

## CONSULTATION QUESTIONS

### Structure

#### **Q1. Do you agree with the timescales outlined?**

Yes  No

Comments As the MSFD is still at the stage of assessing the levels of marine litter the timescales outlined to 2020 but with reviews in 2015 and 2018 could be appropriate but they should be reviewed more regularly if evidence found through the MSFD shows an immediate review is required.

Also, as the Marine Litter Strategy is so closely linked with the National Litter Strategy (NLS), there seems to be no tie in with the NLS focus on 2014.

In terms of the MSFD and GES, we are concerned that there is only reference to reducing the visible litter and nothing about microplastics, chemicals or other pollutants you may not be able to see.

2020 should not be seen as a deadline; the strategy should be implemented as soon as possible and updated regularly.

### Vision

#### **Q2. Do you agree with this vision?**

Yes  No

#### **Q3. Does the draft vision have the right level of ambition? If not, please offer alternative text or suggestions.**

Comments It is very ambitious to state that within 7 years the level of marine litter will be such that it does not pose a significant risk to the environment. Even if you completely stop new littering you have no idea how much is already in our marine environment or how this will be targeted. You also have no control over items entering the marine environment from other countries and making its way to our shores. Therefore, we feel the vision is not a SMART target, as it is not really measurable or achievable.

2.8 states that support until 2020 will be focused on prevention of litter at source rather than clearing of current/new litter. Some of the most harmful litter in our waters are items such as ghost nets and other abandoned fishing and industrial materials we believe these types of litter need to be targeted and, preferably, free recycling schemes established.

We also feel microplastics, chemicals, industrial waste and other pollutants need to be addressed. Microplastics especially come under your target to

prevent litter at source. These harmful items are in an increasing number of cosmetics and toiletries and enter our waterways as they are too small to be filtered out through our waste treatment systems. Just like the litter strategy is looking to reduce the use of packaging at source, the marine litter strategy should be looking to lobby cosmetic and toiletries companies to remove microplastics from their products. You should also look to increase awareness of these items in products and encourage customers to lobby companies/behaviour change to use products without microplastics.

### **Marine Strategy Framework Directive**

**Q4. Do you think implementation to achieve Good Environmental Status under Descriptor 10 will be sufficient or do you think additional action in Scotland is also necessary?**

Yes  No

Comments Yes, additional action is required to survey and reduce the litter items mentioned above which are not visible to the naked eye. Also, as Scotland's economy is so strongly linked to the marine environment, Scotland should be doing more than the rest of the UK in respect to marine litter.

### **Strategic Directions**

**Q5. Do you agree that Strategic Directions are a suitable way of outlining action under the Strategy?**

Yes  No

**Q6. Do you agree with the list of Strategic Directions?**

Yes  No

**If not, how would you reword them or what would you add?**

Comments

Q5 - Having specific targets can be beneficial however, these would need to be reviewed often to take account of any new information/technologies/research. They would also need to have flexibility to enable government bodies to support projects which will be of benefit to the marine environment, but may not be a specific target in the strategic directions. Therefore, we think that the strategic directions can help bodies to come together to tackle universal issues but government bodies will have to be flexible in their interpretation of these directions to ensure beneficial projects can be supported and directions/actions need to be reviewed regularly.

Q6 – While there should be strong links between the marine and Scottish

litter strategies, we feel the marine litter strategy is too heavily weighted towards the Scottish litter strategy/land litter and not enough to the issues unique to the marine environment. These issues include industrial materials abandoned or lost at sea, such as ghost nets, wash down from ships tanks, drums of used oil and chemicals, industrial plastic pellets, radioactive waste, etc. We would also like to see more about dealing with microplastics and reducing the amount of waste already in the marine environment.

On the positive side, as marine litter is a global issue, we like the fact that you mention engaging with stakeholders on an international level and hope that this will be at all levels, including international industry/shipping.

### **Actions**

#### **Strategic Direction 1:**

**Q7. What are your views on the possible actions?**

**Q8. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?**

**Q9. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?**

#### **Comments**

Q7 – The types of litter found on the beach are only a fraction of the types of marine litter – this needs to be tackled on and off shore and on a global scale. Education/awareness needs to be extended to the items that can't be found on the beach as well, such as microplastics and industrial plastic pellets. We think if the public were more informed about these items they would be more inclined to do something about it. Removing plastics at design stage is good and should be extended to microplastics.

Q8 – Both are required as well as additional actions related to our points above.

Q9 – Some of the actions could be addressed by existing schemes/groups – such as the MCS and other organisations which co-ordinate beach surveys and promote the findings. However, as with all groups, if you expect them to expand their remit and survey/promotional work you need to consider where the additional resources required for this will come from. With regards to manufacturers, as well as engaging with them to reduce/redesign packaging/products there could be legislation or taxation on the most harmful/prevalent items to reduce use/encourage development of alternatives.

#### **Strategic Direction 2:**

**Q10. What are your views on the possible actions?**

**Q11. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?**

**Q12. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?**

**Q13. Do you think any of the existing actions need to be improved? If so, please provide details.**

Comments

Q10/11- Both of these are good schemes which complement each other and so are equally important.

Q12 – As above current schemes, such as Fishing for Litter, could be expanded but again it will depend on the resources/finance available.

Q13 – We are not fully involved with all the existing actions and so cannot comment on possible improvements however, we feel the list of existing measures may appear like they are at a more advanced stage than they are. For example, we know there is not an existing net recycling scheme in our ports and would like to see one introduced and we would also like to see more action on plastic pellets.

Strategic Direction 3:

**Q14. What are your views on the possible actions?**

**Q15. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?**

**Q16. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?**

**Q17. Do you think any of the existing actions need to be improved? If so, please provide details.**

Comments

Q14/15 – Both are required, as increased recovery/recycling of marine litter and business waste is very important. There also needs to be investment into research and development of recycling routes, however end markets should be identified/available before investment is made.

Q16 – Again existing organisations, such as KIMO, may be in a position to deliver some of the actions but it will no doubt depend on additional resources and funding.

Q17 – As we stated above, we are not aware of a current net recycling scheme in Scotland but would be very interested to hear of any. To establish a scheme of this type, or any of the additional segregation/recycling schemes referred to in the existing and additional actions, will require additional resources/funding in each of the ports/areas it is introduced. This needs to be taken into consideration.

Strategic Direction 4:

**Q18. What are your views on the possible actions?**

**Q19. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?**

**Q20. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?**

**Q21. Do you think any of the existing actions need to be improved? If so, please provide details.**

Comments

Q18/19 – Establishing/aligning all the information already gathered by the different organisations is a very good idea. This will enable you to assess any gaps in data required to establish baselines. The actions related to standardised monitoring and better use of existing resources/vessels are also sensible however you need to be mindful that different areas, such as Europe or the international community, may require monitoring which is not appropriate for Scotland.

All actions have benefits and will complement each other to build a clearer picture of both existing marine litter and how it will be monitored in the future.

Q20 – Again, some actions could be carried out by existing organisations/schemes but this will depend on additional resources/funding.

Q21 – Monitoring of microscopic plastics could be improved and publicised.

Strategic Direction 5:

**Q22. What are your views on the possible actions?**

**Q23. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?**

**Q24. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?**

**Q25. Do you think any of the existing actions need to be improved? If so, please provide details.**

Comments

Q22 – If the regional marine plans are to extend scope to include marine litter, this needs to go further than just litter coming from the land and address litter already in the environment as well as litter which can and cannot be seen.

OSPAR currently only has a UK delegation. As Scotland's targets are often more robust than the UK, an independent delegation could better represent

Scotland.

Q23 – Again, a mix of actions is required and so you cannot rate one above the other.

Q24 – Again, they could be provided by existing organisations if there are sufficient resources/funding.

Q25 – Yes, if Scotland can ensure the wider issues we have highlighted in this consultation are incorporated into the MSFD

### **Option for delivery**

**Q26. Do you think that Option 4 is the most appropriate mechanism for developing and improving policies under the Marine Litter Strategy?**

Yes  No

**Any other views on the options outlined or other options not identified are also invited.**

Comments

Of the 4 options outlined, 4 is probably the most appropriate. However, we would suggest that the lead authority and policy officer looks to supplement funds/resources by seeking funding to expand existing schemes as well as new projects. This funding should be sought from national, European and international sources.

### **Equalities**

**Q27. Are there any equalities issues that should be factored into the Equalities Impact Assessment for the Marine Litter Strategy?**

Yes  No

Comments

Due to the distances and costs/infrastructure involved, rural areas may find it harder to support segregation/recycling schemes than others.

### **Strategic Environmental Assessment**

**Q28. Do you have any feedback on the findings of the Strategic Environmental Assessment?**

Yes  No

Comments

### **Partial Business and Regulatory Impact Assessment (BRIA)**

**Q29. Are there any particular issues that you wish to highlight with regard to the partial BRIA, and the potential impacts on the third sector, business and the economy?**

Yes  No

Comments

### **General**

**Q30. Are there other issues that have not been highlighted in this consultation that you would like to mention?**

Yes  No

Comments

As we have highlighted in our consultation on the National Litter Strategy, we would like to draw your attention to the fact that we feel ZWS are misinterpreting State Aid rules with regards to their funding.

ZWS state that any funding they award is subject to State Aid/De Minimis regulations, regardless of the project. We are very experienced in securing external funding, from a range of Local, National and European Funds, and every other funder we work with states that for funds to be deemed State Aid the project it is funding needs to have a commercial element and provide a competitive advantage.

Derived from the wording in Article 107(1) of the Treaty on the Functioning of the European Union, our understanding is that the following five tests are generally used to determine if a public measure should be considered as State aid and all five tests must be met for aid to be present:

- Is the measure granted by the State or through state resources?
- Does it confer an advantage to an undertaking?
- Is it selective?
- Does the measure distort or have the potential to distort competition?
- Is the activity tradable between Member States?

Therefore many of the projects ZWS would fund, such as raising awareness of littering and carrying out antilitter campaigns should not come under State Aid rules. We would ask that their funding criteria is reviewed with regards to dealing with this issue so funds can be awards without State Aid restrictions. Under state aid an organisation can only receive up to 200,000 euros of funding deemed to be De Minimis over a 3 year period, therefore if this is applied it restricts the funding an organisation can receive. As ZWS is now the main national funding body for projects linked to waste reduction, recycling, littering, fly tipping, etc. this has the potential to impact significantly on any organisation/body sourcing funding to tackle these issues.