



# ZERO POLLUTION ACTION PLAN CONSULTATION

## SURFRIDER FOUNDATION EUROPE'S POSITION PAPER

February 2021

### GENERAL COMMENTS

**SURFRIDER FOUNDATION EUROPE** (Surfrider Europe) welcomes the European Commission's ambition to **reduce global pollution and its impacts for both our planet and its inhabitants of all kinds**. The marine, coastal and water ecosystems are severely impacted by a large range of pollution, which are not limited to pollution happening at sea. We therefore really appreciate the Commission's **integrated approach aimed at tackling all sources of pollution**.

Our quality of life, livelihoods and economies depend on the condition of our Ocean and seas. Ocean pollution has dramatic consequences for the environment, biodiversity but also impacts and brings **key risks to the everyday health and well-being of Europeans**. Reasons are many: because of their direct exposure to pollution when Europeans bath or enjoy blue spaces for their recreation, sport and relaxation. But also, because the Ocean which covers 70% of the surface of our planet, also provides us with significant ecosystem services including food and resources and produces half of the oxygen we breathe. 93% of the excess heat generated by human activities since 1970s via the greenhouse effect has been absorbed by the ocean, thus mitigating the increase in temperature of the atmosphere which would have otherwise been much more rapid and important. The ocean also has a crucial role in absorbing CO<sub>2</sub>: it is estimated that it has absorbed 1/3 of human CO<sub>2</sub> emissions since the beginning of the Industrial revolution. **Protecting the ocean from pollution is therefore protecting our health and survival**.

More worryingly, pollution is putting at risk the very **resilience** of the Ocean which must also face the consequences of climate change. Pollution adds to these consequences and changes the dynamics of its roles as climate regulator and decreases ocean's capacity to act as a climate regulator. These cumulative impacts make the Ocean more sensitive and critically endanger its capacity to adapt and resist. This justifies **new measures to tackle Ocean pollution**, which we feel should be **granted greater ambition and attention** in the Commission's zero pollution action plan.

Surfrider Europe additionally supports the Commission's approach to **address pollution at source**. Curative solutions have proven ineffective and cost inefficient to tackle pollution, and especially Ocean pollution given the seas and oceans have a combined surface of 350 million km<sup>2</sup> and a volume of 1.300 million km.

On the 4 pillars the action plan intends to focus on:

#### 1) strengthen implementation and enforcement

Surfrider Europe would like to recall the urgency to **ensure implementation** of a number of instrumental EU legislation for the health of our ocean, and most importantly **of the Marine Strategy Framework Directive and of the Water Framework Directive** in order to meet our commitments to achieve the good environmental status of all EU waters. This failure of both

Member States and the Commission in ensuring that EU legislation is indeed enforced **significantly undermine any EU efforts to achieve zero pollution of our Ocean and all water bodies**. It is therefore of critical importance that the Commission takes action to ensure Member States adopt new measures to make the requirements and objectives of the Directives effective and that it increases its guidance and control over its implementation at national level, including through taking legal action against non-compliant Member States. In 2018, the Commission already had recognised achieving the good environmental status of EU waters by 2020 was very unlikely, something which verified by end of 2020. In June last year, in its first assessment of the Directive's transposition, the Commission acknowledged measures taken by Member States were not sufficient and Member States lacked ambition when determining what should be defined as good environmental status. It recognised problematic delays, lack of financial and human resources and of internal coordination have been observed in implementing the Directive in a number of Member States in addition to problems with coordination between Member States themselves. Surfrider Europe hopes to see therefore announcement of parallel measures to ensure these problems are tackled. Having said that, Surfrider Europe would like to recall its full support to the existing texts – the Marine Strategy Framework and Water Framework Directives. These Directives are invaluable instruments which have the potential to bring major improvements if adequately implemented and granted the needed resources to do so. Where improvements are needed is on implementation, cooperation at government and administrative internal level and between States, as well as investments and resources and integration into and harmonisation with other policies, given the very transcutting and transectoral aspects of pollution, impacts and pressures on the Ocean and all other water bodies.

**2) improve the existing health and environment acquis:** Surfrider Europe strongly welcomes this objective. We think it's critical to reaffirm a series of key principals that should be at the heart and guide not only our health and environmental acquis but condition all policy and political initiative in Europe, as part of our commitment to tackling climate and environmental-related challenges, 'our generation's defining task': transparency, responsibility, prevention (prevention of pollution and risks, in particular climate risk), the principle of protection and preservation of the resources of nature, including the ocean and the ecosystem services it provides, and the principle of sustainable development for future and present generations. Decisions must be taken on the basis of science and must be guided by both the precautionary and polluter pays principles. The EU approach finally needs to be ecosystem-based. As detailed further, Surfrider Europe welcomes the Commission planning on revising a series of key Directives for water and marine protection, namely the Bathing Water Directive, the Offshore platforms Directive, the Urban Waste Water Treatment Directives and supports key expected developments under the Chemicals Strategy for Sustainability and Circular Economy New Action Plan. The improvement of these acquis should not prevent the Commission from adopting new legislation when needed, for example on microplastics.

**3) seek improvements to the governance of pollution policies:** Surfrider Europe agrees a more holistic approach is needed to water and marine protection and fight against pollution source, including land-based, impacting those environment compartments. Better consistency and increased links are needed implying efforts to improve governance as governance of water bodies and seas can differ.

**4) Drive societal change:** Surfrider Europe supports the Commission's will to make use of digital solutions able to support sustainable consumption. These solutions should always come in complement to other actions including legislation. Surfrider Europe would like to recall the importance of having all society levels including as well public authorities and businesses engaged in reducing pollution. There can't be any sustainable consumption agenda without a sustainable production agenda as well. For this to happen, the Commission should ensure ambitious corporate responsibility and the compliance of the polluter pays principle. On digital solutions, Surfrider Europe has developed several digital solutions to help reduce pollution; [Plastic Origins](#), a digital application to track plastic pollution across rivers. It is based on citizen science: anyone walking or practicing nautical activity along a river can use the app to report litter. Its purpose is to quantify and identify plastic pollution in order to develop knowledge; the ZeroOcean's [app](#), to help citizens

reduce their impacts on the ocean in their daily life; the [Surfrider Ocean Campus](#) - an online educational platform with courses, quizzes and free educational kits to raise awareness and inform about ocean pollution issues and many other digital educational tools. Digital solutions would be welcomed to help us track containers content and losses, the transit of plastic pellets, detect overflows in waste treatment installations, inform users about the water quality of their bathing and recreational sites, inform the public about the impacts of the products they buy on the ocean, including those of their transportation over the world in container ships among others. Surfrider Europe also uses and promotes the use of mobile apps - namely the Marine [Litter Watch app](#) and the [Marine Debris app](#)- to report back and collect data on litter found during our [Ocean Initiatives](#) operations. Finally, Surfrider Europe was one of the partners of the [Life Lema Project](#) and contributed to the development of techniques and technologies to predict, detect, analyse and collect floating marine litter. As a conclusion, Surfrider Europe would like to make clear that these innovative solutions should always supplement rather than substitute regulatory action and preventative action, so that pollution does not reach nature in the first place.

As a general comment, Surfrider Europe feels the Zero Pollution Action Plan should be seized to make major progresses to reduce pollution through stronger enforcement of existing legislation such as the Marine Strategy Framework Directive and Water Framework Directive where implementation is lacking and the revision indeed of existing legislation. As such, we welcome the impact assessments or evaluations announced or planned under the Zero Pollution Action Plan that we hope will lead the Commission to open up the revision of the bathing water Directive, the urban waste water Directive, the sewage sludge Directive and the industrial emissions Directive. However, we regret the Zero Pollution Roadmap does not clearly foresee the adoption of new legislation, yet much needed to tackle emerging or growing pollution or remedy to gaps in the current EU instruments as it is the case for example to address microplastics or containers lost at sea. It is important the different sources of pollution are approached comprehensively and in systemic manner, that seems to be guiding the Commission's ambition to put forward such initiative. This will need close links with related initiatives that were released as part of the Green Deal flagship initiative such as the new Circular Action Plan, the Chemical Strategy for sustainability or the Farm to Fork strategies. For now, pollution is still addressed in silo without any overarching plan to ensure all EU legislation are up to date, harmonised, and ambitious enough to tackle one of the most important challenge of our times, and duly enforced.

## **ADDITIONAL RECOMMENDATIONS**

Surfrider Europe regrets that the consultation does not address several sources of important pollution. For instance, the consultation does not address underwater noise, although it heavily harms marine biodiversity. Coastal urbanisation is also absent from the consultation, albeit it significantly contributes to coastal pollution and soil waterproofing. It leads to loss of biodiversity, deterioration of water quality, and consequently, to a diminution of the eco-systemic services and to more exposure and vulnerability to climate changes on the long-term. A quarter of the European coastline has already been modified by urbanisation and human activity<sup>1</sup>, including tourism, a considerably polluting activity whose impact can nonetheless be reduced. It therefore also deserves attention from the Commission.

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<sup>1</sup> Surfrider Foundation Europe, "Land artificialisation of coastal areas", 14/12/20. URL : <https://surfrider.eu/en/learn/blog/land-artificialisation-of-coastal-areas-1211211203652.html>

Surfrider Europe considers further action is needed to address more specifically the following sources of pollution:

### **Pollution from Offshore Fuel Exploration and Extraction**

Surfrider Europe advocates a phase-out of offshore oil and gas exploration and exploitation in European seas, starting with a ban in Marine Protected Areas (MPAs) and sensible zones like the Arctic.

Today we keep drilling deeper and deeper in zones that are increasingly harder to reach, as well as in areas with vital fragile ecosystems - thus putting human lives and ocean biodiversity in danger. Oil and gas exploration and exploitation have become progressively more expensive and harmful for the environment. **All European seas face unavoidable hydrocarbon spills and releases** (European companies reported 47 of those in 2017 alone<sup>2</sup>), as well as water **pollution by “drilling muds”** containing benzene, zinc, arsenic, radioactive materials, and other contaminants with irreversible consequences. The Elgin blowout in 2012 demonstrated the impact that offshore drilling accidents can have in European waters: approximately 6000 tons of gas leaked into the ocean over a period of 7 weeks, forming a gas slick more than 11 km in length<sup>3</sup>. Moreover, seismic testing that precedes exploitation contributes to **underwater noise pollution** and has a huge impact on marine life - resulting in hearing loss, reduced catch rates of 40-80%, and beach strandings for a number of species<sup>4</sup>.

Surfrider Foundation Europe asks the EU and EU member States to adopt a coherent common strategy of **phasing out current offshore oil and gas drilling activities by 2035**. We are also urging the EU to put a stop to exploration and exploitation activities in and around MPAs, as well as vulnerable areas of high conservation value. The EU should also lead the international efforts to protect the Arctic waters, starting by prohibiting drilling in the EA and the EEA icy Arctic waters. The Arctic is an area where the probability of an incident occurring is higher and the potential damage is worse due to its vulnerable ecosystem with spawning areas for keystone species.

Last but not least, offshore oil and gas extraction has an impact not only on water, but on air pollution as well. The continuous use of fossil fuels releases nitrogen oxides into the atmosphere and contributes to the formation of smog and acid rain.<sup>5</sup>

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<sup>2</sup> Report from the EU Commission, Annual Report on the Safety of Offshore Oil and Gas Operations in the European Union for the Year 2017, p.9, 30/07/2019. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2019:0358:FIN>

<sup>3</sup> S. Carrell “Oil and gas company Total fined more than £1m over North Sea leak”, The Guardian, 22/12/2015. URL: <https://www.theguardian.com/business/2015/dec/22/oil-company-total-fined-1m-north-sea-gas-leak>

<sup>4</sup> A. Gillespie “The Impacts of Seismic Exploration and International Law”, January 2011. URL : [https://oceancare.org/wp-content/uploads/2016/07/Paper\\_L%C3%A4rm\\_Gillespie\\_The-impacts-of-seismic-exploration\\_EN\\_2011.pdf](https://oceancare.org/wp-content/uploads/2016/07/Paper_L%C3%A4rm_Gillespie_The-impacts-of-seismic-exploration_EN_2011.pdf)

<sup>5</sup> United States Environmental Protection Agency “The Sources and Solutions: Fossil fuels”. URL: <https://www.epa.gov/nutrientpollution/sources-and-solutions-fossil-fuels>

## Pollution from Shipping

Although **shipping** is considered to be one of the least polluting ways of transporting goods, this sector still has a lot environmental challenges to take and is also greatly contributing to pollution, through **emissions, direct releases to water or the transport of invasive species**. On releases at sea, strict measures were adopted to avoid biofouling and ballast water discharges, which are the two main vectors for invasive species proliferation. Yet, illegal deballasting cases at sea remain numerous.

Therefore, Surfrider Europe invites the Commission to act on shipping pollution and recommends the addition of the following measures: **incentivise the use of alternatives to heavy fuels** in the shipping sector and **improve the control and sanctions in the event of illegal deballasting at sea**.

Surfrider Europe also encourages the development of a **European label** to encourage the reduction of marine pollution at the European level, and which would cover every aspect of pollution related to the shipping industry (e.g. CO2 emissions, waste management, underwater noise, dismantling, invasive species), at the image of the Green Marine Europe label that was launched by Surfrider Europe in April 2020<sup>6</sup>.

Another important source of pollution from shipping is the **loss of containers at sea**. One ship alone can carry up to 20,000 containers. Containers can be lost at sea as a result of accidents, poor weather conditions, or failure to respect security and safety rules. Taking into account recent events (such as the MSC Zoé and Grande America accidents), it is estimated that over 16 000 have been lost at sea between 1994 and 2019. Of these, less than 3% have been recovered; Beginning of this year, Maersk confirmed its containership Maersk Essen has lost 750 containers into the North Pacific. To date, this issue has not been addressed by either the EU or international organisations. The sinking of the Grande America (and its containers) along the French coast in March 2019 is yet another reminder to decision makers of the need to adopt targeted measures to prevent the loss of containers. The European Commission should notably introduce the following measures: ensure and police "ship planning" vessel compliance, ensure proper transparency on container losses, clarify the legal status of lost containers and related liabilities, facilitate container traceability and visibility to boost their recovery, make several safety measures mandatory, phase out sub-standard cargo, give consideration to limiting deck-loaded cargo transport, introduce a tolerance limit on container weight declarations, adopt high standards for container quality and stowage systems, promote unannounced inspections and checks on proper stowage measures and container condition.

## Underwater Noise

Underwater noise is not addressed in the consultation and is yet **to be addressed by the European Commission**. Surfrider Europe also wishes to **see new EU policies and adapted legislation** on underwater noise pollution. The Commission should not wait for

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<sup>6</sup> More information on SFE's Green Marine Europe Label on <https://allianceverte.org/green-marine-europe/>

discussions at the international level to address this issue. Two major sources of underwater noise are offshore drilling and shipping.

In regard to offshore drilling, major noise pollution happens during exploration phase. Seismic testing creates a shock wave to detect the presence of hydrocarbons. This has devastating consequences on mammals (hearing loss, beach strandings) but also fish and crustacean: there is evidence of catch rates being reduced by 40-80% near the sites where seismic testing was conducted<sup>7</sup>.

To address noise pollution from shipping, it is crucial that the EU proposes a **legislation that would force the shipowners to reduce the noise pollution from the ships** (e.g. by reducing ship speed). These mandatory legal measures should be accompanied by the creation of a complementary incentive for shipowners to reduce their impact even further (e.g., the Green Marine Europe label, that includes criteria on underwater noise despite the lack of European legislation).

## Water Quality

SFE supports a **thorough revision of the Bathing Water Directive** to ensure better water quality and health for all users. In order to reach this goal, Surfrider Europe advocates for the extension of water quality monitoring to recreational and water sports areas, and all-year round monitoring of the sites. Surfrider Europe also defends the integration of new parameters into the water quality monitoring and site classification criteria: the presence of marine litter, the proliferation of harmful algae and cyanobacteria, and very importantly chemical pollutants.

The revised Directive will need to include obligations for States in terms of identifying, assessing and preventing water pollution. The revised Directive should incorporate new measures to ensure better and more accessible public information and to promote and strengthen public participation.

Finally, SFE recommends consistency with all the related legislation and public policies that have an impact on marine environment, in order to be coherent in the monitoring processes and testing methods.

Surfrider Europe also fully supports the **revision of the Urban Waste Water Treatment Directive (UWWTD)**. It is urgently needed, as there are still number of pollutants and places that fall out of the scope of the current Directive: chemical pollution is not addressed, as well as biomedica or filter media used as bacteria support in the wastewater treatment process. On a parallel note, Surfrider Europe believes recreational waters should be considered vulnerable areas. On this line, we believe the definition of sensible or less sensible areas should be completely reviewed and should not allow derogations or reduced ambition for any of these areas. The new UWWTD should integrate them. This revision is justified by the need to adapt to the development of human changes (e.g., urbanisation, soil artificialisation), and to the emerging sources of pollution (e.g., microplastics or pharmaceuticals), and to the new methods and approaches in water

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<sup>7</sup> A. Gillespie, "The Impacts of Seismic Exploration and International Law", January 2011. URL : [https://ocean care.org/wp-content/uploads/2016/07/Paper\\_L%C3%A4rm\\_Gillespie\\_The-impacts-of-seismic-exploration\\_EN\\_2011.pdf](https://ocean care.org/wp-content/uploads/2016/07/Paper_L%C3%A4rm_Gillespie_The-impacts-of-seismic-exploration_EN_2011.pdf)

sanitation. Finally, Surfrider also calls on the Commission to ensure due implementation in all member States, including in outermost regions with host rich biodiversity and where, yet infringements to the Directive are many.

**Chemical filters contained in sunscreens** are one of the many problematic chemical substances contained in our products that cause chemical pollution of our aquatic environments. There seems to be scientific consensus that two chemical filters in particular -oxybenzone and octinoxate- are harmful to the environment and health. Surfrider Europe would welcome **new measures** from the Commission to restrict them.

### **Marine Litter and plastic**

Plastic pollution is one of the major threats to the ocean health, with global plastic production expected to double by 2035 and quadruple by 2050. Globally, an estimated 5 to 12 million tonnes of plastic end up in the ocean every year. Every year, 100,000 mammals and more than 1 million birds die as a result of plastic pollution. There are also significant evidence-based concerns about the potential impact of plastic, microplastics and nanoplastics on human health, considering the ubiquitous presence of microplastics in the air, water, soil and food, and the fact that microplastics and nanoplastics attract and carry chemical substances. If the health impacts of microplastics indeed need further research, risks make no doubt. Plastic pollution is therefore both an environmental and health issue and contributes greatly to emissions worldwide during its entire life cycle. Our ocean, nature and global environments are polluted with microplastics, both intentionally and non-intentionally added in products, and as a result of the degradation of bigger plastics products. It is believed that around **236,000 tons of ocean plastic are microplastics**, present in almost all water systems in the world. 83% of tested tap water samples from major metropolitan areas around the world are contaminated with plastic fibers and **the average person is thought to eat 70,000 microplastics every year**. Recently, researchers revealed the presence of microplastics in the placenta of unborn babies.

Surfrider Europe recommends therefore to seize the Zero Pollution Action Plan to announce the adoption of **new legislation to tackle microplastic pollution**, both from intentional and non-intentional sources. Secondary microplastic sources resulting from the degradation of bigger plastic items need to be addressed as well through measures to incentivise reuse and refill in our circular economy ambition and transition towards durable, repairable, reusable, recyclable and toxic-free products and packaging, as well as targets to reduce both the production and use of plastics. We hope the Sustainable Products initiative will include such measures that would be instrumental in reducing plastic pollution.

## REFERENCES

[Blue Manifesto](#), Seas at Risk, Surfrider Europe et al., 2020

[Voice for the Ocean- Must try harder: an overview of EU action to protect the ocean in 2014-2019](#), Surfrider Europe, Seas at Risk, May 2019

On specific issues:

- [It's time to Rethink Plastic](#), Rethink Plastic alliance, August 2019
- [10 Proposals to Prevent Shipping Container Loss](#), Surfrider Europe, March 2019
- [Sewage filter media and pollution of the aquatic environment](#), Surfrider Europe, 2018
- [Manifesto Towards an EU offshore drilling ban](#), Surfrider Europe, April 2020

### About Surfrider Foundation Europe

**SURFRIDER FOUNDATION EUROPE** is a non-profit organisation whose purpose is to protect and showcase the importance of lakes, rivers, the ocean, waves, and coastlines. It currently has over 15,000 members and is active across 12 European countries through its volunteer-run branches. For 30 years, Surfrider Foundation Europe has been taking action in three areas of expertise: marine litter, water quality and public health, coastal management and climate change. For more information: [surfrider.eu](https://surfrider.eu)