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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing plastic pellet losses to reduce microplastic pollution (first reading) - Adoption of the Council's position at first reading and of the statement of the Council's reasons = Statements

Statement by Estonia

Estonia supports the overall aim of the Regulation to prevent plastic pellet losses to the environment and protect ecosystems and human health. However, we consider it necessary to express the following concern.

In principle, Estonia does not support the introduction of sector-specific civil law rules in EU internal market legislation since such differences unduly complicate the legal system and may lead to a situation where persons, including injured persons or businesses operating in different sectors, are treated differently, which could pose problems regarding the principle of equal treatment manifested in our Constitution. This applies regarding the rules foreseen in the Regulation on the limitation periods of health damage claims, which have resulted due to infringements of the Regulation.

Although the current text states that Member States may establish limitation periods for such compensation claims, it still provides specific mandatory rules regarding the starting point of the limitation period. This means that the limitation period for health damage claim arising due to the infringement of the Regulation is different from the limitation period for other health damage claims, for which Estonian law provides a uniform limitation period, considering, that victims should not be treated differently depending on the wrongful act that caused the health damage.

Statement by Latvia

Latvia supports the main objectives of the Regulation to increase the level of environmental protection by preventing spills of plastic pellets from primary containment during routine handling, thus reducing the risk of spills to the lowest possible level. Latvia can support position of the Council's text with a view to the adoption.

At the same time, Latvia still has concerns about the expansion of the scope of the Regulation, namely the inclusion of maritime transport therein.

Latvia is particularly concerned that there has been no comprehensive impact assessment regarding the inclusion of this particular sector in the scope of this Regulation. Moreover, the practical implementation of the Regulation may be complicated, given the regional nature of the Regulation. IMO Recommendations (MEPC.1/Circ.909) are voluntary for all IMO member states -they have a right to choose whether to implement these recommendations. By adopting IMO Recommendations in this Regulation, all EU Member States will be obliged to mandatory implement them.

Latvia believes that this matter requires thorough consideration within the International Maritime Organization (IMO), with active participation of all stakeholders (including NGOs) in the decision-making process. We are of the view that EU Member States should collaborate within the IMO framework to promote the timely development and adoption of amendments to the IMO conventions that effectively address the issue on the carriage of plastic pellets by sea on a global scale.
