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Consultation the ACs on Commission Implementing Decision on a standardization request to the European Committee for Standardisation as regards circular design of fishing gear in support of Directive (EU) 2019/904 Ref Ares. 2020 328798 - 24/06/2020

Background

All ACs have received the attached draft Commission Decision. Directive (EU) 2019/904¹ on the reduction of the impact of certain plastic products on the environment, has an Article 8 (9) which states that the Commission must ask the European Standardization Organization (ESO) to develop harmonised standards for circular design of fishing gear, so as to encourage its re-use and facilitate recyclability at end of life. Such a standard will provide a level playing field for organizations to design and develop to a higher quality and reduce the environmental impact of fishing gear that can be easily reused or recycled at the end of life, and will provide organizations the opportunity to act sustainably for a healthier planet.

The draft COM Decision includes the outcome of a study carried out on the circular design of fishing gear. That study looked at the current state of play and good practices, and it provided recommendations for a useful and effective standard for circular design of fishing gear. The draft is also based on several consultations with relevant stakeholders carried out during the study: interviews, stakeholder workshops, an online survey, as well as a few informal meetings with representatives of fishing gear components manufacturers and with the fishing industry. The BSAC has been involved.

Once developed, the standard will be voluntary for the organizations.

¹ Article 8 (9) states:

With regard to the extended producer responsibility schemes established pursuant to paragraph 8 of this Article, Member States shall 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 in accordance with Directive (EU) 2019/883 or to other equivalent collection systems that fall outside the scope of that Directive and the costs of 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 requirements laid down in this paragraph supplement the requirements applicable to waste from fishing vessels in Union law on port reception facilities.

Without prejudice to technical measures laid down in Council Regulation (EC) No 850/98 (24), the Commission shall request the European standardisation organisations to develop harmonised standards relating to the circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life.

Regulation (EU) No 1025/2012² on European standardisation and a Vademecum³ on European standardisation in support of Union legislation and policies require that the Commission consults the ESO (European Standardisation Organisations), Annex III organisations (these are European Stakeholder organisations eligible for Union financing), other relevant stakeholders and Member States' sectoral experts.

The ACs have been sent the draft articles and the annex for potential drafting suggestions and/or comments.

Commission informs that they have given all the organisations that are required to be consulted until 22nd July 2020. We've been granted the same deadline.

They add that the current draft reflects lots of contribution from various stakeholder groups, including the fishing sector. It may not include any single contribution they received, as comments received from various stakeholders were sometimes contradictory, so the attached is a compromise version that in the opinion of the Commission best reflects the objective to achieve: that fishing gear in future never becomes waste.

We are invited to introduce comments that we consider really important.

Krzysztof Stanuch, National Chamber of Fish Producers, has gone through the document as a first reading to understand and to comment.

He has initial concerns about centralised control of all details in the document. There is a general concern that this decision will stop or hinder the development of gears. He questions whether those drafting it have full knowledge of the fishing gear.

He has the following questions:

What is the meaning „design of fishing gear”? is it ready-made products which are coming out from manufacture, or is it netting which is a component of the ready-made gear? Or is it meant as a generic term to apply to everything - the components and the whole?

Annex II

Chapter 1 General requirements as to the content of the requested standard

Part 1.1 talks about CDFG (circular design of fishing gear) as an integral part of the DESIGN and DEVELOPMENT of fishing gear. Does it mean that they will approve or reject fishing gears developed and made by fishers or net lofts? In other words, the overall construction of the gears? Because components such as netting, ropes (regardless of whether they are produced within the EU or outside the EU) have to follow standards e.g. ISO (See Table 1 List of existing standards). Products imported from other parts of world are checked at borders (each group of polymers has own code etc).

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R1025&from=EN>

³ https://ec.europa.eu/growth/single-market/european-standards/vademecum_en

It would seem that the Commission would like to stop the development of fishing gear (once again made of PROOFED polymers). Will the standards mean tighter control of gear construction?

In my opinion, the authorities have the right to control (and they are doing that) that proper netting or ropes are in use. The remainder - shape, rigging etc. or the gear belongs to the fishing gear inventor and developer.

Part 1.3 clarifies what is outside the design and construction phases of fishing gear. So Part 1.3. would confirm that in the process of designing or trialling any new fishing gear, CDFG is part of that management system. The fear is that this will stop development.

Table 1 List of existing standards: this already confirms what and how to do things. The ISO/IEC/BS/EN standards show where there is the expectation from the fishing gear, ropes and other parts and are already listed. Will these standards be revised or amended?

Chapter 4 Specific requirements of CDFG

Part 4.2.4 “colour coding, electronic marking”... As stated before, the concrete colour for a specific polymer is not acceptable, but some strands or colour effect could be acceptable after knowing the details.

Part 4.2.5 “avoiding use of mixed materials, less diverse parts within gear” shows incredible lack of knowledge. Mixed materials such as PE with Dyneema or Dyneema with Polyester coating are in use because of Part. 4.2.7 (Incentivising product-as-a-service or other models where producers keep the ownership of the product or the responsibility for its performance throughout its lifecycle). This effort is made to achieve a longer lasting, better mesh stability and less drag in the water, which in turn has enormous impact for CO₂ footprint. **We should not resign from using the gears that are made of these „mixed” materials.**

Part 4.2.6 “Avoid use anti-fouling coating on aquaculture gear” leads to exchange of gear and increases waste.

Part 4.3 Environmental requirements

Part 4.3.2 "To consider reducing environmental impact across lifecycle of product by using extension strategy to enhance life of product"... As mentioned above, netting and ropes factories are racing to achieve better, longer lasting products, so this work is has been ongoing for many, many years. Does the author know this?

Part 4.3.4 is something which is already ongoing, and as mentioned above, such production or importing are covered by EU rules or custom rules.

Chapter 5 Guidance on Implementing the CDFG

5.1. CDFG scope

Part 5.1.2 What is the meaning of „organization”? Is it POs/fishing organisations, as stated in Part 5.1.1? See also Part 1.1. also reference to organizations. Throughout needs to be made clear what the organizations are.

Part.5.7.5 Design for End of Life

The aspect to „avoid the use of High performance Synthetic fibres” shows again that the Commission would like to have its cake and eat it. Such high performance synthetic fibres make it possible to use less (in weight) of plastic in fishing gears and reduce water resistance - which in turn produces remarkable reductions in fuel consumption, so the CO₂ footprint is much reduced. Do they mean higher tenacity fibres? This seems to be a contradiction. Krzysztof understands why there are concerns - there are problems to utilise Dyneema (a good example of high tenacity polyethylene and this is more difficult than normal polyethylene). But stopping the development of stronger yarns is a step backwards.

Finally, on the Article 8.9. of the Directive on the single use of plastics, the ACs are jointly finalising a joint advice on the implementation of the Directive, as well as operational aspects of the Fishing for Litter Scheme. To the Article 8.9. are the following recommendations:

1. In accordance with the Directive on Port Reception Facilities, Member States must provide port facilities for the classification/separation and weighing of material landed from marine litter and end-of-life fishing gear. Member States must ensure that the landing of passively fished waste will be exempt from the requirement of prior notification (i.e. weighing on board) in accordance with Directive EU 2002/59 (Art. 15).
2. Explore the suitability of extended producer responsibility scheme and modulated fees in the complex industry where the majority of fishing gear is repaired regularly over decades before it reaches the end of its life.
3. Financial incentives to explore eco-design, design for disassembly, reduction of number of polymers used in fishing nets, for example via pilot projects supported by public sector R&D funding.
4. Investigate ways of identifying or labelling different materials such as polymers, so as to ease identification for recycling.

These could also be highlighted in a reply from the BSAC.