

COMMISSION IMPLEMENTING REGULATION (EU) 2022/92**of 21 January 2022****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****(Text with EEA relevance)**

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/EC ⁽¹⁾, 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 Statistics ⁽²⁾ should inform high-quality, harmonised and efficient waste statistics in accordance with Regulation (EC) No 2150/2002 of the European Parliament and of the Council ⁽³⁾ and consistent with Directive 2008/98/EC of the European Parliament and of the Council ⁽⁴⁾, allowing the comparison of data across Member States.
- (3) Directive 2002/59/EC of the European Parliament and of the Council ⁽⁵⁾ 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, 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,

⁽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).

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:
 - (a) surveys;
 - (b) administrative or other sources;
 - (c) statistical estimation procedures;
 - (d) 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, 21 January 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Table 1

Passively fished waste components

Level 1	Plastic	Metal	Rubber	Wood	Textiles	Other waste
Level 2	<ul style="list-style-type: none"> — Nets — Buoys — Fish boxes — Rope/cord — Bottles — Packaging — Strapping Bands — Foam — Jerry cans — Oil drums — Fibreglass — Fertilizer and animal feed bags — Other large items 	<ul style="list-style-type: none"> — Oil drums — Wire — Paint tins — Oil filters — Other items 	<ul style="list-style-type: none"> — Gloves & — Tyres belts — Boots — Other items 	<ul style="list-style-type: none"> — Fishing pots — Crates — Pallets — Other items 	<ul style="list-style-type: none"> — Rope — Clothing & shoes — Other items 	<ul style="list-style-type: none"> — Glass — Medical waste — Sanitary waste — Other items

Table 2

Mandatory and voluntary elements of the reporting

Mandatory or voluntary	Description	Corresponding cells in Table 3 to be reported
Mandatory	Total mass and total volume of all passively fished waste.	Cells in columns 1 and 4 of row 1 (bold font)
Voluntary	Mass and volume of passively fished waste aggregated by its origin: ALDFG (*) and other marine litter.	All cells in row 1
Voluntary	Mass and volume of passively fished waste aggregated by type of material (plastics, metals, rubber and other waste).	All cells in columns 1 and 4
Voluntary	Mass and volume of passively fished waste aggregated by origin and type of material	All cells in Table 3

(*) Abandoned, lost or otherwise discarded fishing gear

Table 3

Reporting format for passively fished waste

		1	2	3	4	5	6
		Total mass (tonnes)	ALDFG (*) (tonnes)	Other marine litter (tonnes)	Total volume (m ³)	ALDFG (*) (m ³)	Other marine litter (m ³)
1	Total	A1+A2	A1 = B1+C1 +D1+E1	A2 = B2+C2 +D2+E2	F1+F2	F1 = G1+H1 +I1+J1	F2 = G2+H2 +I2+J2
2	Plastics	B1+B2	B1	B2	G1+G2	G1	G2
3	Metals	C1+C2	C1	C2	H1+H2	H1	H2
4	Rubber	D1+D2	D1	D2	I1+I2	I1	I2
5	Wood, textiles and other waste	E1+E2	E1	E2	J1+J2	J1	J2

(*) Abandoned, lost or otherwise discarded fishing gear