



Institutional and legal gaps and barriers to prevent reduce and clean up marine litter

Marine litter is a pollution problem across Europe's regional seas, beaches and coastlines with a growing negative impact on environment, economy and society. Marine litter originates from many different sources including direct dumping or reaching sea and coastlines indirectly for example through river inlets. Tackling marine litter is challenging because it crosses institutional and administrative competences and funding infrastructures on the EU, regional and National level. **CleanSea analysed** the institutional

and legal framework across all three levels to identify gaps and barriers to achieve GES in relation to marine litter. The analysis was based on the assumption that joint and concerted action by relevant actors is needed and took account of different actors' competence and responsibility using a SWOT-Analysis to formulate recommendations for improvement.

Results showed that a general policy framework to address marine litter at EU level exists through key directives such as the MSFD, the Waste Framework Directive and the Landfill Directive. There are, however, clear institutional and legal gaps and barriers to progress. Implementation of EU policies is incomplete and uneven across Member States and marine litter specific targets and measures are widely missing.

On a regional scale, activities under the Regional Seas conventions (RSCs):OSPAR, HELCOM, Barcelona and Bucharest; vary as do approaches and strategies (where applicable) in terms of ambition, focus and concreteness. A harmonized approach to the regional action plans existing, developed or intended under the Conventions is lacking. Limited financial resources compounded by the diversity of governmental structures and the current global economic condition challenge action on marine litter under the RSCs in all four regions.

Major strengths of the Member States studied in CleanSea (BE, BG, DE, ES, F, GRE, NL, RO, SE, LT, UK) include adequate institutional frameworks, waste management planning and state of the art waste management infrastructure in the majority of the countries looked at. In addition, initiatives implementing extended producer responsibility and corporate social responsibility are generating positive contributions. However, waste prevention is not coming off the ground in any of the Member States and littering remains a persistent problem. Specific targets and timetables for addressing marine litter are lacking in all countries. Furthermore limitations in governmental funding and staff were observed practically across the board.

CleanSea at glance

- 🌀 **Title:** Towards a Clean, Litter-Free European Marine Environment through Scientific Evidence, Innovative Tools and Good Governance.
- 🌀 **Instrument and theme:** FP7 Collaborative project under Theme ENV The Ocean for Tomorrow
- 🌀 **Duration:** 36 months
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- 🌀 **EC Contribution:** 2,986,570 €
- 🌀 **Coordinator:** VU University Amsterdam, Institute for Environmental Studies (VU-IVM), NL Dr. Heather Leslie, heather.leslie@vu.nl
- 🌀 **Partnership:** 17 partners from 11 countries representing the four European regional seas
- 🌀 **Website:** www.cleansea-project.eu
- 🌀 **Key words:** Marine litter, Marine Strategy Framework Directive (MSFD), Good Environmental Status (GES), microplastics, marine ecosystem impacts, ecosystem approach, monitoring, socio-economic drivers and barriers, governance, legislation, innovative tools, participatory approach, mitigation measures, policy options.

Having regard of the identified strengths and weaknesses in the governance structure relevant for reducing marine litter, CleanSea **recommendations** to address gaps and barriers include:

Political willingness

- ☰ Formulate an EU-wide set of quantitative operational reduction targets for marine litter, as proposed in the 7th EU Environmental Action programme.
- ☰ Foster enhanced and harmonized implementation of the MSFD with regard to marine litter by the Regional Sea Conventions as well as the Member States, and engage with non-EU countries on implementing measurements equivalent to MSFD requirements.

Institutional framework and capacity

- ☰ Include marine waste and litter issues in relevant policies, such as the Water Framework Directive (e.g. introduction of a litter indicator, designation of plastics as a priority hazardous substance), the Waste Framework Directive and the Landfill Directive (e.g. tighter control of illegal landfills and dumping).
- ☰ Add to existing EU food /ecological contaminant regulations or establish new legislation defining maximum residue levels of microplastics contamination in seafood

Waste management infrastructure and practice

- ☰ Make waste prevention a top priority in EU funding policy in the period 2014-2020.
- ☰ Improve the waste management infrastructure for waste from the shipping and fisheries sectors taking the waste hierarchy into account.

Sustainable product development

- ☰ Amend existing regulations applicable to microplastics or similar substances , e.g. the Cosmetics Regulation by adding an environmental objective and list microplastics as a prohibited substance.
- ☰ Screen existing EU legislation on perverse incentives promoting single-use products

Corporate social responsibility

- ☰ Strengthen the corporate social responsibility framework by explicitly recognizing the environmental due diligence and polluter pays principle encouraging companies to choose less harmful options.
- ☰ Stimulate companies to implement corporate social responsibility by rewarding those that make good progress with easier access to European Innovation Partnerships and Horizon 2020 funding.

Informed consumer choice

- ☰ Promote a governance-by-disclosure approach allowing societal actors to engage in fundamental discussions about responsible actors and the risks society is willing to take.
- ☰ Include waste considerations and durability and reparability of products as criteria for the EU Ecolabel.

Responsible citizen behaviour

- ☰ Introduce a ban on single-use plastic bags and a tax for multiple-use plastic bags.
- ☰ Implement and enforce fines on littering to enhance responsible citizen behaviour, including compulsory participation in clean-up activities for offenders.