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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down rules for the application of Directive (EU) 2019/883 of the European Parliament and of the Council as regards monitoring data methodologies and the format for reporting passively fished waste

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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laying down rules for the application of Directive (EU) 2019/883 of the European Parliament and of the Council as regards monitoring data methodologies and the format for reporting passively fished waste

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC¹, and in particular Article 8(7), second subparagraph, thereof,

Whereas:

- (1) In accordance with Article 8(7) of Directive (EU) 2019/883, Member States are to ensure that monitoring data on the volume and quantity of passively fished waste are collected and reported to the Commission.
- (2) The Eurostat Manual on Waste Statistics² should inform high-quality, harmonised and efficient waste statistics in accordance with Regulation (EC) No 2150/2002 of the European Parliament and of the Council³ and consistent with Directive 2008/98/EC of the European Parliament and of the Council⁴, allowing the comparison of data across Member States.
- (3) Directive 2002/59/EC of the European Parliament and of the Council⁵ provides the electronic reporting of the advanced waste notification which includes information on passively fished waste and a specific methodology is required for the collection of passively fished waste information from fishing vessels which are subject to Directive (EU) 2019/883 but are excluded from the scope Directive 2002/59/EC.
- (4) It is not always possible or cost-effective to measure both the mass and the volume of passively fished waste. Therefore, Member States should be allowed to estimate mass as a function of volume or volume as a function of mass using an estimate of passively fished waste density adequate for their circumstances.
- (5) In order ensure homogeneity, quality and comparability of the data collected for monitoring the volume and quantity of passively fished waste in all Member States,

¹ OJ L 151, 7.6.2019, p. 116.

² 'Manual on waste statistics - A handbook for data collection on waste generation and treatment' [2013 edition], Eurostat Methodologies and Working papers, doi:10.2785/4198

³ Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9.12.2002, p. 1).

⁴ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives(OJ L 312, 22.11.2008, p. 3).

⁵ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

implementing acts adopted pursuant Directive (EU) 2019/883 should take the form of implementing regulations.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and Prevention of Pollution from Ships,

HAS ADOPTED THIS REGULATION:

Article 1

1. The method for the collection of data on the volume and mass of passively fished waste by the Member States shall be consistent with the Eurostat Manual on Waste Statistics.
2. For fishing vessels falling within the scope of Directive 2002/59/EC, the collection of data on passively fished waste shall be based on the information provided in the advance waste notification in accordance with Article 6 of Directive (EU) 2019/883.
3. For fishing vessels falling outside the scope of Directive 2002/59/EC, the collection of data on passively fished waste shall be based on one of the following methods described in the Eurostat Manual on Waste Statistics:
 - surveys;
 - administrative or other sources;
 - statistical estimation procedures;
 - a combination of the methods referred to in points (a), (b), and (c).

Article 2

1. Passively fished waste shall be reported in accordance with the components set out in Table 1 of the Annex.
2. Passively fished waste may include abandoned, lost or otherwise discarded fishing gear, which may be reported separately from other marine litter.
3. The mandatory and voluntary elements for the reporting of passively fished waste are set out in Table 2 of the Annex.
4. The reporting format for passively fished waste and the method for aggregation is set out in Table 3 of the Annex.

Article 3

1. The amount of passively fished waste shall be reported in volume and mass.
2. Where appropriate, the conversion of volume (V) to mass (m) shall be calculated with the following formula:

$$m = pV$$

Where p is the estimated density of the material (kgm^{-3}), m is mass (kg) and V is the volume (m^3).

Article 4

From 1 January 2022, Member States shall report the data and information for the yearly periods from 1 January until 31 December. The reports shall be provided electronically within 12 months of the end of the reporting year for which they were collected.

Member States shall report data collected for the year 2021 by 30 June 2022, to the maximum extent possible in accordance with the Annex.

Article 5

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[\[...\]](#)