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Cc: North Sea Member States, DG ENV

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**Advice Ref. 10-2223**  
**NSAC Advice on a new legally binding UN agreement on plastic pollution and implications for North-Sea fisheries**

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## 1 Background: marine plastics and the state of play of international negotiations

Plastics and microplastics are a worldwide concern due to their direct impact on marine ecosystems and, through this, on economic activities such as fisheries and aquaculture. Following rising concerns in recent years on the sustainability of current plastic production and consumption systems, the United Nations Environment Assembly adopted [Resolution 5/14](#) to develop a legally binding instrument on plastic pollution. The first negotiating session took place in Punta del Este, Uruguay, in December 2022. The Agreement is expected to take the global community one step closer to a truly circular system by addressing Single Use Plastics (SUPs), waste management, product design, research for alternative products and new recycling solutions. A strong focus of the agreement will be plastics and microplastics in the marine environment.

The NSAC addresses various topics related to sustainable fisheries management in the North Sea. In the past we have produced advice on the issue of marine plastics, such as on the circular design of fishing gear<sup>1</sup>, and the Single Use Plastic and Port Reception Facilities directives<sup>23</sup>. In light of growing concern the proliferation of marine plastics poses to the ecosystems and the health of the stocks, we took it upon ourselves to contribute to the EU position on the UN Plastics Treaty with the knowledge and experience of the North Sea

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<sup>1</sup> <https://www.nsrac.org/wp-content/uploads/2020/07/13-1920-NSAC-Advice-on-Circular-Design-of-Fishing-Gear.pdf>

<sup>2</sup> <https://www.nsrac.org/wp-content/uploads/2017/11/08-1718-Port-Reception-Facilities.pdf>

<sup>3</sup> <https://www.nwwac.org/fileupload/Opinions%20and%20Advice/Year%2015/FINAL%20Multi-AC%20advice%20implementation%20of%20SUP%20Directive.pdf>

fisheries stakeholders. Following an extensive discussion at the NSAC Ecosystem Working Group on 21 March, an advice drafting group was established to work on the present advice.

In an expression of our commitment to the topic, the NSAC Ecosystem WG Chair and the Secretariat also attended part of the UN Plastics Treaty negotiations in May in Paris. We would like to thank the Commission for the consideration of this paper and invite you to get in touch with questions that might arise from it.

## 2 North Sea fisheries and plastic pollution

There is significant evidence that [about 80% of marine litter is land-based](#), although regional fluctuations might occur as it is the case in the Northeast Atlantic due to high levels of human maritime activity. However, the fact that about 20% of marine litter is “sea-based” should not be a relief sign, as almost 30% of this litter is composed of fishing gears like fishnets, traps and longlines, commonly known as ALDFGs (Abandoned, Lost, or otherwise Discarded Fishing Gear) or fishing gear components<sup>4</sup>. This type of litter, unlike the more abundant and common land-based kind, has been receiving a greater deal of public attention recently.

Fishers are the main actors profiting directly from a healthy ecosystem, while, at the same time, being one of the main sources of that 20% together with shipping and tourism. Aware of this challenge, the North Sea stakeholders have been working towards finding solutions to mitigate plastic pollution in the North Sea by supporting a number of measures. These include:

- [Fishing for Litter](#): An award-winning project launched by OSPAR where fishers volunteer to bring back to land any marine litter collected in their daily activities.
- [Port Reception Facilities \(PRF\) Directive](#): A fundamental infrastructure for initiatives such as Fishing for Litter which provides facilities on land to collect and sort the different materials collected offshore.
- [TEFIBIO](#): The objective of TEFIBIO is to find an alternative for nylon on fishing nets, one that can be compostable and degradable without turning into microplastics. The project is a collaboration between Seabird, Nautique Conseil and Take a Waste and it is funded by the European Maritime and Fisheries Fund (EMFF) cofounded by France Filière Pêche.
- [RecyPech](#): A pilot project conducted during the years of 2020/2021 and directed by the French organization Coopération Maritime, which aimed and succeeded to create a national voluntary program for the management of ALDFGs. Financed by ADEME, FFP, MMer, MAA and Coopération Maritime.
- [FIRENOR](#): A project that aims to foster the recycling of used fishing gear in Normandie.
- [FILYPECH](#), an initiative that aimed to study and follow the transition of fishing gear from artisanal fisheries in France.

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<sup>4</sup> Commission’s SWD Impact Assessment: Reducing Marine Litter: action on single use plastics and fishing gear. Accessible at: [https://eur-lex.europa.eu/resource.html?uri=cellar:4d0542a2-6256-11e8-ab9c-01aa75ed71a1.0001.02/DOC\\_1&format=PDF#page=12](https://eur-lex.europa.eu/resource.html?uri=cellar:4d0542a2-6256-11e8-ab9c-01aa75ed71a1.0001.02/DOC_1&format=PDF#page=12)

- [DollyRopeFree](#): A project is a Dutch-based program designed by Wageningen University and it is a partnership between Visned, the North Sea Foundation, the Dutch government, and scientists. The aim of the project is to substitute the plastic threads used by trawlers in their nets to protect them. These threads end up falling from the nets and/or are worn out resulting in loose threads or microplastics.

### 3 NSAC Advice: How North Sea fisheries can support an ambitious Plastics Treaty

While the projects described above are an initial step towards an environmentally-sound North Sea, the NSAC believes there is room for improvement. Most of these projects are in fact voluntary or rely on a short or medium-term funding. There are clear challenges ahead both in terms of incentives, recognition and finance available to upscale and ensure the long-term sustainability of plastic pollution mitigation in the North Sea.

In this regard, the North Sea Advisory Council would like to stress the following:

- **While plastics are being talked about as a cross-cutting issue in the context of the UN plastics negotiations, the specificity of fisheries needs to be acknowledged and considered** in future negotiating sessions. In this context, the North Sea Advisory Council advises the EU delegation to consider the following past advice on fisheries and plastics:
  - [NSAC Advice on Circular Design of Fishing Gear](#)
  - [Multi-AC Advice on Blue Economy](#)
  - [NSAC/NWWAC Advice on the MSFD Review](#)
- **The Plastics Treaty will need to adopt Sectorial Guidelines for Fisheries** which, taking into account the technical and specific features of the fishing industry, will ensure the proper and feasible implementation of the Treaty at local level. The Guidelines should be specific enough to ensure minimum standards and a level playing field in the fisheries sector while allowing for a certain degree of flexibility for the diversity of vessels across sea basins as well as of socioeconomic contexts. In this respect, the Guidelines could address the following elements:
  - Gear loss prevention and remediation;
  - Incentives for use of gear in a way that minimizes loss at sea;
  - Fishing gear design and extended producer responsibility in fisheries-related use of plastics;
  - Unavoidable use of plastics in commercial and recreational fisheries;
  - Innovation in gear design and use of biodegradable materials;
  - A proposal to conduct comprehensive assessments of what fishing gears are most likely to get lost, by which parts of the fleet, where and how.

With regards to the above elements, NSAC members would like to highlight that some gear is more problematic than others. For example, single pots are more likely to get lost than a line, or static nets more than mobile ones. On biodegradable gear, a

biodegradable escape hatch could be useful to mitigate the impact of lost pots; this is already the case in some EU Member States but could become common practice across the EU and beyond. Finally, including the requirement to conduct assessments on the loss of fishing gears could help informing future production as well as fishing practices.

- **The Plastics Treaty could scale up and ensure the sustainability positive examples** that have been mitigating marine plastic pollution at sea, such as the Fishing for Litter project. While programs to incentivize fishers in collecting marine plastics are ongoing, they remain limited to a short or medium-term horizon. Financial incentives to ensure that fishers are properly incentivized for the allocation of extra-time and effort dedicated to collecting plastics at sea. Furthermore, an assessment of the regulatory framework on waste management will need to be envisioned to ensure that a potential new role for fishers can be fully recognized within the legal system. A systemic recognition should be granted to bottom-trawlers and further incentives provided as these vessels are the only vessels capable of collecting the waste that drowned to the seafloor.
- **Better harmonization with FAO and IMO instruments.** The International Maritime Organization (IMO), the Food and Agriculture Organization (FAO) and the OSPAR Commission, among others, have been already setting up actions and mechanisms to reduce plastic pollution at sea. Examples include the IMO Strategy to Address Marine Plastic Litter from Ships, the FAO Voluntary Guidelines on the Marking of Fishing Gear or the OSPAR Regional Action Plan on Litter. While these instruments are useful and welcome, the Plastics Treaty could ensure their harmonization, foster their implementation and strengthen some of their components to ensure a global minimum standard on the prevention of marine plastic pollution from blue sectors.
- **A revision of current infrastructures is urgently needed to ensure effective waste management.** While plastics is often seen as a production-consumption problem, it goes well beyond this dichotomy. In the context of fishers collecting marine plastics at sea, port infrastructure plays a crucial role in creating an enabling environment to tackle plastic pollution. Therefore, the Plastics Treaty could also consider addressing those aspects of plastics that go beyond production and consumption but still affect mitigation practices.

The NSAC remains open to hosting further discussions on this fundamental issue and continuing its commitment to improving the health of our oceans and seas through regional sustainable management.