

## OSPAR Decision 2025/02 to prevent the release of expanded polystyrene (EPS), extruded polystyrene (XPS), and other foamed plastic from pontoons and buoys

Source: OSPAR 2025/14/1, Annex 21

**RECALLING** Article 2 of the Convention for the Protection of the Marine Environment of the North-East Atlantic (“the OSPAR Convention”) which requires the Contracting Parties, in accordance with the provisions of the Convention, to take all possible steps to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected. To this end Contracting Parties shall, individually and jointly, adopt programmes and measures and shall harmonise their policies and strategies;

**RECALLING** Article 3 and Annex I of the OSPAR Convention on the prevention and elimination of pollution from land-based sources, and in particular Paragraph 2 of Article 1 with reference to Appendix 2;

**RECALLING** Annex V to the OSPAR Convention on the protection and conservation of the ecosystems and biological diversity of the maritime area, and in particular its Article 3 1.a, which makes it a duty of the OSPAR Commission to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;

**RECALLING** Strategic Objective 4 of the North-East Atlantic Environment Strategy 2030 (NEAES 2030), and the commitment of the OSPAR Commission to prevent inputs of and significantly reduce marine litter, including microplastics, in the marine environment to reach levels that do not cause adverse impacts to the marine and coastal environment with the ultimate aim of eliminating inputs of litter;

**RECALLING** NEAES 2030 Strategic Objective 4 operational objective 3 (S4.O3), and its commitment to reduce by at least 50%<sup>1</sup> the prevalence of the most commonly found single-use plastic items and of maritime-related plastic items on beaches in order to contribute to the achievement of relevant regional and EU threshold values building upon requirements for EU Member States in the EU Single Use Plastics Directive (Directive 2019/904), and by at least 75%<sup>2</sup> by 2030<sup>3</sup>;

**RECALLING ALSO** NEAES 2030 Strategic Objective 4 operational objective 4 (S4.O4) that led to the OSPAR target to, by 2030, reduce by at least 70% the prevalence of all marine litter on beaches, as assessed at the OSPAR area level;

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<sup>1</sup> From the baseline based on the 2016 beach litter monitoring data

<sup>2</sup> From the baseline based on the 2016 beach litter monitoring data.

<sup>3</sup> The percentage targets in this operational objective are regional targets and relate to the OSPAR Maritime area.

**RECOGNISING** the Second OSPAR Regional Action Plan on Marine Litter (RAP ML 2, 2022 - 2030) agreed in June 2022 and Action A.4.2<sup>4</sup> of the RAP ML 2 (as set out in OSPAR Agreement 2022-05);

**RECOGNISING** the prevalence of foamed plastics in the North-East Atlantic, as evidenced by: (i) the results of the latest OSPAR assessments on Beach Litter - Abundance, Composition and Trends (2019), where Plastic/polystyrene pieces < 50 cm [301] are the most commonly found item (average 135.9 items per 100 m of coast) on OSPAR beaches; and (ii) the results of an assessment conducted over 2018-2020 during the OceanWise project, in OSPAR countries monitoring foamed polystyrenes (Denmark, the Netherlands, Germany, France, Ireland and Portugal), showing EPS/XPS pollution represents 15% of total plastics and 13% of total litter found on beaches, with a median of 4 items/100m (Cedre, 2022) and (iii) OSPAR Beach litter monitoring data on foamed polystyrene acquired since 2021 in accordance with OSPAR Beach Litter CEMP Guidelines (2020) and stored in the OSPAR Beach Litter Database;

**RECOGNISING** that foamed plastics are found in fulmar stomachs, as evidenced by the results of the latest OSPAR assessments on Plastic Particles in Fulmar Stomachs in the North Sea (2019);

**RECOGNISING** the results of OSPAR's 2023 Quality Status Report that show that overall, the amounts of marine litter in the OSPAR Maritime Area remain high, despite signs of improvement;

**RECOGNISING** the Background Document for the development of programmes and measures to reduce EPS and XPS pollution in the North-East Atlantic Ocean (OSPAR publication 2024/1056);

**RECOGNISING** that marine pollution by the degradation of non-coated EPS, XPS, and other forms of foamed plastic, in pontoons and buoys should be avoided and prevented to the greatest possible extent;

**RECOGNISING** that there is a need for additional evidence to understand the release of EPS, XPS and other foamed plastic from the underside of partially coated pontoons;

**NOTING** Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, and the Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), and corresponding legislation in other Contracting Parties;

**NOTING** the Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and corresponding legislation of other Contracting Parties.

**THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC DECIDE:**

## **1. Definitions**

1.1 For the purpose of this Decision:

- a. **"Expanded polystyrene (EPS)"** means a lightweight plastic material made of polystyrene foam and consisting of small hollow spherical balls that are expanded through a moulding process;

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<sup>4</sup> 'Reduce the impact of expanded polystyrene (EPS) and extruded polystyrene (XPS) in the marine environment' including the development of OSPAR products.

- b. **"Extruded polystyrene (XPS)"** means a plastic material manufactured using extrusion of polystyrene: a continuous process which results in a closed-cell structure with a smooth skin on the top and bottom of the board;
- c. **"Polystyrene (PS)"** means a hard, stiff, transparent synthetic resin produced by the polymerization of styrene. It can be used to produce hard plastic materials but also foam plastic materials by its expansion or extrusion;
- d. **"Foamed plastic"** means a synthetic resin converted into a spongelike mass with a closed-cell or open-cell structure, either of which may be flexible or rigid that shares the same fracturing or fragmenting properties as EPS/XPS;
- e. **"Pontoon"** means a floating platform used in an aquatic environment, also sometimes called a "floating dock", "swimming platform", "raft" or "floatation billet";
- f. **"Buoy"** means a float serving as a navigation mark, suspension device, to show hazards and / or the location of fishing gear, or for mooring purposes;
- g. **"Coated"** means that the EPS, XPS, or other foamed plastic buoy or pontoon is encapsulated with a protective layer or covering (regardless of material) that is resistant to abrasion and UV damage, in order to prevent flaking and mechanical degradation of the EPS, XPS, or other foamed plastic contained within said coating;
- h. **"Partially coated pontoon"** means a coating is applied to the top and sides of the EPS, XPS, or other foamed plastic pontoon whereas only the underside of the pontoon is exposed;
- i. **"Non-coated"** means an EPS, XPS, or other foamed plastic buoy or pontoon that is not coated (as defined in paragraph 1(g.) or paragraph 1 (h.) of this Decision. Partially coated buoys are considered as non-coated products.

## 2. Purpose and scope

### *Purpose*

2.1 The purpose of this Decision is to prevent and eliminate plastic pollution from entering the OSPAR Maritime Area through the release of expanded polystyrene (EPS), extruded polystyrene (XPS), and other foamed plastic, from pontoons and buoys made of these materials.

### *Scope*

2.2 The provisions included in this Decision shall apply to: (i) non-coated pontoons and buoys; (ii) partially coated pontoons; and (iii) coated pontoons and buoys in order to prevent the release of EPS, XPS or other foamed plastics into the OSPAR Maritime Area.

## 3. Programmes and Measures

### 3.1 Use of non-coated EPS, XPS and other forms of foamed plastic in pontoons and buoys

3.1.1 Contracting Parties shall take national measures, within three years of entry into force of this Decision, to prevent the use of new non-coated pontoons and buoys. National measures may include, inter alia:

- a. A ban on placing on the market; or
- b. licencing controls; or
- c. action by other appropriate means to achieve the purpose and scope of the Decision.

3.1.2 Contracting Parties should implement national measures to encourage the timely replacement of existing non-coated pontoons and buoys, with the aim of ensuring that there are no such pontoons and buoys in the OSPAR Maritime Area as soon as possible but at least within five years for pontoons and three years for buoys, following entry into force of this Decision.

3.1.3 Nothing in this Decision shall prevent the continued use of coated pontoons and buoys and partially coated pontoons. However, Contracting Parties may support the use of coated pontoons where possible, in line with the precautionary principle.

3.1.4 Contracting Parties shall take measures to require the replacement or repair of coated pontoons and buoys, and partially coated pontoons, where the coating has been breached or there are signs of degradation, and the EPS, XPS, or other forms of foamed plastic is exposed.

3.1.5 Existing standards for ecotoxicology in aquatic environments should be considered when selecting alternative materials for floating devices (for example, hard plastic materials (e.g. blow-moulded HDPE - high-density polyethylene, filled with air), devices made with hard plastic materials and filled with EPS (e.g. pontoons used for heavy duty applications made of polyethylene float casing), and devices made from ecologically neutral materials, such as cork.

3.1.6 Contracting Parties shall require such monitoring and inspection as is necessary to ensure compliance with the Decision. This could be done through environmental inspections, or notifying and licensing processes for relevant activities, as appropriate.

3.1.7 Appendix 2 of this Decision provides a visual representation of how the provisions listed in Section 3 apply to (i) non-coated pontoons and buoys; (ii) partially coated pontoons; and (iii) coated pontoons and buoys. In case of conflict between the written provisions and the visual representation, the written provisions prevail.

## **4. Entry into Force**

4.1 This Decision will enter into force in accordance with Article 13.2 of the Convention.

## **5. Implementation Reports**

5.1 Reports on the implementation of this Decision shall be submitted to the appropriate OSPAR subsidiary body in the intersessional period 2029/2030 in accordance with OSPAR's Standard Implementation Reporting and Assessment Procedure.

5.2 When reporting on implementation, the format as set out in Appendix 1 shall apply.

# **Implementation Report Format**

The format below for the implementation report on compliance with OSPAR Decision 2025/02 to prevent the release of expanded polystyrene (EPS), extruded polystyrene (XPS), and other foamed plastic from pontoons and buoys

**Country:**

**Reservation applies: Yes / No**

**Is measure applicable in your country: Yes / No**

1. If not applicable, then state why not (e.g. no relevant installation or activity):

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**Means of implementations:**

By legislation	By administrative action	By negotiated agreement
Yes / No	Yes / No	Yes / No

2. Please provide information on:

- specific measures taken to give effect to this measure by using the attached template;
- any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision;
- the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
- if appropriate, progress towards being able to lift the reservation.

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## Appendix 2 – Visual representation of OSPAR Decision 2025/02

