

Brussels, **XXX**  
[...] (2020) **XXX** draft

**COMMISSION IMPLEMENTING DECISION**

of **XXX**

**on a standardization request to the European Committee for Standardisation as regards  
circular design of fishing gear in support of *Directive* (EU) 2019/904**

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## COMMISSION IMPLEMENTING DECISION

of **XXX**

**on a standardization request to the European Committee for Standardisation as regards circular design of fishing gear in support of *Directive (EU) 2019/904***

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council,<sup>1</sup> and in particular Article 10(1) thereof,

Whereas:

- (1) Directive (EU) 2019/904 of the European Parliament and of the Council<sup>2</sup> on the reduction of the impact of certain plastic products on the environment applies to fishing gear containing plastics and sets requirement to the Member States to establish extended producer responsibility schemes, set minimum national annual collection rate and report fishing gear placed on the market and waste fishing gear collected in ports.. In order to promote objectives of the Directive the Commission should, according to its Article 8(9), adopt a standardisation request to the European Standardization Organization on the harmonised standards for circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life.
- (2) Unlike for caps and lids made of plastics and covered by the Directive (EU) 2019/904, that Directive does not set product requirements for fishing gear that could be supported by harmonised standards and which, after publication of their references in the Official Journal of the European Union according to Article 10(6) Regulation (EU) No 1025/2012, would provide a presumption of conformity with the requirements of that Directive. To avoid any misunderstanding on the role of the requested voluntary European standard it is not called as harmonised standard within the context of this request.
- (3) Voluntary European standards should help to ensure high level of interoperability, accessibility, environmental protection, protection of the health and safety of EU citizen throughout the Union. Given that such standards are technology-neutral and performance-based, they also contribute to ensuring equal conditions of competition among relevant economic operators producing fishing gear and its components and should encourage reuse and recycling at the end of life, in particular small and medium-sized enterprises. The standards will also contribute to lower production,

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<sup>1</sup> OJ L 316, 14.11.2012, p. 12.

<sup>2</sup> Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (OJ L 155,12/06/2019 p.1)

logistics and waste management costs as well as lower carbon footprint benefitting society in general.

- (4) The standards for circular design of fishing gear should provide the level playing field for organizations to develop higher quality and lower environmental impact fishing gear that is easily reused or recycled at the end of life and will provide organizations the opportunity to act sustainably for healthier planet. Marine litter is transboundary in nature and is recognised as a growing global problem. Among marine litter found on European beaches, 27% (by count of items) are fishing related items, according to the JRC<sup>3</sup>.
- (5) Fishing gear ending up in the sea at end of life poses a severe risk to marine ecosystems, to biodiversity and to human health and have negative impact on tourism, fisheries, aquaculture and shipping. A significant proportion [*to add figure from gear reporting study*] of the fishing gear placed on the market is not collected for treatment at end of life stage.
- (6) Plastic components of fishing gear have high recycling potential, however current production is fragmented and decentralized and many multipolymer mixtures in fishing gear components have been identified by recyclers, making recycling of those materials extremely difficult.
- (7) The product design phase has a major influence on the total environmental impact<sup>4</sup> and there is currently no standards for circular design of fishing gear.
- (8) Circular opportunities such as increasing resource efficiency, replacing virgin materials with recycled materials, extending product lifetimes and moving towards circular business models can reduce CO2 emissions from heavy industry by up to 56%<sup>5</sup>.
- (9) The development of a voluntary European standards for a circular design of fishing gear would contribute to the efforts in the transition to a circular economy, as set out in the European Strategy for Plastics, in which the design and production of plastics and plastic products fully respect re-use, repair and recycling principles. Moreover, such circular design of fishing gear would contribute to effectively reduce and curb the negative environmental impacts and effects of the plastic materials and components included in the fishing gear on the aquatic environment.
- (10) Voluntary European standards harmonise national standards that lead to a positive effect on the functioning of the single market.
- (11) The European Committee for Standardisation has indicated that the work covered by the request falls entirely within their area of competence.
- (12) It is therefore appropriate to request CEN to draft a new European standards relating to the circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life. The standards should be adopted by CEN by the deadlines set in this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend those deadlines taking into account the progress made in the implementation of the work programme prepared by CEN for the execution of the request. It may therefore be necessary to review the respective deadlines accordingly.

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<sup>3</sup> [https://mcc.jrc.ec.europa.eu/documents/Marine\\_Litter/MarineLitterTOPitems\\_final\\_24.1.2017.pdf](https://mcc.jrc.ec.europa.eu/documents/Marine_Litter/MarineLitterTOPitems_final_24.1.2017.pdf)

<sup>4</sup> Ulrich, K. and Eppinger, S. (2000) Product Design and Development.

<sup>5</sup> The Circular Economy - a Powerful Force for Climate Mitigation – Material Economics (2018)

- (13) Recalling that all relevant interested parties, including the Member States and the European stakeholder organisations receiving Union financing in accordance with Regulation (EU) No 1025/2012, may identify needs to develop additional standards, it may be necessary to consider adding new items to the list of standards set out in Annex I to this Decision. It may therefore be necessary to adjust the scope of this request accordingly.
- (14) European standards should describe design principles, specify requirements and provide guidance for circular design of fishing gear in order to minimize the adverse environmental impacts of their products. It should also reflect the generally acknowledged state of the art.
- (15) The European standardisation organisations (ESO) have agreed to follow the Guidelines for the execution of standardisation requests<sup>6</sup>.
- (16) In order to ensure transparency and facilitate the execution of the requested standardisation activities CEN should prepare a work programme and submit it to the Commission.
- (17) In order to enable the Commission to better monitor the requested standardisation work, CEN should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request. CEN should promptly inform the Commission if it considers that additional standards would need to be developed.
- (18) In accordance with Article 10(3) of Regulation (EU) No 1025/2012, each standardisation request is subject to acceptance by the relevant European standardisation organisation. It is therefore necessary to provide for the rules on validity of this request if it is not accepted by CEN.
- (19) In order to ensure legal certainty as to the validity of the request after its execution, it is appropriate to provide for a date of expiry of this Decision. Given that the execution of the request may require more time than initially foreseen, it may be necessary to extend the date of expiry taking into account the progress made in the implementation of the work programme prepared by CEN for the execution of the request.
- (20) The European standardisation organisations and the European stakeholders' organisations receiving Union financing and the Committee on waste established by Article 39 of Directive 2008/98/EC have been consulted.
- (21) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012

HAS ADOPTED THIS DECISION:

*Article 1*  
*Requested standardisation activities*

- (1) The European Committee for Standardisation (CEN) is requested to draft new European standards for circular design of fishing gear listed in Table 1 of Annex I to this Decision.
- (2) The standards referred to in the first sub-paragraph shall meet the requirements set out in Annex II.

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<sup>6</sup> SWD(2015) 205 final of 27 October 2015

*Article 2*  
*Work programme*

- (1) CEN shall prepare a work programme indicating the standards referred to in the first sub-paragraph of Article 1, the responsible technical bodies and a timetable for the execution of the requested standardisation activities in line with the deadlines set out in Annex I.
- (2) CEN shall submit the draft work programme to the Commission by [3 months after the notification of this Decision by the Commission] and provide it with access to an overall project plan.
- (3) CEN shall inform the Commission of any amendments to the work programme.

*Article 3*  
*Reporting*

- (1) CEN shall report annually to the Commission on the execution of the request referred to in Article 1 indicating the progress made in implementation of the work programme referenced to in Article 2.
- (2) It shall submit the first annual report to the Commission by [12 months after notification of this Decision by the Commission]. Subsequent annual reports shall be submitted by 30 March each year.
- (3) CEN shall provide the Commission with the final report by 31 December 2022.
- (4) Without prejudice to the reporting obligations set out in paragraphs 1 to 3, CEN shall promptly report to the Commission any major concerns relating to the scope of the request referred to in Article 1 and the deadlines set out in Annex I.

*Article 4*  
*Validity of the standardisation request*

- (1) If CEN does not accept the request referred to in Article 1 within a month of receiving it, the request may not constitute a basis for the standardisation activities referred to in that Article.
- (2) This Decision shall expire on the 30 March 2023

*Article 5*  
*Addressee*

This Decision is addressed to the European Committee for Standardisation.

Done at Brussels,

*For the Commission*  
*Virginijus SINKEVIČIUS*  
*Member of the Commission*