has been no significant change in the amount of plastic recorded over the past ten years. Marine litter also affects biota, as indicated by the levels in stomachs of marine species. For example, the amount of marine plastics being ingested by the Northern fulmar indicates that floating litter in the OSPAR Maritime Area has not decreased since the last assessment and is found in more or less each bird examined. In addition, OSPAR's first assessment of seabed litter has shown that litter was widespread on the seafloor across the area assessed, with plastics again the predominant material encountered.

Over 80% of items found in beach litter monitoring are plastics. Items from sea-based sources (fishing and shipping) make up a significant proportion of them: for the four OSPAR sub regions, sea-based sources are the most prevalent in the Arctic Waters, making up 44% of items found between 2011-2017. In the North Sea, sea-based sources make up 34% of items although the amounts are lower for the Bay of Biscay and Iberian Coast and Celtic Seas with sea-based sources making up 18 and 12 % of found items respectively.



## Overlap between the OSPAR Regional Action Plan on Marine Litter and the proposed Directive on port reception facilities for the delivery of waste from ships

There are a number of areas where the revised directive overlaps with the commitments outlined in the OSPAR RAP ML. These have been outlined below:

### Cost recovery

OSPAR RAP ML: deliver a cost recovery system, ensuring the maximum amount of MARPOL Annex V ship generated waste is delivered to port reception facilities

PRF Directive Proposal: Fishing vessels and recreational craft have been included in the scope of the indirect fee system, as they also contribute to the occurrence of marine litter at sea: fishing vessels mostly in relation to abandoned, lost or discarded fishing gear (ALDFG), and recreational craft in EU waters, due to their high collective contribution. Passively fished waste has been included in the waste definition of the Directive as a new waste stream, so that the relevant provisions of the Directive shall also apply to PFW.

In order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, including the waste that has been collected in nets during fishing operations, the indirect fee to be charged shall cover all the costs of port reception facilities for this waste, in order to ensure a right of delivery without any additional direct charges.

The Green Ship concept has been strengthened (and should be further defined in the future through implementing acts) in order to improve waste management on board, based on MARPOL Annex V guidelines and international standards.

## OSPAR Regional Action Plan on Marine Litter

### Marine Litter Regional Action Plan



### Inspection regime

OSPAR RAP ML: Identify best practice in relation to inspections for MARPOL Annex V ship generated waste, including better management of reporting data, taking into consideration the Paris MOU on port state control

PRF Directive Proposal: On the inspection regime, Article 10 specifies that any ship shall be subject to an inspection in order to verify that it complies with the Directive. Article 11 requires that the inspections under the PRF Directive must be fully integrated into the Port State Control regime set up under Directive 2009/16/EC and follow a risk-based approach. For those ships falling outside the scope of Port State Control, the Directive provides for a separate inspection regime based on a 20% minimum target for inspections.

The enforcement of the Directive shall be facilitated by an Information, Monitoring and Inspection System, based on existing electronic systems (SafeSeaNet and THETIS).



## Mandatory discharge

OSPAR RAP ML: analyse the implementation of compulsory discharge of waste in each port for all ships leaving the OSPAR maritime area for non-EU ports, in line with EU Directive 2000/59/EC

PRF Directive Proposal: mandatory delivery of waste from ships before departure. Similar to the current Directive, the PRF proposal allows an exception to the mandatory delivery requirement if the vessel has sufficient on board storage capacity for the waste until the next port of call.

However, if the next port of call is located outside the Union, or there are good reasons to believe that adequate facilities are not available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

The mandatory delivery requirement (and the Sufficient Storage Capacity exception) should be properly monitored and enforced through electronic reporting and exchange of information that is reported by the ship based on the advance waste notification and waste receipt.

## Port Waste Reception Facilities

OSPAR RAP ML: Improve implementation of the ISO standard 21070:2013 in relation to port reception facilities.

PRF Directive Proposal: Provides a more detailed description of what is considered an adequate facility, in line with existing MARPOL guidelines on adequate PRF. As regards the environmental operation of the facilities, the Directive requires the separate collection of Annex V waste (garbage from ships) in line with EU waste legislation, in view of further re-use and recycling. The fees shall be reduced if the ship's design, equipment and operation are such that it can be demonstrated that the ship produces reduced quantities of waste, and manages its waste in a sustainable and environmentally sound manner (Article 8 ).

An appropriate waste reception and handling plan shall be in place and implemented for each port following ongoing consultations with the relevant parties, in particular with port users or their representatives. Basic information from those waste plans (as listed in article 5) shall be reported electronically in the Information Monitoring and Enforcement System, and be made publicly available.

## Fishing Harbours

OSPAR RAP ML: Strengthen the existing OSPAR Recommendation 2010/19 Fishing for Litter initiatives, including by reviewing the option that any vessel involved in the scheme can land non-operational waste at participating harbours in OSPAR countries.

PRF Directive Proposal: in order to provide for a 'right of delivery' to fishermen to deliver their waste to PRF on land without having to pay any additional charges based on volumes delivered, the proposed Directive (1) has included 'passively fished waste' in the scope of the Directive, and (2) included this waste stream in the 100% indirect fee system for MARPOL Annex V waste (the latter also including old/derelect fishing gear).

With regards to the impact of the proposed directive on Fishing for Litter schemes, where OSPAR has adopted [Recommendation 2016/01 on the reduction of marine litter through the implementation of fishing for litter initiatives](#) , it is important that the provisions outlined above do not act as a disincentive to take waste ashore. This could particularly be the case in small fishing harbours, where costs for waste trawled up during normal fishing activity could be split over a small number of vessels.

To avoid this, ports should, when setting the level of the indirect fee for Annex V waste (garbage from ships), also take into account the expected revenues from waste management schemes, such as existing and future Extended Producer Responsibility Schemes, recycling schemes, FFL funds, etc. In this way, any potential increase of the 100% indirect fee due to the inclusion of fishing and recreational craft in this system as well as the introduction of new waste streams (passively fished waste), can be off-set by the deployment of alternative revenues.

## The OSPAR Maritime Area

